

HIPAA AND PUBLIC HEALTH REPORTING

As described in sections 106.203 and 164.512 of the HIPAA regulations, the restrictions on the release of personal health information (such as name, address, telephone number and past, present or future physical or mental health condition of an individual) are superseded by the duty to report communicable diseases to public health authorities. Others that are **EXEMPTED** include child abuse, and birth and death information.

In addition, section 381.0031 (5) of the Florida Statutes states, "The department may obtain and inspect copies of medical records, records of laboratory tests, and other medical-related information for reported cases of disease of public health significance." Medical providers who allow the department to obtain this information cannot be held liable for the records disclosure. Section 381.0031 (1, 2) states that any practitioner licensed in Florida to practice medicine, who diagnoses or suspects the existence of a disease of public health significance, should report findings immediately to the Department of Health. Medical providers who allow the department to obtain this information cannot be held liable for the records disclosure.

RULE 64D-3: SURVEILLANCE AND REPORTING

This rule has been revised to incorporate new changes that have been adopted by the Florida Administrative Code and the Florida Legislature. Listed below are sections **64D-3.030**, **64D-3.032**, and **64D-3.041**. These sections pertain to the notification of disease by medical providers and medical facilities, along with Epidemiological Investigation Information. **64D-3.042 STD Testing Related to Pregnancy** has also been included for your reference.

64D-3.047 Enforcement and Penalties.

(1) Any practitioner, hospital or laboratory who is subject to the provisions of this rule who fails to report a disease or condition as required by this rule or otherwise fails to act in accordance with this rule is guilty of a misdemeanor of the second degree, and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00) as provided in Section 775.082 or 775.083, F.S. Each violation is considered a separate offense.

(2) All violations by practitioners, hospitals or laboratories shall be reported to the appropriate professional licensing authorities and public financing programs.

Rulemaking Authority 381.0011, 381.003(2), 381.003(8), 384.33, 384.34(4) FS. Law Implemented 381.0011, 381.003(1), 381.0031, 384.34 FS. History-New 11-20-06.