DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Centers for Disease Control
and Prevention

May 3, 2011

Dear Healthcare Provider:

This letter provides guidance regarding your participation in the Medical Monitoring Project (MMP) and the impact of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule on the disclosure of personally identifiable health information to a public health authority.

The Centers for Disease Control and Prevention (CDC) is an agency of the Department of Health and Human Services (HHS) and is conducting the Medical Monitoring Project (MMP) in its capacity as a public health authority as defined by the Health Insurance Portability and Accountability Act (HIPAA), Standards for Privacy of Individually Identifiable Health Information; Final Rule ("Privacy Rule") [45 CFR §164.501]. The Privacy Rule defines a public health authority as "an agency or authority of the United States, a State, …or a person or entity acting under a grant of authority from or contract with such public agency, including the employees or agents of such public agency or its contractors or persons or entities to whom it has granted authority, that is responsible for public health matters as part of its official mandate"[45 CFR §164.501]. Pursuant to 45 CFR §164.512(b) of the Privacy Rule, covered entities under HIPAA such as your organization may disclose, without individual authorization, protected health information to public health authorities "…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…"

Your state or local health department is a grantee of the CDC and is receiving funding through a cooperative agreement with the CDC to conduct MMP activities in your area. MMP has been deemed by CDC to be a public health activity as described by 45 CFR §164.512(b), and is an authorized activity under 42 USC §241(a). The information being requested by CDC through the MMP represents the minimum necessary to carry out the public health purpose of this project pursuant to 45 CFR §164.514(d) of the Privacy Rule. To the extent your state or local health department is acting in its capacity as a public health authority while conducting MMP in accordance with the terms of the cooperative agreement, disclosures to your state or local health department would be permitted.

The Office for Civil Rights (OCR) is the agency in charge of implementation and enforcement of the Privacy Rule. More information on HIPAA is available on the OCR website at http://www.hhs.gov/ocr/hipaa/. CDC/HHS guidance on the Privacy Rule and Public Health is available on the CDC web site at http://www.cdc.gov/mmwr/preview/mmwrhtml/su5201a1.htm.

If you have questions or concerns, please contact me at gyh6@cdc.gov or 404-639-4613.

Sincerely,

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