

HIPAA & PUBLIC HEALTH

GUIDANCE FROM THE CDC AND THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES*

The HIPAA Privacy Rule (Standards for Privacy of Individually Identifiable Health Information) provided the first national standards for protecting the privacy of health information. The Privacy Rule regulated how certain entities, use and disclose certain individual identifiable health information, called protected health information (PHI).

PHI is individually identifiable health information that is transmitted or maintained in any form or medium (e.g., electronic, paper, or oral), but excludes certain educational records and employment records.

THE PRIVACY RULE AND PUBLIC HEALTH

The Privacy Rule recognizes:

1. the legitimate need for public health authorities and others responsible for ensuring the public's health and safety to have access to PHI to conduct their missions; and
2. the importance of public health reporting by covered entities to identify threats to public and individuals.

Accordingly, the rule:

1. permits PHI disclosure without a written patient authorization for specified health purposes to public health authorities legally authorized to collect and receive the information for such purposes, and
2. permits disclosure that are required by state and local public health or other laws.

However, because the Privacy Rule affects the traditional ways PHI is used and exchanged among covered entities (e.g., doctors, hospitals, and health insurers), it can affect public health

practice and research in multiple ways. To prevent misconceptions, understanding the Privacy Rule is important for public health practice.

The Privacy Rule permits covered entities to disclose PHI, without authorization, to public health authorities or other entities who are legally authorized to receive such reports for the purpose of preventing or controlling disease, injury, or disability. This includes the reporting of disease or injury; reporting vital events (e.g., births or deaths); conducting public health surveillance, investigations, or interventions; reporting child abuse and neglect; and monitoring adverse outcomes related to food (including dietary supplements), drugs, biological products, and medical devices [45 CFR 164.512(b)].

DISCLOSURE FOR PUBLIC HEALTH PURPOSES

The Privacy Rule allows covered entities to disclose PHI to public health authorities when required by federal, tribal, state or local laws [45 CFR 164.512(a)]. This includes state laws (or state procedure established under such law) that provided for receiving reporting of disease or injury, child abuse, birth, or death, or conducting public health surveillance, investigation, or intervention.

For disclosure not required by law, covered entities may still disclose, without authorization, to a public health authority authorized by law to collect or receive the information for the purpose of preventing or controlling disease, injury, or disability, the minimum necessary information to accomplish the intended public health purpose of the disclosure [45 CFR 164.512(b)].

*Adapted from: Centers for Disease Control and Prevention. HIPAA Privacy Rule and public health: guidance for CDC and the U.S. Department of Health and Human Services. MMWR 2003;52 (Supl):1-12. (Available at www.cdc.gov/mmwr/preview/mmwrhtml/su5201a1.htm)