

DRAFT Pennsylvania Comparative Analysis Matrix (CAM)				
NOTE: Pink shading indicates that Law/Reg is more stringent than HIPAA		More Stringent than HIPAA for		
Subject Matter	State Law	Patient Care? Health?	Population Health?	Federal Law
Privacy Specific Provisions				
...Comprehensive general privacy act	<u>73 P.S. §§ 2301 - 2329 (Breach of Personal Information Notification Act)</u>	sometimes yes	sometimes yes	
...Comprehensive medical privacy act	No such thing.			
...Constitutional right to privacy	<u>Art. I, §. 8: The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed by the affiant. The Pa. Supreme Court has interpreted the Pa. Constitution to include a right of privacy that encompasses personal information, including medical and health information.</u>			
				"Penumbral." Arises from the confluence of other explicit rights.
...Restrictions on use of Social Security number	<u>71 P.S. § 2601, et seq. Social Security Number Privacy Act. 71 P.S. § 2605 No health insurer shall place an insured's SSN on a health insurance identification card.</u>	no	no	
...Records maintained on individuals				<u>5 USCS § 552a</u>
...Disclosure of nonpublic personal information				<u>15 USCS § 6801</u>
...Evidence and procedure for establishment of benefits				<u>42 USCS § 405</u>
HIPAA-Based and Other Federally-Based Provisions				
HIPAA				<u>45 CFR Parts 160, 162, 164</u>
...Provisions adopting other federally-based provisions				<u>42 CFR Part 2</u>
...Disclosure of nonpublic personal information				<u>15 USCS § 6801</u>
...Family educational and privacy rights				<u>20 USCS § 1232g</u>
Health Information Provisions				
...Health information exchange specific provisions limiting disclosure	<u>34 Pa. Code § 61.21</u>			
...Safeguarding information	<u>55 Pa. Code § 105.1</u>			
...Confidentiality of HIV-related information	<u>35 Pa.C.S. § 7601</u>			
...Mental Health Procedures Act	<u>50 P.S. § 7101</u>	no	no	
...PA Drug and Alcohol Abuse Control Act	<u>71 P.S. § 1690.101</u>	yes	yes	
...HHS-SSA--Statutory basis and purpose				<u>45 CFR 160.101</u>
...Uses and disclosure of protected health information				<u>45 CFR 164.502</u>
...Electronic health/medical record specific provisions				<u>45 CFR 164.302</u>
...Security standards for the protection of electronic health information				<u>45 CFR 164.500</u>
...Breach of electronic security reporting - general				<u>45 CFR 164.302</u>
...Breach of electronic security reporting - health records				<u>15 U.S.C. § 96</u>
...Telehealth/telemedicine provisions				<u>45 CFR 164.500</u>
...Electronic signatures				<u>15 U.S.C.S. § 96</u>
...Personal health records				<u>45 CFR 164.500</u>
...Uniform Electronic Transactions Act				
...Technical security of electronic systems provisions				<u>45 CFR 164.312</u>
Health/Medical Records in General				
...Records retention requirements				<u>42 CFR 431.306</u>
...Basic hospital functions--Condition of participation: Medical record services				<u>42 CFR 482.24</u>
...Patient access				<u>42 CFR 37.80</u>

Subject Matter	State Law	Patient Care?	Population Health?	Federal Law
...Maternal and child health--Confidentiality requirements				<u>42 CFR 51a.6</u>
...Venereal disease control--Confidentiality requirements				<u>42 CFR 51b.404</u>
...Community health services--Confidentiality				<u>42 CFR 51c.110</u>
...Black lung clinics--Confidentiality requirements				<u>42 CFR 55a.104</u>
...Family planning services--Confidentiality				<u>42 CFR 59.11</u>
...CMS--State org and admin--Release of info				<u>42 CFR 431.306</u>
...Ownership of medical records				<u>45 CFR 164.500</u>
...Accounting for disclosures				
...Specific redisclosure prohibitions				<u>42 CFR 2.32</u>
...HHS--Privacy of individually identifiable health info				<u>45 CFR 164.500</u>
...Redisclosure statement required				<u>42 CFR 2.32</u>
...Disposition/destruction of records				
Consent/Authorizations				
...Patient consent requirements				<u>42 CFR 37.80</u>
