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Does the HIPAA Privacy Rule permit covered entities to disclose protected health information, without individuals' authorization, to public officials responding to a bioterrorism threat or other public health emergency?

Answer:

Yes. The Rule recognizes that various agencies and public officials will need protected health information to deal effectively with a bioterrorism threat or emergency. To facilitate the communications that are essential to a quick and effective response to such events, the Privacy Rule permits covered entities to disclose needed information to public officials in a variety of ways.

Covered entities may disclose protected health information, without the individual's authorization, to a public health authority acting as authorized by law in response to a bioterrorism threat or public health emergency (see 45 CFR 164.512(b)), public health activities). The Privacy Rule also permits a covered entity to disclose protected health information to public officials who are reasonably able to prevent or lessen a serious and imminent threat to public health or safety related to bioterrorism (see 45 CFR 164.512(j)), to avert a serious threat to health or safety). In addition, disclosure of protected health information, without the individual's authorization, is permitted where the circumstances of the emergency implicates law enforcement activities (see 45 CFR 164.512(f)); national security and intelligence activities (see 45 CFR 164.512(k)(2)); or judicial and administrative proceedings (see 45 CFR 164.512(e)).

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