



## Frequently Asked Questions about Reporting to The Texas Cancer Registry and HIPAA

### **1. What is a covered entity?**

A covered entity is a health care plan, a healthcare clearing house, or a health care provider who transmits any health information in electronic form for financial and administrative transactions. A healthcare provider is a provider of healthcare services and any other person or organization that furnishes, bills, or is paid for healthcare in the normal course of business. Healthcare providers include physicians, hospitals, clinics, and pathology laboratories.

### **2. If a covered entity reports information to the Texas Cancer Registry, is it considered a violation of HIPAA (Health Insurance Portability and Accountability Act of 1996)?**

No. HIPAA was never intended to interfere with the requirements of public health or governmental entities. HIPAA does permit covered entities to release private health information to a public health authority that is authorized by law to collect and receive information for preventing and controlling disease, injury, or disability. This information includes the reporting of disease, injury and vital statistics such as births, deaths, marriages, divorces, public health investigations and public health interventions.

### **3. Does a covered entity have to sign a Business Associate Agreement with the Texas Cancer Registry?**

No. It is not necessary for cancer reporting entities to have a Business Associate Agreement with the Texas Department of State Health Services (DSHS) to submit protected health information. PHI can be submitted to the Texas Cancer Registry to comply with reporting laws and for public health activities.

### **4. Does HIPAA overrule requirements of the Texas Cancer Registry?**

HIPAA was never intended to interfere with the requirements of public health or governmental entities. HIPAA does not obstruct any state laws that pertain to reporting of disease or injury for public health purposes.

### **5. Is reporting information to the Texas Cancer Registry considered compliant with HIPAA?**

The information you report to the Texas Cancer Registry ensures that you are compliant with HIPAA. The HIPAA privacy standards allow a covered entity to report information required by law and for public health activities.

### **6. Does a covered entity have to obtain patient authorization before reporting protected health information?**

The privacy rule permits covered entities to disclose PHI, without patient authorization, to public health authorities or other entities that are legally authorized to receive such reports for the purpose of preventing or controlling disease, injury, or disability. This includes the reporting of disease or injury conducting public health surveillance.

**7. Does the Texas Cancer Registry have authority under the HIPAA privacy rule to obtain a Disease Index?**

Yes. The Texas Cancer Registry may request a copy of the reporting entity's Disease Index to verify that all reportable cancer cases were identified and submitted.

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