...Maternal and child health--Confidentiality requirements				<u>42 CFR 51a.6</u>
...Venereal disease control--Confidentiality requirements				<u>42 CFR 51b.404</u>
...Community health services--Confidentiality				<u>42 CFR 51c.110</u>
...Black lung clinics--Confidentiality requirements				<u>42 CFR 55a.104</u>
...Family planning services--Confidentiality				<u>42 CFR 59.11</u>
...Records retention requirements				<u>42 CFR 431.306</u>
...Records retention requirements				<u>42 CFR 431.306</u>
...HHS--Uses and disclosures requiring an opportunity for the individual to agree or to object				<u>45 CFR 164.510</u>
...Patient authorization requirements				<u>42 CFR 37.80</u>
...Maternal and child health--Confidentiality requirements				<u>42 CFR 51a.6</u>
...Venereal disease control--Confidentiality requirements				<u>42 CFR 51b.404</u>
...Community health services--Confidentiality				<u>42 CFR 51c.110</u>
...Black lung clinics--Confidentiality requirements				<u>42 CFR 55a.104</u>
...Family planning services--Confidentiality				<u>42 CFR 59.11</u>
...Records retention requirements				<u>42 CFR 431.306</u>
...Disclosure for emergency situations				<u>42 CFR 37.80</u>
...Maternal and child health--Confidentiality requirements				<u>42 CFR 51a.6</u>
...Venereal disease control--Confidentiality requirements				<u>42 CFR 51b.404</u>
...Community health services--Confidentiality				<u>42 CFR 51c.110</u>
...Black lung clinics--Confidentiality requirements				<u>42 CFR 55a.104</u>
...Family planning services--Confidentiality				<u>42 CFR 59.11</u>
...Records retention requirements				<u>42 CFR 431.306</u>
...HHS--Uses and disclosures--authorization or opportunity to agree or object not required				<u>45 CFR 164.512</u>
Minors				
...Age of majority				
...Children's records				<u>20 U.S.C.S. § 1232(g)</u>
FERPA				<u>34 C.F.R. Part 99</u>
...CMS--State plan requirements--privacy protection				<u>42 CFR 457.1110</u>
...HHS--Uses and disclosures of protected health information: general rules				<u>45 CFR 164.502</u>

Subject Matter	State Law	Patient Care?	Population Health?	Federal Law
...Children--Medical and mental health care consent	<u>11 P.S. § 2513</u>			
...School health--Confidentiality, transference and removal of health records	<u>24 P.S. § 14-1409</u>			
...Disease prevention and control law	<u>35 P.S. § 521.1</u>			
...Minors' consent--Release of medical records	<u>35 P.S. § 10101.2</u>			
...Mental health--Record of persons admitted or committed	<u>50 P.S. § 4602</u>			
...Mental health--Confidentiality of records	<u>50 P.S. § 7111</u>			
	<u>20 Pa.C.S. Chap. 54</u>			
...Decedents, estates--Authority of health care agent	<u>20 Pa.C.S. § 5456(d)</u>			
...Decedents, estates--Authority of mental health care agent	<u>20 Pa.C.S. § 5836(e)</u>			
...Child Protective Services--Confidentiality of report	<u>23 Pa.C.S. §§ 6339; 6340</u>			
...Children--Medical and mental health care consent	<u>11 P.S. § 2513</u>			
...Minors' consent--Release of medical records	<u>35 P.S. § 10101.2</u>			
...Mental health--Record of persons admitted or committed	<u>50 P.S. § 4602(d)</u>			
...Mental health--Confidentiality of records	<u>50 P.S. § 7111</u>			
...Public assistance transportation--Record retention	<u>55 Pa.Code § 2070.24-2070.25</u>			
...Child Protective Services--Persons to whom child abuse information shall be made available	<u>55 Pa.Code §§ 3490.91-3490.95</u>			
...Child residential/day treatment--records	<u>55 Pa.Code §3800.243-3800.245</u>			
...Mental health/retardation--records	<u>55 Pa.Code § 4226.35-4226.36; 4226.94</u>			
...Confidentiality of mental health records	<u>55 Pa.Code § 5100.31 – 5100.39</u>			
...Psychiatric outpatient clinics	<u>55 Pa.Code § 5200.47 (citing 55 Pa.Code § 5100.31-5100.39)</u>			
...Mental health--Partial hospitalization	<u>55 Pa.Code § 5210.56 (citing 55 Pa.Code § 5100.31-5100.39)</u>			
...Mental health intensive care--Notice of confidentiality	<u>55 Pa.Code §5221.52 (citing 55 Pa.Code § 5100.31-5100.39)</u>			
