

New York State Immunization Information System (NYSIIS) and the Federal Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule

The HIPAA Privacy Rule went into effect on April 14, 2001, with a compliance date of April 14, 2003. The Privacy Rule governs the use and disclosure of protected health information by covered entities. Generally, protected health information is individually identifiable health information, and covered entities are health care providers, health plans and health care clearinghouses. Covered entities must obtain written authorization from the individual for the use and disclosure of protected health information, unless the Privacy Rule specifically permits use or disclosure without authorization.

How does this affect NYSIIS?

The part of the New York State Department of Health that operates NYSIIS, and its' applications HealthyShot and Immunization Records Info-Source (IRIS), does not perform covered functions and is not required to comply with HIPAA. NYSIIS understands, however, that providers that disclose health information using NYSIIS generally are covered entities and need assurance that those disclosures are in compliance with the Privacy Rule.

Under the Privacy Rule, providers may disclose protected health information to public health authorities for public health activities as authorized by State law without an authorization from the individual. These public health activities include: "preventing or controlling disease, injury, or disability, including, but not limited to, the reporting of disease, injury, vital events such as birth or death, and the conduct of public health surveillance, public health investigations, and public health interventions."

The part of the New York State Department of Health that operates NYSIIS is a public health authority under the Privacy Rule, because it is "a political subdivision of a State ... that is responsible for public health matters as part of its official mandate."

Because the parent or legal guardian of the child consents to all disclosures of protected health information into NYSIIS and the disclosures meet all applicable requirements in New York's Public Health Law, the disclosures are authorized by State law and are therefore permitted by the Privacy Rule. NYSIIS staff works closely with attorneys in the Department of Health as well as the federal Centers for Disease Control and Prevention to ensure that all policies adopted for NYSIIS are in full compliance with all applicable laws and regulations.

Need more information?

The Department of Health and Human Services (HHS) has issued the regulation, “Standards for Privacy of Individually Identifiable Health Information.” Within HHS, the Office for Civil Rights (OCR) is responsible for implementing and enforcing the privacy regulation. The OCR has a website that offers HIPAA background and general information, technical assistance, frequently asked questions, and links to other relevant sites. The website can be found at: www.hhs.gov/ocr/hipaa/.