

SCHOOL AND CHILD CARE IMMUNIZATION MODULE

Considerations Regarding: HIPPA, FERPA, Parent Consent and Medically Verified Records

This guidance document will assist schools, preschools, and child care centers in understanding the legal framework and considerations for implementing and using the WA Immunization System School and Child Care Immunization Module (WAIIS-SCCIM). It covers HIPPA, FERPA, and getting parent consent to enter medical verified records into the IIS. If you need additional assistance or have any questions, please visit our website at www.doh.wa.gov/schoolmodule or email us at schoolmodule@doh.wa.gov.

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Legal Framework and Considerations

The following information is not intended to provide legal advice, schools and child cares are encouraged to seek their own counsel regarding HIPAA, FERPA, and Washington state laws.

Schools and child cares need to understand the legal framework for access to the WAIS-SCIM. They need to also understand the impact the Health Insurance Portability and Accountability Act (HIPAA) and the Family Education Rights and Privacy Act (FERPA) have on school immunization management.

Health Insurance Portability and Accountability Act or HIPAA

What is HIPAA?

HIPAA is a federal Privacy Rule which addresses the use and disclosure of individuals' health information. Where the HIPAA Privacy Rule applies, it permits covered entities to disclose PHI without patient authorization in certain circumstances. This rule recognizes the need for public health authorities and those responsible for public health and safety, to have access to protected health information to carry out their public health missions. The rule permits covered entities to disclose protected health information without authorization for specified public health purposes. [Public Health | HHS.gov](https://www.hhs.gov/hipaa/)

What is allowed under HIPAA when it comes to use of the WAIS-SCIM?

HIPAA permits a covered entity, such as a health care provider (i.e. a student's pediatrician's office), to disclose proof of a student's immunizations directly to a school with the parent or guardian's agreement.

The provider, for example the student's pediatrician, needs to get authorization from the child's parent to release the record. The authorization may be given verbally (HIPAA has an exception which allows verbal consent to release immunization records to a school) or in writing. <https://www.hhs.gov/hipaa/for-professionals/faq/1507/is-a-health-care-provider-permitted-to-disclose-proof-of-a-childs-immunizations/index.html>

HIPAA has an exception allowing a covered entity to disclose protected health information for public health activities and purposes. For example, a health care provider can enter vaccination information into the WAIS or a school nurse can look up a student's immunization record in the WAIS and print their Certificate of Immunization Status form without individual authorization (Section 164.512(b)(1)(i)) [Public Health | HHS.gov](https://www.hhs.gov/hipaa/). This exception does not apply to a school nurse entering vaccination dates into the WAIS since the record containing the dates was given to the school and is therefore considered a school record covered under FERPA.

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Who does HIPPA apply to?

Health plans, health care clearinghouses, and to any health care provider who transmits health information in electronic form in connection with transactions for which the Secretary of HHS has adopted standards under HIPAA (the "covered entities"). [For help in determining whether you are covered, use CMS's decision tool](#).

Family Educational Rights and Privacy Act or FERPA

What is FERPA?

FERPA is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when they reach the age of 18 or attend a school beyond the high school level. An immunization record electronically is a school record protected under FERPA. Schools and Child Care centers that fall under FERPA are responsible for all data, in any format, that has been extracted from the WAIS-SCCIM.

What is allowed under FERPA when it comes to use of the WAIS-SCCIM?

An immunization record given to a school becomes a school record. To release a school record such as entering immunization information into the WAIS-SCCIM (immunization dates and exemption or titer information), FERPA requires the school to have written parent permission.

FERPA has an exception that allows for the release of directory information without parent permission if the parent has been notified that the information may be released and, there is a process for them to opt their child out of the release. Most districts include this information on their website or in a parent handbook. Adding a student to the WAIS-SCCIM roster involves the release of the directory information only. Because of this, you may not need parent consent when completing a roster upload or adding a student to your roster by hand.

Who Does FERPA Apply to?

To schools, child care centers and preschools who receive funds under an applicable program of the U.S. Department of Education. All public schools receive such funding. If your school, child care or preschool does not receive such funding, then FERPA law may not apply to you. If FERPA does not apply to you, then you should follow your own policies regarding the release of student records.

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Parent Consent

An immunization record given to a school becomes a school record. Schools and child cares that are required to follow the FERPA law must obtain parental consent before school immunization records can be released or entered into the WAIS-SCCIM.

Parental consent is not required if a student's record is complete in the IIS, and nothing needs to be added. Parental consent is only required when adding or editing immunization information in the WAIS-SCCIM.

The [Certificate of Immunization Status \(CIS\)](#) form includes a place where a parent/guardian can sign to give consent to share their child's immunization information with the WAIS-SCCIM. Schools and child cares may also use their own forms to collect parental consent, if they wish to do so.

Some districts have added this consent as part of their district enrollment forms. The signature can be gathered electronically as long as it "(1) Identifies and authenticates a particular person as the source of the electronic consent; and (2) Indicates such person's approval of the information contained in the electronic consent," <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

The Washington State Department of Health does not have a specific parent consent form other than the language on the CIS. Schools and child cares are responsible for developing policies and procedures for collecting parental consent for the release of immunization information into the WAIS-SCCIM.

Medically Verified Records

The WAIS-SCCIM is a medical database. Only medically verified records may be entered into the WAIS-SCCIM. This ensures data quality of the system. Parent reported immunization dates **may not** be entered into the WAIS-SCCIM.

The following are considered medically verified immunization records which can be entered into the WAIS-SCCIM:

- A hardcopy Certificate of Immunization Status verified for accuracy with a unique healthcare provider or clinic stamp, or handwritten provider signature
- Immunization records from a provider, clinic or hospital electronic health record (EHR) with a unique healthcare provider, clinic or hospital logo, header, stamp, or handwritten provider signature
- Official certificate of immunization or immunization record from another state's immunization registry

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- Official lifetime immunization record from Washington or another state with a unique healthcare provider or clinic stamp, or handwritten provider signature
- An immigration form or lifetime immunization record from another country with a clinic or healthcare provider stamp, or handwritten provider signature

Strategies for obtaining medically verified records:

- Contact the healthcare provider directly and ask the provider to enter the immunizations into IIS or fax an immunization record to the school.
- Ask the parent to request the provider enter the immunizations in the IIS.
- Ask the parent to obtain a medically verified record from a healthcare provider so that the school nurse can enter the immunizations into the WAIS-SCCIM.
- If you are unable to obtain a medically verified record, **do NOT enter parent reported immunization dates into the WAIS-SCCIM**. Use another method to track students who only have parent reported immunization records.

The decision to enter an immunization record is based on the nurse's best clinical judgment. If you have any questions about a medically verified record, please send an email to schoolmodule@doh.wa.gov. The Department of Health will provide consultation to discuss records but is not responsible for independently confirming if a record is medically verified.

Additional Resources

- Washington Department of Health School and Child Care Immunization Module web page: www.doh.wa.gov/SchoolModule
- Washington State Immunization Information System: www.waiis.wa.gov
- Washington Department of Health School and Child Care web page: www.doh.wa.gov/SCCI
- School and Child Care Immunization Module Training Guide: www.doh.wa.gov/Portals/1/Documents/Pubs/348-578-WAIS-SchoolModuleTrainingGuide.pdf
- Joint Guidance on the Application of the Family Educational Rights and Privacy Act (FERPA) And the Health Insurance Portability and Accountability Act of 1996 (HIPAA) To Student Health Records: <https://www.hhs.gov/sites/default/files/2019-hipaa-ferpa-joint-guidance.pdf>