

HEALTH: DISEASE PREVENTION AND CONTROL — REGULATION OF MEDICAL CARE FACILITIES.

Paramedic of local fire department is not 'licensed institutional health care provider' authorized to obtain access to immunization records maintained in state health department data base system, should such system be established in future. Term designates those facilities, and not persons, licensed to provide health care.

The Honorable Phillip Hamilton

Member, House of Delegates

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You ask whether the language "licensed institutional health care provider" in § 32.1-46 of the *Code of Virginia* authorizes paramedics¹ of local fire departments to obtain access to immunization records maintained on the state health department's immunization data base.

Section 32.1-46 requires parents, guardians or persons standing in loco parentis² of each child within the Commonwealth to cause the child to be immunized against certain diseases. Section 32.1-46(E) provides:

For the purpose of protecting the public health by ensuring that each child receives age-appropriate immunizations, any physician, licensed institutional health care provider, local or district health department, and the Department of Health may share immunization and child locator information, including, but not limited to, the month, day, and year of each administered immunization; the child's name, address, telephone number, birth date, and social security number; and the parents' names. The immunization information; the child's name, address, telephone number, birth date, and social security number; and the parents' names shall be confidential and shall only be shared for the purposes set out in this subsection.

A recent opinion of the Attorney General considers whether § 32.1-46 authorizes the transfer of immunization information about individual children to a state health department immunization information system without parental consent.³ The opinion notes that § 32.1-46 does not expressly authorize the health department to establish an immunization information system and that the health department does not currently have such a system in operation.⁴ Should the health department establish such a system in the future, it is my opinion that § 32.1-46(E), as presently enacted, does not authorize a paramedic of a local fire department to obtain access to the immunization information on the system.

Section 32.1-46(E) authorizes the sharing of immunization and child locator information only by "physician[s], licensed institutional health care provider[s], local or district health department[s], and the Department of Health." No statute defines "licensed institutional health care provider." The term "health care provider," as defined in various sections of the Code, encompasses both *persons* licensed to provide health care and *facilities* licensed to provide health care.⁵ No statutes, however, provide for the licensing of a person as an "institutional" health care provider. Since the term "licensed *institutional* health care provider" cannot refer to a person, it is my opinion that the term is intended to designate those facilities that would satisfy the definition of licensed "health care provider."⁶

¹For the purposes of this opinion, I assume that your use of the term "paramedic" is to mean "an emergency medical care attendant or technician." See § 32.1-111.1 (defining "emergency medical services personnel"); § 8.01-225 (defining "emergency medical care attendant or technician").

²"In loco parentis" means "[i]n the place of a parent; instead of a parent; charged, factitiously, with a parent's rights, duties, and responsibilities." Black's Law Dictionary 787 (6th ed. 1990).

³See op. to Hon. Marian Van Landingham, H. Del. Mbr. (Jan. 11, 1999).

⁴*Id.*

⁵See, e.g., §§ 8.01-581.1, 32.1-45.1, 32.1-276.3, 38.2-4300. See also § 32.1-102.1 (defining "medical care facility"); § 32.1-249 (defining "institution").

⁶See §§ 32.1-123 to 32.1-137 ("Hospital and Nursing Home Licensure and Inspection").