



The Commonwealth of Massachusetts
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Bureau of Infectious Disease and Laboratory Sciences

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To: Hospitals, Clinics, Health Care Facilities, and Clinical Laboratories

From: Catherine M. Brown, DVM, MSc, MPH
State Epidemiologist, Bureau of Infectious Disease and Laboratory Sciences

Date: September, 2018

Re: Authorization for Access to Medical Records by Massachusetts Department of Public Health

Case investigations frequently require prompt access to hospital or clinic records for clinical, laboratory, or treatment data for the purposes of infectious disease investigation and prevention efforts. Access by the Department of Public Health to hospital, clinic, and laboratory records is specifically authorized under Massachusetts law (see MGL ch. 111 sec. 5; 105 CMR 300).

Access to medical records by the Department for this purpose is allowed under federal Health Insurance Portability and Accountability Act (HIPAA) regulations (45 CFR 164.512b). Those regulations permit a covered entity to disclose protected health information to a public health authority (without the written authorizations of the individual or the opportunity for the individual to agree or object) when it is to be used for the purpose of preventing or controlling disease, injury or disability. Access includes, but is not limited to, the conduct of public health surveillance, public health investigations, and public health interventions. The US Department of Health and Human Services also discusses this type of disclosure. You can find more information here: <https://www.hhs.gov/hipaa/for-professionals/special-topics/public-health/index.html>.

Local boards of health have coordinate authority with the Department to perform the public health functions outlined in this memo. Staff of the Bureau of Infectious Disease and Laboratory Sciences and local boards of health (or authorized agents) are authorized to inspect medical records in the course of official duties. Statutory protection for the personal data held by the Department is also provided under Massachusetts law (see, for example, MGL ch. 66A).

Any questions concerning specific situations may be directed to the Division of Epidemiology and Immunization at (617) 983-6800 or Integrated Surveillance and Informatics Services at (617) 983-6801. Legal inquiries should be directed to your legal counsel. Thank you for your cooperation and assistance in our efforts to reduce and prevent morbidity and mortality in Massachusetts.