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Michael F. Easley, Governor

Dempsey Benton, Secretary

September 17, 2007

MEMORANDUM

TO: Universal Childhood Vaccine Distribution Program (UCVDP) Participants

FROM: Beth Rowe-West, RN, BSN, Head
Immunization Branch

SUBJECT: Update to Privacy Issues as Stated in April 23, 2007 Memo, *Minor's Consent for Human Papillomavirus (HPV) Vaccine*

The purpose of this memo is to respond to concerns regarding the privacy issues discussed in the memo dated April 23, 2007 entitled, *Minor's Consent for Human Papillomavirus (HPV) Vaccine*. We have consulted with legal counsel and have determined that parents/guardians **may** have access to medical records of minor children. If a parent, legal guardian, or person standing in loco parentis contacts a physician and asks about treatment or medical services being provided to a minor, the physician **may** release the information, per G.S. 90-21.4 (b). The physician or health care provider from whom the parent/guardian requests the record has the ultimate authority to decide whether or not to allow access to the record.

As was indicated in the April 23rd memo, minors may give consent for the administration of HPV vaccine (as it meets the standard of "prevention of venereal disease"), or for the administration of vaccines which prevent other reportable diseases.

> **§ 90-21.5. Minor's consent sufficient for certain medical health services.**
> (a) Any minor may give effective consent to a physician licensed to practice medicine in North Carolina for medical health services for the prevention, diagnosis and treatment of (i) venereal disease and other diseases reportable under G.S. 130A-135, (ii) pregnancy, (iii) abuse of controlled substances or alcohol, and (iv)emotional disturbance. This section does not authorize the inducing of an abortion, performance of a sterilization operation, or admission to a 24-hour facility licensed under Article 2 of Chapter 122C of the General Statutes except as provided in G.S. 122C-222. This section does not prohibit the admission of a minor to a treatment facility upon his own written application in an emergency situation as authorized by G.S. 122C-222.
> (b) Any minor who is emancipated may consent to any medical treatment, dental and health services for himself or for his child. (1971, c. 35; 1977, c. 582, s. 2; 1983, c. 302, s. 2; 1985, c. 589, s. 31; 1985 (Reg. Sess., 1986), c. 863, s. 4.)

As a matter of best practice, before vaccinating a consenting minor, health care providers should inform the minor that information regarding immunization services will become a part of the minor's permanent medical record, including that contained in the North Carolina Immunization Registry (NCIR), and that medical record information **may** be, and probably will be, shared with the parent or legal guardian, if requested. Even if the minor has requested that services be confidential, when *another* provider who has access to the NCIR prints the immunization record for a parent, this "confidential" information may be inadvertently released, because the provider may be unaware that the service was requested to be confidential.

If you have further questions, please contact your Regional Immunization Nurse Consultant, or the Central Office at 919-707-5550.

Cc: SMT RINs Chris Hoke Dr. Leah Devlin Evelyn Foust
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