

Impact of HIPAA on Reporting to the Texas Immunization Registry

ImmTrac, the Texas immunization registry, is a confidential central repository of immunization records for Texans. It is designed to consolidate immunization records from multiple sources statewide to be used in aiding, coordinating, and promoting efficient and cost-effective communicable disease prevention and control efforts.

Texas law requires health care providers and “payers” (e.g., health insurance companies) to report specified immunization information regarding vaccines administered to children younger than 18 years of age to the Texas Department of State Health Services (DSHS). Note that reporting is voluntary regarding adult patients 18 years of age or older. This Texas state law is consistent with federal HIPAA Privacy Standards which allow covered entities to disclose protected health information such as immunization information when disclosure is required by law. See below for details.

TEXAS LAW THAT REQUIRES REPORTING OF IMMUNIZATION-RELATED INFORMATION TO DSHS DOES NOT CONFLICT WITH FEDERAL HIPAA REGULATIONS

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) privacy regulations, Title 45, Code of Federal Regulations 45 CFR Parts 160 and 164, implemented standards for how information that identifies a patient can be used and disclosed. The regulations apply to “covered entities” including health-care providers, health-care plans (e.g., payors, such as, insurance companies), and health-care clearinghouses.

Texas law requiring health-care providers and payors to report immunization-related data to ImmTrac is consistent with federal HIPAA Privacy Standards. Under HIPAA, covered entities can submit information to DSHS based on the following exception in the HIPAA Privacy Standards:

THE USE AND DISCLOSURE IS REQUIRED BY LAW: 45 CFR Section 164.512(a) allows covered entities to use and disclose protected health information if the use or disclosure is required by law, including state law.

Texas Health & Safety Code Sec. 161.007(d) requires that a “health care provider who administers an immunization to an individual younger than 18 years of age shall provide data elements regarding an immunization to the department [DSHS].”

Also, Texas Health & Safety Code Section 161.007(c) requires that “a payor that receives data elements from a health-care provider who administers an immunization to an individual younger than 18 years of age shall provide the data elements to the department.”

“Data elements” required by state law to be provided include the following: the date the vaccine is administered, the vaccine manufacturer and lot number of the vaccine, any adverse or unexpected events for a vaccine, and the name and address of the health care provider.

Please send questions about privacy to HIPAA.Privacy@dshs.state.tx.us

Frequently, DSHS and local health departments contracted with the State of Texas assess the immunization status of children. It is not a violation of state or federal confidentiality laws for providers to disclose immunization information to these contractors. To verify contractor status, please call 1-800-348-9158 or email ImmTrac@dshs.state.tx.us.

IMPORTANT NOTE: While Texas law requires health care providers and payors to provide certain immunization information to DSHS, Texas law also requires DSHS to abide by certain consent requirements (i.e., Texas Health & Safety Code Section 161.007(a)). Before a child’s immunization is included in the Texas immunization registry, DSHS ensures a written or electronic consent has been provided by the child’s parent or other legally authorized representative. Consent is often provided by the parent or guardian of a child via an electronic signature on the child’s birth certificate, but is also commonly provided to the health care provider administering the immunizations. For more information on this process, as well as the ImmTrac adult consent process, please send questions to ImmTrac@dshs.state.tx.us.