

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 2001

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 to provide certain information to an individual about the
14 computerized information system and their right to refuse to permit
15 ~~redisclosure~~ disclosure; specifying what information may be collected for the
16 system; 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 certain
21 provisions of this Act; authorizing the Secretary of Health and Mental Hygiene
22 to enter into collaborative agreements with other states under certain
23 conditions; requiring the Secretary to adopt certain regulations; defining certain
24 terms; and generally relating to the establishment of a computerized
25 information system within the Department for collecting information on
26 immunizations.

27 BY adding to

1 Article - Health - General
2 Section 18-109
3 Annotated Code of Maryland
4 (2000 Replacement Volume)

5 Preamble

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

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

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

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

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

20 WHEREAS, Over-immunization and under-immunization are medically
21 undesirable and costly; and

22 WHEREAS, The federal Centers for Disease Control and Prevention report that
23 \$29 in medical costs are saved for every \$1 spent on immunizations; and

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

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

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

32 Article - Health - General

33 18-109.

34 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
35 INDICATED.

- 1 (2) "AUTHORIZED USER" MEANS:
- 2 (I) A CHILD CARE FACILITY;
- 3 (II) A HEALTH CARE PROVIDER;
- 4 (III) A HEALTH INSURER;
- 5 (IV) A HEALTH MAINTENANCE ORGANIZATION;
- 6 (V) AN INSTITUTION OF HIGHER LEARNING;
- 7 (VI) A LOCAL HEALTH DEPARTMENT;
- 8 (VII) A LONG-TERM CARE FACILITY;
- 9 (VIII) A MANAGED CARE ORGANIZATION;
- 10 (IX) A NONPROFIT HEALTH SERVICE PLAN;
- 11 (X) A PATIENT;
- 12 (XI) A SCHOOL;
- 13 (XII) A SCHOOL-BASED HEALTH CENTER;
- 14 (XIII) IN THE CASE OF A MINOR CHILD, A PARENT ~~OF~~ OR GUARDIAN;
- 15 AND
- 16 (XIV) ANY OTHER USER DESIGNATED BY THE SECRETARY.
- 17 (3) "IMMUNET" MEANS A COMPUTERIZED INFORMATION AND REMINDER
- 18 SYSTEM TO:
- 19 (I) IMPROVE THE TIMELY AND APPROPRIATE DELIVERY OF
- 20 IMMUNIZATIONS;
- 21 (II) PROVIDE A COORDINATED NETWORK FOR REMINDER NOTICES
- 22 WHEN IMMUNIZATIONS ARE DUE;
- 23 (III) PROVIDE AND COLLECT INFORMATION TO BE SHARED BY
- 24 AUTHORIZED USERS; AND
- 25 (IV) PROVIDE A QUALITY INDICATOR FOR THE INSURERS; HEALTH
- 26 CARE PROVIDER PRACTICES AND PUBLIC HEALTH PURPOSES.
- 27 (4) "REFUSAL TO PERMIT" MEANS THE RIGHT OF AN INDIVIDUAL OR THE
- 28 PARENT OR GUARDIAN OF A MINOR TO PREVENT DISCLOSURE TO AUTHORIZED
- 29 USERS OF INDIVIDUAL IDENTIFIABLE INFORMATION THAT WAS REPORTED TO
- 30 IMMUNET.

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

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

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

6 (2) TO OBTAIN AN INDIVIDUAL IMMUNIZATION HISTORY;

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

9 (4) TO COMPILE AGGREGATE DATA AND DISTRIBUTE STATISTICAL
10 REPORTS ON THE STATUS OF IMMUNIZATIONS IN GEOGRAPHIC AREAS AND
11 POPULATION GROUPS;

12 (5) TO ASSIST IN THE MANAGEMENT OF STATE AND LOCAL
13 IMMUNIZATION PROGRAMS;

14 (6) TO MONITOR THE SAFETY OF VACCINES;

15 (7) TO ASSESS COMPLIANCE WITH IMMUNIZATION REQUIREMENTS BY
16 MONITORING ADMISSIONS TO SCHOOLS, INSTITUTIONS OF HIGHER LEARNING, AND
17 CHILD CARE FACILITIES; AND

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

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

23 (2) IF THE INDIVIDUAL OR THE PARENT OR GUARDIAN OF A MINOR
24 CHILD DOES NOT WANT THE RELEASE OF THE INDIVIDUAL'S OR CHILD'S
25 CONFIDENTIAL INFORMATION, THE INDIVIDUAL OR THE PARENT OR GUARDIAN OF A
26 MINOR CHILD SHALL COMPLETE A "REFUSAL TO PERMIT" FORM, PROVIDED BY THE
27 DEPARTMENT, TO BE RETURNED TO THE DEPARTMENT.

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

30 (4) THE DEPARTMENT SHALL:

31 ~~(1) DEVELOP AND DISTRIBUTE TO EACH HEALTH CARE PROVIDER~~
32 ~~WHO GIVES IMMUNIZATIONS, BROCHURES ABOUT IMMUNET THAT:~~

33 ~~(1)~~ 1. ~~DESCRIBES~~ DESCRIBE THE BENEFITS OF IMMUNET FOR
34 AUTHORIZED USERS;

1 ~~(H)~~ 2. ~~DESCRIBES~~ DESCRIBE PRIVACY PROTECTIONS IN
2 IMMUNET;

3 ~~(HH)~~ 3. ~~NOTIFIES~~ NOTIFY AN INDIVIDUAL OF THE RIGHT TO
4 REFUSE TO PERMIT DISCLOSURE TO AN AUTHORIZED USER;

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

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

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

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

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

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

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

22 ~~(4)~~ (5) PRIOR TO ADMINISTERING IMMUNIZATIONS TO A NEWBORN
23 CHILD, EACH BIRTH HOSPITAL OR BIRTHING CENTER SHALL DISTRIBUTE THE FORM
24 AND THE BROCHURE REQUIRED DESCRIBED UNDER PARAGRAPH (3) IN PARAGRAPHS
25 (2) AND (4) OF THIS SUBSECTION TO THE PARENT OF A NEWBORN CHILD.

26 ~~(5)~~ (6) A HEALTH CARE PROVIDER WHO ADMINISTERS AN IMMUNIZATION
27 SHALL:

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

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

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

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

1 (2) ANY AUTHORIZED USER; AND

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

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

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

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

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

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

12 (3) FOR ANY OTHER PURPOSE UNLESS AUTHORIZED BY THE
13 SECRETARY.

14 (G) (1) A LOCAL HEALTH DEPARTMENT MAY OPERATE A LOCAL
15 IMMUNIZATION SYSTEM.

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

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

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

25 (I) AN AUTHORIZED USER, INCLUDING AN OFFICER OR EMPLOYEE OF A
26 GOVERNMENTAL UNIT, WHO KNOWINGLY AND WILLFULLY VIOLATES ~~ANY~~
27 ~~PROVISION~~ SUBSECTION (F) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND
28 ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 FOR THE FIRST
29 OFFENSE AND NOT EXCEEDING \$5,000 FOR EACH SUBSEQUENT OFFENSE.

30 (J) IF THE CONFIDENTIALITY OF RECORDS OF MARYLAND CITIZENS IS
31 PROTECTED, THE SECRETARY MAY ENTER INTO COLLABORATIVE AGREEMENTS
32 WITH OTHER STATES FOR THE PURPOSE OF SHARING INFORMATION ABOUT
33 IMMUNIZATIONS.

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

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

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

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

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

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