

## Qualified Service Organization (QSO) Guide

The Part 2 restrictions on disclosure in the regulations do NOT apply to communications between a Part 2 program and a QSO of information needed by the QSO to provide services to the Part 2 program.

### A. Is your entity receiving Part 2 protected information?

1. [THIS ASSUMPTION IS MADE FOR PURPOSES OF THE PRESENTATIONS]

### B. Is your entity a QSO?

1. To be a QSO you must be an individual or entity that provides services to a Part 2 program.
  - Examples of QSO services:
    1. Data processing, bill collecting, dosage preparation, laboratory analysis, legal, accounting, *population health management*, medical staffing, other professional services, and services to prevent or treat child abuse or neglect (including training on nutrition, child care, and group therapy.<sup>1</sup>
  - Examples of services NOT appropriate for a QSO:
    1. QSOs do NOT provide individual treatment services. For example, case management, care coordination, and medication management are NOT services a QSO could provide to a Part 2 program.<sup>2</sup>

### C. Do you have a written agreement with the Part 2 program that is sharing its information?

1. A QSO must have a written agreement with the Part 2 program. This written agreement is called a “Qualified Service Organization Agreement” (QSOA). A QSOA is a two-way agreement between the Part 2 program and the individual or entity providing the desired service.<sup>3</sup>
  - QSOA Requirements (both are required):
    1. Must acknowledge the QSO is fully bound by Part 2; and
    2. In judicial proceedings, must promise to resist any efforts not permitted by Part 2 to obtain access to patient identifying information related to substance use disorder diagnosis, treatment, or referral.<sup>4</sup>

### D. As a QSO can you re-disclose Part 2 protected information to a contracted agent?

1. Yes, a QSO can re-disclose Part 2 protected information to a contracted agent helping the QSO provide the services described in the QSOA with the Part 2 provider.<sup>5</sup>
2. The QSO contract agent CANNOT re-disclose the Part 2 protected information to anyone other than back to the QSO or Part 2 program from which it came.<sup>6</sup>

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<sup>1</sup> 42 CFR Part 2, § 2.11.

<sup>2</sup> 42 CFR Part 2 Final Rule, January 18, 2017, pp. 6066-6067.

<sup>3</sup> 42 CFR Part 2 Final Rule, January 18, 2017, p. 6103.

<sup>4</sup> 42 CFR Part 2, §2.11, Qualified Service Organization definition.

<sup>5</sup> 42 CFR Part 2 Final Rule, January 3, 2018, p. 246.

<sup>6</sup> 42 CFR Part 2 Final Rule, January 3, 2018, p. 246.