



STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
LANSING

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GOVERNOR

JANET OLSZEWSKI
DIRECTOR

Date: August 15, 2003
To: Health Providers and Other Interested Parties
From: Janet Olszewski, Director *JO*
Subject: Disclosure of Protected Health Information
To Early Hearing Detection and Intervention Program

The Michigan Department of Community Health (MDCH) conducts public health surveillance for early hearing detection and intervention, in its capacity as a public health authority. MDCH operates an Early Hearing Detection and Intervention (EHDI) Program supported by grants from the Maternal and Child Health Bureau of the Health Resources Services Administration (U.S. Department of Health and Human Services) and the Centers for Disease Control and Prevention (CDC). In implementing its EHDI Program, MDCH follows the national EHDI goals, objectives, and performance standards developed by CDC in collaboration with state participants and representatives from other federal and national agencies.

The key parts of the EHDI Program are hearing screening, audiologic and medical evaluation, early interventions, and follow-up and surveillance. Hearing plays an important role in the development of language and in a child's social and emotional development. When hearing loss is detected, early intervention will help the child to have communication and language skills that will last a lifetime.

The EHDI Program works with hospitals and clinics to identify newborns and infants who have a hearing loss. Hospitals perform the hearing screens on newborns. Pediatricians, audiologists, and other providers provide further screening and evaluation. EHDI receives and shares test results to facilitate and assist the family with further evaluation and follow-up as appropriate, and referral to early intervention programs, such as "Early On", to help with family-centered coordinated services. Further, through data collection and surveillance by the EHDI Program, MDCH is able to evaluate the effectiveness and cost of the EHDI Program, support research efforts to identify new preventable causes of hearing loss, and develop materials to support families with children with hearing loss.

In December 2000, the U.S. Department of Health and Human Services adopted regulations to protect the privacy of individually-identifiable health information (Privacy Rule). These regulations were adopted under the Health Insurance Portability and Accountability Act (HIPAA) to set national standards for the use and disclosure of health information. In implementing the EHDI Program, MDCH serves as a "public health authority" as defined by the Privacy Rule.

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Under the Privacy Rule, a public health authority includes an agency of a state, or 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 employee of a public health agency [45 CFR §164.501]. In this regard, under the Public Health Code, MDCH is authorized to collect and receive protected health information for the purpose of protecting the public health and controlling disease, injury or disability [MCL 333.2221]. This means that the Privacy Rule allows "covered entities" (such as hospitals, pediatricians, audiologists) to disclose hearing information to the EHDI Program without individual authorization [45 CFR §164.512(b)]. And, the EHDI Program may share information with providers and intervention programs pursuant to its public health authority and to follow-up on evaluation and treatment issues [45 CFR §164.506(a)]. The information requested from providers represents the minimum necessary to carry out the public health purposes of the project pursuant to 45 CFR §164.514(d) of the Privacy Rule.

I appreciate the cooperation of health providers in this public health endeavor to further promote and protect the health and well-being of infants and their families in Michigan. For more information, please contact the Early Hearing Detection and Intervention Program at (517) 335-8878 or (517) 335-8875.

JO/dc