



STATE OF ALABAMA DEPARTMENT OF
PUBLIC HEALTH

Donald E. Williamson, MD
State Health Officer

April 22, 2003

MEMORANDUM

TO: SUPERINTENDENTS/HEAD MASTERS

FROM: Donald E. Williamson, M.D.
State Health Officer 

In light of HIPAA, concerns have been raised regarding sharing information with the Alabama Department of Public Health regarding immunizations. Exchange of information regarding immunizations is permissible under HIPAA because HIPAA allows the disclosure of protected health information without patient authorization if the disclosure is required by law or if the disclosure is required for public health activities. Disclosures regarding immunizations fall into both of these categories.

Specifically, the HIPAA regulations state that they do not pre-empt laws “for the conduct of public health surveillance, investigation, or intervention.” 45 CFR 160.203(a)(2)(c). The regulations further provide that disclosures can be made without patient consent if the disclosure is required by law or if the disclosure is required for public health activities such as “preventing and controlling a disease, injury, or disability” and “the conduct of public health surveillance, public health investigation, and public health interventions.” 45 CFR 164.512(a) and (b).

Alabama law allows the exchange of immunization information between immunization registry users. Ala. Admin. Code 420-6-2-.01 thru -.08 Therefore, immunization registry users can continue to exchange information pursuant to state law. Moreover, immunization information can be released to the Alabama Department of Public Health pursuant to the HIPAA exceptions for public health activities. The U.S. Department of Health and Human Services (HHS), who promulgated the HIPAA regulations, and the Centers for Disease Control (CDC) recently emphasized the public health exception to HIPAA in guidance issued on April 11, 2003. The guidance states that covered entities may disclose protected health information to public health entities, without patient authorization, for the conduct of public health surveillance, investigations, or interventions, as well as for the purpose of preventing or

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controlling diseases. Additionally, the HHS Office of Civil Rights guidance issued on July 6, 2001 states that covered entities may rely on the judgement of a public health entity when requesting a disclosure as to the minimum amount of information that is needed by Public Health.

In conclusion, pursuant to HIPAA regulations and HHS guidance, immunization registry users can share immunization information. Also, you may release immunization information without patient authorization to Public Health for the conduct of public health activities. Furthermore, you may rely on Public Health's judgement as to the minimum amount of information necessary in the disclosure request.

If you have any concerns or questions regarding these matters, please do not hesitate to contact our HIPAA Privacy Officer, Ashley Hamlett, at 334-206-5209 or ahamlett@adph.state.al.us.

AHH/pc