DATE: November 18, 2016

TO: Local Health Departments
    Health Care Providers
    Other Interested Parties

FROM: Nick Lyon, Director


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**Reportable Diseases**

The Michigan Department of Health and Human Services (MDHHS) and Local Health Departments (LHDs) are responsible for safeguarding the public health, including the prevention and control of diseases. MCL 333.2221; 333.2433; 333.5101 *et seq.*; R325.171 *et seq.* In order to prevent and control the spread of communicable diseases, the Public Health Code and the administrative rules require physicians and clinical labs to report within 24 hours of discovery, cases of all reportable diseases and occurrences of any condition that may threaten the public health, to the appropriate Local Health Department. MCL 333.5111; R 325.173. In addition to the mandatory reporting requirements for physicians and laboratories, all of the following individuals are specifically authorized to report conditions that may pose a threat to the public health to the appropriate Local Health Department: administrators, epidemiologists, infection control professionals from health care facilities or other institutions, dentists, nurses, pharmacists, physician’s assistants, veterinarians, and any other health care professional. R 325.173 (8).
Effective July 13, 2010, the Public Health Code was amended to require Michigan Department of Health and Human Services to review and revise the list of reportable diseases at least annually\(^1\). MCL 333.5111(1). Under the amended statute, the current list of reportable diseases may be revised at any time, and a new list will be published every January.

**Investigation of a reported condition**

The Public Health Code authorizes Michigan Department of Health and Human Services and Local Health Departments to inspect and investigate any matter, thing, premises, place, person, record, vehicle, incident, or event to assure compliance with laws they enforce. MCL 333.2241-2247; 333.2446. The Public Health Code authorizes Michigan Department of Health and Human Services to promulgate rules to investigate cases, epidemics, and unusual occurrences of diseases and infections, and the administrative rules authorize Michigan Department of Health and Human Services and Local Health Departments to investigate a suspected outbreak or exposure. MCL 333.5111(2) (b); R 325.174. Specifically, Michigan Department of Health and Human Services and Local Health Departments are authorized to obtain individual medical and epidemiological information pertaining to the following:

(a) Individuals who have designated conditions or other conditions of public health significance.

(b) Individuals, whether ill or well, who are part of a group in which an unusual occurrence, outbreak, or epidemic has occurred.

(c) Individuals who are not known to have a designated condition but whose medical or epidemiological information is needed for investigation into the cause of the occurrence of the condition.

(d) Individuals who were potentially exposed to a designated condition.

\(^1\) MCL 333.5111 was amended in 2010 to allow Michigan Department of Health and Human Services to modify the list of reportable diseases at any time without the requirement to seek an administrative rule change, and to require Michigan Department of Health and Human Services to review and revise the list of reportable diseases on at least an annual basis. Administrative rule 325.172, has been amended to reflect that the changes made to MCL 333.5111. Rule 325.172 no longer provides the most current list of reportable diseases. The current list of reportable diseases is available on Michigan Department of Health and Human Services website [www.michigan.gov/cdinfo](http://www.michigan.gov/cdinfo).
(e) Individuals who may be a carrier or health threat to others under MCL 333.5201.
(f) Any other information that may be relevant to an investigation under this rule.

R.325.174(2)

**Confidentiality of information**

**Public Health Code**
The Public Health Code requires Michigan Department of Health and Human Services to promulgate rules to provide for the confidentiality of reports, records, and data pertaining to testing, care, treatment, reporting, and research associated with communicable diseases or infections. MCL 333.5111(3). Administrative rule 325.181 provides for the confidentiality of medical and epidemiological information, gathered in the course of an investigation, if it identifies an individual. Information that identifies an individual is not open to public inspection without the individual's consent, unless necessary to protect the public health, as determined by the local health officer or the Director of Michigan Department of Health and Human Services. R 325.181.

**HIPAA**
The standards for Privacy of Individually Identifiable Health Information (Privacy Rule), establish a set of national standards for the protection of certain health information. The Privacy Rule was issued in December 2000 by the U.S. Department of Health and Human Services to implement the requirement of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to address the use and disclosure of protected health information, which is individually identifiable health information that is held or transmitted in any form by a covered entity. The purpose of the Privacy Rule is to adequately protect health information without impeding the flow of information needed to provide quality care and protect the public health.

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2 Michigan Department of Health and Human Services and Local Health Departments are also authorized to obtain specimens in the course of an investigation of a reported disease. R325.174(4).

3 *Individually identifiable health information* is "information that is a subset of health information, including demographic information..." that identifies the individual, or where a reasonable basis exists to believe the information can be used to identify the individual. *Covered entity* is defined as a health plan, a health care clearinghouse, or a health care provider who transmits health information in electronic form. 45 CFR §160.103.
Questions have been raised about the impact of HIPAA on individually identifiable health information that is to be provided to Local Health Departments by covered entities for disease prevention and control purposes. The Privacy Rule allows a covered entity to disclose an individual’s protected health information to a public health authority without the authorization of the individual for public health activities. 45 CFR §164.512(b). A public health authority includes an agency of a state, or a subdivision of a state, that is responsible for public health matters as part of its official mandate, or a person or entity acting under a grant of authority, or as an agent, contractor, or an employee of a public health agency. 45 CFR§164.501. Both Michigan Department of Health and Human Services and the Local Health Departments are public health authorities, responsible under the Public Health Code for public health matters, including disease surveillance, prevention, and control. This means that the Privacy Rule does not prevent covered entities (including hospitals, physicians, clinical laboratories, and other health care providers) from providing individually identifiable health information to Michigan Department of Health and Human Services and to Local Health Departments for disease prevention and control activities. It is vitally important that all health care providers work cooperatively to promptly report designated or unusual occurrences of diseases, infections, or conditions, and to facilitate access to health information during investigations. It is only with the vigilance and assistance of health care providers that we can succeed in our endeavors to safeguard the health of our citizens and prevent the spread of disease.

The current list of reportable diseases is available on the Michigan Department of Health and Human Services website www.michigan.gov/cdinfo. For further information about disease surveillance, prevention, and control, please contact the Michigan Department of Health and Human Services Communicable Disease Division at 517-335-8165.