

STATE OF NEW YORK

8227--B

Cal. No. 2163

IN SENATE

June 13, 2006

Introduced by Sen. HANNON -- (at request of the Department of Health) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public health law, in relation to the establishment of a statewide immunization registry of persons under age 19

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. The public health law is amended by adding a new section
2 2168 to read as follows:
- 3 § 2168. Statewide immunization registry. 1. The department is hereby
4 directed to establish a statewide automated and electronic immunization
5 registry that will serve, and shall be administered consistent with, the
6 following public health purposes:
- 7 (a) collect reports of immunizations and thus reduce the incidence of
8 illness, disability and death due to vaccine preventable diseases;
9 (b) establish the public health infrastructure necessary to obtain,
10 collect, preserve, and disclose information relating to vaccine prevent-
11 able disease as it may promote the health and well-being of all children
12 in this state;
13 (c) make available to an individual, or parents, guardians, or other
14 person in a custodial relation to a child or, to local health districts,
15 local social services districts responsible for the care and custody of
16 children, health care providers and their designees, schools, and third
17 party payers the immunization status of children; and
18 (d) appropriately protecting the confidentiality of individual identi-
19 fying information and the privacy of persons included in the registry
20 and their families.
- 21 2. For the purposes of this section:
22 (a) The term "authorized user" shall mean any person or entity author-
23 ized to provide information to or to receive information from the immun-
24 ization registry and shall include health care providers and their

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 designees, as defined in paragraph (d) of this subdivision, schools as
2 defined in paragraph a of subdivision one of section twenty-one hundred
3 sixty-four of this title, health maintenance organizations certified
4 under article forty-four of this chapter or article forty-three of the
5 insurance law, local health districts as defined by paragraph (c) of
6 subdivision one of section two of this chapter, and local social
7 services districts and the office of children and family services with
8 regard to children in their legal custody. An authorized user may be
9 located outside New York state. An entity other than a local health
10 district shall be an authorized user only with respect to a person seek-
11 ing or receiving a health care service from the health care provider, a
12 person enrolled or seeking to be enrolled in the school, a person
13 insured by the health maintenance organization, or a person in the
14 custody of the local social services district or the office of children
15 and family services, as the case may be.

16 (b) The term "immunization registry" shall mean a statewide-computer-
17 ized database maintained by the department capable of collecting, stor-
18 ing, and disclosing the electronic and paper records of vaccinations
19 received by persons under nineteen years of age.

20 (c) The term "citywide immunization registry" shall mean the computer-
21 ized database maintained by the city of New York department of health
22 and mental hygiene capable of collecting, storing, and disclosing the
23 electronic and paper records of vaccinations received by persons under
24 nineteen years of age. For the purposes of this section the term New
25 York city department of health and mental hygiene shall mean such agency
26 or any successor agency responsible for the citywide immunization regis-
27 try.

28 (d) The term "health care provider" shall mean any person authorized
29 by law to order or administer an immunization or any health care facili-
30 ty licensed under article twenty-eight of this chapter or any certified
31 home health agency established under section thirty-six hundred six of
32 this chapter; with respect to a person seeking or receiving a health
33 care service from the health care provider.

34 (e) For purposes of this section a school is a public health authori-
35 ty, as defined in section 164.501 of part 45 of the federal code of
36 rules, responsible for screening the immunization status of each child
37 pursuant to section twenty-one hundred sixty-four of this article.

38 3. (a) Any health care provider who administers any vaccine to a
39 person under nineteen years of age; and immunizations received by a
40 person under nineteen years of age in the past if not already reported,
41 shall report all such immunizations to the department in a format
42 prescribed by the commissioner within fourteen days of administration.
43 Health care providers administering immunizations to persons under nine-
44 teen years of age in the city of New York shall report, in a format
45 prescribed by the city of New York commissioner of health and mental
46 hygiene, all such immunizations to the citywide immunization registry.
47 The commissioner, and for the city of New York the commissioner of
48 health and mental hygiene, shall have the discretion to accept for
49 inclusion in the registry information regarding immunizations adminis-
50 tered to individuals nineteen years of age or older with the express
51 written consent of the vaccine.

52 (b) The immunization registry shall provide a method for health care
53 providers to determine when the registrant is due or late for a recom-
54 ended immunization and shall serve as a means for authorized users to
55 receive prompt and accurate information, as reported to the registry,
56 about the vaccines that the registrant has received.

1 4. (a) All information maintained by the department, or in the case of
2 the citywide immunization registry, the city of New York under the
3 provisions of this section shall be confidential except as necessary to
4 carry out the provisions of this section and shall not be released for
5 any other purpose.

6 (b) The department and for the city of New York the department of
7 health and mental hygiene may also disclose or provide such information
8 to an authorized user when (i) such person or agency provides sufficient
9 identifying information satisfactory to the department to identify such
10 registrant and (ii) such disclosure or provision of information is in
11 the best interests of the registrant or his or her family, or will
12 contribute to the protection of the public health.

