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Secretary of Health

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

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Dear Healthcare Provider:

The West Virginia Department of Health and Human Resources, Bureau for Public Health (BPH), is committed to protecting the health of West Virginia residents by providing oversight and monitoring of health events in accordance with federal and state law. This letter is intended to clarify the ability of a Health Insurance Portability and 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 protections for 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://oeeps.wv.gov/reporting/Pages/rpd\\_manual.aspx](https://oeeps.wv.gov/reporting/Pages/rpd_manual.aspx). The BPH strongly encourages all providers to review both 45 CFR 164.512(b)(1) and the Reportable Disease Manual to ensure compliance.

Finally, while HIPAA requires that disclosures be limited to the minimum necessary information, a CE may reasonably rely on the PHA's request to determine the information necessary for a specific public health activity.

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

Sincerely,



Dr. Mark E. McDaniel  
Acting State Health Officer