

Impact of HIPAA on Reporting to the Texas Immunization Registry

ImmTrac, the Texas immunization registry, is a confidential central repository of immunization records for Texas children. It is designed to consolidate immunization records from multiple sources statewide. Texas law requires all providers and all payors to report immunization information regarding vaccines administered to children under 18 years of age. ***HIPAA Privacy Standards allow covered entities to report immunizations to ImmTrac under exceptions to allow disclosure of protected health information: 1) as required by law, or 2) for public health activities.*** The statement below outlines exceptions in the HIPAA Privacy Standards that allow you to submit protected health information to the Texas Department of State Health Services (DSHS).

THIS NOTICE IS AUTHORIZATION TO REPORT INFORMATION TO DSHS AND OTHER PUBLIC HEALTH AUTHORITIES

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) privacy regulations, Title 45, Code of Federal Regulations (CFR), Parts 160 and 164, implemented standards for how information that identifies a patient can be used and disclosed. The privacy standards went into effect on April 14, 2003. The regulations apply to "covered entities" including health-care plans, health-care clearinghouses, and health-care providers who conduct electronic transactions for which a standard has been adopted. Submitting public health information electronically to the ImmTrac registry is not a HIPAA covered transaction.

The regulations were amended in August, 2002, deleting the requirement to obtain an individual's consent for the use and disclosure of private health information for treatment, payment, and health care operations. (45 CFR §164.506).

Covered entities can submit information to DSHS under one or more of the following exceptions in the HIPAA Privacy Standards:

USE AND DISCLOSURE REQUIRED BY LAW: Section 164.512(a) allows covered entities to use and disclose protected health information if the use or disclosure is required by law. For example, DSHS rules require certain diseases, injuries, and conditions to be reported to DSHS.

USE AND DISCLOSURE FOR PUBLIC HEALTH ACTIVITIES: Section 164.512(b) permits covered entities to release protected health information to a public health authority that is authorized by law to collect and receive information for preventing and controlling disease, injury, or disability. This information includes reporting of: disease, injury, vital statistics such as births, deaths, marriages, divorces, etc., public health investigations, and public health interventions. Under this exception, covered entities are authorized to release information to DSHS or other public health authorities.

USE AND DISCLOSURE FOR HEALTH OVERSIGHT ACTIVITIES: Section 164.512(d) permits covered entities to disclose protected health information to a health oversight agency for oversight activities including: audits; civil, administrative, or criminal investigations; inspections; licensure or disciplinary actions; or other activities necessary for the oversight of the health-care system, government benefit programs, compliance with governmental regulation, or compliance with civil rights laws.

USE AND DISCLOSURE TO AVERT A SERIOUS THREAT TO HEALTH OR SAFETY: Section 164.512(j) permits disclosure of protected health information if a covered entity in good faith believes the disclosure is necessary to prevent or lessen a serious and imminent threat to the health or safety of a person or the public. The disclosure must be made to a person who is reasonably able to prevent or lessen the threat, or for identification and apprehension of an individual.

Please send questions to HIPAAPrivacy@dshs.state.tx.us.