



Jeb Bush
Governor

John O. Agwunobi, M.D., M.B.A.
Secretary

To Whom It May Concern:

This letter provides an update and further clarification of the impact of the Health Insurance Portability and Accountability Act (HIPAA) on the authority of facilities to release medical records to the designated Florida Poison Information Centers without express patient consent. An October 2, 2003 letter stated that under both the federal HIPAA rules and Florida Statutes, entities were authorized to release patient-specific information to the three Department of Health-sponsored poison centers located in Jacksonville, Tampa, and Miami. However, some facilities were still uncomfortable releasing such information without specific statutory authority.

In response to these concerns, the Department of Health's Children's Medical Services (CMS) worked with the Florida Hospital Association to draft clarifying statutory language. The 2004 Florida Legislature amended section 395.1027, F.S. to add a new subsection (3), which states that, "upon request, a licensed facility shall release to a regional poison control center any patient information that is necessary for case management of poison cases."

The Florida Poison Information Centers cannot adequately perform their function without the ability to access vital patient information, and discuss these cases with primary healthcare providers. We respectfully request that you inform your staff of the recent statutory change and ensure cooperation with the Florida Poison Information Centers.

If you have questions or concerns, please contact the department's Director of the Division of Prevention and Interventions, Michael L. Haney, Ph.D, N.C.C., C.C.I.S.M., L.M.H.C., at (850) 245-4217, or Acting General Counsel, Renee Alsobrook, at (850) 245-4025.

Sincerely,

Handwritten signature of S. Elizabeth Ford in black ink.

S. Elizabeth Ford, M.D., M.B.A.
Deputy Secretary, Children's Medical Services

Sincerely,

Handwritten signature of John O. Agwunobi in black ink.

John O. Agwunobi, M.D., M.B.A., M.P.H.
Secretary, Department of Health

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