

Information Sharing

On Wednesday, October 8, 2014, the California Office of Health Information Integrity (CalOHI) participated on the regular Katie A Technical Assistance call to discuss federal and state privacy laws regarding sharing, using, and disclosing health information.

CalOHI is a State office within the California Health and Human Services Agency which provides policy guidance and support “to ensure that health information can be shared with the patient, the patient’s providers and other key stakeholders in accordance with state and federal law.” In addition to other functions, CalOHI provides oversight and review of State departments’ compliance with implementation of HIPPA regulations. Also, as described on its website, “CalOHI focuses on advancing electronic health information exchange so that patient information is available when and where it is needed for care, while ensuring that the data is protected and exchanged under strict medical privacy and confidentiality standards and procedures.” As was mentioned at the start of the call, privacy laws were never intended to impede an individual’s access to care. For more information, please visit www.calohi.ca.gov, which has a variety of resources and tools regarding health information. Questions can be directed to ohi@ohi.ca.gov.

The citations below describe when federal and state laws permit the exchange, use, and disclosure of health information. Both California and federal laws are published on-line and can be found by googling the citations. This is not a complete list; there may be others that apply to individual counties.

Federal Law

45 CFR § 160.103	definition of covered entity, business associate, protected health information
45 CFR § 164.501	definition of health care operations, payment, treatment
45 CFR § 164.506	exceptions to permit uses & disclosures for treatment, payment, or health care operations
45 CFR § 164.512	exceptions to permit uses & disclosures (see 164.512(a), (d), and (k)(6)(ii))

California Law

Most physical medicine and some outpatient mental/behavioral health	
Civil Code § 56.05	definition of medical information, provider of health care, contractor
Civil Code § 56.10	permitted disclosures (see 56.10(b) and (c)(1), (c)(2), (c)(3), (c)(4), (c)(10), (c)(16), and (c)(14))
Civil Code § 56.103	permitted disclosures about foster child to social worker, probation officer
Most inpatient mental/behavioral health and some outpatient mental/behavioral health	
Welfare & Institutions Code § 5328	see 5328(c), (a), (d) and (l) permitted disclosures
Welfare & Institutions Code § 5328.04	permitted disclosures