Public Health Department and State Patient Confidentiality Laws

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SUMMARY
This interactive map details state statutes and regulations governing personally identifiable information reported to health departments, and how health departments may release and/or use that information without patient consent. The questions ask about the use and release of personally identifiable information specific to the seven diseases targeted by the CDC.

ABOUT PATIENT CONFIDENTIALITY LAWS & THE DATA
In many cases, an individual who has one communicable disease, like HIV or viral hepatitis, may also have another. Communicable diseases often share similar risk factors like injection drug use, unprotected sex, incarceration, or lack of education among others, and the diseases generally have interrelated effects on individuals and their health. As a result, collaboration and information sharing across health services and health departments could improve the public’s health.

Important state laws designed to protect patient privacy can also sometimes make it challenging for health departments to provide comprehensive services and collaborative care. For example, one state’s laws may require that health care providers report cases of HIV to the HIV/AIDS division of the state health department and indicate that the personally identifiable information in that report is confidential and cannot be shared outside of the HIV/AIDS division. If a patient later contracts tuberculosis, the information about his or her case of HIV may be inaccessible — either for the purpose of treating that particular patient or for the purpose of monitoring common risks. The law that protects patients’ personal information may inadvertently interfere with efforts to provide and/or improve comprehensive care.

The laws presented on this page focus on the release and use, without patient consent, of personally identifiable for patients with any of seven diseases targeted by Centers for Disease Control and Prevention (CDC): Hepatitis B, Hepatitis C, syphilis, gonorrhea, chlamydia, and tuberculosis.

The data available here was updated with laws effective as of August 2013.

Some findings from the dataset include:

- All states and the District of Columbia have laws that generally protect the confidentiality of personally identifiable information.
- Twenty-three states have laws that allow health departments to release information for purposes related to disease prevention and control.
Forty-two states have laws specifying how the health department may use private information when a person has HIV/AIDS.

Thirty-five states allow public health departments to use HIV/AIDS-specific information to notify partners or trace contacts.

**NAVIGATING THE DATA**

There are two ways to navigate the data by clicking the **Filter** tab or the **Explore** tab — for each option, the data can be visualized in a map and table format or in jurisdiction profiles.

**Filter**

The dataset homepage will default to the Filter tab. Here, users may answer a series of questions to learn more about the characteristics of the laws. Answering more than one question will show all the jurisdictions that meet the combined criteria. Criteria selected will be listed above the questions, and can be removed by clicking the white X or by clicking “Reset” above the questions.

**Explore**

Users can access Explore by clicking the Explore tab in the bar above the questions. Using Explore, users will see the answers to one question across all jurisdictions.

The primary questions in this dataset are:

1. Does state law require communicable diseases to be reported to a health department?
2. Does state law include a provision regulating the release of general personally identifiable information (PII) held by the health department?
3. Does state law include a general provision regulating the use of personally identifiable information (PII) held by the health department?
4. Does state law include a provision regulating the release of HIV/AIDS-related PII held by the health department?
5. Does state law include a provision regulating the use of HIV/AIDS-related PII held by the health department?
6. Does state law include a provision regulating the release of hepatitis B-related PII held by the health department?
7. Does state law include a provision regulating the use of hepatitis B-related PII held by the health department?
8. Does state law include a provision regulating the release of hepatitis C-related PII held by the health department?
9. Does state law include a provision regulating the use of hepatitis C PII specifically held by the health department?
10. Does state law include a provision regulating the release of syphilis-related PII held by the health department?
11. Does state law include a provision regulating the use of syphilis-related PII held by the health department?
12. Does state law include a provision regulating the release of gonorrhea-related PII held by the health department?
13. Does state law include a provision regulating the use of gonorrhea-related PII held by the health department?
14. Does state law include a provision regulating the release of chlamydia-related PII held by the health department?
15. Does state law include a provision regulating the use of chlamydia-related PII held by the health department?
16. Does state law include a provision regulating the release of tuberculosis-related PII held by the health department?
17. Does state law include a provision regulating the use of tuberculosis-related PII held by the health department?

