



POISON CENTER SERVICES AND HIPAA

The Washington Poison Center is the Certified Regional Poison Center designated to serve Washington State. Since the *Poison Center Enhancement and Awareness Act* became public law (P.L. 106-174), the entire population of the United States is served by designated regional poison centers. Poison Centers serve as comprehensive toxicology resources for the public and health care providers within their region. Poison Centers are staffed by licensed health care providers who function as medical consultants in managing patients with a poisoning or toxic exposure.

The Poison Center often meets resistance in obtaining information from providers who cite the Health Insurance Portability and Accountability Act of 1996 (HIPAA). **The Washington Poison Center is a health care provider performing a treatment activity to an individual. A covered entity (a health care provider, a health plan, or a clearinghouse) may disclose protected health information to the Washington Poison Center for treatment activities.**

The status and classification of poison control centers under HIPAA is clarified in the comments section of 45 CFR 164.501 under the heading of Treatment on pp 82625-82626 of the December 28, 2000 Federal Register (<http://www.aspe.hhs.gov/ADMNSIMP/final/PvcFR04.pdf>). It is stated:

“We note that poison control centers are health care providers for purposes of this rule. We consider the counseling and follow-up consultation provided by poison control centers with individual providers regarding patient outcomes to be treatment. Therefore, poison control centers and other health care providers can share protected health information about the treatment of an individual without a business associate contract.”

This statement provides clarity that the Washington Poison Center is a health care provider delivering treatment. As a treatment provider, the HIPAA regulations specifically allow certain uses and disclosures of protected health information. They state:

“A covered entity may disclose protected health information for treatment activities of a health care provider.” (45 CFR 164.506(c)(2))

We hope this information provides guidance and clarification for your concerns. If you have further questions, please call the Washington Poison Center at 1-800-222-1222. We have nurses, pharmacists, & poison information providers, along with a Medical Toxicologist, available 24/7 to assist you.



William Hurley, M. D., Medical Director
Approved 6/08

Date