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September 26, 2017

Kim Webber, BA, RN, CNN
Wisconsin Poison Center
CCC Suite 660
PO Box 1997
Milwaukee, WI 53201-1997

RE: Poison Center Services and HIPAA

Dear Ms. Webber,

It has come to the Department's attention that some Wisconsin providers may have concerns about the applicability of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) as it relates to providing health care information to the Wisconsin Poison Center. Such providers are to be assured that, under HIPAA, the federal government recognizes poison centers as health care providers performing a treatment activity to an individual. The preamble to the Privacy Rule specifically mentions poison control centers, stating:

We note that poison control centers are health care providers for purposes of this rule. We consider the counseling and follow-up consultation provided by poison control centers with individual providers regarding patient outcomes to be treatment. Therefore, poison control centers and other health care providers can share protected health information about the treatment of an individual without a business associate contract¹.

For the purposes of HIPAA, the Wisconsin Poison Center is a health care provider delivering treatment. As such, "A covered entity [such as Wisconsin healthcare facilities or other providers] may disclose protected health information for treatment activities of a health care provider²." In fact, to do so is in the best interest of poisoned or potentially poisoned Wisconsin patients.

We hope this information addresses any concerns that you may have.

Sincerely,

A handwritten signature in cursive script that reads "Kathy Johnson".

Kathy Johnson
Privacy Officer

¹ Comments section. 45 CFR 164.501, December 28, 2000 Federal Register pp 82625-82626
<http://www.aspe.hhs.gov/ADMNSIMP/fina/PvcFR04.pdt>.

² 45 CFR 164.506(c)(2)