

PRISM

A Privacy Tool for Public Health Professionals

What is PRISM?

PRISM is an electronic web-based tool to provide public health departments and state and local government health programs with a convenient and useful way to understand the basic legal privacy requirements for identifiable health information use and disclosure. Its purpose is to serve as a reference, provide guidance and offer other resources to government entities and public health professionals in applying privacy regulations to their programs and functions and in complying with all state and federal privacy requirements.

What Does PRISM Do?

A great deal of confusion still exists around the Health Insurance Portability and Accountability Act's (HIPAA) privacy impact on public sector entities and its intersection with state and other federal laws.

State and local public sector health care services are very heterogeneous and often perform multiple functions, which may cross program boundaries or be shared with other departments, agencies, and external partners.

While there is recognition in the HIPAA rules that public programs play different roles, the rules do not address the real life complexity of public sector solutions to providing access and services.

HIPAA privacy regulations generally recognize current business practices and preserve a government entity's ability to use and disclose individually identifiable health information. Use or disclosure for most activities is permitted and can still continue, including for public health, public benefit programs, and oversight activities. However, the complexity of the rule and the imperfect fit of the rule requirements with public sector health functions have greatly hindered understanding, application, and compliance.

How is PRISM Organized?

PRISM is organized according to the three common roles and functions of state and local public health and other government health entities

that often require use or disclosure of health information: as a *public health authority*, as a *health care provider*, and as a *health plan or payer of health services*.

The tool identifies and defines the baseline conditions and requirements that a public health or other government health entity must follow when using and disclosing specific types of health information.

PRISM consists of a series of easy-to-navigate tables that outline different types and/or purposes of information use and disclosure and the general legal requirements relevant to each type of use or disclosure. The tables describe the baseline privacy requirements for government health sector uses and disclosures of health information using HIPAA, the Health Insurance Portability and Accountability Act, as a foundation. The tables also take into consideration other federal laws impacting health privacy and common state privacy laws and related requirements, including:

- Other Federal laws impacting health privacy, namely 42 CFR pt. 2 (substance abuse program information privacy), and FERPA (privacy of educational records)
- Common state privacy laws and related requirements and considerations such as:
 - Areas where state laws are more restrictive than HIPAA, such as for HIV/AIDS, mental health, and reproductive health concerns
 - Minor's rights, which are directed by state law
 - Areas where state laws may impose additional conditions relating to uses and disclosures, such as requiring consents for uses and disclosures related to treatment, payment, and health care operations
- Other relevant information, including notes and explanations on conditions/applications specific to government programs that may add clarity

Key definitions and terms and additional resources related to the use and disclosure of health information are also provided in PRISM.

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How Do I Use PRISM?

- *Step 1 – Choose Government Entity's Role*

PRISM Privacy Tables

Select the type of data disclosure in which you are interested. Use the "back" button to return to the previous menu.

[Government Entity Acting As - PUBLIC HEALTH AGENCY/AUTHORITY](#)

[Government Entity Acting As - PUBLIC HEALTH HEALTHCARE PROVIDER](#)

[Government Entity Acting As - HEALTHCARE PAYER](#)

- *Step 2 – Select Purpose and Type of Use/Disclosure*

Purposes →	Treatment	Payment	Health Care Operations
Types of Data Being Disclosed ↓			
Generally Individually Identifiable Health Information			
Individually identifiable information (adults and emancipated minors)			
Unemancipated minors			
Employment Records			
De-identified health information			

- *Step 3 – Click on Folder to Open Information*

Federal Citation: 45 CFR §160.103

Applicability: Excluded from the definition of PHI, and not subject to any of the provisions of the HIPAA privacy rule. No restrictions on uses and disclosures for any purpose.

However, employment records used in the course of treatment are now considered part of the medical record and may be subject to HIPAA privacy protections.

Disclosure Guidelines: The disclosure of employment records is controlled, in most states, by state laws and administrative rules specific to this information.

HIPAA Provisions Applicable to Covered Entities: None

Minimum Necessary: Not applicable under HIPAA. May/may not be required by state law.

Accounting of Disclosures: Not applicable under HIPAA. May/may not be required by state law.

Special State Issues: State laws may provide some other protections for employment records.

Note: Information may not be considered part of the employment record if it is included in the individual's medical record.

Where Can I Find PRISM?

PRISM is publicly available to anyone interested in government health programs and health information privacy. PRISM can be accessed at the Consortium's website at http://phdsc.org/privacy_security/prism.asp

Visit the Public Health Data Standards Consortium's website at <http://www.phdsc.org> for information on other initiatives and projects and to learn about how to join.

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