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Release of Information in California: **Government Agencies**

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E-book Series, 9 of 12

The Release of Information (ROI) in California is a series of 12 E-books that will help you navigate and understand the complex state and federal laws, as well as best practices related to managing and releasing protected health information. The ROI E-book series contains content that falls under HIPAA, federal regulations, and is specific to California state laws.

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Each ROI E-book includes an overview of the topic and extensive references. **Self Assessment Quizzes** are designed in multiple-choice and true/false format, and assess your understanding of the subject matter. A link to the Quiz is provided with each purchased E-book, and corrected answers will be displayed so you can receive automatic feedback.



Upon completion of the Self Assessment Quiz, a **Certificate of Completion (CEU)** will be made available to download and print. You will not be able to access the Certificate after exiting the Quiz, so be sure to download it immediately and retain as evidence of the earned continuing education.

Product Code	Release of Information in California:	CEU's Offered
E-book 001	Introduction **	Two
E-book 002	General Releases	Two
E-book 003	Medical Records and the Court System	Three
E-book 004	Workers Compensation	Three
E-book 005	Elder, Dependent Adult and Child Abuse	Two
E-book 006	Coroner's Office	Two
E-book 007	Public Health Agencies	Two
E-book 008	Business Associates	Two
E-book 009	Government Agencies	Two
E-book 010	Inmates	Two
E-book 011	Law Enforcement	Two
E-book 012	Special Health Records	Two

** CHIA recommends you read the *Release of Information in California: Introduction* E-book first. This E-book is offered at no charge and includes the "Glossary of Terms" that is used in all subsequent ROI E-books.

Additional CHIA Resources

To view sample pages or purchase these E-books, or to view more details about CHIA's publications and Webinar Replays, visit www.CaliforniaHIA.org/Resources

Forward

The purpose of this E-book is to provide accurate and authoritative information on proper and adequate disclosure of health information. The California Health Information Association (CHIA) is not engaged in rendering legal services, and providing legal advice is beyond the scope and intent of the E-books.

Release of Information in California: Government Agencies

Health information must be disclosed to local, state, and federal government agencies if a specific law mandates the disclosure. This E-book will review those agencies to which the mandate applies and also the reporting requirements thereof.

Student Learning Outcomes and Objectives

Upon completion of the *Release of Information in California: Government Agencies* E-book, students will be able to understand the ‘release with and without’ authorization:

- Identify state and federal laws that apply to the disclosure of information to a governmental agency.
- Understand the inter-relationships of these laws.
- Make informed decisions and consult appropriate references regarding the disclosures of information to a governmental agency.

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Release of Information in California: Government Agencies

Mandatory versus permissive disclosures

Health information must be disclosed to local, state, and federal government agencies if a specific law mandates the disclosure. Some laws permit disclosure but do not require the disclosure. The word “shall” denotes a mandatory requirement. The word “may” denotes a disclosure that is permitted but is not mandatory. Analysis of these principles is important in determining whether information must be released upon request of a government agency.

The Health Insurance Portability and Accountability Act (HIPAA) mandate release of information in two circumstances. These are release of information to an individual who requests access to their protected health information and release to the Secretary of the Department of Health and Human Services (DHS) to conduct investigations.

Disclosures for licensing purposes

The disclosure of medical information to the California State Department of Health Services for licensing and collection of statistics (e.g., birth and death certificates) is governed by the California Health and Safety Code and the Business and Professions Code. Disclosures to licensing and accreditation agencies not mandated by these licensing provisions are permitted based on an exception in the California Confidentiality of Medical Information Act (CMIA). This exception permits the disclosure of health information to a private (e.g., The Joint Commission) or public (e.g., California Department of Health Services) body responsible for licensing or accrediting a provider or a health plan. Under HIPAA, these disclosures to licensing and accreditation agencies are permitted for health oversight activities.

Frequently, requests are received from representatives of the Department of Health Services licensing division. Verification of the identity and authority of persons requesting access to records for licensure purposes is recommended. Assistance from legal counsel or administrative staff should be sought if a requestor refuses to provide satisfactory evidence of their identity or their authority to obtain records.

California state departments and agencies

State departments and agencies, for example, the California Department of Consumer Affairs, the Medical Board of California, and the Board of Registered Nursing are allowed limited access to medical records if the request is within an agency’s scope of purpose and authority, and relevant to the agency’s oversight and administrative responsibilities.

General authority for access by these agencies¹ is found in Government Code §11180, which allows the head of each department (or someone delegated these powers) to make investigations and prosecute actions concerning the following:

¹ As used in this title, "state agency" includes every state office, officer, department, division, bureau, board and commission. As used in any section of this title that is added or amended effective on or after January 1, 1997, "state