

HIPAA AND SURVEILLANCE

National Center for Emerging and Zoonotic Infectious Diseases
Division of Healthcare Quality Promotion



HIPAA Privacy Rule's Public Health Provisions

□ What is HIPAA?

- Health Insurance Portability and Accountability Act of 1996 (HIPAA)– Privacy Rule: is to assure that individual's health information is properly protected while allowing the flow of health information needed to provide and promote high quality health care and to protect the public's health and well being.
- Establishes national standards to protect individual's medical records and other personal identifiable health information and applies to health plans, health care clearinghouse, and those health care providers that conduct certain care transactions electronically, paper or oral.

HIPAA Privacy Rule's Public Health Provisions

□ HIPAA and Public Health:

- HIPAA may be perceived as a barrier to communication between healthcare facilities, which presents challenges for continuity of patient care and public health surveillance
 - E.g., some dialysis facilities struggle to obtain information from hospitals about positive blood cultures (PBCs) collected at the hospital on the day of or day following hospital admission of a hemodialysis patient

HIPAA Privacy Rule's Public Health Provisions

□ HIPAA and Public Health Assurance:

■ Under HIPAA:

- A covered entity is permitted, but not required, to use and disclose protected health information, without an individual's authorization, for the following purposes or situations:
 - To the individual
 - Treatment, Payment, and Health Care Operations of any healthcare provider
 - Public Interest and Benefit Activities
 - Limited Data Set for the purposes of research, public health or health care operations

CSTE Position Statement Appendix 7: FAQs about Interfacility Communication Under HIPAA

- ❑ CSTE – Council of State and Territorial Epidemiologists
- ❑ Position Statement 16-ID-09: Interfacility Communication to Prevent and Control Healthcare-Associated Infections and Antimicrobial Resistant Pathogens across Healthcare Settings
- ❑ Appendix 7: Facility/Provider to Facility/Provider Communications under HIPAA
 - To address concern whether the HIPAA Privacy Rule permits information sharing between individual providers and/or facilities for patient safety-related purposes .

FAQ

❑ Question:

- Does HIPAA permit a health care facility to share protected health information (PHI) with a source facility where a patient was previously treated or where a patient previously resided, without the patient's authorization, for purposes of providing notification of an infection with potential infection control implications at the source facility?

❑ Answer:

- The HIPAA Privacy Rule permits a covered health care provider to *use* or *disclose* PHI for treatment purposes without the authorization of the patient...the HIPAA Privacy Rule also allows the information regarding one individual (e.g., patient) to be used or disclosed for the treatment or preventative care (e.g., vaccinations or quarantine) or other persons (e.g., patients at risk)...45 CFR 164.506(c) and 164.508(a)

FAQ

❑ Question:

- Under HIPAA, is a health care facility permitted to share PHI with another health care facility that previously treated or housed a patient, without the patient's authorization, for purposes of notifying this source facility of a potential complication of care related to the health care provided at the source facility so as to monitor and improve care and prevent future complications?

❑ Answer:

- The HIPAA Privacy Rule permits a covered entity to use or disclose PHI for certain “health care operations” purposes without the authorization of the patient. 45 CFR 164.506(c)...this includes a covered entity disclosing PHI to another covered entity for certain purposes if each entity either has or had a relationship with the individual who is the subject of the information. 45 CFR 164.506(c)...

Resources

- ❑ <http://www.hhs.gov/hipaa/for-professionals/privacy/laws-regulations/index.html>
- ❑ <http://www.cdc.gov/nhsn/hipaa/index.html>
- ❑ Questions email us directly at nhsn@cdc.gov and include 'dialysis' in the subject line

