

Summary for Clinics
State of North Carolina Medical Records Privacy Laws

I. Summary

North Carolina has a “Health Information Exchange Act”¹ that addresses the protection, storage and electronic transfer of protected health care information (PHI) and requires covered entities who voluntarily participate in the HIE Network to protect the privacy of PHI and to provide such records to a requestor when presented with a written authorization signed by the patient and also to protect the confidentiality of such records. The state law does not extend the definition of PHI beyond the federal definition under HIPAA but does extend the federal definition of “covered entity” to include any facility or practitioner licensed by the State of North Carolina to provide health care services. Though application of HIPAA confidentiality and transfer requirements would not be required for PMCs, unless PHI is being transferred electronically, or if a PMC is a voluntary member of the State’s “Health Information Exchange” (HIE), it is recommended that North Carolina PMCs apply HIPAA protections to the care and transmittal of all medical records. Both North Carolina PRCs and PMCs have an obligation to provide notice of any unauthorized access to stored personal information of clients.

II. Do the requirements of the law apply to North Carolina PRCs? To PMCs?

The requirements do not apply to North Carolina PRCs and would only apply to PMCs engaged in the electronic transfer of PHI or that are voluntary participants in the State’s Health Information Exchange. Furthermore, North Carolina law expands the definition of “covered entity” beyond the federal HIPAA definition to include “any entity described in 45 CFR § 160.103 or any other facility or practitioner licensed by the State to provide health care services.”²

III. Does North Carolina law define “Protected Information” differently than HIPAA?

North Carolina law adopts the same definition of “Protected Health Information found in the federal HIPAA laws.”³

IV. Are there any specific compliance requirements for PMCs under North Carolina law not identified in the NIFLA HIPAA VOLUNTARY COMPLIANCE MANUAL FOR PMCs?

North Carolina PMCs should adopt the standards for treating and handling of all forms of health information found in the NIFLA HIPAA Voluntary Compliance Manual for PMCs.

V. Are there any specific North Carolina law provisions applicable to PRCs?

North Carolina requires any collector of personal information (first name or first initial and last name in connection with a social security number, driver’s license number, credit card number or other account numbers) to notify the owner of the information if there is an unauthorized access or breach of unencrypted data immediately upon discovery of the breach.⁴ PRCs and PMCs are strongly encouraged to install encryption software on their computer systems to minimize the risk of a breach.

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¹ N.C. Gen. Stat. § 90-413.1 et seq.

² N.C. Gen. Stat. § 90-413.3

³ N.C. Gen. Stat. § 90-413.11 (adopts the same definition for “protected health information” found in 45 CFR 160.103)

⁴ N.C. Gen. Stat. § 75-60 et seq.

