

MDHHS AUTHORITIES AND OBLIGATIONS

This handout does not address the obligations of Medical Control Authorities, Regional Trauma Networks, or their subcommittees for keeping data confidential, for notifying people about possible breaches of that confidentiality, or for responding to FOIA and other requests. Medical Control Authorities and Regional Trauma Networks are strongly encouraged to consult with their legal counsel to determine their obligations.

MDHHS Broad and Flexible Authority to Collect Data Under the Public Health Code

- ✓ The department must continually and diligently endeavor to promote the public health through development and regulation of health care facilities and agencies and health services delivery systems. MCL 333.2221.
- ✓ To assist the department in its duties and functions, officials of this state and persons transacting business in this state must furnish the department with information relating to public health which may be requested by the department. MCL 333.2231.
- ✓ The MDHHS may engage in research programs and staff professional training programs and enter into an agreement, contract, or arrangement with governmental entities or other persons necessary or appropriate to assist the department in carrying out its duties and functions. MCL 333.2226(a), MCL 333.2226(c).
- ✓ The MDHHS must establish a comprehensive health information system providing for the collection, compilation, coordination, analysis, indexing, dissemination, and utilization of both purposefully collected and extant health-related data and statistics. MCL 333.2616.
- ✓ The health information system must include statistics relative to health resources, the utilization of health care, and services of health facilities and agencies defined in section 20106 and other health care institutes. MCL 333.2617(e) & (f).
- ✓ The department must also conduct research and demonstration activities related to the department's responsibility for the environmental, preventive, and personal health needs of the communities and people of the state, including: the accessibility, acceptability, availability, organization, distribution, utilization, quality, and financing of health care. MCL 333.2621

PART 209 of the Public Health Code & Administrative Rules – Particular Requirements that Pertain Specifically to the Administration and Provision of the Statewide Trauma Care System

- ✓ The MDHHS is required by Part 209 to develop, coordinate and administer a statewide emergency medical services system, to implement and operate a statewide trauma care system, to develop and maintain standards of emergency medical services and personnel, to promulgate rules, and to collect data as necessary to assess the need for and quality of emergency medical services throughout the state pursuant to the Peer Review Statute. MCL 333.20910(1).
- ✓ The MDHHS must develop and maintain a statewide trauma data collection system. R. 325.133. The purpose of the Trauma Registry is “to collect and analyze trauma system data to evaluate the delivery of adult and pediatric trauma care, develop injury prevention strategies for all ages, and provide resources for research and education.” R. 325.134(1).
- ✓ All healthcare facilities and life support agencies must submit trauma data determined by MDHHS to be required for the Department's operation of the state trauma registry. R. 325.134(3). In addition, healthcare facilities seeking designation or re-designation as a Level I Regional Trauma Research Center, a Level II Regional Trauma Center, a Level III Community Trauma Facility, or a Level IV Trauma Support Facility must comply with the data submission requirements under R. 325.133 and 325.134. R. 325.130.
- ✓ The MDHHS and regional trauma advisory committees must use the trauma registry data to identify and evaluate regional trauma care and to prepare standard quarterly and annual reports and other reports and analyses as requested by regional trauma advisory committees, the state trauma advisory subcommittee, or the emergency medical services coordinating committee. R. 325.134(4).

MICHIGAN DEPARTMENT OF HEALTH AND HUMAN SERVICES (MDHHS)
Bureau of EMS, Trauma and Preparedness,
EMS and Trauma Division

Confidentiality of Data

This list is intended for informational purposes only and is not intended to be an exhaustive or exclusive list. Please note that the applicability of the confidentiality provisions described below may depend on the particular circumstances in each case.

The Public Health Code

- Unless otherwise provided, Section 2637 of the Public Health Code protects trauma registry data selected for both research and non-research purposes.
 - Data collected in a system of records must have procedures established that specifies the data that shall not be disclosed unless items identifying a person by name, address, number, symbol, or any other identifying particular are removed. MCL 333.2637(3).
 - MDHHS is precluded from disclosing data contained in a departmental data system or system of records unless authorized in the department's procedures. MCL 333.2637(5).
 - Section 2638 provides that a person who discloses data in violation of Section 2637 of the Public Health Code or related administrative rules is guilty of a misdemeanor, punishable by imprisonment for not more than 1 year, or a fine of not more than \$1,000.00, or both, and if the person is an employee of the department shall be subject to immediate dismissal.

Other confidentiality provisions may include:

- Health Insurance Portability & Accountability Act (HIPAA), when data is received by a covered entity. 45 CFR Parts 160 and 164.
- Federal Grant Agreement provisions and other data sharing agreement provisions.

User and Data Sharing Agreements

- ✓ MDHHS will require that User Agreements are signed by each user who is granted access to the Michigan Trauma Registry
- ✓ *Data Use and Non-Disclosure Agreement* – MDHHS will enter into Data Use Agreements with entities reporting data into the Michigan Trauma Registry

Breach Notification Obligations

- ✓ Michigan's Identity Theft Protection Act, MCL 445.61, *et. seq.*

The following are inapplicable to the MDHHS EMS and Trauma Systems Section:

- ✓ Health Information Technology for Economic and Clinical Health Act, HITECH Act, (HIPAA)

FOIA Exemptions

Data is most likely a "public record." Possible applicable exemptions:

- ✓ Information described and exempted from disclosure by statute. MCL 15.243(1)(d).
- ✓ Information of a personal nature that would constitute a clearly unwarranted invasion of an individual's privacy, MCL 15.243(1)(a)
- ✓ Information or records subject to the physician-patient privilege, MCL 15.243(1)(h) and
- ✓ Identifiable medical, counseling, or psychological facts or evaluations. MCL 15.243(1)(l)