State of California—Health and Human Services Agency
California Department of Public Health

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Director and State Public Health Officer

EDMUND G. BROWN JR.
Governor

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Dear Colleagues,

This letter is in response to a request from the California Conference of Local Health Officers Communicable Disease Committee. Specifically, the California Department of Public Health was asked to comment on the legal authority for local health officers to collect data on negative laboratory results. Some laboratories and health care providers have raised questions about the authority of local health officers to collect laboratory results beyond those reported pursuant to the California Code of Regulations, title 17, section 2505, which requires laboratories to report findings suggestive of a reportable disease or condition.

Local health officers have broad authority under California Health and Safety Code section 120175 to proactively investigate cases of disease, ascertain the infection source, and take measures as may be necessary to prevent the spread of the disease or occurrence of additional cases. When determined to be necessary pursuant to this authority, local health officers may request patient medical information, including negative lab test results, from laboratories and health care providers. The reporting of negative test results by a laboratory or health care provider to the local health officer pursuant to California Health and Safety Code section 120175 is consistent with the requirements of the California Confidentiality of Medical Information Act ("CMIA"), and the federal Health Insurance Portability and Accountability Act of 1996 ("HIPAA") in disclosing medical information. Both HIPAA and CMIA allow health care providers to disclose confidential medical information to state and local health officials for purposes of preventing or controlling disease where the disclosure is permitted by state or federal law (Civil Code §56.10(b)(9), §56.10(c)(18); 45 C.F.R. §164.512(b)(1)(i)). The CMIA provides, in section 56.10, subdivision (c)(18), that a provider of health care may disclose medical information as permitted by state and federal law or regulation, to a local health department for the purpose of preventing or controlling disease, injury, or disability, including, but not limited to, the reporting of disease, and the conduct of public health surveillance, public health investigations, and public health interventions, as authorized or required by state or federal law or regulation. Similarly, federal regulations (45 C.F.R. §164.512) specifically states:

> (b)(1) A covered entity may disclose protected health information for the public health activities and purposes described in this paragraph to: (i) A public health authority that is 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; or, at the direction of a public health authority, to an official of a foreign government agency that is acting in collaboration with a public health authority.

Please feel free to provide this letter to laboratories or health care providers as needed.

Regards,

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