



**HEALTH AND HUMAN SERVICES**  
1752 Dorset Lane  
New Richmond, WI 54017  
Public Health Phone: (715) 246-8263  
<http://www.co.saint-croix.wi.us/>

December 4, 2017

Darla Meyers  
meyersdm1@baldwin-telecom.net

**RE: Request for Records dated November 26, 2017**

Dear Ms. Meyers:

I am in receipt of your records request for the following information:

- The residency status of the tuberculosis case(s) in St. Croix County as reported at the November 14, 2017, Health and Human Services Board meeting. Including information provided at the November 14, 2017 meeting regarding:
- Over 200 people potentially exposed; outreach –at the facility, letters; Testing – 92 persons; Results – 3 positive (2 related to the active case). All treated; Staff time – 322 hours; Cost of testing – \$5,700; Cost of treatment for 1 Active TB case - \$55,000+
- Please include all costs incurred by St. Croix County for identifying, testing, and treating individuals, including staff time costs.
- Costs reimbursed by the employer.

The St. Croix County Department of Health and Human Services does have records that partially meet your request. First, attached please find a copy of the power point presentation that details the tuberculosis case information that was provided at the St. Croix County Board meeting of November 14, 2017.

As for your request for records related to the residency status of the individuals involved in the tuberculosis cases, I am unclear by what you are referring to in terms of “residency.” It is unclear as to whether you are requesting records that indicate that the individuals are residents of a particular state or whether the individuals are citizens of the United States. I have no records that indicate citizenship status. I have records that indicate the address of individuals, but I cannot release that information as it is confidential under state and federal law.

The St. Croix County Department of Health and Human Services – Public Health Division is a HIPAA covered entity. HIPAA is a federal law, Health Information Portability and Accountability Act, which can be found at 45 CFR 164, subpart E. St. Croix County Department of Health and Human Services is unable to release any information regarding the protected health information

pertaining to any clients pursuant to both state and federal law. Protected health information is defined by HIPAA as “individually identifiable health information that is transmitted by any medium.” “Individually identifiable health information” includes the following identifiers: Names, all geographic subdivisions smaller than a State, all elements of dates related to an individual, including birth date, admission date, discharge date, etc., telephone numbers, fax numbers, electronic mail addresses, social security numbers, medical record numbers, health plan numbers, biometric identifiers, photographic images, and any other unique identifying numbers, characteristics or codes. Pursuant to HIPAA, protected health information cannot be disclosed to you under this public records request. In addition, Wisconsin law prevents release of patient health records. Wisconsin Statute § 146.82(1) states as follows:

(1) Confidentiality. All patient health care records shall remain confidential. Patient health care records may be released only to the persons designated in this section or to other persons with the informed consent of the patient or of a person authorized by the patient. This subsection does not prohibit reports made in compliance with s. 253.12 (2), 255.40, or 979.01; records generated and disclosed to the controlled substances board pursuant to s. 961.385; testimony authorized under s. 905.04 (4) (h); or releases made for purposes of health care operations, as defined in 45 CFR 164.501, and as authorized under 45 CFR 164, subpart E.

Wis. Stat. § 146.82(1) does not allow release of the patient health care records, including the residency information, to you. Therefore, both state and federal law prevent disclosure of confidential records related to individual clients.

St. Croix County DHHS does not have a record that includes “all costs incurred by St. Croix County for identifying, testing and treating individuals, including staff time cost.” Wisconsin Statute § 19.35(1)(L) does not require an authority to create a new record by extracting information from existing records and compiling the information in a new format. However, the attached power point presentation does indicate the staff time associated with this investigation.

Also attached please find the following documents:

1. A copy of the contract St. Croix County entered into with Oxford Immunotec to perform the T-Spot testing.
2. A copy of an invoice sent to the facility that reimbursed St. Croix County for the cost of the tuberculosis tests.

A portion of the invoice record is redacted. In conducting the balancing test, I have determined that the public's interest in disclosure of the information related to the facility does not outweigh the public interest in non-disclosure of this information based on several reasons:

1. It is in the best interests of the St. Croix County Department of Health and Human Services Department to maintain the confidentiality of patient health records related to a communicable disease. Patient health records are confidential pursuant to HIPAA and Wis. Stat. § 146.82(1). By releasing the identity of the facility, the identities of the employees of the facility are at risk of being released and any information related to patient health care records cannot be disclosed to anyone except the subject of the record.
2. In order to protect the facility and its employees from embarrassment and harassment from the public, the portion of the record identifying the facility is redacted.
3. In order to encourage the reporting of communicable diseases in the future it is important for the non-disclosure of records relating to the facility and/or employees involved in the tuberculosis incident. Public policy requires the investigation of communicable diseases in a quick and timely manner. Releasing the name of the facility would hamper the ability of the St. Croix County Department of Health and Human Services Department to conduct investigations and contain any communicable disease incidents in a timely manner as individuals and facilities would be less likely to come forward with information if they knew they would be subject to public intrusion.

Please feel free to contact me with any questions regarding the above information. If you believe that the St. Croix County Department of Health and Human Services is withholding the requested records, you may request the St. Croix County District Attorney or the Wisconsin Attorney General to commence an action for mandamus for release of the records on your behalf. Pursuant to Wis. Stats. § 19.37(1), you may also file an action for mandamus on your own behalf.

Sincerely,



Deb Lindemann, RN, MSN  
Health Officer/Public Health Coordinator  
St. Croix County DHHS – Public Health