



Newborn Screening News

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HIPAA Update

Even though health care providers have always been very protective of confidential health information, new laws require that providers review their current practices and make certain changes to accommodate new consumer rights.

The Health Insurance Portability and Accountability Act (HIPAA) Privacy Regulations are *federal laws* that govern *the use and disclosure of* confidential health information. These regulations apply only to those entities defined in the regulations as “covered entities.” Covered entities under HIPAA are group and individual health care plans, clearinghouses, and providers who transmit health information electronically. Health care providers who do not conduct any electronic transactions for which a standard has been adopted in the federal electronic transaction regulations are not covered entities under HIPAA. The compliance deadline for the HIPAA privacy regulations is April 14, 2003.

The HIPAA privacy regulations were written to place limitations and restrictions on the ways that health care information is used and disclosed. They strengthen the rights of consumers to control their own health information. For certain uses and disclosures of individually identifiable health information, covered entities must obtain authorization from the individual. For other uses and disclosures, however, authorization is not required. The “Important Message” on the back of this newsletter summarizes the sections of HIPAA that permit providers to continue sending information to TDH as required by law for public health, health care oversight, and other purposes.

Please note that the Texas Department of Health has no enforcement authority under HIPAA. The enforcement authority for the HIPAA privacy regulations is the Office of Civil


Rights (OCR), U.S. Department of Health and Human Services. For more information about the privacy requirements in HIPAA, you may want to visit the OCR web site at <http://www.hhs.gov/ocr/hipaa/index.html>. To learn more about the steps that TDH is taking to comply with HIPAA requirements, please visit the TDH HIPAA web site at <http://www.tdh.state.tx.us/hipaa/default.htm>

John Scott
TDH Privacy Officer

HIPAA and Newborn Screening

The Health Insurance Portability and Accountability Act (HIPAA) does not apply to the Newborn Screening Program. Section 164.512(b) permits covered entities to release private health information to a public health authority that is authorized by law to collect and receive information for preventing and controlling disease, injury, or disability. This information includes reporting of disease, injury, vital statistics like births, deaths, marriages, divorces, etc., public health investigations, and public health interventions. Under this exception you are authorized to release information to TDH, or other public health authorities. Disclosure can be initiated by either the public health authority or by you, if it is for one of the above reasons.

Margaret Drummond-Borg, MD, Director
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	To order free literature from the Newborn Screening Program for patients and specimen collection information for submitters, please call 1-800-422-2956, ext. 2129 or order online: http://www.tdh.state.tx.us/newborn/pubs.htm
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IMPORTANT MESSAGE ABOUT HIPAA PRIVACY STANDARDS TO PROVIDERS AND ENTITIES THAT SUBMIT PROTECTED HEALTH INFORMATION TO THE TEXAS DEPARTMENT OF HEALTH

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) privacy regulations implemented standards for how information that identifies a patient can be used and disclosed. (Title 45, Code of Federal Regulations (CFR), Parts 160 and 164) The regulations apply to “covered entities” including health-care plans, health-care clearinghouses, and health-care providers. These privacy standards go into effect on April 14, 2003.

The regulations were amended in August 2002 deleting the requirement to obtain an individual’s consent for the use and disclosure of private health information for treatment, payment and health care operations. (45 CFR §164.506).

You can continue to submit information you currently submit to TDH under one or more of the following exceptions in the HIPAA Privacy Standards:

USE AND DISCLOSURE REQUIRED BY LAW: Section 164.512(a) allows covered entities to use and disclose private health information if the use or disclosure is required by law. For example, TDH rules require certain diseases, injuries and conditions to be reported to TDH. Under the “required by law” exception you can continue to comply with these mandatory reporting rules.

USE AND DISCLOSURE FOR PUBLIC HEALTH ACTIVITIES: Section 164.512(b) permits covered entities to release private health information to a public health authority that is authorized by law to collect and receive information for preventing and controlling disease, injury, or disability. This information includes reporting of disease, injury, vital statistics like births, deaths, marriages, divorces, etc., public health investigations, and public health interventions. Under this exception you are authorized to release information to TDH, or other public health authorities. Disclosure can be initiated by either the public health authority or by you, if it is for one of the above reasons.

USE AND DISCLOSURE FOR HEALTH OVERSIGHT ACTIVITIES: Section 164.512(d) permits covered entities to disclose private health information to a health oversight agency for oversight activities including audits, civil, administrative or criminal investigations, inspections, licensure or disciplinary actions, or other activities necessary for the oversight of the health-care system, government benefit programs, compliance with governmental regulation or compliance with civil rights laws.

USE AND DISCLOSURE FOR LAW ENFORCEMENT PURPOSES: Section 164.512(f) permits disclosure of private health information to a law enforcement officer for certain law enforcement purposes.

USE AND DISCLOSURE TO AVERT A SERIOUS THREAT TO HEALTH OR SAFETY: Section 164.512(j) permits disclosure of private health information if a covered entity in good faith believes the disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public. The disclosure must be made to a person who is reasonably able to prevent or lessen the threat, or for identification and apprehension of an individual.

THIS NOTICE IS YOUR AUTHORIZATION UNDER THE ABOVE EXCEPTIONS TO *CONTINUE TO REPORT THE INFORMATION YOU CURRENTLY REPORT* TO TDH AND OTHER PUBLIC HEALTH, LAW ENFORCEMENT, AND REGULATORY AUTHORITIES.