

Date:  
Subject: Follow-up Information Requests on cancer Cases

Dear Dr. John Doe:

As a covered entity, we can appreciate the uncertainty you may be experiencing with regard to the HIPAA regulations and the associated privacy rules. Specifically, you may be experiencing confusion over whether or not you may respond to requests from a facility's cancer registrar for cancer patient follow-up information. We have looked to the attorneys of the American College of Surgeons (ACoS), Commission on Cancer (CoC) for interpretation of the law and its associated regulations.

As you know, part of our quality improvement process is follow-up on your cancer patients. We send this information annually to the CoC's National Cancer Data Base (NCDB). The NCDB staff analyze and report to our facility national practice patterns in cancer care and how that practice compares to our facility and those similar to ours. We use this report as the basis of our quality improvement plan, which is part of the health care operations that are necessary for us to remain accredited.

Under the HIPAA Final Privacy Rule, published August 14, 2002, private practice physicians may disclose patient protected health information (PHI) to the hospital for purposes of treatment, payment, and **health care operations**.

In case you have not had the chance to read the regulations, we are taking this opportunity to cite that section of the regulations that clarifies whether or not you can act in accordance with our request. The regulations under Section 164.506(c) (4) read as follows:

*"A Covered Entity may disclose protected health information to another covered entity for health care operations activities of the entity that receives the information, if each entity either has or had a relationship with the individual who is the subject of the protected health information being requested."*

A business associate agreement is not needed in this instance.

One reason we ask for follow-up information is to help us improve the quality of care provided to your patients. Significantly, quality improvement is considered a health care operation sanctioned by the regulations. Quality improvement activities and accreditation of our cancer program are factors we believe you want in place for your patient with cancer; therefore, we are asking you to continue to respond to our requests for follow-up information. We know you want the best for your patients and collection of lifetime follow-up assures evaluation of outcomes to improve cancer care.

We appreciate your anticipated participation in our quality improvement activities to foster the best care for your patient with cancer.

Sincerely,