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Release of Information in California: **Public Health Agencies**

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E-book Series, 7 of 12

The Release of Information (ROI) in California is a series of 12 E-books that will help you navigate and understand the complex state and federal laws, as well as best practices related to managing and releasing protected health information. The ROI E-book series contains content that falls under HIPAA, federal regulations, and is specific to California state laws.

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Each ROI E-book includes an overview of the topic and extensive references. **Self Assessment Quizzes** are designed in multiple-choice and true/false format, and assess your understanding of the subject matter. A link to the Quiz is provided with each purchased E-book, and corrected answers will be displayed so you can receive automatic feedback.



Upon completion of the Self Assessment Quiz, a **Certificate of Completion (CEU)** will be made available to download and print. You will not be able to access the Certificate after exiting the Quiz, so be sure to download it immediately and retain as evidence of the earned continuing education.

Product Code	Release of Information in California:	CEU's Offered
E-book 001	Introduction **	Two
E-book 002	General Releases	Two
E-book 003	Medical Records and the Court System	Three
E-book 004	Workers Compensation	Three
E-book 005	Elder, Dependent Adult and Child Abuse	Two
E-book 006	Coroner's Office	Two
E-book 007	Public Health Agencies	Two
E-book 008	Business Associates	Two
E-book 009	Government Agencies	Two
E-book 010	Inmates	Two
E-book 011	Law Enforcement	Two
E-book 012	Special Health Records	Two

** CHIA recommends you read the *Release of Information in California: Introduction* E-book first. This E-book is offered at no charge and includes the "Glossary of Terms" that is used in all subsequent ROI E-books.

Additional CHIA Resources

To view sample pages or purchase these E-books, or to view more details about CHIA's publications and Webinar Replays, visit www.CaliforniaHIA.org/Resources

Forward

The purpose of this E-book is to provide accurate and authoritative information on proper and adequate disclosure of health information. The California Health Information Association (CHIA) is not engaged in rendering legal services, and providing legal advice is beyond the scope and intent of the E-books.

Release of Information in California: Public Health Agencies

This E-book will assist the student in understanding federal privacy laws (HIPAA) regarding release of protected health information (PHI) to public health agencies and California state laws regarding the function of the agencies, what PHI may be released upon request, whether a signed authorization for release of information is necessary and what state regulations apply in this context.

Student Learning Outcomes and Objectives

Upon completion of the CHIA *Release of Information in California: Public Health Agencies* E-book, students will be able to:

- Articulate the importance of releasing patient-specific health information according to current laws and regulations.
- Understand and appreciate the complexities and responsibilities inherent to releasing protected health information to internal and external requestors.
- Understand the importance of maintaining the confidentiality of patient records and protected health information (PHI).
- Utilize resources to maintain current competencies and keep abreast of changing requirements.
- Define the basic terms associated with patient privacy and release of patient information.
- Describe federal and state legislation regarding patient privacy and release of information.
- Differentiate between the different state of California and federal laws regulating release of patient-specific information and apply them appropriately in all situations.
- Gain knowledge as it applies to public health agencies in:
 - California state law
 - Federal law
 - Release by public health authority
 - Bioterrorism

Release of Information in California: Public Health Agencies

The agencies

A public health agency is generally deemed to be an agency that operates health programs for the public at large. In California, the scope and responsibilities of the Public Health Department are defined under Health & Safety Code §100325. The Public Health Department has local branches that offer health examinations, vaccinations, tuberculosis (TB) testing/screening, HIV/AIDS monitoring, infectious and/or communicable disease tracking and reporting, sexually transmitted disease (STD) exams/monitoring/tracking, and other epidemiological data gathering and reporting as may be necessary. Private and not-for-profit health care providers have a close relationship with local public health officials to ensure that the public is safe and has adequate access to health care. When releasing information to a public health agency, it is important to know both state and federal law.

California state law

The California Civil Code §56.10, also known as the California Medical Information Act, discusses many different situations under which PHI may or may not be released without a signed authorization. Agencies or departments such as the Department of Public Health, California Transplant Donor Network (CTDN), the coroner's office, California State Cancer Registry, Office of Statewide Health Planning and Development (OSHPD), Birth Defects Monitoring Network, etc. are all public agencies that collect and use PHI as a core part of their responsibilities and, therefore, may have PHI released to them or from them without a signed authorization.

A covered entity, such as a health care provider, may release (in most cases) any and all PHI requested by a state agency that uses PHI as part of its core responsibilities without the need for a signed authorization. This release would fall under continuing treatment, if the PHI were needed for follow up by a public health authority, or could be deemed operational in nature if the PHI were released to a monitoring agency such as the Office of Statewide Health Planning and Development (OSHPD). In all cases, one should always follow the minimum necessary rule whenever appropriate, and remember under HIPAA, the releasing covered entity is still required to document the release of PHI and provide for it in the Accounting of Disclosures.

Of course, with every rule there is an exception. California state law prohibits release of PHI when the information specifically relates to a patient's participation in outpatient treatment with a psychotherapist, unless the written request includes all of the following:

- The information requested relating to a patient's participation in outpatient treatment with a psychotherapist must be specified and its intended use or uses must also be specified. Length of time during which the PHI will be kept prior to disposal or destruction.
- A statement that the information will not be used for any other purpose than its intended use.
- A statement that the requestor will destroy the PHI and all copies within its possession or return the PHI before or at the end of the specified time period.