



## Indiana Legislative Authority and the federal Health Insurance Portability and Accountability Act (HIPAA)

### Access to Confidential Information

Indiana communicable disease laws and the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) allows for release of information to Indiana Department of Health (IDOH) staff during an epidemiological investigation. As part of its mission to protect, promote and provide for public health, IDOH assists local health departments with disease outbreak investigations, contact tracing, case investigation and follow-up.

This process requires that IDOH staff obtain access to confidential medical or epidemiological information, including, but not limited to, case investigation forms, questionnaires, and reports from hospitals, physicians, and laboratories. The IDOH currently is in the process of such a disease investigation and requests access to and copies of any and all medical and epidemiological records that the IDOH staff deems necessary.

The IDOH, as part of a disease investigation, has the authority to inspect and photocopy medical and epidemiological information wherever found. Authority for this is found at 410 IAC 1-2.5-77(g) which reads as follows:

**Medical or epidemiological information wherever maintained, concerning reportable cases, shall be made available to the commissioner or the commissioner's designee.**

HIPAA does not prevent the disclosure of medical or epidemiological information to public health authorities such as the IDOH. In fact, section 1178(b) of HIPAA reads:

**Nothing in this part shall be construed to invalidate or limit the authority, power, or procedures established under any law providing for the reporting of disease or injury, child abuse, birth, or death, public health surveillance, or public health investigation or intervention.**

The HIPAA privacy rule at 45 CFR 164.512(b) echoes the statutory language cited above allowing disclosure of protected health information to a public health authority for purposes of preventing or controlling disease, including public health investigations.

Any information obtained in the course of public health investigations, whether from patient records or other sources, will be maintained by the IDOH as confidential under Indiana Code 16-41-8-1 and 410 IAC 1-2.5-78.