13 (c) Any data collected by the department may be included in the immun-
14 ization registry if collection, storage and access of such data is
15 otherwise authorized. Such data may be disclosed to the immunization
16 registry only if provided for in statute and regulation, and shall be
17 subject to any provisions in such statute or regulation limiting the use
18 or redisclosure of the data. Nothing contained in this paragraph shall
19 permit inclusion of data in the immunization registry if that data could
20 not otherwise be accessed or disclosed in the absence of the registry.
21 For the city of New York the commissioner of health and mental hygiene
22 may include data collected in the citywide registry as provided in this
23 paragraph.

24 (d) A person, institution or agency to whom such immunization registry
25 information is furnished or to whom, access to records or information
26 has been given, shall not divulge any part thereof so as to disclose the
27 identity of such person to whom such information or record relates,
28 except insofar as such disclosure is necessary for the best interests of
29 the person or other persons, consistent with the purposes of this
30 section.

31 5. (a) All health care providers and their designees, except for
32 providers reporting to the citywide immunization registry, shall submit
33 to the commissioner information about any vaccinee under nineteen years
34 of age and about each vaccination given after January first, two thou-
35 sand eight. The information provided to the registry or the citywide
36 immunization registry shall include the national immunization program
37 data elements and other elements required by the commissioner. For the
38 city of New York the commissioner of health and mental hygiene may
39 require additional elements with prior notice to the commissioner of any
40 changes.

41 (b) In addition to the immunization administration information
42 required by this section, the operation of any immunization registry
43 established under chapter five hundred twenty-one of the laws of nine-
44 teen hundred ninety-four, section 11.04 of title twenty-four of volume
45 eight of the compilation of the rules of the city of New York and admin-
46 istered by a local health district collecting information from health
47 care providers about vaccinations previously administered to a vaccinee
48 prior to the effective date of this section shall provide the commis-
49 sioner access to such information.

50 (c) All health care providers shall provide the department or, as
51 appropriate, the city of New York with additional or clarifying informa-
52 tion upon request reasonably related to the purposes of this section.

53 (d) Notwithstanding the above, submission of incomplete information
54 shall not prohibit entry of incomplete but viable data into the registry
55 database.

1 (e) The commissioner of the department of health and mental hygiene
2 for the city of New York shall implement the requirements of this subdivi-
3 vision.

4 (f) The immunization status of children exempt from immunizations
5 pursuant to subdivision eight and a parent claiming exemption pursuant
6 to subdivision nine of section twenty-one hundred sixty-four of this
7 title shall be reported by the health care provider.

8 6. In the city of New York, the commissioner of the department of
9 health and mental hygiene of the city of New York may maintain its
10 existing registry consistent with the requirements of this section and
11 shall provide information to the commissioner and to authorized users.

12 7. Each parent or legal guardian of a newborn infant or a child newly
13 enrolled in the registry shall receive information, developed by the
14 department, describing the registry enrollment process and how to review
15 and correct information and obtain a copy of the child's immunization
16 record. The city of New York will be responsible for providing informa-
17 tion about the processes for enrollment and access to the citywide
18 immunization registry by a parent or legal guardian of a newborn infant
19 or newly enrolled child residing in the city of New York.

20 8. Access and use of identifiable registrant information shall be
21 limited to authorized users consistent with this subdivision and the
22 purposes of this section. (a) The commissioner shall provide a method by
23 which authorized users apply for access to the registry. For the city of
24 New York, the commissioner of health and mental hygiene shall provide a
25 method by which authorized users apply for access to the registry.

26 (b) (i) The commissioner may use the immunization registry for
27 purposes of outreach, quality improvement and vaccine accountability,
28 research, epidemiological studies and disease control; (ii) the commis-
29 sioner of health and mental hygiene for the city of New York may use the
30 immunization registry for purposes of outreach, quality improvement and
31 vaccine accountability, research, epidemiological studies and disease
32 control; (iii) local health departments shall have access to the immuni-
33 zation registry for purposes of outreach, quality improvement and
34 vaccine accountability, epidemiological studies and disease control
35 within their county; and

36 (c) health care providers and their designees shall have access to the
37 immunization registry only for purposes of submission of information
38 about vaccinations received by a specific registrant, determination of
39 the immunization status of a specific registrant, review of practice
40 coverage, generation of reminder notices, quality improvement and
41 vaccine accountability and printing a copy of the immunization record
42 for the registrant's medical record, for the registrant's parent or
43 guardian, or other person in parental or custodial relation to a child,
44 or for a registrant upon reaching eighteen years of age.

45 (d) The following authorized users shall have access to the immuniza-
46 tion registry and the citywide immunization registry for the purposes
47 stated in this paragraph: (i) schools for verifying eligibility for
48 admission; (ii) health maintenance organizations for performing quality
49 assurance, accountability and outreach, relating to enrollees covered by
50 the health maintenance organization; (iii) commissioners of local social
51 services districts with regard to a child in his/her legal custody; and
52 (iv) the commissioner of the office of children and family services with
53 regard to children in their legal custody, and for quality assurance and
54 accountability of commissioners of local social services districts, care
55 and treatment of children in the custody of commissioners of local
56 social services districts.

