



Jim Doyle
Governor

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State of Wisconsin
Department of Health and Family Services

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August 25, 2003

Hospital Administrators
Local Health Department Directors
Infection Control Professionals
Medical Records Department Directors
Laboratory Directors

Dear Health Care Partners:

The new health information privacy standards that are a part of the Health Insurance Portability and Accountability Act (HIPAA) have caused covered entities to raise questions about the ability to continue to disclose protected health information (PHI) to public health agencies.

The privacy rules balance the need to protect a patient's privacy with the need for public health authorities to protect the health of the community. Hence the rules permit covered entities to continue the same reporting relationships with their public health partners. It does so through the following provisions.

- Disclosures of PHI to public health agencies do not require prior consent. Health care providers may report individually identifiable health data to local and state health departments without obtaining consent from their patients (reference 1 attached).
- The privacy rules uphold state statutes that require disease and injury reporting to public health authorities (reference 2 attached).
- The requirements of Chapter 252 of the Wisconsin State Statutes are not affected by the federal privacy rules (reference 3 attached).

The 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. The privacy rules expressly permit disclosures of PHI, without prior consent of patients, to public health agencies so that public health activities such as disease control and prevention can continue.

All those responsible (e.g. health care providers, laboratory staff, infection control professionals) for reporting morbidity, mortality, and other health related events to local and state public health agencies should be advised that they can and must continue to report and provide necessary patient information 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 Gwen Borlaug (608-267-7711) or Michael Pfrang (608-266-7550) in the Bureau of Communicable Diseases if you have questions or comments. Your cooperation is greatly appreciated.

Sincerely,

Jeffrey P. Davis, MD
Chief Medical Officer and State Epidemiologist
for Communicable Diseases
Wisconsin Division of Public Health

References

Reference 1

Part 164 (45 CFR § 164.512) of the HIPAA Privacy Rule lists the uses and disclosures for which consent, authorization, or opportunity to agree or object is not required. One of the uses listed is the disclosure of "... protected health information to the extent that such use or disclosure is required by law and the use or disclosure complies with and is limited to the relevant requirements of such law." 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;"

Reference 2

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."

Reference 3

Chapter 252.05(1) Wisconsin State Statutes: "Any health care provider who knows or has reason to believe that a person treated or visited by him or her has a communicable disease, or having a communicable disease, has died, shall report the appearance of the communicable disease or the death to the local health officer. Part 4 of that section lists the types of information that reports shall include: Name, sex, age residence, the communicable disease, and other facts the local health officer requires."



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To: Local Health Department Directors
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Laboratory Directors

From: Herb Bostrom, Director
Bureau of Communicable Diseases
Wisconsin Division of Public Health

Re: Secured faxes within the Bureau of Communicable Diseases

We have had several requests from health care providers asking us to document that the fax machines from which we receive patient information are secure. The following fax machines in the Bureau of Communicable Diseases are secured. They are located in areas that are generally restricted to bureau personnel and are not readily visible to unauthorized persons or to the general public.

Please keep this memo for your records if your organization requires documentation of fax security.

Program	Fax Number
AIDS/HIV	608-266-1288
Communicable Disease Epidemiology	608-261-4976
Immunization	608-267-9493
Tuberculosis/Sexually Transmitted Diseases	608-266-0049