



**HAWAII HEALTH SYSTEMS**

C O R P O R A T I O N

*"Touching Lives Every Day"*

## ***COMPLIANCE ALERT 10-21***

### ***Participation in Census***

HHSC Facilities continue to get questions about Census bureau efforts, and contacts from Census workers, to get information from our patients/residents even though the April 1 deadline has passed. The questions originally arose with long-term care residents. Ideally, the patient/resident themselves should provide the information and/or the legal guardian can provide permission for release of any personal information to the Census workers. After careful investigation and legal review, we are advising that no names be released, just gender, ethnicity, and date of birth for long-term care (LTC) residents.

In the course of investigating this issue, contact was made with Gerald Chung at the State Office for Medicare services and the National Office of Civil Rights (HIPAA)—both in San Francisco and Washington, D.C. These offices advised us to exercise caution in releasing personal information. On the other hand, we do have documentation from the Census Bureau, American Hospital Association (AHA), and the Federal law that support us participating by releasing some information on the residents in LTC facilities. On Maui and Oahu, the Census workers agreed to the approach above for the LTC facilities—releasing only gender, ethnicity, and date of birth.

At this time, there is no reason for Census workers to have access to medical records of any of our patients. In addition, unless a patient in acute care settings are long-term patients, there should be no need to release any information from these patients as they can be assumed to receive information at their residence from the Census Bureau and will complete their own forms at home. The AHA advisory says that that Census is counting people “where they usually reside.” Thus, unless a patient in acute care settings has no disposition or exit plan, they should not be counted in the hospital, nor should any personal information be given about the other acute care patients.