

SENATE BILL 626

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2001 Regular Session
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By: **Senator Hollinger**
Introduced and read first time: February 2, 2001
Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 20, 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 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
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

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

4 Preamble

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

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

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

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

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

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

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

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

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

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

31 **Article - Health - General**

32 18-109.

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

35 (2) "AUTHORIZED USER" MEANS:

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

16 (3) "IMMUNET" MEANS A COMPUTERIZED INFORMATION AND REMINDER
17 SYSTEM TO:

- 18 (I) IMPROVE THE TIMELY AND APPROPRIATE DELIVERY OF
19 IMMUNIZATIONS;
- 20 (II) PROVIDE A COORDINATED NETWORK FOR REMINDER NOTICES
21 WHEN IMMUNIZATIONS ARE DUE;
- 22 (III) PROVIDE AND COLLECT INFORMATION TO BE SHARED BY
23 AUTHORIZED USERS; AND
- 24 (IV) PROVIDE A QUALITY INDICATOR FOR THE INSURERS' HEALTH
25 CARE PROVIDER PRACTICES AND PUBLIC HEALTH PURPOSES.

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

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

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

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

5 (2) TO OBTAIN AN INDIVIDUAL IMMUNIZATION HISTORY;

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

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

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

13 (6) TO MONITOR THE SAFETY OF VACCINES;

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

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

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

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

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

29 (4) THE DEPARTMENT SHALL:

30 (I) ~~DEVELOP AND DISTRIBUTE TO EACH HEALTH CARE PROVIDER~~
31 ~~WHO GIVES IMMUNIZATIONS~~ A BROCHURE ABOUT IMMUNET THAT:

32 1. DESCRIBES THE BENEFITS OF IMMUNET FOR
33 AUTHORIZED USE;

34 2. DESCRIBES PRIVACY PROTECTIONS IN IMMUNET;

1 ~~(A)~~ 3. NOTIFIES AN INDIVIDUAL OF THE RIGHT TO REFUSE TO
2 PERMIT DISCLOSURE TO AN AUTHORIZED USER;

3 ~~(B)~~ 4. NOTIFIES AN INDIVIDUAL THAT THE INDIVIDUAL MAY
4 CORRECT ANY INACCURATE INFORMATION;

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

8 ~~(D)~~ 6. EXPLAINS THE RIGHT OF AN INDIVIDUAL WHO HAS
9 RECEIVED AN IMMUNIZATION TO HAVE THE INDIVIDUAL'S PERSONAL INFORMATION
10 KEPT CONFIDENTIAL;

11 ~~(E)~~ 7. DESCRIBES THE KIND OF INFORMATION COLLECTED AND
12 RETAINED BY IMMUNET ABOUT AN INDIVIDUAL WHO RECEIVES AN IMMUNIZATION;

13 ~~(F)~~ 8. DESCRIBES WHO HAS ACCESS TO THE INFORMATION IN
14 IMMUNET; AND

15 ~~(G)~~ 9. DESCRIBES HOW THE INFORMATION IS USED BY
16 IMMUNET; AND

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

19 (4) PRIOR TO ADMINISTERING IMMUNIZATIONS TO A NEWBORN CHILD,
20 EACH BIRTH HOSPITAL OR BIRTHING CENTER SHALL DISTRIBUTE THE FORM AND
21 THE BROCHURE REQUIRED DESCRIBED UNDER PARAGRAPH (3) PARAGRAPHS (3) AND
22 (4) OF THIS SUBSECTION TO THE PARENT OF A NEWBORN CHILD.

23 (5) A HEALTH CARE PROVIDER WHO ADMINISTERS AN IMMUNIZATION,
24 OR THE AGENT OF THE HEALTH CARE PROVIDER, SHALL:

25 (I) PROVIDE THE INDIVIDUAL WITH A COPY OF THE FORM AND
26 THE BROCHURE DESCRIBED UNDER PARAGRAPH (3) PARAGRAPHS (3) AND (4) OF THIS
27 SUBSECTION; AND

28 (II) NOTIFY THE INDIVIDUAL OR THE PARENT OR GUARDIAN OF A
29 MINOR OF THE RIGHT TO REFUSE TO ~~PARTICIPATE IN~~ DISCLOSE TO IMMUNET.

