

MYTH: Healthcare providers are never permitted to share PHI with schools.
FACT: In certain circumstances, such as immunization records or for treatment purposes, providers may share PHI with schools.

The HIPAA privacy rule governs the use and release of protected health information (“PHI”) by covered entities, such as physicians (including pediatricians). Yet with children receiving significant healthcare services both from providers off campus and on school grounds, questions have arisen with respect to what PHI providers may share with schools while remaining HIPAA-compliant. Simply put, providers and other covered entities may share PHI with schools in three specific situations.

First, providers are permitted to share PHI with schools without any patient or parent authorization for certain permitted uses, such as for health care treatment purposes. HIPAA provides an exception from the written authorization requirements for the release of PHI for activities related to treatment, payment, or health care operations, and a provider sharing PHI with a school nurse (also a provider) necessary for the treatment of that child would fit squarely within this permitted use. A provider may release the information in this situation, and no consent or authorization is required.

Second, providers are permitted to share proof of childhood immunizations directly to schools in states with laws that require certain immunizations for admission, but only with the oral or written agreement from a parent, guardian, or the emancipated child him/herself. This change came via the 2009 HITECH Act, to ensure that schools are

able to receive the necessary documentation of immunization in a timely manner and admit children without undue delay. The agreement can be written or oral, but the provider does have to document the existence of the agreement in the child’s medical record as evidence that a request to release immunization information was made by someone with the proper authority to do so.

Third, as is the case with all PHI, a provider is permitted to release the information with the written authorization of the parent, guardian or emancipated child him/herself. In other words, absent a specific authorization, a provider is not permitted to share PHI with a school in any circumstances other than those described above.

For More Information:

- [See](#) our resources on HIPAA and schools
- [Explore](#) state and federal laws related to HIPAA and privacy

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