Note: The document that follows is a handout that is frequently used by Jill Moore in training sessions. It was updated in October 2003 to reflect recent changes in the law. Older versions of the document should be discarded. The document is also available on the Internet at http://www.medicalprivacy.unc.edu/pdfs/Upreqbylw.pdf.
Disclosures of Protected Health Information (PHI)
That are Required by North Carolina Law

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I. Individuals and Groups Who May Demand PHI

A. North Carolina law requires the disclosure of confidential medical information or records to certain people upon their demand. Patient permission is not necessary for these disclosures. The following is a partial list of those who may demand records or information:

1. The chief medical examiner or a county medical examiner may demand the records of a patient who has died and whose death is under investigation. G.S. 130A-385.

2. In the investigation of a case of known or suspected child abuse or neglect, the following individuals may demand any records or information that they believe to be relevant to the investigation:
   a. the director of social services or the director’s representative—G.S. 7B-302.
   b. the guardian ad litem representing the child—G.S. 7B-601.

3. The following groups that are involved in the review of child deaths may demand any records or information that they believe to be relevant to their tasks:
   a. the N.C. State Child Fatality Prevention Team
   b. a community child protection team or local child fatality review team
   c. the N.C. Child Fatality Task Force.
   G.S. 7B-1413.

4. The N.C. Secretary of Health and Human Services may see patient records when the patient’s physician and a DHHS physician agree that there is a “clear danger to public health.” G.S. 130A-5(2).

5. Local health directors or the State Health Director may demand medical records pertaining to the diagnosis, treatment, or prevention of communicable disease. G.S. 130A-144(b).

6. A minor between the ages of 14 and 16 who wants to marry must: (1) either be pregnant or already have a child, and (2) get a judge’s permission to marry. The judge is required to appoint a guardian ad litem (GAL) to represent the best interest of the minor. A GAL representing a minor in this circumstance may
demand any confidential information, including confidential medical information, that the GAL determines is relevant to the case. G.S. 51-2A(d).

7. Medical information related to bioterrorism:
   a. A new state law permits (but does not require) health care providers to report to the State Health Director or a local health director any event that may indicate an illness, condition, or health hazard caused by bioterrorism. Events that may be reported include unusual types or numbers of symptoms or illnesses, or unusual trends in health care visits, prescriptions, or purchases of over-the-counter medications. G.S. 130A-476(a). If a voluntary report of this nature is made, then the State Health Director or a local health director may demand to see records that pertain to those reports. G.S. 130A-476(c).
   b. The new bioterrorism law also authorizes the State Health Director to issue a temporary order requiring health care providers to report symptoms, diseases, conditions, trends in the use of health care services, or other health-related information that the State Health Director determines is needed to investigate a possible bioterrorist incident. G.S. 130A-476(b). The State Health Director or a local health director may demand medical records that pertain to those reports. G.S. 130A-476(c).

B. HIPAA covered entities must comply with the verification requirements of the HIPAA privacy rule (§ 164.514(h)) before disclosing PHI to the above persons on their demand.

   1. In general, this means the covered entity must verify the identity of the individual demanding the information and verify their authority to obtain the information. See the outline, Verification Requirements, for detailed information about the verification requirements. The outline is available on the Internet at http://www.medicalprivacy.unc.edu/resources_potm.htm.

II. Required Reporting

A. North Carolina law also requires the reporting of certain things that will involve the release of confidential medical information. Reports that must be made include the following:

   1. Any person or institution must report known or suspected child abuse or neglect, child dependency, and child deaths believed to be due to maltreatment to the county department of social services. G.S. 7B-301.

   2. Any person having reasonable cause to believe that a disabled adult is in need of protective services must make a report to the director of social services. G.S. 108A-102.
3. Physicians and certain others must report known or suspected cases or outbreaks of reportable communicable diseases to the local health department. G.S. 130A-135 et seq. The list of reportable communicable diseases may be found at 15A N.C.A.C. 19A.0101.

4. Health care providers and administrators of health care facilities must report the following types of wounds/injuries to law enforcement authorities: wounds and injuries caused by firearms; illnesses caused by poisoning; wounds and injuries caused by knives or other sharp instruments if it appears to the treating physician that a criminal act was involved; any other wound, injury, or illness involving grave bodily harm if it appears to the treating physician that criminal violence was involved. G.S. 90-21.20.

5. All health care facilities and health care providers must report diagnoses of cancer to the central cancer registry. G.S. 130A-209.

6. A new law authorizes the State Health Director to issue a temporary order requiring health care providers to report symptoms, diseases, conditions, trends in the use of health care services, or other health-related information that the State Health Director determines is needed to conduct a public health investigation of a possible bioterrorist incident. G.S. 130A-476(b).

7. Physicians must report occupational injuries that occur on farms and other reportable occupational diseases and illnesses to the Department of Health and Human Services. G.S. 130A-456. Persons in charge of laboratories that provide diagnostic services must report findings related to reportable occupational diseases and illnesses to the Department. G.S. 130A-458. The list of reportable occupational diseases and illnesses may be found at 15A N.C.A.C. 19C.0702.

8. Jails must disclose medical records or information about inmates in some circumstances:
   a. Whenever a jail transfers an inmate to another jail, the transferring jail must provide any medical records or health information it has about the inmate to the receiving jail. G.S. 153A-225(b1).
   b. Jails must report inmate deaths:
      i. immediately to the medical examiner and coroner (in counties that have a coroner), and
      ii. within five days to the local health director and state secretary of health and human services.
      G.S. 153A-225(b).