

2. Guidance Counselor Asks a Community-Based Substance Abuse Treatment Counselor to Share Information About a Student's Treatment



A high school guidance counselor referred a student to a community-based substance abuse treatment counselor. The guidance counselor calls the substance abuse treatment counselor to find out how the student's treatment is going.

Who has the information?

The substance abuse treatment counselor.

Who wants the information?

The guidance counselor.

What information does the requester want?

The guidance counselor wants to know how the student's substance abuse treatment is going.

What does the requester want to do with the information?

It's not possible to determine from the information provided.

Which laws are relevant in this situation?

The substance abuse treatment counselor's disclosure of information to the guidance counselor is likely governed by federal drug and alcohol law and regulations, 42 CFR Part 2, which describe under what limited circumstances information about a client's treatment may be disclosed with and without the client's consent.

What do the laws permit, and what do they prohibit?

Federal drug and alcohol laws require that information regarding a client's diagnosis or treatment for substance use not be disclosed without consent. When state law permits a minor to obtain substance abuse treatment without parental consent, the minor alone controls the release of that information, even to his or her parents. An authorization to disclose substance abuse treatment records must be signed (by the person who under state law legally consents to the treatment) and dated, and clearly state the following:

- Who is authorized to disclose the information
- Who is authorized to receive the information
- The purpose of the disclosure
- The specifics of what information is to be disclosed
- How long the consent is valid
- The right to revoke consent and the procedure to do so

How can school personnel proceed legally in this situation?

If the student consented to the treatment on his or her own and the consent of the student's parent was not necessary, the guidance counselor can ask the student to sign a consent form allowing the substance abuse treatment counselor to share information with the guidance counselor. The consent form must conform to the requirements described above.