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Governor

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State Health Commissioner

Indiana State Department of Health

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July 20, 2006

To: Physicians and Other Health Care Providers

From: Chris Mickens, Director
Office of HIPAA Compliance

Re: **Reporting of Immunizations and HIPAA (Health Insurance Portability and Accountability Act of 1996)**

There have been some questions regarding the ability of physicians to share individual immunization data with schools, child care centers, and public health authorities because of HIPAA privacy concerns. This memo is provided to communicate our view of the conditions under Indiana state law and the HIPAA Privacy Rule under which physicians may disclose individually identifiable immunization data.

Indiana Code 16-38-5-2 permits physicians to provide immunization data to the Children and Hoosiers Immunization Registry Program (CHIRP) database, maintained by the Indiana State Department of Health (ISDH) and subject to statutory and regulatory guidelines. The HIPAA Privacy Rule, at 45 CFR 164.512 (b), permits physicians to disclose protected health information (PHI) -- such as individually identifiable immunization records -- to a public health authority authorized by law to collect or receive such information. Under this provision, such disclosures are permitted without a HIPAA-compliant authorization from a parent or guardian.

Indiana Code 16-38-5-3 permits the ISDH to provide certain entities with access to confidential immunization information contained in the CHIRP database, under specific conditions. Entities permitted to receive "view only" access to this immunization information include facilities licensed under the Department of Education, including an elementary or secondary school that the individual attends or a licensed child care center in which the individual is enrolled. Under this provision, before the ISDH may provide an eligible school or child care center with access to an individual's immunization data, the entity receiving access must enter into an agreement with the ISDH providing that patient-identifiable immunization information will not be released to any other person without the patient's written consent.

Neither Indiana state law nor the HIPAA Privacy Rule requires that physicians share individually identifiable immunization data directly with child care centers and schools, without the written authorization of the child's parent or guardian.

Please note that the Office for Civil Rights in the U.S. Department of Health and Human Services is the sole government entity charged with enforcement authority over health care providers covered by the HIPAA Privacy Rule. The ISDH is not legally empowered to interpret or enforce the HIPAA Privacy Rule for entities outside the ISDH. Our standard policy is to advise such entities to confer with their own HIPAA and legal advisors to secure an independent interpretation of relevant HIPAA standards and state guidelines for application to their unique circumstances.

This document supersedes any contrary guidance contained in previous agency communications.

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