

HIPAA and the Provision of Protected Health Information to NJDOH

FREQUENTLY ASKED QUESTIONS



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What is HIPAA?

HIPAA stands for the Health Insurance Portability and Accountability Act. This Act addresses the **security** and **privacy** of an individual's protected health information.

What is Protected Health Information?

Protected health information (PHI) under HIPAA means **individually identifiable** health information. PHI refers to data that are explicitly linked to a particular individual such as his or her name, address, and date of birth. PHI also includes health information with data items which could reasonably be expected to allow identification of an individual.

Are physicians required to provide PHI to NJDOH?

Yes. State rule* requires physicians, advanced practice nurses, physician assistants, and hospitals to report cases of work-related asthma and other occupational diseases, injuries, and poisonings to the New Jersey Department of Health (NJDOH). The regulation also requires that these reports state the name of the disease, injury, or poisoning; the name of the reporting physician; and the following information on the person with the reportable condition: name, date of birth, sex, home address, telephone number, employer's name/address/telephone number, and date of onset of the condition. The regulation also states that additional information may be required by NJDOH after receipt of a specific report.

Are physicians permitted to provide PHI to NJDOH under HIPAA?

Yes. The HIPAA Privacy Rule** permits disclosures of PHI to public health authorities that are required by law. It also allows for the sharing of PHI with public health authorities that are authorized by law to collect or receive such information to aid in their mission to protect the health of the general public.

Are physicians required to obtain permission from a patient prior to providing PHI to NJDOH?

No. The HIPAA Privacy Rule expressly permits health care professionals to disclose PHI to a public health authority for the purpose of preventing or controlling disease, disability and injury, conducting public health surveillance, public health investigations, and appropriate interventions without the authorization of the affected individual.

Will NJDOH release PHI?

No. State rule*** requires that medical and epidemiologic information gathered in connection with an investigation of a reportable condition, and which identifies an individual, be kept confidential and not be opened to public inspection without the individual's consent.

* N.J.A.C. 8:58-1.5

** 45 CFR 164.512 (b)

*** N.J.A.C. 8:58-1.6

Questions? Concerns? Contact us!

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