1 9. The commissioner may judge the legitimacy of any request for immun-
2 ization registry information and may refuse access to the immunization
3 registry based on the authenticity of the request, credibility of the
4 authorized user or other reasons as provided for in regulation. For the
5 city of New York the commissioner of health and mental hygiene may judge
6 the legitimacy of requests for access to the citywide immunization
7 registry and refuse access to the immunization registry based on the
8 authenticity of the request, credibility of the authorized user or other
9 reasons as provided for in regulation.

10 10. The person to whom any immunization record relates, or his or her
11 parent, or guardian, or other person in parental or custodial relation
12 to such person may request a copy of an immunization record from the
13 registrant's healthcare provider, the immunization registry or the city-
14 wide immunization registry according to procedures established by the
15 commissioner or, in the case of the citywide immunization registry, by
16 the city of New York commissioner of the department of health and mental
17 hygiene.

18 11. The commissioner may provide registrant specific immunization
19 records to other state registries pursuant to a written agreement
20 requiring that the foreign registry conform to national standards for
21 maintaining the integrity of the data and will not be used for purposes
22 inconsistent with the provisions of this section.

23 12. Information that would be provided upon the enrollment in the
24 registry of a child being vaccinated, from birth records of all infants
25 born in New York state on or after January first, two thousand four
26 shall be entered into the immunization registry, except in the city of
27 New York, where birth record information shall be entered into the city-
28 wide immunization registry.

29 13. The commissioner shall promulgate regulations as necessary to
30 effectuate the provisions of this section. Such regulations shall
31 include provision for orderly implementation and operation of the regis-
32 try, including the method by which each category of authorized user may
33 access the registry. Access standards shall include at a minimum a meth-
34 od for assigning and authenticating each user identification and pass-
35 word assigned.

36 14. No authorized user shall be subjected to civil or criminal liabil-
37 ity, or be deemed to have engaged in unprofessional conduct for report-
38 ing to, receiving from, or disclosing information relating to the regis-
39 try when made reasonably and in good faith and in accordance with the
40 provisions of this section or any regulation adopted thereto.

41 § 2. This act shall take effect on the first of December next succeed-
42 ing the date on which it shall have become a law, provided however, that
43 effective immediately, the commissioner of health, the commissioner of
44 the New York city department of health and mental hygiene, and any other
45 state or local official shall make regulations and take other actions
46 necessary for the timely implementation of this act on such effective
47 date.

NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1

BILL NUMBER: S8227B

SPONSOR: HANNON

TITLE OF BILL:

An act to amend the public health law, in relation to the establishment of a statewide immunization registry of persons under age 19

PURPOSE:

To establish a statewide immunization registry.

SUMMARY OF PROVISIONS:

Section 1 would authorize creation of a statewide electronic immunization registry for persons under age 19 which could be accessed only by authorized users such as local health departments, health care providers, schools and local social services districts under certain circumstances.

EXISTING LAW:

Chapter 521 of the Laws of 1994 established the "State Immunization Information System", a voluntary immunization registry demonstration in unconsolidated law. The authority for this demonstration has been extended several times, most recently by Chapter 145 of the Laws of 2005.

LEGISLATIVE HISTORY:

None.

STATEMENT IN SUPPORT:

The statewide immunization registry created in this bill would serve as a repository of immunization records to aid, coordinate, and promote cost-effective disease prevention and control efforts in New York State. The Hurricane Katrina disaster response effort illustrates the importance of having ready access to immunization records. Although as a result of the disaster, medical records were lost from provider offices, public health clinics, and hospitals, immunization registries continued to function and provide proof of immunization. Mississippi, Alabama, and Louisiana all have highly populated immunization registries. The Alabama immunization registry has 99% of children, birth through six years of age, with two or more shots recorded. Mississippi has 89% and Louisiana has 79% of children between birth and six years, with two or more shots. As evacuees temporarily relocated in other states and enrolled in new schools, their immunization records were accessed through the cooperation of immunization registries throughout the nation, including New York. Within two weeks of the hurricane, over 9,300 immunization records of evacuees had been secured by other state registries. Use of registry information provided proof that relocated children were up-to-date with immunizations, thereby avoiding duplicative shots and expediting their registration in new schools.

An immunization registry is a cost-effective means to track and follow the immunizations of New York State's children. The registry will maintain the information in a confidential and secure manner. A statewide immunization registry will also help eliminate unnecessary or duplica-

tive immunizations, and provide an accurate and official immunization record for schools, camps or day care. Nationally, it is estimated that 21% of 19-35 month old children have received at least one dose of vaccine they did not need. This represents \$15 million in unnecessary cost.

BUDGET IMPLICATIONS:

No impact on State Budget. Funds to support the registry are provided through the CDC Immunization grant.

EFFECTIVE DATE:

This act to take effect on the first of December of the year after it shall become a law, provided that the commissioner of health, the commissioner of the New York city department of health and mental health, and any other state or local official shall make regulations and take other actions necessary for the timely implementation of this act on that date.
