



J. Patrick O'Neal, M.D., Commissioner | Nathan Deal, Governor

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RE: "Public Health" Exceptions to HIPAA

Dear Colleague:

From time to time, we receive questions from physicians and other health care providers who are concerned that federal privacy regulations prevent them from reporting patient information to local health departments or to the Department of Public Health.

The "Health Insurance Portability and Accountability Act" (HIPAA), enacted by Congress in 1996, protects the confidentiality of the patient's personal health information. However, HIPAA and its accompanying regulations strike a balance between a health care provider's duty of confidentiality and the need to protect the public's health. Federal HIPAA regulations stipulate that patient health information may be provided to state public health authorities, with or without the patient's consent, in many different circumstances. Those circumstances include the following:

- A health care provider "may disclose protected health information for the public health activities and purposes described in this paragraph to 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 intervention," 45 C.F.R. § 164.512(b)(1)(i); and
- A health care provider "may, consistent with applicable law and standards of ethical conduct, use or disclose protected health information, if the [provider] in good faith believes the use or disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public, and is to a person or persons reasonably able to prevent or lessen the threat, including the target of the threat," 45 C.F.R. § 164.512(j)(1)(i).

I hope this information will facilitate your support of our unwavering efforts to protect the public's health. If you have any questions, please feel free to contact our legal department.

Very truly yours,

A handwritten signature in black ink that reads "J. Patrick O'Neal, M.D.".

J. Patrick O'Neal, M.D.
Commissioner