

Addressing Health Insurance Portability and Accountability Act (HIPAA) of 1996 and State Reporting:

Does the Health Insurance Portability and Accountability Act (HIPAA) change the obligation of providers to report notifiable diseases or conditions?

No, HIPAA does not change the obligation to report or the obligation to cooperate with the Health Department's epidemiologic investigations. **HIPAA Section 45 CFR 160.203(c)** specifically defers to state laws and states "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" and **45 CFR section 164.512(b) (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; or, at the direction of a public health authority, to an official of a foreign government agency that is acting in collaboration with a public health authority;"

Guidance from the Centers for Disease Control and Prevention (CDC) and the U.S. Department of Health and Human Services on the HIPAA Privacy Rule and Public Health activities can be referenced here:

Centers for Disease Control and Prevention. HIPAA Privacy Rule and public health: guidance from CDC and the U.S. Department of Health and Human Services. MMWR 2003;52 (Early Release).