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Date sent: **Sat, 04 Jan 2003 14:22:01 -0500**
From: **"Toby Litovitz" <toby@poison.org>**
To: **<schauben@ufl.edu>**
Subject: **Submission of TESS data to AAPCC is permitted under HIPAA**

To All Poison Center Directors and Medical Directors:

Considerable discussion and attention has been given to the impact of the Health Insurance and Portability and Accountability Act of 1996 (HIPAA) on poison center submission of data to TESS. Specific concerns have focused on the submission to TESS of patient identifiable information.

The Centers for Disease Control and Prevention (CDC) has issued a grant of authority to AAPCC to conduct public health activities and function as a public health authority under the HIPAA Privacy Standards. CDC was able to issue this grant of authority because of AAPCC's cooperative agreement with CDC for toxicosurveillance. As a result of the designation of AAPCC as a public health authority, AAPCC is authorized to collect protected health information and covered entities are authorized to disclose this protected health information to AAPCC.

What does that mean for your poison center? Your submission of protected health information to AAPCC is HIPAA-compliant. A letter is attached which you may provide to anyone who questions the HIPAA compliance of this activity.

We appreciate the efforts of our colleagues at CDC who recognize the importance of TESS data and worked diligently to resolve this HIPAA compliance issue for us.

Toby Litovitz, MD
Executive Director, AAPCC