



STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Bureau for Public Health  
Commissioner's Office

Bill J. Crouch  
Cabinet Secretary

Catherine C. Slemp, MD, MPH  
Commissioner & State Health Officer (Interim)

December 3, 2018

Dear Healthcare Provider:

The West Virginia Bureau for Public Health (BPH) is committed to protecting the health of West Virginia residents by providing public health oversight and monitoring of health events according to federal and state law. This letter is intended to clarify the ability of a Health Information Portability Accountability Act (HIPAA) covered entity (CE) to use and disclose protected health information (PHI) for certain public health activities without first obtaining an individual's authorization.

The HIPAA Privacy Rule provides important privacy rights and protection with respect to patients' health information, including limitations on how it may be disclosed to third parties. The HIPAA Privacy Rule recognizes there are circumstances when sharing patient health information may benefit the health and safety of others, by permitting the use and disclosure of PHI to a **public health authority** (PHA) without a patient's prior authorization.

The HIPAA Privacy Rule includes several permitted uses and disclosures. (See 45 CFR 164.512(b)(1)). As a CE, you are permitted to disclose PHI to a PHA for the purposes of preventing or controlling disease, injury, or disability, including many common public health activities contained in the West Virginia Reportable Disease Manual ([www.dhhr.wv.gov/oeps/disease/manual/pages/default.aspx](http://www.dhhr.wv.gov/oeps/disease/manual/pages/default.aspx)). The BPH encourages all providers to become familiar with 45 CFR 164.512(b)(1) and the Reportable Disease Manual.

Finally, while HIPAA requires that information disclosed to the PHA is the minimum information necessary, you may reasonably rely on the PHA's request to define the information that is necessary for the public health activity.

If you have questions, please contact the Office of Epidemiology and Prevention Services at (304) 558-5358 or 1 (800) 423-1271.

Sincerely,

A handwritten signature in blue ink that reads "Catherine C. Slemp".

Catherine C. Slemp, MD, MPH  
Commissioner and State Health Officer, Interim

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