...Community residential rehabilitation--records	<u>55 Pa.Code § 5310.52; 5310.62(5)</u>			
...Community homes--records	<u>55 Pa.Code § 6400.214-6400.217</u>			
...Family living homes--record retention	<u>55 Pa.Code § 6500.184-6500.186</u>			
...Family educational and privacy rights				<u>20 U.S.C.S. § 1232(g)</u>
				<u>34 C.F.R. Part 99</u>
...Uses/disclosures of protected health info--Personal representative				<u>45 C.F.R. §164.502(g)(3)</u>
...Clinical labs--Report of findings	<u>28 Pa. Code § 5.47</u>			
...Funeral directors--Suspected child abuse--reporting	<u>49 Pa. Code § 13.302</u>			
...State Bd Optometry--Suspected child abuse	<u>49 Pa. Code § 23.111</u>			
...Speech examiners--Suspected child abuse	<u>49 Pa. Code § 45.402</u>			
...Child residential/day treatment--content of records	<u>55 Pa. Code § 3800.243</u>			
...Mental health--Early intervention--Confidentiality	<u>55 Pa. Code § 4226.35</u>			
...Confidentiality of mental health records	<u>55 Pa. Code § 5100.31</u>			
...Psychiatric outpatient clinics--applicable regs	<u>55 Pa. Code § 5200.47</u>			
...Partial hospitalization--applicable regs	<u>55 Pa. Code § 5210.56</u>			
...Mental health intensive care--Notice of confidentiality	<u>55 Pa. Code § 5221.52</u>			
...Community residential rehabilitation--records	<u>55 Pa. Code § 5310.52</u>			
...Community homes--record location	<u>55 Pa. Code § 6400.214</u>			
...Family living homes--record retention	<u>55 Pa. Code § 6500.184</u>			
...Emancipated minors				
...Age consent requirements - mental health				
...Age Consent requirements - other conditions				

Subject Matter	State Law	Patient Care?	Population Health?	Federal Law
Patient Proxies				
...Personal Representatives/Executors				
...Guardians				45 CFR 164.502
	20 Pa.C.S. Chap. 54			
...Decedents, estates--Authority of health care agent	20 Pa.C.S. § 5456			
...Decedents, estates--Authority of mental health care agent	20 Pa.C.S. § 5836			
...Disease prevention and control law	35 P.S. § 521.1			
...Clinical labs--Report of findings	28 Pa. Code § 5.47			
...Health Care Power of Attorney	20 Pa. CS 5451 et seq			
...Health Care Power of Attorney - mental health				
Health Condition/Situation Specific Provisions				
Maternal-Child Health Information				
...Confidential material	28 Pa.Code § 29.1-29.3			
...Genetic information				45 CFR 164.506
...DNA data--Prohibition on disclosure	44 Pa.C.S. § 2331			
...Right-to-know--Exception for public records	65 P.S. § 67.708			
..Clinical laboratories--Report of findings	28 Pa. Code § 5.47			
...HIV/AIDS information				45 CFR 164.500
...Confidentiality of HIV-related information	35 Pa.C.S. § 7601			
...Confidentiality of HIV-related information	35 P.S. § 7607			
...Confidentiality of HIV-related information	35 P.S. § 7603, 7607-08			
..Clinical laboratories--Report of findings	28 Pa. Code § 5.47			
...Sexually transmitted disease information				45 CFR 164.500
..Disease prevention and control law	35 P.S. § 521.1			
..Clinical laboratories--Report of findings	28 Pa. Code § 5.47			
...Hepatitis C information				45 CFR 164.500
..Disease prevention and control law	35 P.S. § 521.1			
..Clinical laboratories--Report of findings	28 Pa. Code § 5.47			
...Adult mental health				45 CFR 164.502
				42 U.S.C.S. Part 2
...Decedents, estates--Authority of mental health care agent	20 Pa.C.S. § 5836			
...Decedents, estates--Authority of health care agent	20 Pa.C.S. § 5456(d)			
...Mental health--Record of persons admitted or committed	50 P.S. § 4602			
...Mental health--Report of psychological examination	50 P.S. § 4604			
...Mental health--Confidentiality of records	50 P.S. § 7111			
..Speech language and hearing--Impaired professionals	63 P.S. § 1717.1			
..Speech language and hearing--Unprofessional conduct	49 Pa. Code § 45.103			
...Confidentiality of mental health records	55 Pa. Code § 5100.31			
...Children's mental health				45 CFR 164.502
