

**641—3.12(135) Sharing of information and confidentiality.** Reports, records, and other information collected by or provided to the department relating to a child's newborn hearing screening, rescreen, diagnostic audiologic assessment, and early intervention enrollment are confidential records pursuant to Iowa Code section 22.7.

**3.12(1)** Personnel of the department shall maintain the confidentiality of all information and records used in the review and analysis of newborn hearing screenings, rescreens, diagnostic audiologic assessments, and early intervention enrollment, including information which is confidential under Iowa Code chapter 22 or any other provisions of state law.

**3.12(2)** No individual or organization providing information to the department in accordance with this rule shall be deemed to be or held liable for divulging confidential information.

**3.12(3)** The department shall not release confidential information except to the following persons and entities under the following conditions:

- a.* The parent or guardian of an infant or child for whom the report is made.
- b.* A local birth-to-three coordinator with the Early ACCESS program or an agency under contract with the department to administer the children with special health care needs program.
- c.* A health care professional or primary care provider.
- d.* A representative of a federal or state agency, to the extent that the information is necessary to perform a legally authorized function of that agency.
- e.* A representative of a state agency, or an entity bound by that state, to the extent that the information is necessary to perform newborn hearing screening follow-up. The state agency or the entity bound by that state shall be subject to confidentiality regulations that are the same as or more stringent than those in the state of Iowa. The state agency or the entity bound by that state shall not use the information obtained from the department to market services to patients or nonpatients or identify patients for any purposes other than those expressly provided in this rule.

**3.12(4)** Research purposes. All proposals for research using the department's data to be conducted by persons other than program staff shall first be submitted to and accepted by the researchers' institutional review board. Proposals shall then be reviewed and approved by the department before research can commence.

[**ARC 8232B**, IAB 10/7/09, effective 11/11/09; **ARC 2290C**, IAB 12/9/15, effective 1/13/16; **ARC 3745C**, IAB 4/11/18, effective 5/16/18]