

Health Insurance Portability and Accountability Act of 1996 (HIPAA)

The following statement by Bradley S. Pabody, FEMA, USFA, National Data Center addressed to NFIRS State Program Managers on 4/11/03.

Several members have asked whether the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104191 would prevent the USFA and participating states from collecting certain information on NFIRS incident and casualty forms.

Section 1178 of HIPAA provides that:

Nothing in this part shall be construed to invalidate or limit the authority, power, or procedures established under any law providing for the reporting of disease or injury...public health surveillance, or public health investigation or intervention.

It is the USFA's view that 49 U.S.C. 2208, which provides for the collection of data, among other things, the "number of injuries and deaths resulting from fires, including the maximum available information on the specific causes and nature of such injuries and deaths, and information on property losses," constitutes a law providing for reporting of disease or injury (and arguably public health surveillance, investigation and intervention) under Section 1178 of HIPAA. Consequently, it is believed that provision of this information to NFIRS would not be a violation of HIPAA and will continue to collect the existing data elements.