				42 U.S.C.S. Part 2
...Decedents, estates--Authority of mental health care agent	20 Pa.C.S. § 5836			
...Mental health--Record of persons admitted or committed	50 P.S. § 4602			
...Mental Health and Mental Retardation Act--Penalties (don't see a (b))	50 P.S. § 4605(b)			

Subject Matter	State Law	Patient Care?	Population Health?	Federal Law
...Mental health--Confidentiality of records	50 P.S. § 7111			
..Speech language and hearing--Child abuse reporting--definitions	<u>49 Pa. Code § 45.401</u>			
...Confidentiality of mental health records	<u>55 Pa. Code § 5100.31</u>			
...Communicable disease information				42 C.F.R. part 70 45 CFR 164.512
...Disease prevention and control law	<u>35 P.S. § 521.1</u>			
...Confidentiality of HIV-related information	<u>35 Pa.C.S. § 7601</u>			
...Clinical labs--Report of findings	<u>28 Pa. Code § 5.47</u>			
...Communicable/noncommunicable diseases--Definitons	<u>28 Pa. Code § 27.1</u>			
...Alcohol addiction				42 C.F.R. Part 2
...HHS--Employee testimony/production of docs				<u>42 CFR 2.1</u>
...Substance abuse--govt/other employees				<u>42 USCS § 290dd-2</u>
...Governor's Council on Drug Alcohol Abuse--Client-related info	<u>4 Pa. Code § 255.5</u>			
..Speech language and hearing--Unprofessional conduct	<u>49 Pa. Code § 45.103</u>			
...Optometry--Corrective actions	<u>63 P.S. § 244.7a</u>			
...Speech-language and hearing--Impaired professionals	<u>63 P.S. § 1717.1</u>			
...Social workers/therapists--Impaired professionals	<u>63 P.S. § 1915</u>			
...Governor's Council--Drug Alcohol Abuse--Confidentiality	<u>71 P.S. § 1690.108</u>			
...Drug addiction				42 C.F.R. Part 2
...HHS--Employee testimony/production of docs				<u>42 C.F.R. § 2.1-2.67</u>
...HHS--Employee testimony/production of docs				<u>42 CFR 2.1</u>
...Substance abuse--govt/other employees				<u>42 USCS § 290dd-2</u>
...Governor's Council on Drug Alcohol Abuse--Research and evaluation	<u>4 Pa. Code § 255.7</u>			
...Social workers/therapists--Impaired professionals	<u>63 P.S. § 1915</u>			
...Governor's Council--Drug Alcohol Abuse--Confidentiality	<u>71 P.S. § 1690.108</u>			
...Governor's Council--Drug Alcohol Abuse--Disclosure of client-oriented info	<u>4 Pa. Code § 255.5</u>			
..Speech language and hearing--Unprofessional conduct	<u>49 Pa. Code § 45.103</u>			
...Reproductive rights	<u>18 Pa.C.S. § 3214</u>			
...Vital statistics--Records disclosure	<u>35 P.S. § 450.801</u>			
...Minor wards of the state	<u>42 Pa.C.S. § 6307</u>			<u>45 CFR 164.502</u>
...Juvenile matters--Treatment records	<u>42 Pa.C.S. § 6352.1</u>			
...Social workers/therapists--Child abuse reporting definitions	<u>49 Pa. Code § 47.51</u>			
...Child Protective Services--Confidentiality	<u>23 Pa.C.S. § 6339</u>			
...Child Protective Services--Release of info	<u>23 Pa.C.S. § 6340</u>			
...Juvenile matters--Investigation and report	<u>42 Pa.C.S. § 6339(b)</u>			
...Juvenile matters--Adjudication	<u>42 Pa.C.S. § 6341(d)</u>			
...Juvenile matters--Treatment records	<u>42 Pa.C.S. § 6352.1</u>			
...Abuse of family--Protection from abuse	<u>23 P.S. § 6101 et seq.</u>			
...Abuse of family--Disclosure of addresses	<u>23 P.S. § 6112</u>			
...Abuse of family--Child Protective Services	<u>23 P.S. § 6301</u>			
...Adult wards of the state	<u>20 Pa.C.S. § 5836(e)</u>			
...Adults and emancipated minors				<u>45 C.F.R. § 164.502(g)(2)</u>
...Mental health--Confidentiality of records	<u>50 P.S. § 7111</u>			
...Mental health--Record of persons admitted or committed	<u>50 P.S. § 4602, 4605(b)</u>			

Subject Matter	State Law	Patient Care?	Population Health?	Federal Law
...Mental health records--Confidentiality	55 Pa. Code §§ 5100.31-5100.39			
...Reporting of abortions				
...Victims (domestic violence, sex assault, etc.)				
...Child Protective Services--Confidentiality of report	23 Pa.C.S. § 6339			
...Child Protective Services--Release of info	23 Pa.C.S. § 6340			
...Abuse of family--Protection from abuse	23 P.S. § 6101 et seq.			
