

HOUSE BILL 1075

Unofficial Copy  
J1

2001 Regular Session  
(11r2633)

**ENROLLED BILL**

-- Environmental Matters/Economic and Environmental Affairs --

Introduced by **Delegates Klausmeier and Guns**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

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Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Coordination of Immunization Services Act of 2001**

3 FOR the purpose of establishing a computerized information system within the  
4 Department of Health and Mental Hygiene to coordinate immunization data  
5 from health care providers; specifying who may use the information in the  
6 computerized information system; establishing the purposes of the system;  
7 specifying what records may be used to collect information for the system;  
8 providing for the confidentiality under certain circumstances of the records of  
9 individuals who have received an immunization; requiring a certain individual  
10 to use a certain form to request that their individual information not be  
11 disclosed by the system or to correct errors in an existing record; requiring the  
12 Department to develop and distribute a certain brochure; requiring certain  
13 health care providers *or their agents* to provide certain information to an  
14 individual about the computerized information system and their right to refuse  
15 to permit ~~redisclosure~~ disclosure; specifying what information may be collected  
16 for the system; prohibiting the use of information in the system for certain  
17 purposes; authorizing local health departments to operate a local computerized

1 immunization information system if they comply with certain conditions;  
2 providing certain immunity for health care providers who disclose or do not  
3 disclose information to the system; providing penalties for a violation of certain  
4 provisions of this Act; authorizing the Secretary of Health and Mental Hygiene  
5 to enter into collaborative agreements with other states under certain  
6 conditions; requiring the Secretary to adopt certain regulations; defining certain  
7 terms; and generally relating to the establishment of a computerized  
8 information system within the Department for collecting information on  
9 immunizations.

10 BY adding to

11 Article - Health - General  
12 Section 18-109  
13 Annotated Code of Maryland  
14 (2000 Replacement Volume)

15 Preamble

16 WHEREAS, Immunizations are essential to protect the health of the citizens of  
17 Maryland and prevent the spread of potentially fatal communicable diseases; and

18 WHEREAS, Children under the age of 2 years are at the highest risk of  
19 contracting diseases preventable by vaccine that may otherwise lead to serious  
20 complications; and

21 WHEREAS, It is recommended that adults over the age of 50 years be  
22 vaccinated against influenza and pneumococcal pneumonia, but there is no way of  
23 knowing if these immunizations are being received; and

24 WHEREAS, Because 95 percent of all immunizations are administered by  
25 private health care providers in this State, there are no public records to ensure that  
26 the citizens of the State are being properly immunized; and

27 WHEREAS, It is important for immunization records to be complete so that  
28 children will not be over-immunized or under-immunized because of incomplete  
29 health care records; and

30 WHEREAS, Over-immunization and under-immunization are medically  
31 undesirable and costly; and

32 WHEREAS, The federal Centers for Disease Control and Prevention report that  
33 \$29 in medical costs are saved for every \$1 spent on immunizations; and

34 WHEREAS, In 1993, the General Assembly directed the Department of Health  
35 and Mental Hygiene to utilize federal government initiatives or programs to develop  
36 a State plan to establish a system for tracking all childhood immunizations  
37 administered to children between birth and 6 years of age; and

1 WHEREAS, The creation of a central computerized immunization registry will  
2 be beneficial to the citizens of Maryland; now, therefore,

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article - Health - General**

6 18-109.

7 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
8 INDICATED.

9 (2) "AUTHORIZED USER" MEANS:

10 (I) A CHILD CARE FACILITY;

11 (II) A HEALTH CARE PROVIDER;

12 (III) A HEALTH INSURER;

13 (IV) A HEALTH MAINTENANCE ORGANIZATION;

14 (V) AN INSTITUTION OF HIGHER LEARNING;

15 (VI) A LOCAL HEALTH DEPARTMENT;

16 (VII) A LONG-TERM CARE FACILITY;

17 (VIII) A MANAGED CARE ORGANIZATION;

18 (IX) A NONPROFIT HEALTH SERVICE PLAN;

19 (X) A PATIENT;

20 (XI) A SCHOOL;

21 (XII) A SCHOOL-BASED HEALTH CENTER;

22 (XIII) IN THE CASE OF A MINOR CHILD, A PARENT ~~OF~~ OR GUARDIAN;

23 AND

24 (XIV) ANY OTHER USER DESIGNATED BY THE SECRETARY.

