These are only a few of the mandatory disclosures that health care providers are required to make. Public health workers will also require access to certain information pertinent to the report in order to conduct investigation, surveillance and intervention activities. These activities are also permissible under HIPAA, and required under state law.

The information gathered from these required disclosures is still confidential. For example, South Carolina law requires that DHEC maintain confidentiality of information gathered from patients’ medical records. This information can be released only if the information is modified to prevent the identification of a patient or physician, unless that information is being shared with another public health authority. Other laws also protect the confidentiality of information reported to DHEC, such as South Carolina Code Section 44-37-30 (infant metabolic and genetic screenings). Also, medical records are not public records that can be disclosed pursuant to the SC Freedom of Information Act.

Must I Account For Disclosures Made For Public Health Purposes, Including Required Reporting?

Yes, the Privacy Rule states that a patient is entitled to receive an accounting of uses and disclosures of their protected health information, even if the use or disclosure is permitted or required by law. Therefore, any disclosure made to DHEC, whether or not required by law, must be reported to the patient who requests an accounting of disclosures.

Resources

Where can I get more information and additional guidance?

The U.S. Department of Health and Human Services, Office of Civil Rights (OCR), website: www.hhs.gov/ocr/hipaa contains:

- The full text of the HIPAA Privacy Rules
- Information on the Privacy Rules
- OCR guidance
- Frequently Asked Questions (FAQs) and answers, including questions about public health activities and permissible disclosures.

For further information on public health reporting, please contact:

South Carolina Department of Health and Environmental Control
DHEC Privacy Officer
2600 Bull Street
Columbia, SC 29201
Phone (803) 898-3318
www.scdhec.gov

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Is Patient Authorization Needed To Report Or Share Information With DHEC?

The Privacy Rule [See 45 C.F.R. §160 and §164] provides for a number of situations in which protected health information may be shared without a patient’s authorization. Those situations include:

(a) Uses and disclosures required by law.

   (1) A covered entity may use or disclose protected health information to the extent that such use or disclosure is required by law and the use or disclosure complies with and is limited to the relevant requirements of such law. (45 C.F.R. §164.512(a))

(b) Uses and disclosures for public health activities.

   (1) Permitted disclosures. A covered entity may disclose protected health information 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;

      (ii) A public health authority authorized by law to receive reports of child abuse or neglect. (45 C.F.R. §164.512(b))

How Does S.C. Law Protect These Disclosures?

In South Carolina, health care providers are required by law to make many disclosures for public health purposes. The state law requirements concerning these mandatory disclosures are not changed by HIPAA. For example, hospitals or physicians must share with or report information to DHEC for many reasons, such as: contagious and infectious disease reporting, environmental and occupational disease notifications, epidemiological studies, and reporting of births and deaths. Immunization information must also be reported or available to DHEC for public health activities. (ex. S.C. Code §§44-1-110, 44-29-10 et seq., 44-31-10, 44-37-10, 44-38-60, Regulations 61-19, 61-20, 61-21).