



Important Information on Reporting to the Texas Cancer Registry and 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.

Protected health information (PHI) can be submitted to the Texas Cancer Registry to comply with reporting laws and for public health activities. Cancer reporting entities are required to permit access to confidential patient records for the purposes of assuring the completeness and accuracy of cancer reporting

It is not necessary for cancer reporting entities to have a Business Associate Agreement (BAA) with the Texas Department of State Health Services (DSHS) to submit PHI. PHI can be submitted to DSHS to comply with reporting laws and for public health activities. To be HIPAA compliant for cancer reporting, only reportable cancer cases and data items specified in the Cancer Reporting Law, Rules, and applicable Texas Cancer Registry reporting handbooks should be submitted.

The privacy rule permits covered entities to disclose PHI, without 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 for conducting public health surveillance. The rule permits PHI disclosures without a written patient authorization for specified public health purposes to public health authorities legally authorized to collect and receive the information.

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.

HIPAA was never intended to interfere with the requirements of public health or governmental entities. You may submit PHI to the Texas Cancer Registry under the following exceptions in the HIPAA Privacy Standards:

Title 45, CFR §164.512(a) – allows covered entities to use and disclose private health information if the use of disclosure is required by law. For example, DSHS statutes and rules require certain diseases, injuries, and conditions to be reported to DSHS. Under the required by law exception, you can continue to comply with these mandatory rules.

Title 45, CFR §164.512(b) – permits 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. Under this exception you are authorized to release information to DSHS or other public health authorities. Disclosure can be initiated by either the public health authority or by you, if it is for one of the above reasons.

Cancer reporting entities are required to permit access to confidential patient records for the purposes of assuring the completeness and accuracy of cancer reporting. This includes providing to the Texas Cancer Registry upon request a copy of the reporting entity's Disease Index to verify that all reportable cancer cases were identified and submitted.

If you have additional questions regarding cancer reporting, please contact the Texas Cancer Registry at (512) 776-8506 or toll free at (800) 252-8059.