25 (3) "IMMUNET" MEANS A COMPUTERIZED INFORMATION AND REMINDER  
26 SYSTEM TO:

27 (I) IMPROVE THE TIMELY AND APPROPRIATE DELIVERY OF  
28 IMMUNIZATIONS;

1 (II) PROVIDE A COORDINATED NETWORK FOR REMINDER NOTICES  
2 WHEN IMMUNIZATIONS ARE DUE;

3 (III) PROVIDE AND COLLECT INFORMATION TO BE SHARED BY  
4 AUTHORIZED USERS; AND

5 (IV) PROVIDE A QUALITY INDICATOR FOR THE ~~INSURERS~~;  
6 INSURERS' HEALTH CARE PROVIDER PRACTICES AND PUBLIC HEALTH PURPOSES.

7 (4) "REFUSAL TO PERMIT" MEANS THE RIGHT OF AN INDIVIDUAL OR THE  
8 PARENT OR GUARDIAN OF A MINOR TO PREVENT DISCLOSURE TO AUTHORIZED  
9 USERS OF INDIVIDUAL IDENTIFIABLE INFORMATION THAT WAS REPORTED TO  
10 IMMUNET.

11 (B) THERE IS AN IMMUNET PROGRAM IN THE DEPARTMENT.

12 (C) SUBJECT TO SUBSECTION (D) OF THIS SECTION, AN AUTHORIZED USER  
13 MAY USE THE INFORMATION IN IMMUNET FOR THE FOLLOWING PURPOSES:

14 (1) TO PROVIDE COORDINATED IMMUNIZATION SERVICES, INCLUDING  
15 SENDING REMINDER NOTICES TO INDIVIDUALS WHO NEED IMMUNIZATIONS;

16 (2) TO OBTAIN AN INDIVIDUAL IMMUNIZATION HISTORY;

17 (3) TO IDENTIFY GEOGRAPHIC AREAS OR POPULATION GROUPS THAT  
18 ARE UNDER-IMMUNIZED;

19 (4) TO COMPILE AGGREGATE DATA AND DISTRIBUTE STATISTICAL  
20 REPORTS ON THE STATUS OF IMMUNIZATIONS IN GEOGRAPHIC AREAS AND  
21 POPULATION GROUPS;

22 (5) TO ASSIST IN THE MANAGEMENT OF STATE AND LOCAL  
23 IMMUNIZATION PROGRAMS;

24 (6) TO MONITOR THE SAFETY OF VACCINES;

25 (7) TO ASSESS COMPLIANCE WITH IMMUNIZATION REQUIREMENTS BY  
26 MONITORING ADMISSIONS TO SCHOOLS, INSTITUTIONS OF HIGHER LEARNING, AND  
27 CHILD CARE FACILITIES; AND

28 (8) FOR ANY OTHER PURPOSE THAT THE SECRETARY DEEMS  
29 NECESSARY TO PREVENT THE SPREAD OF COMMUNICABLE DISEASES.

30 (D) (1) AN INDIVIDUAL, OR THE PARENT OR GUARDIAN OF A MINOR CHILD  
31 WHO HAS RECEIVED AN IMMUNIZATION, MAY REFUSE TO PERMIT DISCLOSURE OF  
32 CONFIDENTIAL INFORMATION; COLLECTED BY IMMUNET, TO AN AUTHORIZED USER.

33 (2) IF THE INDIVIDUAL OR THE PARENT OR GUARDIAN OF A MINOR  
34 CHILD DOES NOT WANT THE RELEASE OF THE INDIVIDUAL'S OR CHILD'S  
35 CONFIDENTIAL INFORMATION, THE INDIVIDUAL OR THE PARENT OR GUARDIAN OF A

1 MINOR CHILD SHALL COMPLETE A "REFUSAL TO PERMIT" FORM, PROVIDED BY THE  
2 DEPARTMENT, TO BE RETURNED TO THE DEPARTMENT.

