

POLICY REGARDING DISCLOSURE OF PROTECTED HEALTH INFORMATION FOR PUBLIC HEALTH ACTIVITIES

Purpose: To set forth the policy and procedures of WVU Physicians of Charleston (WVUPC) regarding disclosures of protected health information (“PHI”) for public health activities.

Standard: For most disclosures, other than in the usual course of treatment, payment and/or health care operations, WVUPC must obtain individual authorization before using or disclosing the individual’s PHI. However, PHI may be disclosed for public health activities without written consent or authorization of the individual, or the opportunity of the individual to agree or object, when certain standards are met. This policy has been developed to provide guidance on this issue, and to ensure full compliance with public health reporting obligations, while also protecting patient health information in our possession.

Policy:

1. WVUPC may disclose PHI for the public health activities and purposes described in 45 C.F.R. § 164.512, and as set forth in this policy and procedure.
2. Any questions which arise regarding disclosures for public health activities should be directed to the WVUPC Privacy Officer or General Counsel.

Procedure

A. Pursuant to § 164.512 of the HIPAA regulations, WVUPC may disclose PHI for public health activities as follows:

1. WVUPC may disclose PHI for public health activities described in HIPAA and in this policy/procedure to the following:
 - a. *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 and 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*

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an official of a foreign government agency that is acting in collaboration with a public health authority.

b. *A public health authority or other appropriate governmental authority that is authorized by law to receive reports of child abuse or neglect;*

c. *A person subject to the jurisdiction of the Food and Drug Administration (FDA) with respect to an FDA-regulated product or activity for which that person has responsibility, for the purpose of activities related to the quality, safety or effectiveness of such FDA-regulated product or activity. Such purposes include:*

i. *collection of information or reporting adverse events (or similar activities with respect to food or dietary supplements), product defects or problems (including problems with use or labeling of a product), or biological product deviations;*

ii. *tracking FDA-regulated products;*

iii. *facilitating product recalls, repairs or replacements, or look-back (including locating and notifying individuals who have received products that have been recalled, withdrawn, or are the subject of look-back); or*

iv. *conducting post-marketing surveillance.*

d. *A person who may have been exposed to a communicable disease or may otherwise be at risk of contracting or spreading a disease or condition, if WVUPC is authorized by law to notify such person as necessary in the conduct of a public health intervention or investigation; or*

e. *An employer, about an individual who is a member of the workforce of the employer, if:*

i. *WVUPC provides health care to the individual at the request of the employer: to conduct an evaluation relating to medical surveillance of the workplace, or to evaluate whether the individual has a work-related illness or injury;*

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ii. The protected health information that is disclosed consists of findings confirming a work related illness or injury or a workplace related medical surveillance; or

iii. The employer needs such findings in order to comply with its obligations under federal or state law, to record such illness or injury, or to carry out responsibilities for workplace medical surveillance; and

iv. WVUPC provides written notice to the individual that PHI relating to the medical surveillance of the workplace and work-related illness and injury is disclosed to the employer, by either giving a copy of such notice to the individual at the time the health care is provided, or if the care is given on the premises of the employer, by posting the notice in a prominent place where the health care is provided.

REFERENCES:
45 C.F.R. § 164.512

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