

SENATE BILL 626

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2001 Regular Session
(11r2135)

ENROLLED BILL

-- *Economic and Environmental Affairs/Environmental Matters* --

Introduced by **Senator Hollinger**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

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

President.

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' HEALTH
6 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 INDIVIDUAL₂ OR THE PARENT OR GUARDIAN OF A MINOR CHILD
31 WHO HAS RECEIVED AN IMMUNIZATION₂ 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~~ "REFUSAL TO PERMIT"
2 FORM, PROVIDED BY THE DEPARTMENT, TO BE RETURNED TO THE DEPARTMENT.

3 (3) THE SECRETARY SHALL DISTRIBUTE ~~REFUSAL TO PERMIT~~ "REFUSAL
4 TO PERMIT" FORMS 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 A BROCHURE~~ BROCHURES ABOUT IMMUNET THAT:

8 1. ~~DESCRIBES~~ DESCRIBE THE BENEFITS OF IMMUNET FOR
9 AUTHORIZED USE USERS;

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

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

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

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

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

27 (HVH) 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 *IN* PARAGRAPH (3) PARAGRAPHS
34 (3) (2) AND (4) OF THIS SUBSECTION TO THE PARENT OF A NEWBORN CHILD.

35 (5) (6) A HEALTH CARE PROVIDER WHO ADMINISTERS AN
36 IMMUNIZATION, 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 ~~IN~~ PARAGRAPH ~~(3)~~ PARAGRAPHS ~~(3)~~ (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 ~~PARTICIPATE IN~~ 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 AND SUBSTANTIAL PENALTIES FOR THE BREACH OF CONFIDENTIALITY OR~~
15 ~~IMPERMISSIBLE DISCLOSURE OF INFORMATION; AND~~

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

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