Public Health Monitoring, the CDC's Bioterrorism Response and Complying with the HIPAA Privacy Rule

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Overview of Presentation

- CDC Bioterrorism Initiatives
  - National Electronic Disease Surveillance System (NEDSS)
  - Focus Areas
- HIPAA Privacy Rule and Public Health
- County of San Diego Implementation Plan
  - Focus Areas A, B and E
  - HIPAA Privacy Rule Implications
Importance of Public Health In Bioterrorism Preparedness

- Unique ability to monitor for biologic attacks
- Expertise and authority to investigate possible attacks
Problems With Current Public Health Monitoring

- Many different systems
- Outdated technology
- Incomplete and untimely information
National Electronic Disease Surveillance System (NEDSS)

- Efficient, integrated and interoperable federal, state and local surveillance systems
- Reduce provider burden
- Enhance timeliness and quality of information
CDC Focus Areas

- Focus Area A: Preparedness Planning and Readiness
- Focus Area B: Surveillance and Epidemiology Capacity
- Focus Area C: Biological Capacity
CDC Focus Areas cont.

- Focus Area D: Public Health Laboratory Preparedness for Chemical Threats
- Focus Area E: Health Alert Network/Communications and Information Technology
CDC Focus Areas cont.

- Focus Area F: Risk Communication and Health Information Dissemination
- Focus Area G: Education and Training
Why Is HIPAA Involved In Bioterrorism Preparedness?
HIPAA Data and Codes and Disease Monitoring

- NEDSS provides framework for using common codes for disease monitoring
- Increased public health participation in standard setting organizations
HIPAA Privacy Rule and Public Health Monitoring

- 45 Code of Federal Regulations section 164.512(b) – Allows disclosures to “public health authority that is authorized by law to collect or receive such information….”

- Purposes of public health activities:
  - Surveillance
  - Investigations
  - Interventions
HIPAA Privacy Rule and Public Health Monitoring cont.

“Authorized by law”

- Not defined in Privacy Rule
- Includes required and permitted disclosures
HIPAA Privacy Rule and Public Health Monitoring cont.

Examples of “Authorized by Law”

- Reportable conditions (e.g. Measles)
- Health registry maintained by a university for a state department of public health
- Health registry maintained by a state university for research purposes
HIPAA Privacy Rule and Bioterrorism

- Mandated Reporting
  - No minimum necessary requirement
- Permissive Reporting
  - Minimum necessary
  - May rely on representation of government entity about that information minimally necessary
County of San Diego’s Bioterrorism Preparedness Plan

- Focus Area A – Preparedness, Planning and Readiness: Communication network between hospitals, clinics and County emergency services
- Focus Area B – Surveillance and Epidemiology Capacity: Data collection system
- Focus Area E – Health Alert Network/Communications and Information Technology: Alert and tracking
Privacy Rule – Relevant Provisions

- Public Health Activities – 164.512(b)
- Business Associate Agreements
- Treatment, Payment or Other Health Care Operations
Focus Area A – Communication Network

- Bi-Directional Communication Network – Support for community clinics to provide real-time reporting of certain health conditions
Focus Area A – Communication Network cont.

- Clinic Reports to Public Health
- Clinic Reports to Council
- Council Reports to Public Health
- Public Health Authority
- Possible Methods
  - Public Health
  - Business Associates
- Public Health Authority
Focus Areas B and E – Health Surveillance and Analysis

Disparate Data Sources
- Internal County Data
  - QA Net
  - VCMR
  - Public Health Lab
  - Vector Control
  - Food Complaints
- External Data Sources
  - Syndromic Surveillance
  - ILI Surveillance
  - Enhanced Health Surveillance
  - Other Data Sources (e.g. Schools)

Integrated Data Repository (IDR)
- Internal data sources push data to IDR for mining
- Data mined from Holding bin by IDR
- Information stored for future analysis and historical data mining

Analysis
- Data pulled for analysis
  - Aberration Detection Algorithms
  - Automated Alarm Notification
  - Human Analysis

Alerting Notification Mobilization
- Reports to Participating Groups
- CASS
- EMAN
- CAHAN/SanHAN
- Enhanced Rapid Response
- Enhanced Rapid Communication
- Mass Prophylaxis
Focus Area B – Enhanced Health Surveillance

- QA Net: Real-time data base containing information from emergency rooms and first responders
- Reporting to Public Health – 164.512(b) and TPO/Business Associate
- QA Among Providers – TPO/Business Associates
Focus Area B – Enhanced Health Surveillance cont.

- Public Health Laboratory
- Privacy Rule Implications
  - Public Health – 164.512(b)
  - Disclosure within hybrid entity
Focus Area B – Enhanced Health Surveillance cont.

- Syndromic Surveillance
- Influenza Like Illness (ILI) Surveillance
- Public Health – 164.512(b)
- Subject to minimum necessary standard
Focus Area B – Enhanced Health Surveillance cont.

- Disclosures by schools may include HIPAA compliant data
- Not subject to Privacy Rule
- Subject to Family Educational Rights and Privacy Act
Focus Area E – Emergency Medical Alert Network

- Real time system
- Email and fax alerts and CDC reports to doctors in area
Focus Area E – Emergency Medical Alert Network cont.

- Designing medical professional chat room
- Public Health – Section 164.512(b)
- Treatment
- Other Health Care Operations – Business Associate Agreement
Questions?

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