

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996 PRIVACY RULE

WHAT IS THE PUBLIC HEALTH ISSUE?

- The *Health Insurance Portability and Accountability Act (HIPAA) of 1996 Privacy Rule* (the rule) provides the first national standards for protecting the privacy of personal health information.
- The rule regulates how covered entities use and disclose certain individually identifiable health information, called protected health information (PHI).
- Public health practice and research, including traditional public health activities such as program operations, surveillance, evaluation, terrorism preparedness, outbreak investigations, direct health services, and public health research, use PHI to identify, monitor, and respond to disease, death, and disability among populations.
- Although the rule does permit disclosures of PHI for public health purposes, administrative requirements are associated with these disclosures that might hinder access to PHI by public health authorities.
- The complexity of the rule has resulted in differing interpretations of the regulation as it relates to public health; thus, coordination in the public health community is needed.

WHAT HAS CDC ACCOMPLISHED?

In July 2002, a Privacy Rule coordinator was hired to oversee CDC's internal and partner education efforts concerning the effect of the rule on public health. During 2002–2003, this effort has resulted in

- Publication of a *Morbidity and Mortality Weekly Report* supplement titled: *HIPAA Privacy Rule and Public Health: Guidance from CDC and the U.S. Department of Health and Human Services* as well as the publication of a manuscript titled *Statutory Basis for Public Health Reporting beyond Specific Diseases*.
- Development of a CDC Intranet and Internet website dedicated to the rule.
- Sponsorship of a national satellite broadcast on the rule through Public Health Grand Rounds program.
- Development and implementation of a series of four forums for CDC employees and partners.
- Sponsorship of a Privacy Rule session at the second Annual CDC Public Health Law Conference.
- Development of a draft FAQ document concerning the rule and public health.
- Offering technical assistance to state and local partners in various forums including conference presentations, meeting participation, and written guidance.

WHAT ARE THE NEXT STEPS?

These activities have placed CDC in a leadership position concerning the rule and public health. Next steps include documenting the effect of this regulation on public health, continued publication of journal articles addressing discreet issues related to the rule and public health, and establishing a privacy office at CDC to support and expand CDC's role in this area.