



STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
LANSING

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GOVERNOR

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DIRECTOR

Date: July 20, 2004

To: Local Health Departments
Health Care Providers
Other Interested Parties

From: Janet Olszewski 
Director

Subject: Disclosure of Protected Health Information
for Disease Prevention and Control Under the
Michigan Public Health Code and the Federal
HIPAA Privacy Rule

The Michigan Department of Community Health (MDCH) and local health departments (LHDs) are responsible for safeguarding the public health, including preventing and controlling the spread of disease. MCL 333.2221; 333.2433; 333.5101 *et seq.*; Administrative Rules, R 325.171 *et seq.* In order to prevent and control the spread of communicable diseases, the Public Health Code and administrative rules adopted under the Code, require physicians and clinical laboratories to report patients with designated diseases, infections, or conditions to the patients' local health departments.¹ MCL 333.5111(1); R 325.173. In addition to those designated, physicians are required to report the unusual occurrence of any disease, infection, or condition that threatens the health of the public. R 325.173(2). In addition to mandated reporting by physicians and laboratories, all of the following individuals are specifically authorized to report conditions to MDCH and LHDs: administrators, epidemiologists, infection control practitioners from health care facilities or other institutions, dentists, nurses, pharmacists, physician's assistants, veterinarians, and any other health care professional. R 325.173(9).

The Public Health Code, and administrative rules, also authorize MDCH and LHDs to investigate a suspected outbreak or exposure, authorizing the MDCH or the LHD to inspect or investigate any matter, thing, premises, place, person, record, vehicle, incident, or event. MCL 333.2241(1); 333.2446. Additionally, the MDCH and LHDs are authorized to collect specimens and to obtain information about individuals. R 325.174. With regard to information:

An investigator who presents official identification of the local health department or the department [of community health] shall promptly be provided with medical and epidemiological information pertaining to any of the following:

¹ To obtain information on specific reporting requirements, contact the Michigan Department of Community Health at (517) 335-8165.

- (a) Individuals who have designated conditions or other conditions of public health significance.
- (b) Individuals, whether ill or well, who are part of a group in which an unusual occurrence, outbreak, or epidemic has occurred.
- (c) Individuals who are not known to have a designated condition but whose medical or epidemiological information is needed for investigation into the cause of the occurrence of the condition.
- (d) Individuals who were potentially exposed to a designated condition.
- (e) Individuals who have a declared critical health problem pursuant to the provisions of Act No. 312 of the Public Acts of 1978, being §325.71 *et seq.* of the Michigan Compiled Laws.

R 325.174(2).

Individually-identifiable (including patient name, birthdate, residence) health information is included in the information that a health care provider must report for a designated disease or in response to an investigation.² In December 2000, the U.S. Department of Health and Human Services adopted regulations to protect the privacy of individually-identifiable health information (Privacy Rule). These regulations were adopted under the Health Insurance Portability and Accountability Act (HIPAA) to set national standards for the use and disclosure of health information.

Questions have been raised about the impact of HIPAA on individually-identifiable health information that is to be provided to MDCH or LHDs by entities that are covered by the Privacy Rule ("covered entities") for disease prevention and control purposes. The HIPAA Privacy Rule was not intended to diminish the authority of public health agencies with regard to disease prevention and control.

The Privacy Rule allows a covered entity to disclose, without individual authorization, protected health information to a public health authority; i.e. a release signed by a patient is not necessary to disclose this information. 45 CFR §164.512(b). A public health authority includes an agency of a state, or a subdivision of a state, that is responsible for public health matters as part of its official mandate, or a person or entity acting under a grant of authority, or as an agent, contractor, or an employee of a public health agency. 45 CFR §164.501. Both MDCH and the LHDs, are public health authorities, responsible under the Public Health Code for public health matters, including disease surveillance, prevention, and control. This means that the Privacy Rule does not prevent covered entities (including hospitals, physicians, clinical laboratories, and other health care providers) from providing individually-identifiable health information to

² See R 325.171(i) and R 325.173(13), (16), (17) for information that must be provided to MDCH or the LHD.

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MDCH and to LHDs for disease prevention and control activities. The information requested from providers represents the minimum necessary to carry out the public health purposes of these activities pursuant to 45 CFR §164.514(d) of the Privacy Rule.

It is vitally important that all health care providers work cooperatively to promptly report designated or unusual occurrences of diseases, infections or conditions, and facilitate access to health information during investigations. It is only with the vigilance and assistance of health care providers that we can succeed in safeguarding the health of our citizens and preventing the spread of disease. For more information about disease surveillance, prevention, and control, contact the Division of Communicable Diseases at (517) 335-8165.

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