

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Ron DeSantis
Governor

Scott A. Rivkees, MD
State Surgeon General

Vision: To be the Healthiest State in the Nation

March 5, 2020

TO LICENSED HEALTH CARE PROVIDERS

Re: Communicable Disease Investigation and Reporting

All practitioners, hospitals, and laboratories in Florida are required to notify the Florida Department of Health (FDOH) of diseases or conditions of public health significance under section 381.0031, Florida Statutes, and Florida Administrative Code, Chapter 64D-3. FDOH maintains a *Table of Reportable Diseases or Conditions to Be Reported* in Florida Administrative Code Rule 64D-3.029, which is updated periodically. It is important that the requirements imposed by the Privacy Rule of the Health Insurance Portability and Accountability Act (HIPAA) be understood and followed, especially regarding disease reporting responsibilities and protections.

Review or Inspection of Medical Records:

The disclosure of protected health information from patient records for communicable disease investigation is permitted without patient consent to a public health authority that is authorized to collect such information for the purpose of preventing or controlling disease. See 45 C.F.R. 164.512(b)(1)(i). Furthermore, subsection 381.0031(7), Florida Statutes, affirmatively requires licensed health care providers to allow FDOH personnel access to communicable disease information in patient medical records and specifically provides: "Health care practitioners, licensed health care facilities, and laboratories shall allow the department to inspect and obtain copies of such medical records and medical-related information, notwithstanding any other law to the contrary." This same section creates an exception to confidentiality laws and provides security to the practitioner by stating: "A health care practitioner...may not be held liable in any manner for damages and is not subject to criminal penalties for providing patient records to the department as authorized by this section."

Reporting Cases of Communicable Disease:

HIPAA does not change the obligation of health care providers, laboratories, and hospitals to report cases of disease listed in Florida Administrative Code Rule 64D-3.029, or the obligation to cooperate with FDOH's epidemiology investigations.

HIPAA Section 45 CFR 160.203(c) specifically defers to state law with respect to "reporting of disease or injury, child abuse, birth, or death, or for the conduct of public health surveillance, investigation, or intervention." Also, health care providers are permitted to report these and other matters that contain protected health information to the public health authority without notice to your patient [45 CFR 164.512(b)].

In fact, subsection 381.0031(2), Florida Statutes, requires licensed health care practitioners to report diseases of public significance to FDOH. Florida Administrative Code Rule 64D-3.029 specifies the diseases required to be reported. These state requirements are not modified by federal law.

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Tracking communicable disease is of great importance. This is especially so, in light of bioterrorist concerns and other emerging disease threats. Our ability to track communicable diseases has allowed Florida to successfully respond to health threats, such as an anthrax bioterrorist attack; introductions of measles, chikungunya fever, Middle Eastern respiratory syndrome, and dengue fever; an influenza pandemic; and numerous outbreaks of enteric infections related to restaurants, nursing homes, and child care centers. The backbone of communicable disease surveillance and investigation is practitioner reporting.

We would again like to emphasize the importance of disease reporting and our appreciation of your efforts to report quickly. Please visit our website at www.floridahealth.gov/DiseaseReporting for more information about disease reporting.

Diseases and conditions should be reported to your local county health department. Please visit www.floridahealth.gov/CHDEpiContact to obtain your county health department disease reporting contact information.

We look forward to continued partnership that fosters a rapid response to public health investigations and to the success of protecting, promoting, and improving the health of all people in Florida through integrated state, county, and community efforts.

CB/tt

cc: Kimberly Tendrich