

Part 2 AI disclosure branch map

SUD programme privacy officers and healthcare IT teams

[Read the complete guide on aona.ai](#)

Part 2 can add specific protections to substance-use-disorder records. Before an AI disclosure, identify the record's origin and applicable consent or exception. A general HIPAA BAA does not replace Part 2 analysis, and broad treatment, payment and healthcare-operations consent does not cover separately maintained SUD counselling notes.

Follow each yes, no or unknown outcome before a protected record reaches an AI service. A separate fictional worked case is included in the download.

General branch logic with a separate synthetic SUD programme case. No real consent, legal decision or provider approval is represented.

Your review

Reviewer: _____ Date: _____

Organisation or team: _____

☐ Confirm origin and record type

Ask the source programme whether Part 2 and the special SUD counselling-note provisions apply.

☐ Match consent to the use

Review the actual permission, scope explanation and any separate-consent requirement.

☐ Trace every recipient

Include AI services, connected features and processing intermediaries rather than assuming a BAA covers all of them.

Checked items record your review, not a compliance approval or an installed-product test result.

Notes and next actions

Decision and scope: _____

Evidence to collect: _____

Owner and next review date: _____

Review matrix

Question	Finding	Stop or next outcome	Evidence to retain
Part 2 applies to this record and source?	Yes	Continue to record-type and permission checks.	Record the programme and record-origin evidence.

Question	Finding	Stop or next outcome	Evidence to retain
Part 2 applies to this record and source?	No	Leave this Part 2 branch; assess HIPAA and other applicable duties.	No Part 2 finding is not an approval of the AI disclosure.
Part 2 applies to this record and source?	Unknown	Stop the proposed patient-data upload and resolve origin/status.	Ask the source programme or accountable privacy owner.
Separately maintained SUD counselling note?	Yes	Assess specific consent; do not rely on broad TPO consent.	Identify the actual note and consent scope.
Separately maintained SUD counselling note?	No	Assess the permission applicable to the ordinary Part 2 record.	Review actual consent or an applicable exception for this use.
Record type or consent/exception established?	Unknown or unresolved	Stop the proposed upload until the applicable permission is established.	A BAA or tool label does not resolve this branch.
Applicable consent or exception established?	Yes	Continue to recipient, disclosure-scope and other safeguards review.	Include the consent copy or clear scope explanation where required.
Recipient and remaining conditions reviewed?	No or unknown	Stop the proposed disclosure on this route; resolve the missing conditions.	Map the AI service, connected recipients and applicable agreements.
Recipient and remaining conditions reviewed?	Yes	The accountable owner can record the scoped decision.	This table does not itself grant legal permission or product approval.

An unknown answer changes the route

- **Scope:** Yes: continue. No: review other duties. Unknown: stop and resolve.
- **Record type:** Separate counselling note: specific consent. Ordinary record: applicable permission.
- **Permission:** Established: review recipients. Unresolved: stop the upload.
- **Recipient:** Complete: accountable decision. Incomplete: resolve before disclosure.

Separate fictional worked case

The following example is separate from the conditional branch map. It does not establish a real patient consent or legal decision.

Decision	Invented case finding	Next action
Does Part 2 apply?	The source owner identifies a fictional record as protected Part 2 material.	Use the Part 2 review path; document actual origin in a real case.
Is it a separately maintained SUD counselling note?	One attachment contains a clinician's separately kept session analysis.	Do not rely on broad TPO consent for that attachment; assess specific consent.

Decision	Invented case finding	Next action
What consent covers the ordinary record?	A TPO consent exists in the scenario, but the proposed recipient is not yet reviewed.	Check its scope and applicable disclosure/redisclosure conditions.
Who receives the AI input?	External AI service and its connected feature are proposed.	Map each recipient and its role, agreements and permitted use.
Could the task use no patient record?	Staff only need generic reception wording.	Use invented context and keep the protected records out of that task.
Can the real disclosure proceed?	Required consent and recipient questions remain open in the exercise.	Obtain the accountable review; the worksheet does not authorise disclosure.

Safe alternative prompt

Invented exercise: Write a general reception message about contacting a service team for administrative questions. Include no patient, SUD diagnosis, treatment history or counselling note.

HHS fact sheet updated 30 January 2026; applicable compliance date 16 February 2026.

Sources and scope

SUD means substance use disorder. TPO means treatment, payment and healthcare operations.

Sources checked 2026-09-21. Review the current requirements and your actual agreement before using this workbook for a real decision. General information, not professional approval or a completed control test. It does not determine Part 2 status, validate patient consent or provide a legal authorisation to disclose.

[HHS: 42 CFR Part 2 final rule fact sheet](#). Part 2 applicability, consent and redisclosure changes, separate SUD counselling notes and the 16 February 2026 compliance date; fact sheet updated 30 January 2026.

[HHS: Guidance on HIPAA and cloud computing](#). Business-associate roles, BAAs, risk analysis and cloud-service safeguards, including providers without decryption keys.