



HIPAA FACT SHEET: DISCLOSURES FOR PUBLIC HEALTH EMERGENCIES

The HIPAA Privacy Rule recognizes that various agencies and public officials will need protected health information to deal effectively with a bioterrorism threat or other public health emergency. To facilitate the communications that are essential to a quick and effective response to such events, the Privacy Rule permits covered entities to disclose needed information to public health officials in a variety of ways.

HIPAA Does Not Preempt State Laws Related to Public Health, Safety, or Welfare

The Privacy Rule specifically states that it does not preempt contrary state laws that are necessary for purposes of serving a compelling need related to public health, safety, or welfare. If a state law conflicts with a standard, requirement, or implementation specification under Part 164 of the Privacy Rule, then the state law will not be preempted if the intrusion of privacy is warranted when balanced against the need to be served. [45 CFR 160.203 (a)(1)(iv)]

Disclosure to Public Health Authority for Public Health Activities

Covered entities may disclose protected health information, without the individual's authorization, to a public health authority acting as authorized by law in response to a bioterrorism threat or public health emergency. [45 CFR 164.512 (b)]

Disclosure to Public Health Authority to Prevent or Lessen Threat to Public Health or Safety

Covered entities are permitted to disclose protected health information, without the individual's authorization, to public officials who are reasonably able to prevent or lessen a serious and imminent threat to public health or safety. [45 CFR 164.512 (j)]

Disclosure to Public Health Authority for Disaster Relief Purposes

Covered entities may disclose protected health information to a public or private entity authorized by law or by its charter to assist in disaster relief efforts, for the purpose of coordinating with such entities the uses or disclosures for notification or assistance in the notification of an individual's location, general condition, or death. 45 CFR 164.510 (b)(4)

Relevant State Laws:

O.C.G.A. § 31-12-1.1; Bioterrorism and Public Health Emergency Defined

O.C.G.A. § 31-12-2; Reporting Disease

O.C.G.A. § 31-12-2.1; Investigation of Potential Bioterrorism Activity

O.C.G.A. § 31-22-7; Reporting by Clinical Laboratories

O.C.G.A. § 38-3-51 (i); Coordination of Public Health Emergency

Sources:

U.S. Department of Health and Human Services

Office of Civil Rights

HIPAA Privacy Frequently Asked Questions

Summary of the HIPAA Privacy Rule (May 2003)



Georgia Department of Human Resources (DHR)
Division of Public Health

<http://www.hhs.gov/ocr/hipaa/privacy.html>

U.S. Department of Health and Human Services
Centers for Disease Control and Prevention
Morbidity and Mortality Weekly Report
Vol. 52 Supplement (May 2, 2003)
http://www.cdc.gov/mmwr/preview/ind2003_su.html