



Use Case Policy: Public Health Access to Patient-Level Data for Vaccinations

Overview

Local Health Departments (LHDs) are often in a unique position to perform outreach and support efforts for high-needs individuals living in their jurisdictions who need vaccinations. Through CRISP and other partners, LHDs have data and reports to understand population health and view areas of need by geography. They do not have access to protected health information (PHI) through CRISP unless a patient has established a treatment relationship with the LHD, is otherwise included in reportable data sets as required by law, or in accordance with a previously approved use case permitted by law.

While the Maryland Department of Health (MDH) and LHDs do not require PHI for all people who live in a specific area, there may be instances where they want to engage individuals with specific demographic and healthcare characteristics as part of a public health vaccination program as allowed by HIPAA public health exemption. For example, as MDH COVID-19 vaccine efforts expanded, certain populations were less able to utilize mass vaccination sites. As such, LHDs wanted to design interventions that would specifically target individuals over 65 years-old who have not been vaccinated so they could reduce disparities for a high-risk cohort.

Per guidance from MDH counsel: “Maryland law authorizes the Secretary of Health and local health officers to “[a]ct properly to prevent the spread of” diseases dangerous to the public health, Md. Code Ann., §§ 18-102(b)(2), 18-208(a)(1)(ii)2, and to collect information about vaccination status of Maryland residents, id. § 18-109(e); COMAR 10.06.03.04. Thus, 45 C.F.R. § 164.512(b)(1)(i) permits the disclosure to the Secretary and local health officers of protected health information (“PHI”) without patient consent for the purpose of, inter alia, public health interventions.”

Permitted Purpose Category

For a Public Purpose, as permitted or required by Applicable Law and consistent with the mission of the HIE to advance the health and wellness of patients in the CRISP service area (Permitted Purpose #2).

Use Case Description

MDH and an LHD may have access to PHI through CRISP for the purpose of conducting a public health vaccination program for a targeted cohort of high-needs people. Any PHI derived from claims-based sources will require acknowledgement from the data stewards that the request is permissible under the Data Use Agreement for that claims set. The population must be limited to those applicable to the proposed vaccination program. The PHI requested for this public health purpose may only be used for the specific intervention and must be destroyed upon



completion of the intervention or within 90-days, whichever is sooner. MDH or an LHD must make a formal request for the information. The PHI may be available to LHD via query or via other CRISP tools and services, including reports. The request must outline the public health intervention, the population targeted, and the timeline for the intervention.

Opt-Out Applicability

Any patient that opts-out of CRISP will be not be included in data provided for this use case.

Eligible Participants

The data may be requested by an LHD for a public health intervention. The data may be accessible to MDH if MDH is supporting the intervention on behalf of the requesting LHD.

Patient Impact Statement

A resident of a county who has not interacted with the LHD may have their data viewed by the LHD if they are part of the target cohort for the vaccination program. Sharing PHI with an LHD solely based on where one lives is beyond a reasonable expectation. However, LHDs are expected to conduct public health interventions as part of their vaccination programs. When a patient is determined by health care officials to be part of a cohort that is particularly high-needs in a specific scenario, and it is determined by health care officials that an intervention may increase public health or reduce health disparities, there is a reasonable tradeoff. A person may have their health information shared only for a limited time for a vaccination program for the sole purpose of increasing their health and wellness.

Approval

Chairperson

9/20/21

Dated