

Enrolled
House Bill 2188

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Department of Human Services)

CHAPTER

AN ACT

Relating to immunization registries; amending ORS 433.090, 433.092, 433.094, 433.096, 433.098 and 433.100.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 433.090 is amended to read:

433.090. As used in ORS 433.090 to 433.102:

(1) "Authorized user" means a person or entity authorized to provide information to or to receive information from an immunization registry or immunization tracking and recall system under ORS 433.090 to 433.102. "Authorized user" includes, but is not limited to, licensed health care providers, health care institutions, insurance carriers, the Oregon medical assistance program, parents[,] or **guardians of children under 18 years of age, clients 18 years of age or older, post-secondary education institutions**, schools, children's facilities, local health departments, the Department of Human Services and agents of the department.

(2) "Children's facility" has the meaning given that term in ORS 433.235.

(3) "Client" means any person registered with any Oregon immunization tracking and recall system.

(4) "Immunization record" includes but is not limited to the following:

- (a) Any immunization received;
- (b) Date immunization was received;
- (c) Complication or side effect associated with immunization;
- (d) Date and place of birth of a client;
- (e) Hospital where a client was born;
- (f) Client's name; and
- (g) Mother's name.

(5) "Immunization registry" means any listing of clients and information relating to their immunization status, without regard to whether the registry is maintained in this state or elsewhere.

(6) "Immunization tracking and recall record" includes but is not limited to the client's name, address of the parent or guardian of the client, telephone number, insurance carrier, health care provider and other information needed to send reminder cards to, place telephone calls to or personally contact the client or the parent or the guardian of a client for the purposes of informing the client, parent or guardian that the client is late in receiving the recommended immunizations.

(7) "Local health department" has the meaning given that term in ORS 433.235.

(8) "Parent or guardian" has the meaning given the term "parent" in ORS 433.235.

(9) "Post-secondary education institution" means:

(a) **A state institution of higher education under the jurisdiction of the State Board of Higher Education;**

(b) **A community college operated under ORS chapter 341;**

(c) **A school or division of Oregon Health and Science University; or**

(d) **An Oregon-based, generally accredited, private institution of higher education.**

[(9)] (10) "Provider" means a physician or a health care professional who is acting within the scope of [their] **his or her** licensure and responsible for providing immunization services or for coordinating immunization services within a clinic, public health site, school or other immunization site.

[(10)] (11) "School" has the meaning given that term in ORS 433.235.

[(11)] (12) "Tracking and recall system" means a system attached to an immunization registry designed to contact clients listed in the immunization registry for the purposes of assisting in the completion of the immunization series in a timely manner.

SECTION 2. ORS 433.092 is amended to read:

433.092. The purpose of ORS 433.090 to 433.102 is to waive the requirement of consent for release of information from, or providing information to, the immunization record of a client of any immunization registry and to waive issues of confidentiality in regard to this information. The waiver allows [*providers, the Department of Human Services and local health departments and their agents, parents or guardians, schools and children's facilities*] **authorized users** to share information from the immunization record through or between immunization registries without violating confidentiality. The immunization registries and the associated tracking and recall systems are designed to increase the state's immunization rates for clients and help prevent the spread of the diseases at which the immunizations are aimed. Immunizations are a proven benefit to individuals and society. An immunization registry reduces inappropriate immunizations and increases appropriate immunizations because clients' records will be easily available to [*all providers*] **authorized users**.

SECTION 3. ORS 433.094 is amended to read:

433.094. The Department of Human Services, a local health department, or both, or their agents or other providers may develop an immunization registry and an associated tracking and recall system to include, but not be limited to, children and young adults. This system shall include, but not be limited to, the following:

(1) Registering all clients born in, living in or receiving services in this state;

(2) Tracking and updating immunization histories of the registered clients [*and retaining in appropriate form information about clients who have attained 18 years of age for release only as provided in ORS 433.098 (2)*];

(3) Allowing a provider to provide information to and obtain information from the immunization and immunization tracking and recall records contained in an immunization registry without the consent of the client or the parent or guardian of the client;

(4) Allowing an immunization record of a client to be released to [*that client's parent, guardian, school, children's facility or provider*] **authorized users**;

(5) Notifying in writing the parent or guardian of a client, at least through five years of age, when the tracking and recall system indicates that a client has missed a scheduled immunization and, if the client has not been immunized after two notifications, arranging to have the parent or guardian contacted personally;

(6) Integrating with any immunization registry and its associated tracking and recall systems; and

(7) Working with health care providers to develop easy information transfer systems.