...Abuse of family--Disclosure of addresses	23 P.S. § 6112			
...Abuse of family--Child Protective Services	23 P.S. § 6301			
...Juvenile matters--Investigation and report	42 Pa.C.S. § 6339(b)			
...Juvenile matters--Adjudication	42 Pa.C.S. § 6341(d)			
...Juvenile matters--Treatment records	42 Pa.C.S. § 6352.1			
...Disease prevention and control law	35 P.S. § 521.1			
...Older adult protective services--confidentiality of records	35 P.S. § 10225.306			
...Juvenile matters--Treatment records	42 Pa.C.S. § 6352.1			
...Communicable/noncommunicable diseases--Definintions	28 Pa. Code § 27.1			
...Funeral directors--Suspected child abuse	49 Pa. Code § 13.302			
...State Bd Optometry--Suspected child abuse	49 Pa. Code § 23.111			
..Speech language and hearing--Child abuse reporting--definitions	49 Pa. Code § 45.401			
...Futile Care Provisions				
...Other proxies				
Provider Specific Provisions				
...Pharmacy records			45 CFR 164.500	
	49 Pa. Code § 27.19(c)			
...Health care practitioners			42 U.S.C.S. § 1396a(a)(7)	
...Abuse of family--Reporting procedure	23 Pa.C.S. § 6313			
...CMS--State Org--Safeguarding info			42 CFR 431.300	
...Suspected child abuse--Photographs, x-rays	23 Pa.C.S. § 6314			
...Uses and disclosure of protected health information			45 CFR 164.502	
...Clinical labs--Report of findings	28 Pa. Code § 5.47			
...Workers' comp--Medical cost containment	34 Pa. Code Ch. 127			
..Speech language and hearing--Unprofessional conduct	49 Pa. Code § 45.103			
..Speech language and hearing--Child abuse reporting--definitions	49 Pa. Code § 45.401			
...Confidentiality of mental health records	55 Pa. Code § 5100.31			
...Emergency medical services--Dept duties	35 P.S. § 6925			
...Confidentiality of HIV-related information	35 Pa.C.S. § 7601			
...Mental health--Confidentiality of records	50 P.S. § 7111			
...Social workers/therapists--license suspension/revocation	63 P.S. § 1911			
...Workers' comp--Medical services	77 P.S. § 531			
...Emergency services (ambulance/EMT)			45 CFR 164.500	
...EMS--Dissemination of info	28 Pa.Code § 1001.42(a)(1)-(7)			
...Health professional licensing			HIPAA	
			AMA Code of Ethics	
...Health professional accreditation				
...Professional counselors				
...Utilization, peer & quality review	63 P. S. § 425.1 et seq.			
Patient Safety Documents	40 P.S. § 1303.311		42 USC Sections 11101 – 11152	
			42 C.F.R. Part 3	
Facility-Specific Provisions				
Facilities regulated by DPW	11 P.S. § 875-302(a)(10)			
...Family educational and privacy rights			20 U.S.C. § 1232g	
...Suspected child abuse--Reporting procedure	23 Pa.C.S. § 6313			34 C.F.R. Part 99

Subject Matter	State Law	Patient Care?	Population Health?	Federal Law
...Suspected child abuse--photographs, x-rays	23 Pa.C.S. § 6314			
...Mental health--Confidentiality of records	50 P.S. § 7111			
...Mental health--Record of persons admitted or committed	50 P.S. § 4602			
...Mental Health and Mental Retardation Act--Penalties (don't see a (b))	50 P.S. § 4605(b)			
...Adult services block grant--Confidentiality	55 Pa. Code § 2050.17			
...Public assistance transportation block grant--Records	55 Pa. Code § 2070.24-2070.25			
...Adult training facilities--Records	55 Pa. Code § 2380.174-2380.177			
...Vocational facilities--Records	55 Pa. Code § 2390.122-2390.127			
...Personal care homes--Resident records	55 Pa. Code § 2600.252-2600.254			
...Child residential/day treatment--Records	55 Pa. Code § 3800.243-3800.245			
...Early intervention services--Records	55 Pa. Code § 4226.35-4226.36, 4226.94			
...Mental health records	55 Pa. Code §§ 5100.31-5100.39			
...Psychiatric outpatient clinics	55 Pa. Code § 5200.47 (citing 55 Pa. Code § 5100.31-5100.39)			
...Partial hospitalization	55 Pa. Code § 5210.56 (citing 55 Pa. Code § 5100.31-5100.39)			
...Mental health intensive care mgmt	55 Pa. Code § 5221.52 (citing 55 Pa. Code § 5100.31-5100.39)			
...Community residential rehabilitation	55 Pa. Code § 5310.52, 5310.62(5)			
...Long-term structured residence	55 Pa. Code § 5320.26 (citing 55 Pa. Code § 5100.31-5100.39)			
...Community homes--mental retardation	55 Pa. Code § 6400.214-6400.217			
...Family living homes	55 Pa. Code § 6500.184-6500.186			
...Hospitals				42 CFR 416.47
...Hospitals--Medical record services				42 CFR 482.24(b)(3), 482.27
...Confidentiality of medical records	28 Pa.Code § 115.21-34			
	28 Pa. Code § 51.3(k)			
...HHS--Individually identifiable health info--Applicability				45 CFR 164.500
...Critical Access Hospitals/ Rural Health Networks				
...School based clinics				20 U.S.C. § 1232g
..Education of children with disabilities				34 C.F.R. § 300
..Imaging labs and centers				45 CFR 164.500
..Testing and clinical labs				42 C.F.R. § 493.557 and 493.1231.
