



STATE OF MICHIGAN

DEPARTMENT OF COMMUNITY HEALTH
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

JANET OLSZEWSKI
DIRECTOR

DATE: November 21, 2008
TO: All Interested Parties
FROM: Janet Olszewski, Director *Janet Olszewski*
Re: Authority to Conduct Fetal and Infant Mortality Review (FIMR) For Covered Entities

The Michigan Department of Community Health (MDCH) is conducting a public health surveillance project, called Fetal and Infant Mortality Review (FIMR), in its capacity as a public health authority. The Public Health Code authorizes and requires MDCH to "... [c]ollect and utilize vital and health statistics ..." and to "[m]ake investigations and inquiries as to: the causes of disease ..." and "[t]he causes of morbidity and mortality." MCL 333.2221.

The MDCH is permitted under the Public Health Code to "authorize a local health department to exercise a power or function of the department where not otherwise prohibited by law or rule." MCL 333.2235. The MDCH may also "[e]nter into an agreement, contract, or arrangement with ... persons necessary or appropriate to assist the department in carrying out its duties and functions." MCL 333.2226. Therefore, this memorandum provides authorization for the local FIMR project staff to obtain protected health information from covered entities on the MDCH's behalf, for the purpose of public health investigation of fetal and infant deaths. The records required pertain to an infant who has died.

Covered entities such as your organization are permitted to disclose this information without individual authorization by the Privacy Rule under the Health Insurance Portability and Accountability Act (HIPAA). The Privacy Rule permits disclosure to "[a] public health authority that is authorized by law to collect or receive such information for the purpose of preventing or controlling disease, injury, or disability, including, but not limited to, the reporting of disease, injury, vital events such as birth or death, and the conduct of public health surveillance, ... investigations, and ... interventions...." 45 CFR 164.512(b). 45 CFR 164.501.

Information is gathered from birth and death certificates, medical records, and autopsy reports. Standard medical record abstraction forms, modified for Michigan's use from forms developed by the National Fetal and Infant Mortality Review Program (a partnership between the American College of Obstetricians and Gynecologists and the federal Maternal and Child Health Bureau) are used to collect a small subset of information from these records. The local FIMR staff summarizes this information. Names of providers, institutions, and families are carefully removed from the summary in order to de-identify the information. Confidentiality is key to FIMR. The information being requested represents the minimum necessary to carry out the public health purposes of the project pursuant to 45 CFR 164.514(d) of the Privacy Rule.

I urge you, as a key partner in this process, to facilitate access to information for these reviews. I appreciate your cooperation in this public health endeavor to further promote and protect the health and well being of women, infants, and families in Michigan. For more information about the Fetal and Infant Mortality Review Program, you may contact Rosemary Fournier, State FIMR Program Coordinator at 517/335-8416 or fournierr1@michigan.gov.

JO:dr