

# ProtectTexas™

## Texas Department of Health

### Office of General Counsel

<http://www.tdh.state.tx.us>

Eduardo J. Sanchez, M.D., M.P.H.  
Commissioner of Health

Wanda Thompson, Ph.D.  
Acting Chief Operating Officer

Nick Curry, M.D., M.P.H.  
Executive Deputy Commissioner

1100 West 49th Street  
Austin, Texas 78756-3199  
Telephone (512) 458-7236  
Facsimile (512) 458-7751

Susan K. Steeg  
General Counsel

C. David Richards, III  
Deputy General Counsel

Linda S. Wiegman  
Deputy General Counsel

March 29, 2004

RE: POISON CONTROL CENTERS AND PUBLIC HEALTH REPORTING UNDER HIPAA

Dear HIPAA covered provider:

The local and regional Poison Control Centers throughout Texas are acting as public health authorities under grants from the Texas Department of Health (TDH) and the Health Resources and Services Administration (HRSA), for the purpose of providing information and advice to the public and professionals on poisonous substances. They also collect and receive reports and occurrences of poisonings or suspected poisonings, which are sent to TDH and the Center for Disease Control (CDC) for statistical and public health purposes. Public health and the scientific community depend on the accurate and timely reporting of this information as an essential tool in determining the causes and incidences of poisoning and to develop strategies and target resources to minimize the risk and maximize the knowledge available to affected persons and communities. There are six designated poison centers in Texas: Central Texas Poison Center, North Texas Poison Center, Panhandle Poison Center, Southeast Texas Poison Center, South Texas Poison Center, and West Texas Poison Center.

The Health Insurance Portability and Accountability Act (HIPAA) Privacy Standards were implemented on April 14, 2003. These standards provide the first national standards for the use and disclosure of protected health information of individuals. However, these standards did not, and were not intended to affect the duties of HIPAA covered entities to comply with other state and federal laws that require information on certain diseases, injuries and conditions to be reported to public health authorities or their designees.

The Privacy Standards contain important exceptions that authorize covered entities to continue to provide protected health information to public health, health research, and for other important governmental functions, like regulatory, licensing, law enforcement, and the administrative and judicial functions. These exceptions are found in 45 C.F.R. §164.512. The exceptions in §164.512(a) permit a covered entity to disclose protected health information to a public health authority, or its designee, without an authorization of the individual.

*Public Health Authority* is defined in HIPAA in 45 CFR 164.501 as an agency or authority of the United States, a State, a territory, or an Indian tribe, or a person or entity acting under a grant of authority from or a contract with such public agency, including the employees or agents of such

POISON CONTROL CENTERS AND PUBLIC HEALTH REPORTING UNDER HIPAA

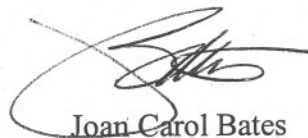
March 29, 2004

Page 2 of 2

public agency or its contractors or persons or entities to whom it has granted authority, that is responsible for public health matters as part of its official mandate.

Your continued reporting of information to Poison Control Centers is authorized under HIPAA and required by local, state and federal laws and public health authorities that require you to report injuries, diseases and other conditions of public health importance. If you have questions, please feel free to call the Office of the General Counsel at (512) 458-7236.

Sincerely,



Joan Carol Bates

Assistant General Counsel

Office of General Counsel