...Clinical labs--confidentiality	28 Pa.Code § 5.53			
...Clinical labs--biological products				42 U.S.C. § 263
...Assisted living facilities, nursing homes, and skilled nursing facilities	Nursing homes are same thing as skilled nursing facilities-- both regulated under Health Care Facilities Act (regs in Title 28, Chapter 211) as well as certain Medicaid provisions under the Public Welfare Code in Title 62. Assisted Living Facilities governed by Act 56 of 2007 but regulations are not yet final. Personal Care Homes sometimes call themselves Assisted Living Facilities-- regulated under Public Welfare regs (Title 55, Chapter 2600)	yes, sometimes	yes, sometimes	
Schools				20 U.S.C.S. § 1232(g) 34 C.F.R. Part 99
...CMS--Long-term care facilities--Resident rights				42 CFR 483.10
...Disease prevention and control law	35 P.S. § 521.1			
...Confidentiality of HIV-related information	35 Pa.C.S. § 7601			
...Mental health--Record of persons admitted or committed	50 P.S. § 4602			
...Mental health--Confidentiality of records	50 P.S. § 7111			
...Workers' comp--Surgical and medical svcs	77 P.S. § 531			
...Older adult daily living centers	6 Pa. Code § 11.1			
...AAA placement activities	6 Pa. Code § 21.55			
...Older adult daily living centers--Release of info	6 Pa Code 11.198			
...AAA--Recordkeeping	6 Pa Code 21.60			
...Clinical labs--Report of findings	28 Pa. Code § 5.47			
...Workers' comp--Medical cost containment	34 Pa. Code Ch. 127			

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...Adult services block grant--Confidentiality	55 Pa. Code § 2050.17			
...Adult training facilities--Record location	55 Pa. Code § 2380.174			
...Vocational facilities--Record location	55 Pa. Code § 2390.122			
...Personal care--Confidentiality	55 Pa. Code § 2600.17			
...Child residential/day treatment--Content of records	55 Pa. Code § 3800.243			
...Early intervention services--Confidentiality	55 Pa. Code § 4226.35			
...Confidentiality of mental health records	55 Pa. Code § 5100.31			
...Partial hospitalization--other applicable regs	55 Pa. Code § 5210.56			
...Psychiatric outpatient clinics--other applicable regs	55 Pa. Code § 5200.47			
...Mental health intensive care--Notice of confidentiality	55 Pa. Code § 5221.52			
	55 Pa. Code § 5310.52			
...Community residential rehabilitation--Confidentiality	55 Pa. Code § 5320.26			
...Community homes for mental retardation--Record location	55 Pa. Code § 6400.214			
...Family living homes--Record retention	55 Pa. Code § 6500.184			
...Drug & alcohol treatment facilities	28 Pa. Code 709.28			42 C.F.R. part 2
...Rehabilitation facilities				45 CFR 164.500
...Home health agencies	28 Pa. Code 601.36 (c)			42 CFR 484.48
...Home health agencies--Clinical records	28 Pa. Code § 601.36			
...HHS--Individually identifiable info--Applicability				45 CFR 164.500
...Hospice				42 CFR 418.74
...Ambulatory surgery centers	28 Pa. Code § 563.9.			
Pharmacies	49 Pa. Code § 27.19(c).			
Payers/Insurance Company Provisions				
...CMS_SCHIP--Privacy protections				42 CFR 457.1110
...Mandatory inclusion-child medical support	23 Pa.C.S. § 4326			
...Insurance--Privacy of health info	31 Pa. Code § 146b.1	no		
...Medical assistance--Provider responsibilities	55 Pa. Code § 1101.51			
...HMOs--Policy	55 Pa. Code § 1229.1			
...Public welfare--Fraud--Data matching	62 P.S. § 1413			
...Health insurance related provisions				15 USCS § 6801
...HHS--Individually identifiable info--Applicability				45 CFR 164.500
...HMO provisions	40 P.S. § 991.2131			
...HHS--Individually identifiable info--Applicability				45 CFR 164.500
...Medicaid/Medicare related provisions				45 CFR 164.500
...State employees' plan				
Employer Specific Provisions				
...EHR				42 U.S.C.S. § 12112(4)(C);
...FMLA--recordkeeping requirements				29 CFR 825.500
...EEOC--ADA--Medical exams/inquiries				29 CFR 1630.14
	Management Directive 505.18(7)(f)(o)			
...Disease prevention and control law	35 P.S. § 521.1			
...Confidentiality of HIV-related information	35 Pa.C.S. § 7601			
...Communicable/noncommunicable diseases--Definitions	28 Pa. Code § 27.1			
...Child day care centers--records	55 Pa. Code § 3270.192-193			
...Group child day care homes--records	55 Pa. Code § 3280.192-193			
...Family child day care homes--records	55 Pa. Code § 3290.192-193			
...Provisions related to employers				45 CFR 164.500
