

HOUSE BILL 1075

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2001 Regular Session
11r2633
CF 11r2135

By: **Delegates Klausmeier and Guns**

Introduced and read first time: February 9, 2001

Assigned to: Environmental Matters

A BILL ENTITLED

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 to provide certain information to an individual about the
14 computerized information system and their right to refuse to permit
15 redisclosure; specifying what information may be collected for the system;
16 prohibiting the use of information in the system for certain purposes;
17 authorizing local health departments to operate a local computerized
18 immunization information system if they comply with certain conditions;
19 providing certain immunity for health care providers who disclose or do not
20 disclose information to the system; providing penalties for a violation of this Act;
21 authorizing the Secretary of Health and Mental Hygiene to enter into
22 collaborative agreements with other states under certain conditions; requiring
23 the Secretary to adopt certain regulations; defining certain terms; and generally
24 relating to the establishment of a computerized information system within the
25 Department for collecting information on immunizations.

26 BY adding to
27 Article - Health - General
28 Section 18-109
29 Annotated Code of Maryland
30 (2000 Replacement Volume)

1 Preamble

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

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

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

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

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

16 WHEREAS, Over-immunization and under-immunization are medically
17 undesirable and costly; and

18 WHEREAS, The federal Centers for Disease Control and Prevention report that
19 \$29 in medical costs are saved for every \$1 spent on immunizations; and

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

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

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

28 **Article - Health - General**

29 18-109.

30 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
31 INDICATED.

32 (2) "AUTHORIZED USER" MEANS:

33 (I) A CHILD CARE FACILITY;

34 (II) A HEALTH CARE PROVIDER;

- 1 (III) A HEALTH INSURER;
- 2 (IV) A HEALTH MAINTENANCE ORGANIZATION;
- 3 (V) AN INSTITUTION OF HIGHER LEARNING;
- 4 (VI) A LOCAL HEALTH DEPARTMENT;
- 5 (VII) A LONG-TERM CARE FACILITY;
- 6 (VIII) A MANAGED CARE ORGANIZATION;
- 7 (IX) A NONPROFIT HEALTH SERVICE PLAN;
- 8 (X) A PATIENT;
- 9 (XI) A SCHOOL;
- 10 (XII) A SCHOOL-BASED HEALTH CENTER;
- 11 (XIII) IN THE CASE OF A MINOR CHILD, A PARENT OF GUARDIAN; AND
- 12 (XIV) ANY OTHER USER DESIGNATED BY THE SECRETARY.

13 (3) "IMMUNET" MEANS A COMPUTERIZED INFORMATION AND REMINDER
14 SYSTEM TO:

15 (I) IMPROVE THE TIMELY AND APPROPRIATE DELIVERY OF
16 IMMUNIZATIONS;

17 (II) PROVIDE A COORDINATED NETWORK FOR REMINDER NOTICES
18 WHEN IMMUNIZATIONS ARE DUE;

19 (III) PROVIDE AND COLLECT INFORMATION TO BE SHARED BY
20 AUTHORIZED USERS; AND

21 (IV) PROVIDE A QUALITY INDICATOR FOR THE INSURERS; HEALTH
22 CARE PROVIDER PRACTICES AND PUBLIC HEALTH PURPOSES.

23 (4) "REFUSAL TO PERMIT" MEANS THE RIGHT OF AN INDIVIDUAL OR THE
24 PARENT OR GUARDIAN OF A MINOR TO PREVENT DISCLOSURE TO AUTHORIZED
25 USERS OF INDIVIDUAL IDENTIFIABLE INFORMATION THAT WAS REPORTED TO
26 IMMUNET.

