

Public Health Reporting is Exempt from HIPAA

What Does HIPAA Mean?

HIPAA is the acronym for the U.S. Health Information Portability and Accountability Act of 1996.

The privacy rule established national standards to protect a person's confidential information, and to give patients more access to their own medical records.

The security rule provided standards for protecting confidential information, both in hard copy and electronic formats.

This rule also required the establishment of disaster recovery and business continuity plans.

The transaction code set rule provided national standards for transmitting electronic billing information from one provider to another.

HIPAA and Public Health Initiatives

According to HIPAA §160.203, disease reporting, public health disease surveillance, and disease intervention activities are among those that are EXEMPT from federal preemption of state laws. Other examples include child abuse, and birth or death information.

Disease Reporting

Section 381.0031(1)(2), F.S. states that, "Any practitioner, licensed in Florida to practice medicine, osteopathic medicine, chiropractic, naturopathy, or veterinary medicine, who diagnoses or suspects the existence of a disease of public health significance shall immediately report the fact to the Department of Health." Florida's county health departments serve as the primary contact for disease reporting.

Section 381.25(1), F.S. provides additional information regarding the reporting of sexually transmitted diseases, including HIV/AIDS. Section 392.53(1)(2), F.S. specifically addresses the reporting of tuberculosis cases.

Medical Records

In addition, section 381.0031(5), F.S. states that, "The department may obtain and inspect copies of medical records, records of laboratory tests, and other medical-related information for reported cases of diseases of public health significance." Medical providers who allow the department to obtain this information cannot be held liable for the records disclosure.

Disease Intervention

Some reportable diseases require Department staff to intervene in the potential spread of the disease. To do this, Department staff may need to contact the provider and/or the person diagnosed with the disease.

Department staff interview persons diagnosed with a sexually transmitted disease in order to obtain the names of sexual partners and notify the partners of their possible exposure. Department staff can notify someone that they have been exposed to an STD without telling them the name of the person originally diagnosed.

A diagnosis of active tuberculosis requires that Department staff obtain the names of household contacts, in order to test them for TB and start preventive treatment, if necessary.

Regional epidemiologists issue public health alerts, and take necessary action to temporarily close establishments, investigate food-borne and waterborne disease outbreaks, as well as zoonoses.

County health department and Bureau of Epidemiology staff investigate a variety of communicable diseases, including arboviruses, bacterial meningitis and others.

Palm Beach County Reporting HIV/AIDS:

Phone: 561-840-0152 or 561-804-7948

Fax: 561-207-2592

STD:

Phone: 561-803-7326 or 561-803-7327

Fax: 561-840-0148

TB Control:

Phone: 561-803-7342

Fax: 561-840-0171

All Other EPI:

Phone: 561-671-4184 (M-F 8 a.m.-5 p.m.)

Fax: 561-837-5330

Phone: 561-840-4500 (after 5 p.m. and weekends)

General Rule and Exceptions: §160.203 (c) Public Health - "The provision of State law, including State procedures established under such law, as applicable, provides for the reporting of disease or injury, child abuse, birth, or death, or for the conduct of public health surveillance, investigation, or intervention."