

The Wisconsin Poison Center and HIPPA Regulations:

We have developed this letter with the input of the Wisconsin Hospital Association in order to assist health care providers with their concerns of contacting the Wisconsin Poison Center for consultation and sharing patient health information with the Wisconsin Poison Center.

A Nationwide, toll-free number for poison centers was implemented in 2001 with funding from CDC and the Health Resources and Services Administration (HRSA). The State of Wisconsin's Poison Center is located at Children's Hospital of Wisconsin, Milwaukee, and in 2008 received > **51,000** inquiries from the general public and health care professionals. Access to the Wisconsin Poison Center is provided statewide, 24 hours * 365 days.

1-800-222-1222

May a treating physician, nurse, EMT, or other health care professional disclose protected patient information by contacting a poison center for treatment advice on a particular patient?

How will the HIPAA guidelines on patient privacy affect the interaction of health care professionals with a poison center?

HIPAA allows for health care providers to interact, sharing protected patient health information when that process is required to render treatment. Poison Centers are considered health care providers.

Federal Register: Rules and Regulations, December 28, 2000 (65: 250, p 82626)

“We note that poison control centers are health care providers for purposes of this rule. We consider the counseling and follow-up consultations provided by poison control centers with individual providers regarding patient outcomes to be treatment.” *Treatment – Sec 164.501* – “The counseling and follow-up consultations provided by poison centers with individual providers regarding patient outcomes is treatment. “

As poison centers are defined as health care providers and their functions considered treatment, a poison center and other health care providers can share protected health information about the treatment of a particular individual. Information provided to the poison center is vital for us to make appropriate assessments and treatment advice. All poisoning cases are unique. Our knowledge of the patient's status markedly enhances our ability to determine best course of action and identify potential risks that may evolve due to the poisoning.

What about patient consent?

When the patient, or family member, contacts us prior to arriving to the health care facility we feel that our consent to be involved is implied. If a hospital initiated the call to us, we feel it is important for providers to inform their patients that the Wisconsin Poison Center was contacted. In circumstances when that consent cannot be immediately obtained, providers should not hesitate to consult with the Wisconsin Poison Center.

Why does the Wisconsin Poison Center staff complete follow up calls to health care facilities?

The Wisconsin Poison Center seeks to complete patient follow up on 100% of the cases referred by a health care facility. Follow up calls are completed using the patient's name. Information received from follow up calls provides for assessment of the interventions completed and documenting the outcomes of poisoned patients. This information is used for quality improvement and developing best practices for managing poisonings.

Is this process confidential between providers?

Information received by the Wisconsin Poison Center is treated with the same level of security and confidentiality as an electronic medical record. Patient charts are released only with written consent of the patient / guardian.



**Wisconsin
Poison Center**[®]

A program of Children's Hospital of Wisconsin.

C660, PO Box 1997
Milwaukee, WI 53201-1997
www.wisconsinpoison.org
1-800-222-1222

To: Wisconsin Hospitals and Health Systems
From: Medical Director, Wisconsin Poison Center
Subject: Disclosure of patient information

Dear Healthcare System Administrator;

It's been brought to my attention that some healthcare facilities and providers have been reluctant to share private patient health information (PHI) with the Wisconsin Poison Center (WPC). Their concerns seem to surround the HIPAA privacy rule and whether this would limit or bar such disclosure without specific patient consent. The enclosed attachments explain why your providers may, and in fact should, provide accurate patient information to poison personnel without need to obtain additional specific patient consent and without need to determine the "minimum necessary" disclosure.

Wisconsin is served by a single designated regional poison center, the Wisconsin Poison Center. The WPC carries out the state's poison control activities under contract with the Wisconsin Department of Health Services (DHS), pursuant to Wisconsin Statute §255.35. Activities performed under that contract include public health activities and epidemiologic monitoring of poisonings in Wisconsin, as required under Wisconsin Administrative Rule HFS 167. In order to comply with these legal requirements, it is imperative that your facility and providers provide the most accurate and complete information to poison center specialists and clinicians.

Approximately 10,000 annual calls to the WPC involve poisoned patients in Wisconsin healthcare facilities. Multiple studies demonstrate that poison centers substantially reduce healthcare expenditures by reducing unnecessary utilization of our healthcare systems. Mean length of hospitalization is about one day shorter when the WPC is consulted regarding the patients' care. This could translate to tens of millions of dollars saved, if poison center services were universally utilized for poisoned patients in Wisconsin. More importantly, your poisoned patients will receive coordinated continuity of expert care.

To summarize, **consultation with the Wisconsin Poison Center reduces hospital length of stay** for poisoned patients and streamlines and enhances their care. As medical consultants and as a public health entity, the WPC is **exempted from HIPAA**, and **no legal concerns preempt disclosure of your patient's PHI** with the poison center. Complete disclosure of information with the WPC optimizes patient care and is in the best interest of poisoned patients.

Please take the time to review the attached letters from the CDC and from the Chief Legal Counsel at the WI Department of Health Services. These should help to clarify the public health role of the WPC in collecting accurate and complete patient information as well as offering ongoing treatment recommendations. Additionally, please make the information in these important communications available to your **facility's legal department** and to the **director(s) of clinical services** at your facility. Improved awareness within your facility should allay any reluctance to share complete patient information (PHI) with the WPC and will optimize the care of your poisoned patients.

Feel free to contact me at dgummin@chw.org or (414) 266-6724 if you have questions or if you desire additional information.

Very respectfully,

A handwritten signature in black ink, appearing to read 'David D. Gummin', written over the closing 'Very respectfully,'.

David D. Gummin, MD
FACMT, FACEP, FAACT
Medical Director
Wisconsin Poison Center