



**COLORADO**  
Department of Public  
Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

October 1, 2016

To: Public Health Directors  
MCH/HCP Program Managers

Re: HIPAA Rules and the HCP CYSHCN Data System (CDS) - Update

Dear Partners,

In September of 2013, new HIPAA rules went into effect. At that time, I consulted with the CDPHE privacy officer and provided agencies with guidance as to how those changes relate to the HCP Program and the data we collected through the CYSHCN data system (CDS). The following guidance still holds true:

- A. HCP has statutory authority to operate and maintain a program for children with disabilities (CRS Title 25; Article 1.5, letter (r)). CDPHE collects the minimum data necessary to operate and maintain this program (HCP) through the CYSHCN data system (CDS).
- B. The data being provided to CDPHE by Local Public Health Agencies for the HCP Program falls within our statutory authority to collect. As a public health authority, CDPHE can collect data from covered entities to serve our public health mission without establishing a business associate relationship. A business associate relationship is required in the following instances:
  1. We are collecting data that we do not have statutory authority to collect.
  2. We are collecting data that falls outside the scope of our public health mission detailed in statute.
  3. We are performing a HIPAA covered function (payment, treatment or health care operations) on behalf of the covered entity.
- C. According to the CDPHE privacy officer, the new HIPAA rules do not impact covered entities when providing protected health information (PHI) to a public health authority for public health activities deemed by statute.

We hope this information is useful as you review your agency's agreements in relation to HIPAA rules. Should you have any questions or require addition information please contact me at your convenience.

*Jennie Munthali*

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