DISPLAYING THE RESULTS

There are two display modes once criteria have been selected by using either the Filter or Explore tab — Map display mode and Profiles display mode.

**Map Display**

LawAtlas.org dataset homepages default to the map display mode. When querying the data using the Filter tab, all jurisdictions that meet the criteria selected will display in one tone of yellow. Those jurisdictions that do not meet the criteria selected will be colored gray. When querying the data using the Explore tab, the map will illuminate with colors from yellow to red that are associated with the various answer choices (the color-coding is defined by the key to the left of the map).

Below the map, a table will appear. Using the Filter or Explore tab to navigate the questions will change the display:

- Using the Filter tab, you can select an unlimited number of criteria and the applicable jurisdictions that meet the combined criteria will be displayed in the table below.
- Using the Explore tab, you can isolate a single criterion and the applicable jurisdictions will appear in the table below.

**Profiles Display**

The Profiles display presents the results of the criteria selected in a text-based format for each applicable jurisdiction. Using the Filter tab, jurisdictions that meet the criteria selected will display. Using the Explore tab, jurisdictions that meet the criterion selected will display. If no criteria are selected, the full profiles for each state will appear under both Filter and Explore.

**Profile Legend**

Within each Profile box, above the questions and answers, there are additional options and information useful in exploring the law:

| $§§$ | **Toggle Legal Text** – Selecting this option will show all the legal text used to answer questions for this jurisdiction.

| $≡$ | **Toggle Full Place Profile** – Selecting this option will show all questions and answers for this jurisdiction, regardless of what was selected using the Filter or Explore tabs. |
Toggle Size – Selecting this option will make the profile larger, but will not change the information displayed.

Legal Text History – This interactive timeline displays when changes in the law have occurred within a jurisdiction. Using the arrows to the left or right, users may explore how the law has changed over time as new amendments to the law have been enacted. The timeline will change from gray to a shade of yellow when the jurisdiction passed its first relevant law. Each change in the law after that is marked by a break in the timeline.

Map and Profile Legend
There are a few symbols to be aware of in both Map and Profiles display modes:

Section Symbol – Clicking this symbol will open a window that displays excerpts from the law that correspond to the question and answer.

Caution Note – Clicking on this symbol will open a small window that displays text that describes important caveats about the question and answer.

DATASET RESOURCES
Each dataset homepage includes the following resources available for download:

- Data: The Data file exports in CSV. format and may contain two tabs. The “Statistical Data” tab contains the legal variables coded in the dataset, displayed as values defined in the accompanying Codebook. The “Summary Data” tab contains the legal variables coded in the dataset in text form, as well as the accompanying citations and any caution notes that may be included. Note: if there is only one tab available for download it will be the “Statistical Data” as described above.

- Codebook: The Codebook defines all of the coded variables in the dataset. The Codebook lists the question, question type, variable name, variable value and variable label. The Codebook should be used in conjunction with the Statistical Data extract.

- Research Protocol: The Research Protocol is a comprehensive document that outlines the entire methodology of the project, including the scope, inclusion and exclusion criteria, data collection methods, definitions, coding scheme decisions, as well as the quality control process.

- Summary Report: The Summary Report provides a snapshot of important findings from the dataset.
ADDITIONAL INFORMATION

- Data Security and Confidentiality Guidelines for HIV, Viral Hepatitis, Sexually Transmitted Disease, and Tuberculosis Programs: Standards to Facilitate Sharing and Use of Surveillance Data for Public Health Action, CDC Security and Confidentiality Guidelines Subgroup of CDC’s NCHHSTP Surveillance Work Group, 2011

- Program Collaboration and Service Integration: Enhancing the Prevention and Control of HIV/AIDS, Viral Hepatitis, Sexually Transmitted Diseases, and Tuberculosis in the United States, An NCHHSTP White Paper, 2009

- HIPAA Privacy Rule and Public Health, Guidance from CDC and the U.S. Department of Health and Human Services, released on April 11, 2003


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