

FAQs

FAQs



Colorado Department
of Public Health
and Environment

The following are frequently asked questions about the Health Insurance Portability and Accountability Act (HIPAA) in relationship to immunization records at health care providers' offices. Please note that these are general recommendations; you should always check with your own Privacy Officer regarding your office's policies and procedures for direction on HIPAA issues.

QUESTION: Is it a HIPAA violation to send an appointment reminder to the patient? What about leaving a message on an answering machine?

ANSWER: It is not a violation of HIPAA to send reminder cards or make a reminder phone call. However, HIPAA §164.520 (b) does require that the Notice of Privacy Practice state explicitly if reminder calls are made or notices are sent. You might want to specifically point that out as patients/guardians review and sign the Notice of Privacy Practice.

HIPAA §164.522 also gives patients/guardians the right to request a restriction on the uses of the information, although it does not require the agency to agree to the restriction. This would presumably allow an individual to request that reminder notices not be used.

QUESTION: Is an authorization necessary to disclose immunization records to another provider?

ANSWER: An authorization is not required when sharing information with another provider for treatment purposes. For instance, you can update the primary care physician about immunizations without an authorization. If the child moves to another county, and the other county wants to know the immunization status in order to administer needed vaccines, no authorization is needed. Again, your own agency's policies and procedures may request an authorization, but HIPAA does not.

QUESTION: I am told to expect a site visit to audit my use of the "Vaccines for Children," and immunization records will be reviewed. Is that a violation of HIPAA? What must I do when the site visitors ask to see my charts?

ANSWER: HIPAA provides for health system oversight activities in §164.512 (d) and for reporting to public health authorities in §164.512 (b) without an authorization. Health system oversight includes "audits, civil, criminal and administrative investigations, inspections...or other activities appropriate for health system

oversight.” Therefore, when the site visitors come, you do not need an authorization before they can view the charts.

However, viewing a chart in the course of an audit amounts to a disclosure. Under HIPAA, disclosures to public health authorities and for health system oversight must be tracked. There are alternatives in how to track the disclosures. You can 1) provide a summary statement that does not need to go into every chart, or 2) make a note on a disclosure log in each reviewed chart. If you choose to use #2, you may want to ask the site visitors for a list of the charts that were reviewed before they leave.

The summary or general disclosure tracking is given as an option in §164.528 (b) (3) specifically for disclosures made under §164.512, including disclosures to public health authorities and for health system oversight. You can find an example of the use of the summary accounting method in HIPAA Privacy Rule and Public Health, Guidance from CDC and the U.S. Department of Health and Human Services, under *Requirements for Covered Entities, Accounting for Public Health Disclosures*. This publication is available at <http://www.cdc.gov/privacyrule/guidance/content.htm>.

*Michelle Lavigne
HIPAA Compliance Project
Center for Health and Environmental Information and Statistics
Colorado Department of Public Health and Environment*

