
 <p><b>HAWAII HEALTH SYSTEMS</b> CORPORATION "Quality Healthcare for All"</p>	<p>Department:</p> <p><b>Quality Through Compliance</b></p>	<p>Policy No.:</p> <p><b>CMP 045A</b></p>
	<p>Issued by:</p> <p>Audit and Compliance Committee</p>	<p>Revision No.:</p>
<p><b>POLICY</b></p>	<p>Approved by:</p>  <p>HHSC Board of Directors By: Carol A. VanCamp Its: Secretary/Treasurer</p>	<p>Effective Date:</p> <p>September 19, 2013</p>
<p>Subject:</p> <p><b>HIPAA Public Health Activities Disclosures</b></p>		<p>Supersedes Policy:</p>
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Last Reviewed: August 19, 2013. Next Review: August 19, 2016

- I. **PURPOSE:** This Policy defines the required and permitted uses and disclosures of protected health information for the purposes of public health activities.
- II. **DEFINITIONS:**
- Public Health Authority – An agency or authority of the United States, a State, a territory, a political subdivision of a State or territory or an Indian tribe that is responsible for public health matters as part of its official mandate. A public health authority includes the employees or agents of the public agency, its contractors and other persons or entities acting under a grant of authority from or contract with the public agency. Public health authorities include (but are not necessarily limited to):
- A. The Department of Health for purposes of:
    1. Prenatal screening (HRS 321-331(b))
    2. Receiving reports of infectious or communicable diseases and inspecting health records relating to such diseases (HRS Chapter 325, Haw. Admin. R 11-156)
    3. Receiving reports of HIV infection, ARC or AIDS (HRS 325-101(a)(1), Haw. Admin. R. 11-156)
    4. Receiving reports from physicians concerning sexual contact or needle sharing by a person having HIV infection, ARC or AIDS (HRS 325-101)
    5. Receiving reports of syphilis (HRS 325-51)
    6. Receiving reports of tuberculosis (HRS 325-71)
    7. Investigating diseases and injuries deemed to threaten public safety (HRS 321.311)
    8. Receiving reports of environmentally-related illness or injury (HRS 321-311, 321-314)
    9. Receiving reports of newborn metabolic and hearing screening (HRS 321-291, 321-362-5)
    10. Reviewing child deaths (HRS 321-341)
    11. Receiving reports of vital statistics (births and deaths) (HRS 338, 321)
    12. Receiving notification of unclaimed bodies (HRS 327-32)
    13. Collection of data for research and evaluation of prenatal health care (HRS 321-331)
    14. Collection of information relating to birth defects
    15. Inspecting immunization records (HRS 325-33)
  - B. The Hawaii Tumor Registry for cancer reporting (HRS 324-21).
  - C. The Hawaii Medical Association for purposes of studies conducted by the association to reduce morbidity or mortality (HRS 321, 324).

### III. POLICY:

- A. Permitted Uses and Disclosures: Hawaii Health Systems Corporation (HHSC) may use or disclose protected health information to:
1. A public health authority that is authorized by law to collect or receive information for the purpose of:
    - a) Preventing or controlling disease, injury or disability including reports of such.
    - b) Reporting of vital events such as birth or death.
    - c) Conducting public health surveillance, public health investigations and public health interventions.
  2. An official of a foreign government agency acting in collaboration with a public health authority when such release is at the direction of the public health official.
  3. A public health authority or other appropriate government authority authorized by law to receive reports of child abuse or neglect.
  4. Persons responsible to the Food and Drug Administration for quality, safety or effectiveness of an FDA-regulated product for the following purposes:
    - a) Reporting of:
      - i. Adverse events (or similar activities with respect to food or dietary supplements);
      - ii. Product defects or problems, including problems with the use or labeling of a product;
      - iii. Biological product deviations.
      - iv. Tracking of products
      - v. Product recalls, repairs, replacement, or look back, including locating and notifying individuals who have received products that have been recalled, withdrawn, or are the subject of a look back
      - vi. Post marketing surveillance.
  5. An individual who may have been exposed to a communicable disease or otherwise be at risk of contracting or spreading a disease, and if HHSC or the public health authority is authorized by law to notify such individuals as necessary in the conduct of a public health intervention or investigation.
  6. An employer for purposes of complying with OSHA and HIOSH, if all the following provisions are met:
    - a) HHSC is providing health care to the individual at the request of the individual's employer for the following purposes:
      - i. An evaluation relating to medical surveillance of the workplace, or;
      - ii. An evaluation of whether the individual has a work-related illness or injury.
    - b) The protected health information disclosed is limited to findings concerning the work-related illness or injury or a workplace-related medical surveillance;
    - c) Such findings are necessary to comply with the employer's obligations under OSHA or HIOSH to record such illness or injury or to carry out responsibilities for workplace medical surveillance, and;
    - d) HHSC has provided written notice to the individual that protected health information related to workplace medical surveillance and work-related illnesses and injuries will be disclosed to the employer. The notice shall be given:
      - i. By copy to the individual at the time the health care is provided, or;
      - ii. By a notice posted prominently in the office of HHSC where such health care is provided on the work site of the employer.
  7. A school, about an individual who is a student or prospective student of the school if:
    - a) The PHI that is disclosed is limited to proof of immunization;
    - b) The school is required by State or other law to have such proof of immunization prior to admitting the individual, and;

- c) HHSC obtains and documents the agreement to the disclosure from either:
      - i. A parent, guardian or other person acting in loco parentis of the individual, if the individual is an emancipated minor, or;
      - ii. The individual, if the individual is an adult or emancipated minor.
  - B. As a public health authority, HHSC may use protected health information in all cases in which it is permitted to disclose such information under section above.
  - C. Verification: HHSC will verify the identity and authority of the requestor in accordance with HHSC policy on Verification (CMP 047A) prior to any release of protected health information.
  - D. Accounting for Disclosure: An accounting of any disclosure under this policy will be made as directed by HHSC policy on Accounting for Disclosures (CMP 040A).
  - E. This policy does not cover disclosure for the following purposes:
    - 1. Disclosure to government officials for health oversight activities (CMP 037A).
    - 2. Disclosure to government officials for law enforcement purposes (CMP 050A).
    - 3. Disclosure for judicial and administrative proceedings (CMP 038A).
  - F. HHSC shall implement procedures to operationalize this Policy.
- IV. **APPLICABILITY:** This Policy applies to all HHSC facilities.
- V. **AUTHORITY:** Standards for Privacy of Individually Identifiable Health Information (HIPAA), 45 CFR, Subtitle A, Subchapter C, Section 164.512(b); See Section A definitions of public health.
- VI. **ATTACHMENTS:** None.