3 (3) THE SECRETARY SHALL DISTRIBUTE "REFUSAL TO PERMIT" FORMS  
4 TO EACH HEALTH CARE PROVIDER WHO GIVES IMMUNIZATIONS.

5 (4) THE DEPARTMENT SHALL:

6 (I) ~~DEVELOP AND DISTRIBUTE TO EACH HEALTH CARE PROVIDER~~  
7 ~~WHO GIVES IMMUNIZATIONS,~~ BROCHURES ABOUT IMMUNET THAT:

8 (I) 1. ~~DESCRIBES~~ DESCRIBE THE BENEFITS OF IMMUNET FOR  
9 AUTHORIZED USERS;

10 (II) 2. ~~DESCRIBES~~ DESCRIBE PRIVACY PROTECTIONS IN  
11 IMMUNET;

12 (III) 3. ~~NOTIFIES~~ NOTIFY AN INDIVIDUAL OF THE RIGHT TO  
13 REFUSE TO PERMIT DISCLOSURE TO AN AUTHORIZED USER;

14 (IV) 4. ~~NOTIFIES~~ NOTIFY AN INDIVIDUAL THAT THE INDIVIDUAL  
15 MAY CORRECT ANY INACCURATE INFORMATION;

16 (V) 5. ~~PROVIDES~~ PROVIDE A LIST OF ADDRESSES WHERE AN  
17 INDIVIDUAL MAY OBTAIN A FORM TO REQUEST THE CORRECTION OR REMOVAL OF  
18 INACCURATE INFORMATION FROM IMMUNET;

19 (VI) 6. ~~EXPLAINS~~ EXPLAIN THE RIGHT OF AN INDIVIDUAL WHO  
20 HAS RECEIVED AN IMMUNIZATION TO HAVE THE INDIVIDUAL'S PERSONAL  
21 INFORMATION KEPT CONFIDENTIAL;

22 (VII) 7. ~~DESCRIBES~~ DESCRIBE THE KIND OF INFORMATION  
23 COLLECTED AND RETAINED BY IMMUNET ABOUT AN INDIVIDUAL WHO RECEIVES AN  
24 IMMUNIZATION;

25 (VIII) 8. ~~DESCRIBES~~ DESCRIBE WHO HAS ACCESS TO THE  
26 INFORMATION IN IMMUNET; AND

27 (IX) 9. ~~DESCRIBES~~ DESCRIBE HOW THE INFORMATION IS USED  
28 BY IMMUNET; AND

29 (II) DISTRIBUTE COPIES OF THE BROCHURE TO EACH HEALTH  
30 CARE PROVIDER WHO ADMINISTERS IMMUNIZATIONS.

31 (4) (5) PRIOR TO ADMINISTERING IMMUNIZATIONS TO A NEWBORN  
32 CHILD, EACH BIRTH HOSPITAL OR BIRTHING CENTER SHALL DISTRIBUTE THE FORM  
33 AND THE BROCHURE REQUIRED DESCRIBED UNDER PARAGRAPH (3) IN PARAGRAPHS  
34 (2) AND (4) OF THIS SUBSECTION TO THE PARENT OF A NEWBORN CHILD.

35 (5) (6) A HEALTH CARE PROVIDER WHO ADMINISTERS AN IMMUNIZATION,  
36 OR THE AGENT OF THE HEALTH CARE PROVIDER, SHALL:

1 (I) PROVIDE THE INDIVIDUAL WITH A COPY OF THE FORM AND  
2 THE BROCHURE DESCRIBED UNDER PARAGRAPH (3) IN PARAGRAPHS (2) AND (4) OF  
3 THIS SUBSECTION; AND

4 (II) NOTIFY THE INDIVIDUAL OR THE PARENT OR GUARDIAN OF A  
5 MINOR OF THE RIGHT TO REFUSE TO DISCLOSE TO IMMUNET.

