



How the Health Insurance Portability and Accountability Act (HIPAA) Interacts with the Colorado Infant Immunization Act (Colorado Revised Statute 25-4-1701 et seq.) and the Colorado School Entry Immunization Law (CRS 25-4-901 et seq.)

DISCLAIMER

The following is the Colorado Department of Public Health and Environment's (CDPHE's) analysis of how the Colorado Infant Immunization Act and the School Entry Immunization Law interact with HIPAA. It has also been approved by the Colorado Department of Education (CDE). This is not legal advice, and you should not rely on it as legal advice.

ISSUE

The following question has been raised by some health care providers and school officials: Does HIPAA permit disclosure of immunization data to schools and child care providers without patient/parent/guardian authorization?

FINDING

Upon review of HIPAA privacy rules, the CDPHE and the CDE conclude that HIPAA permits the disclosure of immunization data to schools and child care providers without patient/parent/guardian authorization. This is permitted as the schools and child care providers are mandated by law to collect the immunization information and are acting in a public health capacity. HIPAA permits these disclosures without an authorization and does not require one. However, a disclosure to a school or child care provider must be tracked (via a note made in the file) as a disclosure. It is up to the health care provider, on a case-by-case basis, to determine whether or not a signed authorization is appropriate. If so, a HIPAA-compliant authorization form must be used. Your privacy officer should be a resource regarding the use of authorization forms.

