



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Earl Ray Tomblin
Governor

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Karen L. Bowling
Cabinet Secretary

December 9, 2013

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 protected health information (PHI), required to be reported in accordance with the West Virginia legislative rule, Reportable Diseases, Events and Conditions, Title 64, Series 7, or 64CSR7. A link to the Secretary of State's website at <http://apps.sos.wv.gov/adlaw/csr/index.aspx> will allow a 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 at subsection 1.5 on "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; and 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 consult <http://www/dhhr.wv.gov/oeps/disease/Pages/default.aspx>, the Division of Infectious Disease Epidemiology's website, or contact us at (304) 558-5358 or (800) 423-1271.

Sincerely,



Letitia E. Tierney, M.D., J.D.
Commissioner and State Health Officer

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West Virginia Reportable Infectious Diseases Facilities and Providers (WV Code 16-3-1; 64CSR7)



Reporting of the following communicable diseases is required by law as follows:

August, 2013

Category I Report suspect or confirmed cases immediately to the Local Health department	Category II Report within 24 hours to the Local Health Department	Category III Report within 72 hours to the Local Health Department	Category IV Report within 1 week to the Local Health Department	Category V Report within 1 week to the state health department
<ul style="list-style-type: none"> • Anthrax • Bioterrorist event • Botulism • Foodborne outbreak • Intentional exposure to an infectious agent or biological toxin • Novel influenza infection, animal or human • Orthopox infection, including smallpox and monkeypox • Outbreak or cluster of any illness or condition¹ • Plague • Rubella • Rubella, congenital syndrome • Rubeola (Measles) • SARS coronavirus infection • Smallpox • Tularemia • Viral hemorrhagic fevers² • Waterborne outbreak 	<ul style="list-style-type: none"> • Animal bites • Brucellosis • Cholera • Dengue fever • Diphtheria • <i>Hemophilus influenzae</i>, invasive disease³ • Hemolytic Uremic Syndrome, postdiarrheal • Hepatitis A, acute⁴ • Hepatitis B, acute, chronic or perinatal⁴ • Hepatitis D⁴ • Meningococcal disease, invasive • Mumps, acute infection • Pertussis (whooping cough) • Poliomyelitis • Q-fever (<i>Coxiella burnetii</i>) • Rabies; human or animal • Shiga toxin-producing <i>Escherichia coli</i> (STEC)⁵ • <i>Staphylococcus aureus</i> with glycopeptide-intermediate (GISA/VISA) or glycopeptide-resistant (GRSA/VRSA) susceptibilities³ • Tuberculosis; all forms³ • Typhoid fever (<i>Salmonella typhi</i>) • Yellow fever • Any other unusual condition or emerging infectious disease 	<ul style="list-style-type: none"> • Campylobacteriosis • Cryptosporidiosis • Cyclospora • Giardiasis • Listeriosis • Salmonellosis (except Typhoid fever)³ • Shigellosis³ • Trichinosis • Vibriosis 	<ul style="list-style-type: none"> • Anaplasmosis • Arboviral infection • Babesiosis • Chickenpox (numerical totals only) • Ehrlichiosis • Hantavirus pulmonary syndrome • Influenza-like illness (numerical totals only) • Influenza-related death in an individual less than 18 years of age • Legionellosis • Leptospirosis • Lyme disease • Malaria • Psittacosis • Rocky Mountain spotted fever • Streptococcal disease, invasive Group B • Streptococcal toxic shock syndrome • <i>Streptococcus pneumoniae</i>, invasive³ • Tetanus • Toxic Shock Syndrome • Tuberculosis, latent infection⁶ 	<ul style="list-style-type: none"> • AIDS • Chancroid • Chlamydia • Gonococcal conjunctivitis of the newborn (within 24 hours) • Gonococcal disease, drug resistant (within 24 hours) • Gonococcal disease, all other • Hepatitis C, acute⁴ • HIV • Pelvic inflammatory disease • Syphilis (late) • Syphilis, primary, secondary or early latent (less than 1 year duration) or congenital (within 24 hours)
¹ In any setting ² Including filoviruses such as Ebola and Marburg and arenaviruses such as Lassa fever		³ Including results of susceptibility testing ⁴ Including results of hepatitis A and B serologies, transaminase levels and bilirubin		⁵ Including but not limited to <i>E coli</i> O157:H7 ⁶ (limited to persons with a positive Mantoux tuberculin skin test conversion in the last two years or any positive Mantoux tuberculin skin test in a child less than 5 years of age)
Report name, address, telephone number, date of birth, sex, race, ethnicity and the physician's name, office address, office phone and fax numbers, using the appropriate disease reporting form in the West Virginia Reportable Disease Protocol Manual: www.dide.wv.gov			West Virginia Department of Health & Human Resources Bureau for Public Health 350 Capitol Street, Room 125 Charleston, WV 25301 Phone: 304.558.5358, ext 1 In WV: 800.423.1271, ext 1 Fax: 304.558.8736	