42 CFR Part 2 Consent Cheat Sheet

Reviewed by the BastionGPT Clinical Advisory Board · July 2026

A 42 CFR Part 2 consent is the written patient authorization a federally assisted SUD program needs before using or disclosing SUD records (42 CFR 2.31). The eight elements are federal law; the form is not. Since February 16, 2026, one TPO consent can cover treatment, payment, and operations until revoked in writing. Verbal consent is never sufficient.

Patient and disclosing program two enumerated elements
Do: name the patient and the program or person authorized to make the disclosure.
Pitfall: assuming another agency's form, such as the SSA-827, satisfies 2.31; it does not.

Information to be used or disclosed specific and meaningful
Do: describe record types and the episode's date range so the description fits this chart only.
Pitfall: any-and-all boilerplate; a description that fits every chart identifies nothing.

Recipients name the class and its limits
Do: name the person or class; TPO consents may use the general treating-providers designation.
Pitfall: an HIE named without member participants or a treating-relationship limit fails the element.

Purpose and the TPO statements 2.31(a)(10)
Do: state the purpose; TPO consents add the redisclosure statement and consequences of declining.
Pitfall: forms last revised before the 2024 final rule usually carry neither required statement.

Expiration and revocation an event is enough
Do: give a date or an event; "none" or "end of the treatment" suffices for TPO; say how to revoke.
Pitfall: inventing an annual expiry the rule never asks for; a TPO consent lasts until revoked in writing.

Signature, date, and the 2.32 notice what travels with the records
Do: patient signs and dates, paper or electronic; attach the 2.32 notice plus a consent copy to every disclosure.
Pitfall: stamping the old redisclosure paragraph alone; 2024 added the consent-copy requirement.

Before releasing records

- [ ] All eight 2.31 elements present and legible
- [ ] Description names record types and dates
- [ ] Recipient or class named; HIE limits stated
- [ ] TPO consents carry both 2.31(a)(10) statements
- [ ] Expiration is a date or event; none is valid for TPO
- [ ] Counseling notes and proceedings on separate consents
- [ ] 2.32 notice plus consent copy attached to the disclosure

Drafting with AI

Give it the disclosure facts: who is disclosing, to whom, which records, what purpose, and any HIE in the path.

"Draft a Part 2 consent: outpatient SUD program disclosing attendance and medication list to the patient's PCP for treatment."

Never paste client-identifying information into consumer AI tools. BastionGPT is HIPAA-compliant with a signed BAA on every plan.

300 to 700 words	10 to 20 min by hand	Before any disclosure	OCR · plans · HIEs
typical length	clinical team estimate	when it is signed	who reads it

42 CFR Part 2 Consent Template

Copy or print for your practice · Adapt fields to your organization's, payer's and jurisdiction's documentation requirements.

Program or person authorized to disclose:

Patient name and DOB:

Patient/record ID:

Date prepared:

Information to be used or disclosed

Describe in a specific and meaningful way: record types · treatment episode and date range · SUD counseling notes are excluded and need their own separate consent

Recipient(s)

Name or class of recipients · TPO consents may use the general designation: treating providers, health plans, third-party payers, people helping to operate this program · intermediary (HIE, ACO) plus named participants or a treating-relationship limit

Purpose of the use or disclosure

Treatment, payment, and health care operations (TPO), or state another purpose · a TPO consent may be signed once and remain in effect until revoked

TPO consent statements (2.31(a)(10))

Records may be redisclosed by the recipient and may no longer be protected by Part 2 · consequences to the patient of declining to sign

Expiration and revocation

Date or event · "none" or "end of the treatment" is sufficient for a TPO consent · right to revoke in writing except where already acted in reliance · how to revoke

Disclosure processing (keep with the record)

Attach the 2.32 notice plus a copy of this consent, or a clear explanation of its scope, to every disclosure made under it · log the disclosure

Patient signature (or person authorized under 2.14 or 2.15):

Date signed:

Program representative:

Title:

Date: