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DATE: June 23, 2004  
TO: Local Health Department Directors and Staff, DPH Regional Office Directors  
FROM: Herb Bostrom, Director, Bureau of Communicable Disease and Preparedness  
RE: Reporting of Animal Bites

It has come to my attention that some health care providers have become reluctant to refer animal bites for followup to local health departments (LHD) because of confidentiality concerns. The new privacy standards that are a part of the Health Insurance Portability and Accountability Act (HIPAA) may be contributing to this raised the level of concern. Clinicians who treat animal bites may perceive themselves in a bind – in order to make a rational decision about the need for postexposure rabies prophylaxis, the bite must typically be referred to the LHD so that the biting animal can be quarantined or tested for rabies. However, some providers believe (sometimes on the advice of their attorneys) that confidentiality concerns prohibit them from doing so.

Although animal bites are not among the conditions that are specifically listed as notifiable in administrative code, there are no prohibitions against clinicians reporting animal bites to local public health officials or to the Department of Health and Family Services. And HIPAA does not change the obligations of health care providers to report communicable diseases and other events of public health interest to local or state health departments. In fact the privacy rules expressly permit disclosures of public health interest, without prior consent of patients, to public health agencies so that public health activities such as disease control and prevention can continue.

Health care providers may report individually identifiable health data to local and state health departments without obtaining consent from their patients. The requirements of Chapter 252 of the Wisconsin State Statutes are not affected by the federal privacy rules. The following references are pertinent:

- **Wisconsin Statute 250.04(3)(b)3:** The department may conduct investigations, studies, experiments and research pertaining to any public health problems which are a cause or potential cause of morbidity or mortality and methods for the prevention or amelioration of those public health problems. It may conduct the investigations, studies, experiments and research independently or by contract or in cooperation with any public or private agency, organization or person including any political subdivision of the state.
- **Wisconsin Statute 252.03(2):** Local health officers may do what is reasonable and necessary for the prevention and suppression of disease; may forbid public gatherings when deemed necessary to control outbreaks or epidemics and shall advise the department of measures taken.

- Wisconsin Administrative Code HFS 145.05 (1): The local health officer shall use all reasonable means to confirm in a timely manner any case or suspected case of a communicable disease and shall ascertain so far as possible all sources of infection and exposures to the infection.
- Wisconsin Administrative Code HFS 145.05 (2): Local health officers shall follow the methods of control set out in section 9 under each communicable disease listed in ...Control of Communicable Diseases Manual...

The Control of Communicable Diseases Manual states for rabies under section 9A.3.:  
“Detain and clinically observe for 10 days any health appearing dog or cat know to have bitten a person...”

• **HIPAA Privacy Rule - Part 164 (45 CFR § 164.512):** Part (b) of this section identifies to whom and for what purposes covered entities may disclose information. Relative to public health activities it states, “A covered entity may disclose protected health information for the public health activities and purposes described in this paragraph 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;”

• **Administrative Simplification Provision 6 of HIPAA:** “Nothing in this part shall be construed to invalidate or limit the authority, power, or procedures established under any law providing for the reporting of disease or injury, child abuse, birth, or death, public health surveillance, or public health investigation or intervention.”

While, it is probably not necessary to share this information with all your area health care providers, those that have concerns about reporting bites should be advised that they can continue to report and provide necessary patient information regarding animal bites to public health authorities. The Division of Public Health and local health departments will in turn maintain the privacy of all patient information.

Please contact Jim Kazmierczak (608-266-2154) or Gwen Borlaug (608-267-7711) in the Bureau of Communicable Diseases if you have questions or comments. Your cooperation is greatly appreciated.