



WEST VIRGINIA DEPARTMENT OF HEALTH
Bureau for Public Health

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Secretary of Health

Mark E. McDaniel, DO, FAAFP
Acting Commissioner & State Health Officer

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Dear Healthcare Provider:

The West Virginia Department of Health, 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 in accordance with 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 limits on how it may be disclosed to third parties. However, the Privacy Rule also recognizes that, in some circumstances, sharing patient health information benefits the health and safety of others. For this reason, HIPAA permits the use and disclosure of PHI to a **public health authority** (PHA) without prior patient authorization.

Under 45 CFR 164.512(b)(1), a CE may disclose PHI to a PHA for the purpose of preventing or controlling disease, injury, or disability. This includes common public health activities outlined in the West Virginia Reportable Disease Manual: <https://oepps.wv.gov/wv-reportable-disease-manual>. The BPH strongly encourages all providers to review both 45 CFR 164.512(b)(1) and the Reportable Disease Manual.

Finally, while HIPAA requires disclosures be limited to the minimum necessary, a CE may reasonably rely on the PHA's request to determine the information 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,

Dr. Mark E. McDaniel
State Health Officer & Acting Commissioner