

Johns Hopkins Center for Excellence in Environmental Public Health Tracking



A “HIPAA” talk

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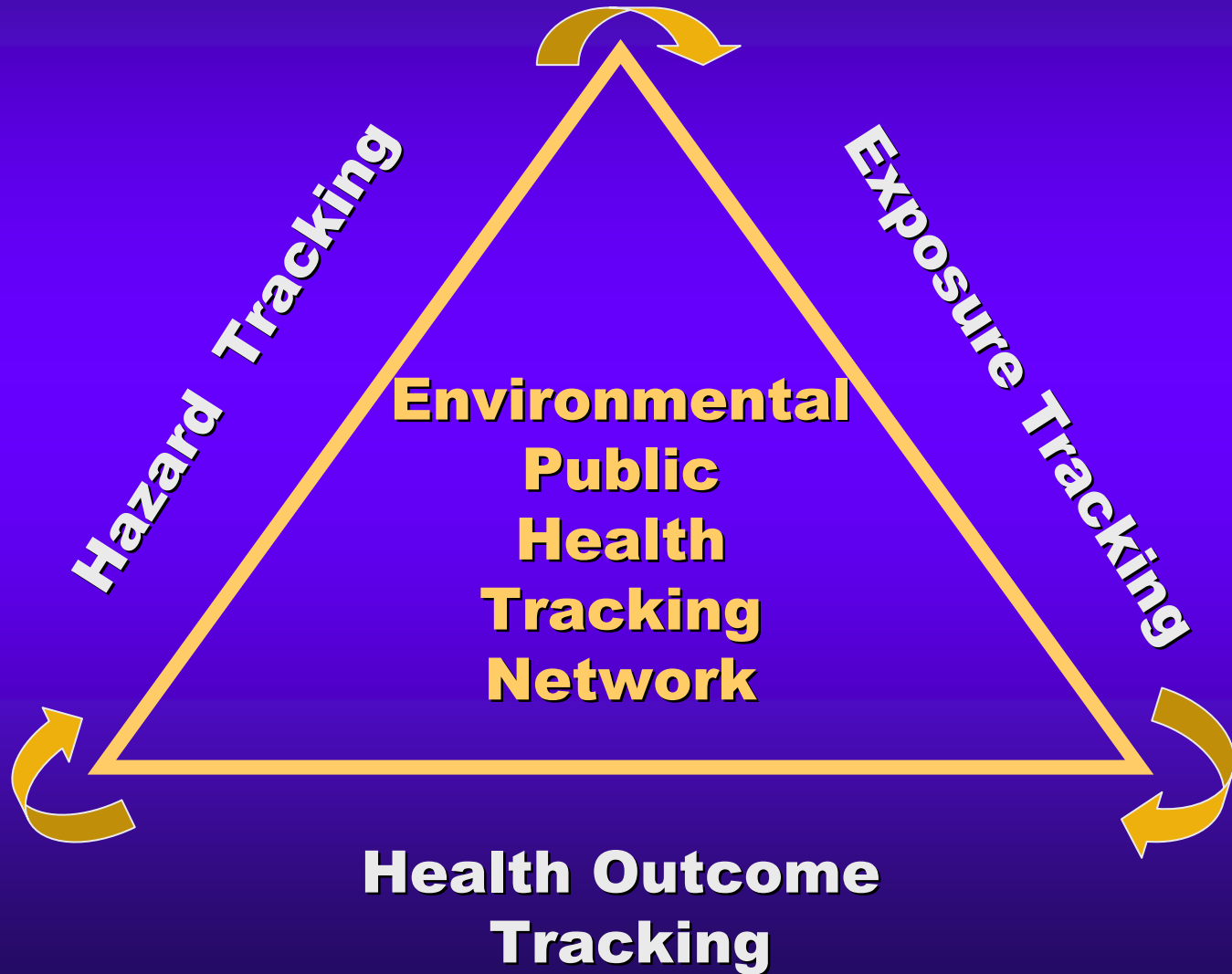
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Introduction



**Johns Hopkins Center for
Excellence in Environmental
Public Health Tracking**



Legal basics

General Sources of Law

Constitution

Common Law

Statutes

Regulations



Legal basics

State Health Law

- ◆ **Constitution**
“Police Powers”
- ◆ **Common Law**
Jacobson v. Massachusetts
- ◆ **State Statutes & Regulations**
- ◆ **Local Boards**
- ◆ **Relationship to federal law**



Legal basics

Federal Health Law

- ◆ **Constitutionally limited**

- ◆ **Statutory**

 - Special legislation, commerce clause, spending**

- ◆ **Regulatory**

 - Secretary's quarantine authority**



Health information privacy law

- **Both federal and state**
- **Multiple laws and approaches**
- **Population specific**
(**Human subjects**)
- **Data specific**
(**genetic, HIV status**)
- **Situation specific**
(**government collection**)



Impact of HIPAA on EPHT

- **HIPAA (federal law)**
- **The “Privacy Rule”**
- **“Protected Health Information”**
- **Applies only to covered entities**
- **Public health exception to the anti-disclosure rule**



Impact of HIPAA on EPHT

- **Disclosures of PHI for Public Health Purposes**
 - 1. Required by law**
 - 2. Authorized by law**



Impact of HIPAA on EPHT

- **Disclosures of PHI for Public Health Research**
 1. **Not required by law**
 2. **Primary purpose to develop “generalizable knowledge”**



Impact of HIPAA on EPHT

- **Not PHI**

1. **De-identification**

2. **Limited data sets**



Impact of HIPAA on EPHT

◆ Can we get this information?

1. State cancer registry under state law

Yes

2. State university cancer registry maintained under law and grant of authority

3. State PH department needs data for early detection and intervention program from 2 large hospitals



Impact of HIPAA on EPHT

◆ **Can we get this information for tracking?**

Yes

1. If required under law

2. If authorized under law

Worst case: “Minimum necessary disclosure”

3. Covered entities must log



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