



October 2, 2003

To Whom It May Concern:

The Florida Legislature created the Florida Poison Information Center Network in 1999. The three poison control centers in Jacksonville, Miami, and Tampa were charged with implementation of specific functions that would directly impact patient care related to poisonings, and the cost effectiveness of this care. Since that time, our three centers have played a significant role in assessing, triaging, managing, and monitoring known or suspected poisonings in this state, while also playing an important role in epidemiologic surveillance. In order to adequately fulfill this role, the centers have needed access to patient information and patient follow-up information. Since the activation of measures to protect patient information through the Health Insurance Portability and Accountability Act (HIPAA), the centers have met with significant resistance from health providers within the state to share protected patient information.

This letter serves as verification of a grant of authority from the Florida Legislature for the Florida Poison Information Centers to conduct the public health activities described here, in coordination with Children's Medical Services, Department of Health, and acting as a public health authority as described in to the Standards for Privacy of Individually Identifiable Health Information promulgated under HIPAA [45 CFR Parts 160 and 164)]. Under this rule, covered entities may disclose, without individual authorization, protected health information to public health authorities " . . . 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. . . ." The definition of a public health authority includes " . . . an individual or entity acting under a grant of authority from or contract with such public agency. . . ."

Under Section 395.1027, Florida Statutes, the Florida Poison Information Centers perform dual functions for the purpose of HIPAA analysis. The statute provides that the centers shall provide toll-free access for the public for poison information, prevention education, and data collection and reporting. These are public health functions under state law, exempt from the HIPAA privacy regulations. Even under HIPAA regulations, personal health information can be released without patient consent to public health authorities for public health purposes, such as public health surveillance and disease or injury prevention.

The Florida Statutes also authorize the regional poison control centers to provide case management of poison cases and professional consultation to healthcare practitioners. Under both HIPAA and state law, personal health information may be shared by health care providers for purposes of diagnosis and treatment of common patients without the written consent of the patient.

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The Florida Poison Information Centers cannot adequately perform their function without the ability to access information and discuss these cases with primary healthcare providers. We urge you to consider this very important exclusion from the HIPAA regulations, and inform your staff accordingly.

If you have questions or concerns, please contact Children's Medical Services at (850) 245-4200.

Sincerely,



S. Elizabeth Ford, M.D., M.B.A.
Deputy Secretary, Children's Medical Services

Sincerely,



John O. Agwunobi, M.D., M.B.A.
Secretary, Department of Health

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