6 (E) SUBJECT TO THE PROVISIONS OF SUBSECTION (D) OF THIS SECTION,  
7 INFORMATION FOR IMMUNET MAY BE OBTAINED FROM:

8 (1) ANY RECORDS OWNED OR CONTROLLED BY THE DEPARTMENT,  
9 INCLUDING MEDICAID RECORDS, CLINIC RECORDS, AND VITAL RECORDS;

10 (2) ANY AUTHORIZED USER; AND

11 (3) ANY OTHER SOURCE OF INFORMATION AUTHORIZED BY THE  
12 SECRETARY FOR USE.

13 (F) AUTHORIZED USERS MAY NOT USE THE INFORMATION IN IMMUNET ~~TO:~~

14 ~~(1) RELEASE OR DISCLOSE THAT AN INDIVIDUAL HAS REFUSED TO~~  
15 ~~PROVIDE INFORMATION TO IMMUNET; OR~~

16 ~~(2) SOLICIT NEW PATIENTS OR CLIENTS FOR ANY OTHER MEDICAL~~  
17 ~~PURPOSE UNLESS AUTHORIZED BY THE SECRETARY TO DO SO;~~

18 (1) TO RELEASE OR DISCLOSE INFORMATION IN IMMUNET THAT AN  
19 INDIVIDUAL HAS REFUSED TO DISCLOSE;

20 (2) TO SOLICIT NEW PATIENTS OR CLIENTS; OR

21 (3) FOR ANY OTHER PURPOSE UNLESS AUTHORIZED BY THE  
22 SECRETARY.

23 (G) (1) A LOCAL HEALTH DEPARTMENT MAY OPERATE A LOCAL  
24 IMMUNIZATION SYSTEM.

25 (2) A LOCAL HEALTH DEPARTMENT OPERATING A LOCAL  
26 IMMUNIZATION SYSTEM SHALL BE SUBJECT TO THE PROVISIONS OF SUBSECTIONS  
27 (C) THROUGH (F) OF THIS SECTION.

28 (3) A LOCAL HEALTH DEPARTMENT IS REQUIRED TO SUBMIT  
29 INFORMATION MAINTAINED IN A LOCAL IMMUNIZATION SYSTEM TO IMMUNET IN  
30 ACCORDANCE WITH REGULATIONS ADOPTED BY THE SECRETARY.

31 (H) AN AUTHORIZED USER WHO IN GOOD FAITH DISCLOSES OR DOES NOT  
32 DISCLOSE INFORMATION TO IMMUNET IS NOT LIABLE IN ANY CAUSE OF ACTION  
33 ARISING FROM THE DISCLOSURE OR NONDISCLOSURE OF THAT INFORMATION.

34 (I) AN AUTHORIZED USER, INCLUDING AN OFFICER OR EMPLOYEE OF A  
35 GOVERNMENTAL UNIT, WHO KNOWINGLY AND WILLFULLY VIOLATES ~~ANY~~

1 ~~PROVISION~~ SUBSECTION (F) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND  
2 ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 FOR THE FIRST  
3 OFFENSE AND NOT EXCEEDING \$5,000 FOR EACH SUBSEQUENT OFFENSE.

4 (J) IF THE CONFIDENTIALITY OF RECORDS OF MARYLAND CITIZENS IS  
5 PROTECTED, THE SECRETARY MAY ENTER INTO COLLABORATIVE AGREEMENTS  
6 WITH OTHER STATES FOR THE PURPOSE OF SHARING INFORMATION ABOUT  
7 IMMUNIZATIONS.

8 (K) THE SECRETARY SHALL ADOPT REGULATIONS TO IMPLEMENT THIS  
9 SECTION, INCLUDING REGULATIONS SPECIFYING:

10 (1) THE TYPE AND KIND OF INFORMATION TO BE COLLECTED;

11 (2) PROCEDURES FOR PROTECTING THE CONFIDENTIALITY OF  
12 INFORMATION IN IMMUNET;

13 (3) THE PERMISSIBLE USE OF INFORMATION COMPILED BY IMMUNET;  
14 AND

15 (4) STANDARDS FOR MAINTAINING SECURITY AND RELIABILITY OF  
16 COLLECTED INFORMATION IN THE SYSTEM.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 July 1, 2001.