SECTION 4. ORS 433.096 is amended to read:

433.096. Nothing in ORS 179.505, 192.410 to 192.505, 192.518 to 192.526 or 677.190 (5) or the client and provider privilege prevents:

(1) [*A provider, a local health department, the Department of Human Services, the parent or guardian of a client, a school or a children's facility*] **Authorized users** from providing information

to and receiving information from the immunization record of a client from the immunization registry; or

(2) The immunization registry from:

(a) Providing immunization information to or receiving immunization information from a client's immunization record from *[a provider, a local health department, the Department of Human Services or the parent or guardian of a client, a school or a children's facility]* **authorized users**;

(b) Notifying or personally contacting a client or the **custodial** parent or guardian of *[that]* a client about the client's immunization status; or

(c) Providing or publishing information in aggregate form that does not identify a client.

SECTION 5. ORS 433.098 is amended to read:

433.098. (1) *[A provider, or a local health department, the Department of Human Services or the agents of any of them, children's facilities and schools shall not be subject to an action or be]* **An authorized user and the employees or agents of an authorized user are not** liable for sharing information from the immunization record or using information from the immunization tracking and recall record for purposes of tracking immunizations of clients and for outreach to clients who have missed immunizations.

(2) Information in an immunization registry or in the immunization tracking and recall record or derived *[therefrom]* **from the registry or record** is confidential and *[shall]* **may** not be disclosed to any person who is not specifically authorized to receive information under ORS 433.090 to 433.102. *[However, when a client attains 18 years of age, information in the registry shall be made available only with the written consent of the client unless the requester shows a public health need for the information. Upon the written request of a client who is at least 18 years of age, the registry shall purge that client's immunization record and tracking and recall record from the registry].*

(3) When a client who is 18 years of age or older requests in writing that the client's immunization record be removed from an immunization registry, the agency that maintains the registry shall purge the client's immunization record from the registry as soon as is reasonably possible.

[(3)] (4) Before sharing data with any immunization registry, an immunization registry maintained in Oregon must ensure that the immunization registry receiving the data has confidentiality and security policies at least as stringent as the policies of the registry sharing the data.

SECTION 6. ORS 433.100 is amended to read:

433.100. (1) The Department of Human Services shall adopt rules pertaining to the development and implementation of the immunization registries and their associated tracking and recall systems. The rules shall include a process *[by which]* **that allows a client who is 18 years of age or older,** a custodial parent or guardian *[can]* **to** control the transfer of information from the immunization record or the immunization tracking and recall record when such control is necessary to protect the health or safety of the family **or the client.**

(2) Nothing in this section requires the consent of a parent or guardian prior to enrolling the child in the registry or restricts the registry from providing tracking and recall information to a custodial parent or guardian.

(3)(a) Pursuant to rules adopted by the department, the department may charge fees to authorized users, except hospitals, schools and individual health care providers, for services requested from an immunization registry, including associated tracking and recall systems maintained by the department. Authorized users may make voluntary contributions to the department to help support the operation of an immunization registry established under ORS 433.094.

(b) Fees authorized under paragraph (a) of this subsection shall be assessed only against managed care organizations, health maintenance organizations, physician organizations and insurance carriers that are using the information from the registries for quality improvement activities for their privately insured patients.

(c) All moneys received by the department under this section shall be paid into the State Treasury and placed in the General Fund to the credit of the Public Health Account. Such moneys

are continuously appropriated to the department and shall be used only for the administration and enforcement of ORS 433.090 to 433.102.

Passed by House March 5, 2007

.....
Chief Clerk of House

.....
Speaker of House

Passed by Senate May 7, 2007

.....
President of Senate

Received by Governor:

.....M,....., 2007

Approved:

.....M,....., 2007

.....
Governor

Filed in Office of Secretary of State:

.....M,....., 2007

.....
Secretary of State