



Department of Public Health
Disease Control Branch
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**Subject: Public Health Reporting is EXEMPT from HIPAA
Confidential Morbidity Report is EXEMPT from HIPAA and does not change**

Dear Colleague:

The Health Information, Portability and Accountability Act (HIPAA) took effect on April 14, 2003. This letter is to remind clinicians, laboratories and hospitals that patient consent is not required for reporting to Public Health.

Activities that involve mandated public health surveillance are not materially affected by the new Privacy Rule because they are exempt from the HIPAA regulations. The Privacy Rule allows for the existing practice of sharing protected health information (PHI) with public health authorities who are authorized by law to collect or receive such information to aid them in their mission of protecting the health of the public. This practice is described in the preamble to the actual Rule: "The final rule continues to permit covered entities to disclose protected health information, without individual authorization, directly to the public health authorities, such as the Food and Drug Administration, The Occupational Safety and Health Administration, and The Centers for Disease Control and Prevention, as well as the state and local public health departments, for public health purposes as specified in the Notice of Proposed Rulemaking for the Privacy Rule (NPRM), " (65 F.R. p. 82526).

Sharing of PHI with public health authorities is addressed in Section §164.512, "Uses and disclosures for which consent, an authorization, or an opportunity to agree or object is not required." Section § 164.512(a) permits disclosures that are required by law, which may be applicable to certain public health activities. Section § 1643512 (b) explicitly permits disclosures to public health authorities for public health activities:

"(1) Permitted disclosures: A covered entity may disclose protected health information for the public health activities and purposes described in this paragraph (Section §1643512(b)(1) to: (i) 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, public health investigations, and public health interventions; or at the direction of a public health authority, to an official of a foreign government agency that is acting in collaboration with a public health authority: (ii) A public health authority...authorized by law to receive reports of child abuse or neglect... (iv) a person who may have been exposed to a communicable disease or may otherwise be at risk of contracting or spreading a disease or condition, if the covered entity or public health authority is authorized by law to notify such a person as necessary in the conduct of a public health intervention or investigation, or ... (See Section §164.512(b)(1), 65, F.R. p. 82813-82814 for complete requirements).

The Full Text of the Privacy Rule is available at www.hhs.gov/ocr/combinedregtext.pdf.

It is important for medical providers and laboratories to continue to adhere to the Disease Reporting Laws to facilitate prompt disease control intervention.

All patient information is treated in a confidential manner.

Please contact Barbara Cole, Director for Disease Control at (951) 358-5107, if you need any additional information.

Sincerely,

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GMF:BC:lcp

C: Barbara Cole, RN, PHN, MSN, Director, Disease Control
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