



North Carolina Department of Health and Human Services
Division of Public Health – Women’s & Children’s Health Section

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Michael F. Easley, Governor

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October 18, 2005

MEMORANDUM

TO: Private Immunization Providers
FROM: Beth Rowe-West, BSN, RN
Head, Immunization Branch
SUBJECT: Required Release of Immunization Records

The purpose of this memorandum is to clarify issues of permission for the disclosure of immunization information. Questions have arisen from immunization providers and their staff concerning sharing immunization information in relation to the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The HIPAA privacy rule allows the sharing of immunization information because these disclosures are *required* by state law, that is, HIPAA does not preempt public health statutes. (See the attached memorandum from the State Health Director.)

As a reminder, North Carolina Administrative Code, 10A NCAC 41A .0406, ***Access to Immunization Information***, outlines with whom immunization information *shall* be shared, and the specifics of what can be shared:

(a) *Physicians, local health departments and the Department shall, upon request and without consent release the immunization information specified in Paragraph (b) of this Rule to the following organizations:*

- (1) *schools K-12, whether public, private or religious;*
- (2) *licensed and registered childcare facilities as defined in G.S. 110-86(3) and G.S. 110-101;*
- (3) *Head Start;*
- (4) *colleges and universities, whether public, private or religious;*
- (5) *Health Maintenance Organizations; and*
- (6) *Other state and local health departments outside of North Carolina.*

(b) *The following is the immunization information to be released to the organizations specified in Paragraph (a) of this Rule:*

- (1) *name and address;*
- (2) *name of the parent, guardian, or person standing in loco parentis;*
- (3) *date of birth;*
- (4) *gender;*
- (5) *race and ethnicity;*
- (6) *vaccine type, date and dose number administered;*
- (7) *the name and address of the physician or local health department that administered each dose; and*
- (8) *the existence of a medical or religious exemption determined by the Immunization Section to meet the requirements of G.S. 130A-156 and 10A NCAC 41A .0404 or G.S. 130A-157. If such a determination has not been made by the Division of Public Health, the person shall have access to the certification of medical and religious exemptions required by G.S. 130A-156 or G.S. 130A-157 and 10A NCAC 41A .0404.*

Another question which has arisen is whether providers may withhold the release of immunization information when there is an unpaid balance on the patient’s account. According to the HIPAA privacy rule, patients/parents have the “right of access” to immunization information, and therefore have the right to obtain a copy of an immunization record, regardless of any unpaid balance on the patient’s account.

