

6. Public health reporting & privacy

Reporting obligations for communicable diseases have not changed under the new Health Insurance Portability & Accountability Act (HIPAA).

Health care providers continue to have a legal obligation to provide information for public health investigations and interventions.

The only material change is that you'll now need to document such disclosures in your patients' files.

So when the health department calls for more information on a CMR, please cooperate!

The law allows sharing of clinical, laboratory, and other information to assist public health investigations. It also provides penalties for refusal to report vital public health information.

Public Health disclosures allowed

HIPAA's Privacy Rule explicitly permits disclosures to public health authorities for public health purposes:

"A covered entity may disclose protected health information ... for the purpose of preventing or controlling disease, injury or disability, vital events such as birth or death, and the conduct of public health surveillance, public health investigations, and public health interventions"
45 CFR §164.512(b)(1)

Documenting disclosures under HIPAA

Health care providers do have one new patient privacy responsibility described in 45 CFR §164.528. You must now account for the disclosures of protected health information provided to local and state public health departments.

Compliance is relatively easy: Place either an accounting of disclosures form in the patient's chart, or maintain an accounting of disclosures log, documenting the following:

- date of disclosure
- name and address of person or entity to which disclosed
- brief description of health information disclosed
- brief description of purpose of the disclosure.

We promise to maintain your patients' privacy also

Santa Cruz County Health Services Agency will treat patient information that you report to us as confidential. We may use it to make patient contact, enforce quarantines, enroll patients in programs, plot location of diseases, compile statistics, or comply with legal process.

Only HSA personnel with a need to know will have access to identifiable patient information. When statistics are compiled, identifiable patient data will be removed. When we no longer need files, we will destroy them.

Questions?

If you have questions about patient privacy in the context of public health, contact Santa Cruz HSA at 454-4114, or California Department of Health Services at (916) 552-9820.

 The CDC has developed a guidance paper about privacy and public health: www.cdc.gov/privacyrule/Guidance/Content.htm

