



42 CFR Part 2 Readiness Checklist

A Practical Guide to Meeting the February 16, 2026 Deadline

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42 CFR Part 2 Readiness Checklist

Prepared for: Substance Use Disorder (SUD) Programs, Clinics, Treatment Centers, and Behavioral Health Providers.

Compliance Deadline: February 16, 2026

1. Policy & Governance

- Update Privacy Policies to incorporate 42 CFR Part 2 requirements
- Align consent processes with HIPAA's TPO (Treatment, Payment, Operations)
- Draft redisclosure limitation statements for all applicable disclosures
- Review contracts and Business Associate Agreements (BAAs) to ensure Part 2 alignment
- Update employee handbooks and governance documents
- Require annual review and approval of policies by compliance leadership or board

2. Consent & Disclosure Management

- Implement standardized consent forms allowing broad TPO use, with separate consent for SUD counseling notes
- Store consent artifacts centrally; retain per HIPAA requirements (6 years)
- Develop disclosure tracking logs (who accessed, when, for what purpose)
- Ensure redisclosure prohibitions are included in all external data sharing
- Train staff on how to obtain, document, and honor patient consents
- Perform quarterly audits of disclosure logs to verify completeness and accuracy

3. Incident Response & Breach Notification

- Update Incident Response Plan (IRP) to include Part 2 breach obligations
- Follow HIPAA notification timelines: within 60 days maximum, or sooner if state law requires• Create breach communication templates for patients, regulators, and media
- Conduct a tabletop exercise simulating a Part 2 breach scenario
- Document post-breach corrective action procedures
- Capture insurer-ready evidence of tabletop testing and breach notifications

4. Technical Safeguards

- Apply access controls to segregate SUD data from general health data
- Enable encryption at rest and in transit for all SUD records
- Implement application control/allowlisting (e.g., ThreatLocker) to protect SUD systems
- Validate logging/audit trails for all disclosures and data access events
- Perform quarterly vulnerability scans of systems handling SUD records
- Maintain documented RTO/RPO objectives and validate them through testing

5. Training & Awareness

- Conduct role-based training on Part 2 confidentiality requirements
- Include scenarios for redisclosure, subpoenas, and law enforcement requests
- Track training completion and maintain logs for compliance audits
- Provide annual refreshers and update staff on regulatory changes
- Maintain KPIs: % staff trained, % staff completing refreshers on time

6. Compliance Monitoring & Reporting

- Establish quarterly compliance self-audits against Part 2 requirements
- Maintain centralized compliance dashboards for board reporting
- Provide quarterly briefings to the board or executive sponsors on compliance status and risk posture
- Maintain insurer-ready artifacts: training logs, disclosure logs, breach drill reports
- Use Internal Audit Checklist to document readiness and track improvements

7. Industry-Specific Tabletop Scenarios

- SUD Clinic: Unauthorized disclosure of counseling notes
- Pain Management Center: Ransomware attack encrypts e-prescribing data
- Home Health Agency: Mobile device lost with unencrypted SUD data
- Assisted Living/Skilled Nursing: Breach of behavioral health records during vendor transition
- DME Provider: Insecure billing system exposes patient data linked to substance use
- Update scenarios annually to reflect evolving threats and regulations

8. Go-Live Milestones

- Q1 2025: Policy & consent updates completed
- Q2 2025: Technical safeguards implemented (encryption, access control)
- Q3 2025: Staff training & first tabletop exercise conducted
- Q4 2025: Full compliance self-audit; remediation plans executed
- Q1 2026: Final board review, insurer attestation, and compliance certification
- February 16, 2026: Go-Live compliance date

9. Continuous Improvement

- Conduct annual refresh of tabletop exercises using new scenarios
- Update policies and procedures annually or with regulatory changes
- Maintain continuous monitoring metrics: number of disclosures, training completion rates, audit findings
- Regularly review insurer feedback and align compliance artifacts with underwriting expectations