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

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

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

- 1 (2) TO OBTAIN AN INDIVIDUAL IMMUNIZATION HISTORY;
- 2 (3) TO IDENTIFY GEOGRAPHIC AREAS OR POPULATION GROUPS THAT
3 ARE UNDER-IMMUNIZED;
- 4 (4) TO COMPILE AGGREGATE DATA AND DISTRIBUTE STATISTICAL
5 REPORTS ON THE STATUS OF IMMUNIZATIONS IN GEOGRAPHIC AREAS AND
6 POPULATION GROUPS;
- 7 (5) TO ASSIST IN THE MANAGEMENT OF STATE AND LOCAL
8 IMMUNIZATION PROGRAMS;
- 9 (6) TO MONITOR THE SAFETY OF VACCINES;
- 10 (7) TO ASSESS COMPLIANCE WITH IMMUNIZATION REQUIREMENTS BY
11 MONITORING ADMISSIONS TO SCHOOLS, INSTITUTIONS OF HIGHER LEARNING, AND
12 CHILD CARE FACILITIES; AND
- 13 (8) FOR ANY OTHER PURPOSE THAT THE SECRETARY DEEMS
14 NECESSARY TO PREVENT THE SPREAD OF COMMUNICABLE DISEASES.
- 15 (D) (1) AN INDIVIDUAL, OR THE PARENT OR GUARDIAN OF A MINOR CHILD
16 WHO HAS RECEIVED AN IMMUNIZATION, MAY REFUSE TO PERMIT DISCLOSURE OF
17 CONFIDENTIAL INFORMATION, COLLECTED BY IMMUNET, TO AN AUTHORIZED USER.
- 18 (2) IF THE INDIVIDUAL OR THE PARENT OR GUARDIAN OF A MINOR
19 CHILD DOES NOT WANT THE RELEASE OF THE INDIVIDUAL'S OR CHILD'S
20 CONFIDENTIAL INFORMATION, THE INDIVIDUAL OR THE PARENT OR GUARDIAN OF A
21 MINOR CHILD SHALL COMPLETE A "REFUSAL TO PERMIT" FORM, PROVIDED BY THE
22 DEPARTMENT, TO BE RETURNED TO THE DEPARTMENT.
- 23 (3) THE SECRETARY SHALL DISTRIBUTE "REFUSAL TO PERMIT" FORMS
24 TO EACH HEALTH CARE PROVIDER WHO GIVES IMMUNIZATIONS.
- 25 (4) THE DEPARTMENT SHALL DEVELOP AND DISTRIBUTE TO EACH
26 HEALTH CARE PROVIDER WHO GIVES IMMUNIZATIONS, BROCHURES ABOUT
27 IMMUNET THAT:
- 28 (I) DESCRIBES THE BENEFITS OF IMMUNET FOR AUTHORIZED
29 USERS;
- 30 (II) DESCRIBES PRIVACY PROTECTIONS IN IMMUNET;
- 31 (III) NOTIFIES AN INDIVIDUAL OF THE RIGHT TO REFUSE TO
32 PERMIT DISCLOSURE TO AN AUTHORIZED USER;
- 33 (IV) NOTIFIES AN INDIVIDUAL THAT THE INDIVIDUAL MAY
34 CORRECT ANY INACCURATE INFORMATION;

1 (V) PROVIDES A LIST OF ADDRESSES WHERE AN INDIVIDUAL MAY
2 OBTAIN A FORM TO REQUEST THE CORRECTION OR REMOVAL OF INFORMATION
3 FROM IMMUNET;

4 (VI) EXPLAINS THE RIGHT OF AN INDIVIDUAL WHO HAS RECEIVED
5 AN IMMUNIZATION TO HAVE THE INDIVIDUAL'S PERSONAL INFORMATION KEPT
6 CONFIDENTIAL;

7 (VII) DESCRIBES THE KIND OF INFORMATION COLLECTED AND
8 RETAINED BY IMMUNET ABOUT AN INDIVIDUAL WHO RECEIVES AN IMMUNIZATION;

9 (VIII) DESCRIBES WHO HAS ACCESS TO THE INFORMATION IN
10 IMMUNET; AND

11 (IX) DESCRIBES HOW THE INFORMATION IS USED BY IMMUNET.

12 (4) PRIOR TO ADMINISTERING IMMUNIZATIONS TO A NEWBORN CHILD,
13 EACH BIRTH HOSPITAL OR BIRTHING CENTER SHALL DISTRIBUTE THE BROCHURE
14 REQUIRED UNDER PARAGRAPH (3) OF THIS SUBSECTION TO THE PARENT OF A
15 NEWBORN CHILD.

16 (5) A HEALTH CARE PROVIDER WHO ADMINISTERS AN IMMUNIZATION
17 SHALL:

18 (I) PROVIDE THE INDIVIDUAL WITH A COPY OF THE BROCHURE
19 DESCRIBED UNDER PARAGRAPH (3) OF THIS SUBSECTION; AND

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

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

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

26 (2) ANY AUTHORIZED USER; AND

27 (3) ANY OTHER SOURCE OF INFORMATION AUTHORIZED BY THE
28 SECRETARY FOR USE.

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

30 (1) RELEASE OR DISCLOSE THAT AN INDIVIDUAL HAS REFUSED TO
31 PROVIDE INFORMATION TO IMMUNET; OR

32 (2) SOLICIT NEW PATIENTS OR CLIENTS FOR ANY OTHER MEDICAL
33 PURPOSE UNLESS AUTHORIZED BY THE SECRETARY TO DO SO.

34 (G) (1) A LOCAL HEALTH DEPARTMENT MAY OPERATE A LOCAL
35 IMMUNIZATION SYSTEM.

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

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

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

10 (I) AN AUTHORIZED USER, INCLUDING AN OFFICER OR EMPLOYEE OF A
11 GOVERNMENTAL UNIT, WHO KNOWINGLY AND WILLFULLY VIOLATES ANY
12 PROVISION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS
13 SUBJECT TO A FINE NOT EXCEEDING \$1,000 FOR THE FIRST OFFENSE AND NOT
14 EXCEEDING \$5,000 FOR EACH SUBSEQUENT OFFENSE.

15 (J) IF THE CONFIDENTIALITY OF RECORDS OF MARYLAND CITIZENS IS
16 PROTECTED, THE SECRETARY MAY ENTER INTO COLLABORATIVE AGREEMENTS
17 WITH OTHER STATES FOR THE PURPOSE OF SHARING INFORMATION ABOUT
18 IMMUNIZATIONS.

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

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

22 (2) PROCEDURES FOR PROTECTING THE CONFIDENTIALITY OF
23 INFORMATION IN IMMUNET;

24 (3) THE PERMISSIBLE USE OF INFORMATION COMPILED BY IMMUNET;
25 AND

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

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