

**How Will HIPAA  
Impact Public  
Health Practice?**

# **The Privacy Rule Addresses:**

- ◆ **Rights of individuals**
- ◆ **Procedures for exercising those rights**
- ◆ **Uses and disclosures of identified health information**

# Who is Covered?

- ◆ **Limited to “covered entities”**
  - **Health care providers who transmit information in electronic transactions**
  - **Health plans**
  - **Health care clearinghouses**
- ◆ **Business associate relationships**

# What is Covered?

- ◆ **Protected health information (PHI)**
  - **Individually identifiable health information**
  - **Transmitted or maintained in any form**
- ◆ **Held by covered entities or business associates**

# Required Disclosures

- ◆ To the individual who is the subject of the information
  - ◆ To the Office of Civil Rights for compliance
- All other uses and disclosures are permissive

# Sharing PHI with Public Health

Disclosures permitted if required by law

Disclosures permitted for “public health activities and purposes”

Consent not required, but rule doesn’t require PH disclosures

# Accounting for Disclosures

- ◆ **Accounting not required for disclosures made for:**
  - **TPO purposes**
  - **To the individual based on their written authorization**
  - **As part of a limited data set**
- ◆ **Accounting for other disclosures made without authorization is required of covered entities**

# **Simplified Accounting for Public Health Disclosures**

- ◆ **Multiple disclosures to the same recipient for the same recipient for the same purposes e.g., public health reporting, can be simplified**
- ◆ **During the accounting period, the covered entity need only:**
  - **Identify the recipient of such repetitive disclosures**
  - **Describe the purpose of the disclosure**
  - **Describe the PHI routinely disclosed**
  - **Include the date of first and last disclosure**
- ◆ **No notation needs to be in the client record**

# Public Health Activities

**“Preventing or controlling disease, injury, or disability, including but not limited to, reporting of disease, injury, vital events..., the conduct of public surveillance, ...investigations, and... interventions”**

# Public Health Authority

**“an agency or authority of the U.S., a State, a territory, a political subdivision of a State or territory, or an Indian Tribe, ..or entity acting under a grant of authority from ...such public agency...to whom it has granted authority, that is responsible for public health...as part of it’s...mandate.”**

# What if Covered Entity Says:

- ◆ “If this activity is not required by law, then I can not share data with public health.”
- ◆ “These data are requested for a public health program evaluation not in the rule, so I cannot disclose.”
- ◆ “Due to the administrative burden of accounting for disclosures to public health, we will stop reporting.”

# **What if a covered entity says:**

- ◆ **“Your request for data does not meet our standard for the minimum necessary for this purpose.”**
- ◆ **Under The Privacy Rule, we cannot continue this survey collecting health data from individuals.”**
- ◆ **“Can you write a letter stating that we are a public health authority.”**

# Useful Websites

- ◆ <http://www.hhs.gov/ocr/hipaa>
- ◆ <http://www.cdc.gov/privacyrule>
- ◆ <http://www.dhs.state.or.us/admin/hipaa>
- ◆ <http://www.ahima.org>
- ◆ <http://www.healthprivacy.org>