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July 2009

HIPAA permits health care providers to notify Public Health of persons with reportable conditions.

Dear Health Care Provider:

We have received a few inquiries wondering if HIPAA (Health Insurance Portability and Accountability Act of 1996) impacts health care providers' responsibility to report persons with reportable conditions. HIPAA does not interfere with disease reporting responsibilities. This letter provides you the information and references you need to continue your reporting activities.

HIPAA expressly permits disclosure to Public Health

The HIPAA Privacy Rule expressly permits covered entities (health care providers, health plans, and health care clearinghouses) to disclose protected health information (PHI) without client or patient authorization, to public health authorities for the purposes of preventing or controlling disease, injury, or disability. This includes, but is not limited to, public health surveillance, investigations, and interventions. However, covered entities usually are required to keep an accounting of disclosures made without authorization. In addition, the covered entity does not need a business associate contract, or other agreement with the public health entity in order to disclose the required information.

References

The Health Insurance Portability and Accountability Act (HIPAA) of 1996 has led to the development of new information privacy standards by the U.S. Department of Health and Human Services (DHHS). The new standards provide protection for the privacy of certain individually identifiable health data, referred to as PHI. The HIPAA Privacy Rule 45 C.F.R. §164.512(b) recognizes the legitimate need for public health authorities that are responsible for protecting the health of the public to have access to protected health information to carry out their public functions. The limits on exchange of protected health information generally do not apply to governmental public health agencies. Spokane Regional Health District is a public health authority as defined by the HIPAA Privacy Rule, 45 C.F.R. §164.501.

In Washington State, there are several laws and regulations that require disclosure of certain protected health information to public health authorities, and describe the content of notifiable disease reports. Chief among these are WAC 246.101 Notifiable Conditions (as authorized by RCW 43.20.050 Powers and Duties of State Board of Health), RCW 70.28.010 (health providers required to report tuberculosis cases) and RCW 70.24 (control and treatment of sexually transmitted diseases).

Additional Information

More information about HIPAA is available on the Washington State Department of Health web site at <http://www.doh.wa.gov/OS/HIPAA/default.htm>, and the Centers for Disease Control and Prevention web site at <http://www.cdc.gov/mmwr/preview/mmwrhtml/su5201a1.htm>. If you have additional questions about HIPAA, you may call the Spokane Regional Health District HIPAA Coordinator at (509) 324-1455.

Sincerely,

A handwritten signature in black ink that reads "Joel McCullough, MD, MPH, MS". The signature is written in a cursive, flowing style.

Joel McCullough, MD, MPH, MS

Health Officer