



# COMMONWEALTH of VIRGINIA

Office of the Attorney General

Richmond 23219

Jerry W. Kilgore  
Attorney General

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January 10, 2005

Ms. Susan C. Ward  
Vice President & General Counsel  
Virginia Hospital & Healthcare Association  
P.O. Box 31394  
Richmond, VA 23294

Dear Susan:

The Poison Control Center at Virginia Commonwealth University Health System/ Medical College of Virginia indicates that hospitals are reluctant to provide the Center with their patients' protected health information without authorization for fear of violating the Health Insurance Portability and Accountability Act of 1996 and the rules promulgated thereunder (HIPAA Privacy Rule). The Center has asked you to advise your members that the Poison Control Centers are conducting public health activities and as such protected health information may be provided to them under 45 CFR § 164.512(b).

This letter confirms that the Virginia Department of Health has contracted with Virginia Commonwealth University Health System, the University of Virginia and George Washington University to establish a statewide poison control system on behalf of Virginia residents pursuant to Va. Code § 32.1-111.15. Activities under the contract include free 24-hour per day consultation and emergency referrals regarding the ingestion and application of substances, medical management of poison exposure cases, and poison control surveillance through data collection and analysis.

The HIPAA Privacy Rule describes the purposes of a public health authority to prevent and control disease, injury or disability. Its activities include disease and injury reporting, public health surveillance, public health investigation and public health interventions. The activities performed by the Poison Control Centers on behalf of the Department of Health fall within these criteria. Hospitals and other health care practitioners may therefore feel free to provide their patients' protected health information without individual authorization to the poison control centers as permitted under the HIPAA Privacy Rule, 45 CFR § 164.512(b).

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I hope the above information will be of assistance to the members of your organization.

Very truly yours,



Jane D. Hickey  
Senior Assistant Attorney General

cc: Kim Barnes  
Virginia Department of Health

K. Scott Whitlow, D.O.  
VCUHS/MCV

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