



TEXAS DEPARTMENT OF STATE HEALTH SERVICES

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COMMISSIONER

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Re: Poison Control Centers as Public Health Authorities

To Whom It May Concern:

The Health Insurance Portability and Accountability Act (HIPAA) allows covered entities to disclose protected health information without the written authorization of an individual in certain circumstances. One of these is for "Public Health Activities":

A covered entity may disclose protected health information for the public health activities and purposes described in this paragraph to:

- (i) 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 or death, and the conduct of public health surveillance, public health investigations, and public health interventions...(45 CFR §164.512(b))

Disclosure to a Regional Poison Control Center meets the requirements of this section of the HIPAA regulations. The Regional Poison Control Centers meet the definition of "a public health authority":

Public health authority means an agency or authority of ... a State ... or a person or entity acting under a grant of authority from or contract with such a public agency, including the employees or agents of such a 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. (45 CFR §165.501, emphasis added)

The parent agency of the regional poison control centers, the Commission on State Emergency Communications, has an agreement with the Texas Department of State Health Services (DSHS) as required by law (Health and Safety Code §777.013(c)). Among the purposes of this agreement is the implementation of a requirement that:

Each regional poison control center shall provide the Department of State Health Services with access to all data and information collected by the regional poison control center for public health activities and epidemiological and toxicological investigations. (Health and Safety Code §777.013(b))

To summarize, the regional poison control centers are acting under an agreement with DSHS, and a direct mandate from the legislature, to collect data for public health purposes. As such, they are qualified to receive protected health information without patient consent, under the HIPAA privacy rule.

Sincerely,

A handwritten signature in blue ink that reads "Rashandra C. Hayes".

Rashandra C. Hayes
Assistant General Counsel
Government Law Unit