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

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

34 (2) ANY AUTHORIZED USER; AND

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

- 1 (F) AUTHORIZED USERS MAY NOT USE THE INFORMATION IN IMMUNET ~~TO:~~
- 2 ~~(1) RELEASE OR DISCLOSE THAT AN INDIVIDUAL HAS REFUSED TO~~
3 ~~PROVIDE INFORMATION TO IMMUNET; OR~~
- 4 ~~(2) SOLICIT NEW PATIENTS OR CLIENTS FOR ANY OTHER MEDICAL~~
5 ~~PURPOSE UNLESS AUTHORIZED BY THE SECRETARY TO DO SO;~~
- 6 (1) TO RELEASE OR DISCLOSE INFORMATION IN IMMUNET THAT AN
7 INDIVIDUAL HAS REFUSED TO DISCLOSE;
- 8 (2) TO SOLICIT NEW PATIENTS OR CLIENTS; OR
- 9 (3) FOR ANY OTHER PURPOSE UNLESS AUTHORIZED BY THE
10 SECRETARY.
- 11 (G) (1) A LOCAL HEALTH DEPARTMENT MAY OPERATE A LOCAL
12 IMMUNIZATION SYSTEM.
- 13 (2) A LOCAL HEALTH DEPARTMENT OPERATING A LOCAL
14 IMMUNIZATION SYSTEM SHALL BE SUBJECT TO THE PROVISIONS OF SUBSECTIONS
15 (C) THROUGH (F) OF THIS SECTION.
- 16 (3) A LOCAL HEALTH DEPARTMENT IS REQUIRED TO SUBMIT
17 INFORMATION MAINTAINED IN A LOCAL IMMUNIZATION SYSTEM TO IMMUNET IN
18 ACCORDANCE WITH REGULATIONS ADOPTED BY THE SECRETARY.
- 19 (H) AN AUTHORIZED USER WHO IN GOOD FAITH DISCLOSES OR DOES NOT
20 DISCLOSE INFORMATION TO IMMUNET IS NOT LIABLE IN ANY CAUSE OF ACTION
21 ARISING FROM THE DISCLOSURE OR NONDISCLOSURE OF THAT INFORMATION.
- 22 (I) AN AUTHORIZED USER, INCLUDING AN OFFICER OR EMPLOYEE OF A
23 GOVERNMENTAL UNIT, WHO KNOWINGLY AND WILLFULLY VIOLATES ANY
24 PROVISION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS
25 SUBJECT TO A FINE NOT EXCEEDING \$1,000 FOR THE FIRST OFFENSE AND NOT
26 EXCEEDING \$5,000 FOR EACH SUBSEQUENT OFFENSE.
- 27 (J) IF THE CONFIDENTIALITY OF RECORDS OF MARYLAND CITIZENS IS
28 PROTECTED, THE SECRETARY MAY ENTER INTO COLLABORATIVE AGREEMENTS
29 WITH OTHER STATES FOR THE PURPOSE OF SHARING INFORMATION ABOUT
30 IMMUNIZATIONS.
- 31 (K) THE SECRETARY SHALL ADOPT REGULATIONS TO IMPLEMENT THIS
32 SECTION, INCLUDING REGULATIONS SPECIFYING:
- 33 (1) THE TYPE AND KIND OF INFORMATION TO BE COLLECTED;
- 34 (2) PROCEDURES FOR PROTECTING THE CONFIDENTIALITY OF
35 INFORMATION IN IMMUNET;

1 (3) THE PERMISSIBLE USE OF INFORMATION COMPILED BY IMMUNET
2 AND SUBSTANTIAL PENALTIES FOR THE BREACH OF CONFIDENTIALITY OR
3 IMPERMISSIBLE DISCLOSURE OF INFORMATION; AND

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

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