



LICENSING ALERT

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February 2011

Division of Drug and Alcohol Program Licensure
Licensing Alert 02-11

REVOCATION OF CLIENT CONSENT TO RELEASE INFORMATION

28 Pa. Code § 709.28(c) requires that the project obtain an informed, voluntary, and written consent from the client for the disclosure of information contained in the client record. The regulations of the Department of Health (Department) are silent on the issue of revocation of consent by the client.

It is expected that the project will make efforts to document all treatment activities and events in writing, including the revocation of a client's previously granted consent to release information from the treatment record. Documentation of the client's revocation of consent is consistent with the Privacy Rule regulations published under the Health Insurance Portability and Accountability Act (HIPAA) at 45 C.F.R. § 164.508(b)(5), which provide that, with certain exceptions identified in the regulation, a previously granted consent to release health information may be revoked "provided that the revocation is in writing."

In guidance published in June 2004, the U.S. Department of Health and Human Services agency (HHS) advised that although the HIPAA Privacy Rule discusses written revocation of consents to release protected information, programs that fall under 42 C.F.R. Part 2 must continue to honor verbal revocations as required by 45 C.F.R. § 2.31(a)(8).

Consistent with Federal regulations and the guidance issued by HHS, projects licensed by the Department should attempt to have the client document the revocation of consent to release protected information in writing. However, the project shall honor verbal revocations and document the client's verbal revocation on the consent to release information form or other appropriate location in the client's record.

Questions regarding this Alert should be directed to the Division of Drug and Alcohol Program Licensure at 717-783-8675.

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