

MEMORANDUM

March 16, 2001

TO: All Reporting Facilities and Providers

FROM: Reda J. Wilson, MPH, RHIT, CTR
Director, Alabama Statewide Cancer Registry

RE: Health Information Portability and Accountability Act (HIPAA)

We've received several inquiries on the effect of HIPAA regulations on cancer reporting requirements to the Alabama Statewide Cancer Registry (ASCR). I hope that we've answered everyone's questions satisfactorily, but would like to give you some additional information on the subject.

From all the information provided me from the Department (Alabama Department of Public Health, ADPH) and Centers for Disease Control and Prevention, HIPAA does not affect surveillance programs such as the ASCR or hospital-based cancer registries, and does not supersede existing state law. Also, HIPAA does not become effective until 2003.

As you know from information we've provided in the past, the ADPH Assistant State Health Officer, Dr. Charles Woernle, has provided us with an excerpt of HIPAA and "interprets the excerpted section as throwing no roadblocks into what we do now...". He specifically refers to section 512 part (b):

"(2) A covered entity must meet the requirements described in paragraph (c), (e), or (f) of this section for uses or disclosures required by law.

(b) Standard: uses and disclosures for public health activities.

(1) Permitted disclosures: A covered entity may disclose protected health information for the public health activities and purposes described in this paragraph to:

(i) A public health authority that is authorized by law to collect or receive such information for the purpose of preventing or controlling disease, injury, or disability, including, but not limited to, the reporting of disease, injury, vital events such as birth or death, and the conduct of public health surveillance, public health investigations, and public health interventions; or, at the direction of a public health authority, to an official of a foreign government agency that is acting in collaboration with a public health authority;"

I'd specifically like to refer to the bolded paragraphs above that say, "...disclosure is permissible to a public health authority authorized by law to collect or receive such information for the purpose of preventing or controlling disease...including...reporting of disease...and the conduct of public health surveillance...". In other words, HIPAA provides for public health surveillance activities such as cancer registries.

As you know, cancer reporting became a requirement by law, Alabama Act 95-275, to the State Health Officer or authorized representative and provides access to **all** records which would identify confirmed cases of cancer or would establish characteristics of the cancer, treatment of the cancer, or medical status of any identified cancer patient. Information is to be reported to the ASCR in a format prescribed by adopted rules. These rules further specify that all healthcare facilities and providers are to report within 180 days of admission or diagnosis of cancer. Healthcare facilities are further defined as all public, private, federal, or military hospitals, surgical centers, outpatient radiation therapy centers, outpatient medical oncology centers, or any other facilities where cancer cases are diagnosed or treated.

Everyone should have a copy of the state law and rules in their copy of the *Alabama Data Acquisition Manual*. Please let me know if you need additional copies.

As cancer reporting to the ASCR is required by public health law and rules and this requirement is often fulfilled by the hospital-based cancer registry, they are also given access, by law, to all records. This information has also been reviewed by the ADPH Office of General Counsel, and they are in agreement that all reporting facilities and providers are acting as representatives of the ADPH in collecting and reporting cancer information. And, as a representative, they have full access to the medical records, as is defined in Alabama Public Health Law Act 95-275.

Also, please remember that HIPAA is not even effective until the year 2003, and please remember that cancer reporting is not voluntary, it is required. I hope this answers any questions you may have in regards to reporting cancer information to the ASCR under the HIPAA regulations. If you need further information, please feel free to contact me at rwilson@adph.state.al.us or 334-206-5552.

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