



**North Carolina Department of Health and Human Services  
Division of Public Health**


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Beverly Eaves Perdue, Governor  
Lanier M. Cansler, Secretary

Jeffrey P. Engel, M.D.  
State Health Director

*January 28, 2011*

**Memorandum**

TO: Healthcare Facility Administrators  
FROM: Jeffrey P. Engel, M.D, State Health Director   
SUBJECT: Permitted Disclosures for Public Health Reporting under HIPAA

In December 2009 the North Carolina Division of Public Health, Communicable Disease Branch began a healthcare-associated infections (HAI) prevention program to coordinate HAI activities with prevention partners, healthcare facilities and government organizations throughout the state. This program has been authorized by the NC General Assembly to develop “a statewide hospital-acquired infections surveillance and reporting system, as recommended by the Joint Study Committee on Hospital Infection Control and Disclosure” (SL2009-451, S 202, Hospital-Acquired Infections, Section 10.28).. Beginning January 1, 2011, the NC-HAI prevention program began collecting data on central line-associated bloodstream infections (CLABSI) as an initial phase of public health surveillance of HAI.

This memorandum letter clarifies reporting of HAI to public health authorities under the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

HIPAA recognizes the need to balance public responsibility and patient privacy and includes provisions that permit certain disclosures without requiring individual authorization. Under 42 C.F.R. § 164.512(b)(1)(i), the HIPAA Privacy Rule permits without an individual’s authorization disclosures to public health authorities that are authorized by law to collect such information to aid them in their mission to protect the health of the public:

- (1) *Permitted disclosures.* 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;

Healthcare facilities are permitted under HIPAA to release HAI information requested by the NC DPH HAI prevention program.



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All records containing individually identifiable health information disclosed to the Division of Public Health remain confidential as mandated by North Carolina General Statutes §130A-12 and are not public record. In addition, the Division is committed to safeguarding individually identifiable health information by following North Carolina Department of Health and Human Services (NC DHHS) policies and procedures that are compliant with the HIPAA privacy standards.

The Division has also reviewed its reporting requirements and provides assurances that the information requested for disclosure is the minimum necessary to accomplish its purpose, as required by law or to meet public health objectives. HIPAA enables healthcare providers to “rely on a minimum necessary determination made by the public health authority in requesting protected health information.” (Office of Civil Rights, Privacy Guidance, December 3, 2002).

The Division of Public Health is committed to fulfilling its responsibilities for protecting the public’s health according to federal and state law. Health care providers and public health partners serve essential and instrumental roles in the public health system and the Division is committed to continuing our public health partnerships in order to promote and ensure the public’s health.

Please feel free to Bob Martin at (919) 707-5179 if you have questions. You may also contact the DPH Privacy Official at HIPAA.DPH@ncmail.net, if you would like additional clarification.

Thank you very much.

cc: Chris Hoke, Chief, Legal and Regulatory Affairs, NC Division of Public Health  
Bob Martin, Public Health Program Manager, HIPAA Coordinator, NC Division of Public Health  
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