

Public health disclosures checklist

INSTRUCTIONS: The following is the text of 164.512 (b) (containing the requirements for disclosing protected health information for public health purposes) .

Check off each element if disclosing PHI for public health purposes or trying to determine if you need to use an authorization.

§ 164.512 Uses and disclosures for which consent, an authorization, or opportunity to agree or object is not required.

(b) Standard: uses and disclosures for public health activities.

1. Permitted disclosures. A covered entity may disclose protected health information for the public health activities and purposes described in this paragraph to:
 - i. A public health authority that is authorized by law to collect or receive such information for the purpose of preventing or controlling disease, injury, or disability, including, but not limited to, the reporting of disease, injury, vital events such as birth or death, and the conduct of public health surveillance, public health investigations, and public health interventions; or, at the direction of a public health authority, to an official of a foreign government agency that is acting in collaboration with a public health authority;
 - ii. A public health authority or other appropriate government authority authorized by law to receive reports of child abuse or neglect;
 - iii. A person subject to the jurisdiction of the Food and Drug Administration:
 - A. To report adverse events (or similar reports with respect to food or dietary supplements), product defects or problems (including problems with the use or labeling of a product), or biological product deviations if the disclosure is made to the person required or directed to report such information to the Food and Drug Administration;
 - B. To track products if the disclosure is made to a person required or directed by the Food and Drug Administration to track the product;
 - C. To enable product recalls, repairs, or replacement (including locating and notifying individuals who have received products of product recalls, withdrawals, or other problems); or
 - D. To conduct post marketing surveillance to comply with requirements or at the direction of the Food and Drug Administration;
 - iv. A person who may have been exposed to a communicable disease or may otherwise be at risk of contracting or spreading a disease or condition, if the covered entity or public health authority is authorized by law to notify such person as necessary in the conduct of a public health intervention or investigation; or
 - v. An employer, about an individual who is a member of the workforce of the employer, if:
 - A. The covered entity is a covered health care provider who is a member of the workforce of such employer or who provides a health care to the individual at the request of the employer:
 1. To conduct an evaluation relating to medical surveillance of the workplace; or
 2. To evaluate whether the individual has a work-related illness or injury;
 - B. The protected health information that is disclosed consists of findings concerning a work-related illness or injury or a workplace-related medical surveillance;

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- C. The employer needs such findings in order to comply with its obligations, under 29 CFR parts 1904 through 1928, 30 CFR parts 50 through 90, or under state law having a similar purpose, to record such illness or injury or to carry out responsibilities for workplace medical surveillance;
- D. The covered health care provider provides written notice to the individual that protected health information relating to the medical surveillance of the workplace and work-related illnesses and injuries is disclosed to the employer:
 - 1. By giving a copy of the notice to the individual at the time the health care is provided; or
 - 2. If the health care is provided on the work site of the employer, by posting the notice in a prominent place at the location where the health care is provided.
- 2. Permitted uses. If the covered entity also is a public health authority, the covered entity is permitted to use protected health information in all cases in which it is permitted to disclose such information for public health activities under paragraph (b)(1) of this section.