



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

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Governor

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Karen L. Bowling
Cabinet Secretary

February 10, 2016

Dear Health Care Provider:

State and local health department personnel and state and regional epidemiologists in West Virginia may collect, and health care providers **must report**, information including personally identifiable health information (PHI), in accordance with the West Virginia Legislative Rule 64CSR7 - Reportable Diseases, Events and Conditions. To review the rule, visit the Secretary of State's website at www.sos.wv.gov under Administrative Law, Search for Rules. You will be able to search for the rule by name or number.

The rule applies broadly to all health care providers, facilities and laboratories. An extensive list of those to whom the rule applies appears in subsection 1.5 Applicability. The list includes physicians and other licensed health practitioners; local health officers; other public health providers; private or public laboratories; all health care facilities; the Bureau; health care professional licensing boards and agencies; any individual administering immunizations; administrators of schools, camps, and vessels; administrators of health care facilities operated by the Department; the State Registrar of vital statistics; county humane officers, dog wardens; sheriffs; pathologists; coroners; veterinarians and other animal health care providers; medical examiners; and any other person investigating or treating disease, health conditions, or cause of death. Failure to comply with the mandatory reporting requirements of the rule is a misdemeanor, punishable by fines in accordance with West Virginia Code §16-1-18. Each violation is considered a separate offense.

The HIPAA Privacy Rule (45 CFR Parts 160 and 164) guarantees certain privacy rights to individuals. However, the rule provides that PHI may be used and disclosed without the authorization of the subject of that information to the extent a law requires the production of that information (45 CFR 164.512(a)). The HIPAA Privacy Rule also provides that PHI may be used and disclosed to a **public health authority** without the authorization of the subject of that information for public health activities and purposes that are authorized by law (45 CFR 164.512(b)(1)(i)). Examples are preventing or controlling disease, injury or disability including, but not limited to, the reporting of disease, injury, vital events such as birth or death, and the conduct of public health surveillance, investigations and public health interventions.

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As such, an individual's authorization is not required for information supplied to a public health authority needing PHI to conduct public health activities authorized by law. According to HIPAA and clarifications received from the Centers for Medicare and Medicaid Services (CMS), "Disclosures made pursuant to a law that mandates the production of information are not subject to any limitations under the HIPAA Privacy Rule so long as the disclosure complies with and is limited to the relevant requirements of that law."

HIPAA permits and the West Virginia Reportable Diseases Rule requires that you report diseases, events and conditions as specified in the rule and assist public health authorities in their investigation and management of outbreaks. The Legislative Rule precludes the need for a business associate agreement or other contract with the public health authority before you provide the requested information.

For further information on reportable conditions, please contact your local health department or call the Office of Epidemiology and Prevention Services, Division of Infectious Disease Epidemiology at (304) 558-5358 or 1 (800) 423-1271 or visit the website at www.dide.wv.gov.

Sincerely,



Rahul Gupta, MD, MPH, FACP
Commissioner and State Health Officer

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