...HHS--Protection of electronic protected health info				45 CFR 164.308
...Non-employee records				7 U.S.C.S. § 2020(e)(8)

Subject Matter	State Law	Patient Care?	Population Health?	Federal Law
...Family educational and privacy rights				20 U.S.C.S. § 1232(g)
..Block grants--needy families--use and disclosure of info				42 U.S.C.S. § 602(a)(1)(A)(iv)
...Grants to states--medical assistance--use and disclosure of info				42 U.S.C.S. § 1396a(a)(7)
...Food stamps--terms and conditions				7 CFR 272.1
...FERPA				34 C.F.R. Part 99
...Vocational rehab services--protection of info				34 CFR 361.38
...CMS--Medical assistance--safeguarding info				42 CFR 431.300
...CMS-SCHIP--Privacy protections				42 CFR 457.1110
...Quality improvement organization review info				42 C.F.R. Part 480
...CMS--Long-term care facilities--patient rights				42 CFR 483.10
...Family assistance--safeguarding info				45 CFR 205.50
...Grants to state/community aging programs--disclosure of info				45 CFR 1321.51
...Adoption--medical history info	23 Pa.C.S. § 2909			
...Disease prevention and control--Control measures	35 P.S. § 521.5			
...Confidentiality of HIV-related information	35 Pa.C.S. § 7601			
...Older adult protective services--confidentiality of records	35 P.S. § 10225.306			
...Unemployment comp.--records of/reports by employers	43 P.S. § 766			
...Mental health--Record of persons admitted or committed	50 P.S. § 4602			
...Mental health--Confidentiality of records	50 P.S. § 7111			
...Public assistance--Protection of info	62 P.S. § 404			
...Older adult daily living centers--General	6 Pa. Code § 11.1			
...Protective services for older adults--Confidentiality	6 Pa. Code § 15.101			
...AAA responsibilities--Recordkeeping	6 PA Code 21.60			
...AAA placement activities	6 Pa. Code § 21.55			
...Communicable/noncommunicable diseases--Definitions	28 Pa. Code § 27.1			
...Unemployment comp.--official records--auth. Req.	34 Pa. Code § 61.21			
...Mental health procedures--scope and policy	55 Pa. Code § 5100.31			
...Safeguarding info	55 Pa. Code Chapter 105			
...Preemployment screenings				42. U.S.C.S. § 12112
...Employee Assistance Programs				
Public Health Reporting				
Newborn Screening				
...Newborn screening/follow-up	35 P.S. § 623			
...Infant hearing (IHEARR)--Confidentiality	11 P.S. § 876-7			
...Data collection				7 CFR 246.26
...HHS--Employee testimony/production of docs				42 CFR 2.1
...Substance abuse--govt/other employees				42 USCS § 290dd-2
...Vital records (birth/death certificates)				45 CFR 164.512
...Disease prevention and control law	35 P.S. § 521.1			
...Confidentiality of HIV-related information	35 Pa.C.S. § 7601			
...Mental health--Confidentiality of records	50 P.S. § 7111			
...Workers' comp--Surgical and medical svcs	77 P.S. § 531			
...Governor's Council-Drug Alcohol Abuse--Disclosure of client-oriented info	4 Pa. Code § 255.5			
...Clinical labs--Report of findings	28 Pa. Code § 5.47			
...Confidentiality of mental health records	55 Pa. Code § 5100.31			
...Vital records (birth/death certificates)				45 CFR 164.512
...Vital statistics--records disclosure	35 P.S. § 450.801-450.806			
...Vital statistics--penalties/misdemeanors	35 P.S. § 450.902			
...State Department of Health reporting (reporting certain conditions to state)				45 CFR 164.512

Subject Matter	State Law	Patient Care?	Population Health?	Federal Law
...Reports to other state agencies				45 CFR 164.512
...Immunization reporting				45 CFR 164.512
...Registries				45 CFR 164.512
...Information sharing in public emergencies				
State Facilities/Medical Records				
...Privacy of individually identifiable health info-- Uses and disclosures authorization required				45 CFR 164.508
...Disease prevention and control--Control measures	35 P.S. § 521.5			
...Mental health--Record of persons admitted or committed	50 P.S. § 4602			
...Mental health--Confidentiality of records	50 P.S. § 7111			
...Communicable/noncommunicable diseases-- Definitions	28 Pa. Code § 27.1			
...Confidentiality of mental health records	55 Pa. Code § 5100.31			
...Juvenile matters--Inspection of court files/records	42 Pa.C.S. § 6307			
...Grants to states--medical assistance--use and disclosure of info				42 U.S.C.S. § 1396a(a)(7)
...Public assistance--Protection of info	62 P.S. § 404			
