

HIPAA Information

The Maryland Cancer Registry's Surveillance Responsibilities and The Health Insurance Portability and Accountability Act of 1996 (HIPAA)

This information sheet has been prepared to clarify and confirm the authority of staff of the Maryland Cancer Registry (MCR) or an agent of the Secretary of DHMH officially acting on the MCR's behalf, to receive, access, inspect, and/or abstract patient medical records and/or patient medical listings relating to the diagnosis and treatment of cancer and benign central nervous system (CNS) tumors. Such access, inspection, and/or abstraction relates to the review and abstracting of selected patient records and/or listings as a part of the MCR's quality control review of the completeness and accuracy of reporting of cancer and benign CNS tumors in Maryland. Periodic quality control review is a part of the MCR's ongoing public health surveillance activities.

Disclosure of cancer and benign CNS tumors to the MCR is required under the Maryland Department of Health and Mental Hygiene (DHMH) authority pursuant to Maryland Code Annotated, Health-General ("Health-General"), §18-204.

The Maryland Cancer Registry is a "public health authority," as defined by the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Federal regulations [see 45 CFR §164.512(a), (b), and (d) and §160.203(c)] authorize disclosure without patient consent in a number of circumstances, including the following:

Disclosure is permitted to a public health authority authorized by law to access information to prevent/control disease, injury, disability, e.g., disease reporting, vital statistics reporting, public health surveillance, public health investigations, public health interventions and partner notification.
See 45 CFR §164.512(b).

Because the MCR is a public health authority, cancer reporting and surveillance are required by state law, and the MCR is not performing such functions on behalf of the covered entity, reporting entities do not need to complete a business associate's agreement before providing reports that include the requested personally identifiable information to the MCR or to an agent of the Secretary of DHMH acting on the MCR's behalf. The required information is needed to conduct public health surveillance. MCR information is not a medical record under Health-General §4-301, and is protected under the confidentiality requirements of Health-General §4-101 et seq.

If you have any questions with respect to the Maryland Cancer Registry's authority to receive, access, inspect and/or abstract personally identifiable information, please contact Kimberly S. Stern, MCR Director, at 410-767-4055.

This information sheet has been reviewed and approved by the legal counsel to the Maryland Cancer Registry in the Attorney General's Office, but is not a formal opinion of that office.