...Privacy of individually identifiable health info-- Uses and disclosures authorization required				45 C.F.R. § 164.508(a)(2)
...Juvenile matters--Inspection of court files/records	42 Pa.C.S. § 6307			
...CMS--State orgs--safeguarding info				42 C.F.R. § 431.300-431.307
...Mental Health and Mental Retardation Act-- Penalties (don't see a (b))	50 P.S. § 4605(b)			
...CMS--State Org--Safeguarding info				42 C.F.R. Part 480
...Child Protective Services--Confidentiality	55 Pa. Code §§ 3490.91-3490.95			
...Confidentiality of mental health records	55 Pa. Code §§ 5100.31-5100.39			
...Long-term care nursing--Clinical records	28 Pa. Code § 211.5			
...Other state facilities				
...Public health clinics				45 CFR 164.500
...Correctional facilities (adult)				45 CFR 164.500
...Mental health--Confidentiality of records	50 P.S. § 7111			
...Mental health--Person charged w/ a crime	55 Pa. Code § 5100.92			
...Correctional facilities (minors)				45 CFR 164.500
...State hospitals				
...State Freedom of Information Act				
Records in the possession of DPW	23 Pa.C.S. § 2910			
...Food stamp program--info safeguards				7 U.S.C. § 2020(e)(8)
...Adoption--Medical history info	23 Pa.C.S. § 2909			
...				20 U.S.C. § 1232(g)
...Adoption--Penalty for unauth disclosure	23 Pa.C.S. § 2910			
...Block grants--needy families--use and disclosure of info				42 U.S.C. § 602(a)(1)(A)(iv)
...Mental Health and Mental Retardation Act-- Penalties (don't see a (b))	50 P.S. § 4605(b)			
...Grants to states--medical assistance--use and disclosure of info				42 U.S.C. § 1396a(a)(7)
...Mental health--Record of persons admitted or committed	50 P.S. § 4602			
...Mental health--Confidentiality of records	50 P.S. § 7111			7 C.F.R. § 272.1(c)
...FERPA				34 C.F.R. Part 99
...Public assistance--Protection of info	62 P.S. § 404			
...CMS--State Org--Safeguarding info				42 C.F.R. § 431.300-431.307
...Child Protective Services--Confidentiality	55 Pa. Code §§ 3490.91 – 3490.95			
...Quality				42 C.F.R. Part 480

Subject Matter	State Law	Patient Care?	Population Health?	Federal Law
...Confidentiality of mental health records	55 Pa. Code §§ 5100.31 – 5100.39			
	55 Pa. Code Chapter 105			45 C.F.R. § 205.50
Penalties/Remedies				
...Statutory right to sue for damages related to health information				
...Common law right to sue for damages related to health information				
...Criminal provisions - wrongful access				
...Administrative penalties for wrongful disclosure				45 CFR 164.500
Litigation Related Provisions	63 P. S. § 425.1 et seq.			
...Medical record subpoenas				42 USC Sections 11101 – 11152
...Patient/provider privilege				45 CFR 164.512
...Workers comp disclosures				
...Evidence in quasi-judicial hearings				42 U.S.C. § 1396a(a)(7);
...CMS-State Org-Safeguarding info				42 CFR 431.300
HHS-Privacy of individually identifiable health info				45 CFR 164.500
...HHS-Administrative data standards--Statutory basis				45 CFR 160.101
...State/community aging programs--Confidentiality				45 CFR 1321.51
...Mental health--Confidentiality of records	50 P.S. § 7111			
...Optometry-Board powers/duties	63 P.S. § 244.3			
...Social workers/therapists-Subpoenas	63 P.S. § 1919			
...Dept of Aging-Informal complaints	6 Pa. Code § 3.5			
...Confidentiality of mental health records	55 Pa. Code § 5100.31			
Law Enforcement				
...DUI test results				
...Abuse & neglect				45 CFR 164.500
...Other disclosures to law enforcement				45 CFR 164.510
...Funeral directors--Suspected child abuse	49 Pa. Code § 13.302			
...Speech examiners--Suspected child abuse	49 Pa. Code § 45.402			
...Optometry-Board powers/duties	63 P.S. § 244.3			
Research				
...FDA-Informed consent-human subjects				21 CFR 50.20
...HHS-Informed consent-human research				45 CFR 46.116
...HHS-Individually identifiable health info--Auth not required				45 CFR 164.512
...Disease prevention and control--Control measures	35 P.S. § 521.5			
...Mental health--Confidentiality of records	50 P.S. § 7111			
...Clinical labs-Report of findings	28 Pa. Code § 5.47			
...Public welfare--Safeguarding info	55 Pa. Code § 105.1			
...Mental health procedures--Patient rights	55 Pa. Code § 5100.54, Art. VI, § 2(d) (citing federal regs. generally)			
...Disclosures for research				21 C.F.R. Parts 50 and 56
...HHS-Individually identifiable health info--Auth not required				45 CFR 164.512
...Protection of human subjects				45 C.F.R. Part 46