

HOUSE BILL 316

J1, J2

9lr1162

By: **Delegate Kelly**

Introduced and read first time: January 28, 2019

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Vaccination Reporting Requirements – ImmuNet**

3 FOR the purpose of requiring all health care providers in the State to report all vaccines
4 administered to the Maryland immunization registry, ImmuNet; altering certain
5 responsibilities of the Secretary of Health and the Maryland Department of Health
6 relating to certain forms and a certain brochure; defining certain terms; making
7 certain conforming changes; and generally relating to vaccination reporting
8 requirements.

9 BY repealing and reenacting, with amendments,
10 Article – Health – General
11 Section 18–109
12 Annotated Code of Maryland
13 (2015 Replacement Volume and 2018 Supplement)

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

16 **Article – Health – General**

17 18–109.

18 (a) (1) In this section the following words have the meanings indicated.

19 (2) “Authorized user” means:

20 (i) A child care facility;

21 (ii) A health care provider;

22 (iii) A health insurer;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (iv) A health maintenance organization;
- 2 (v) An institution of higher learning;
- 3 (vi) A local health department;
- 4 (vii) A long-term care facility;
- 5 (viii) A managed care organization;
- 6 (ix) A nonprofit health service plan;
- 7 (x) A patient;
- 8 (xi) A school;
- 9 (xii) A school-based health center;
- 10 (xiii) In the case of a minor child, a parent or guardian; and
- 11 (xiv) Any other user designated by the Secretary.

12 **(3) "HEALTH CARE PROVIDER" MEANS A LICENSED HEALTH CARE**
 13 **PRACTITIONER AUTHORIZED UNDER THE HEALTH OCCUPATIONS ARTICLE TO**
 14 **ADMINISTER VACCINES IN THE STATE.**

15 ~~[(3)]~~ **(4)** "ImmuNet" means a computerized information and reminder
 16 system to:

- 17 (i) Improve the timely and appropriate delivery of immunizations;
- 18 (ii) Provide a coordinated network for reminder notices when
 19 immunizations are due;
- 20 (iii) Provide and collect information to be shared by authorized users;
 21 and
- 22 (iv) Provide a quality indicator for the insurers' health care provider
 23 practices and public health purposes.

24 **(5) "IMMUNIZATION" MEANS THE PROCESS BY WHICH AN INDIVIDUAL**
 25 **BECOMES PROTECTED AGAINST A DISEASE INCLUDING, AS THE RESULT OF HAVING**
 26 **A DISEASE, RECEIVING A VACCINATION, OR RECEIVING PREFORMED ANTIBODIES.**

27 ~~[(4)]~~ **(6)** "Refusal to permit" means the right of an individual or the parent

1 or guardian of a minor to prevent disclosure to authorized users of individual identifiable
2 information that was reported to ImmuNet.

3 **(7) “VACCINATION” MEANS THE ADMINISTRATION OF A KILLED OR**
4 **WEAKENED INFECTIOUS ORGANISM TO PREVENT DISEASE CAUSED BY THAT**
5 **ORGANISM.**

6 **(8) “VACCINE” MEANS A SUBSTANCE THAT:**

7 **(I) MAY BE ADMINISTERED BY INJECTION, MOUTH, OR**
8 **AEROSOL; AND**

9 **(II) PRODUCES IMMUNITY THAT PROTECTS THE BODY FROM A**
10 **DISEASE.**

11 (b) There is an ImmuNet program in the Department.

12 (c) Subject to subsection (d) of this section, an authorized user may use the
13 information in ImmuNet for the following purposes:

14 (1) To provide coordinated immunization services, including sending
15 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 are
18 underimmunized;

19 (4) To compile aggregate data and distribute statistical reports on the
20 status of immunizations in geographic areas and population groups;

21 (5) To assist in the management of State and local immunization programs;

22 (6) To monitor the safety of vaccines;

23 (7) To assess compliance with immunization requirements by monitoring
24 admissions to schools, institutions of higher learning, and child care facilities; and

25 (8) For any other purpose that the Secretary deems necessary to prevent
26 the spread of communicable diseases.

27 (d) (1) An individual, or the parent or guardian of a minor child who has
28 received [an immunization] A VACCINATION, may refuse to permit disclosure of
29 confidential information collected by ImmuNet, to an authorized user.

30 (2) If the individual or the parent or guardian of a minor child does not

1 want the release of the individual's or child's confidential information, the individual or the
2 parent or guardian of a minor child shall complete a "refusal to permit" form, provided by
3 the Department, to be returned to the Department.

4 (3) The Secretary shall [distribute] **MAKE AVAILABLE** "refusal to permit"
5 forms to each health care provider who gives [immunizations] **VACCINATIONS**.

6 (4) The Department shall:

7 (i) Develop brochures about ImmuNet that:

8 1. Describe the benefits of ImmuNet for authorized users;

9 2. Describe privacy protections in ImmuNet;

10 3. Notify an individual of the right to refuse to permit
11 disclosure to an authorized user;

12 4. Notify an individual that the individual may correct any
13 inaccurate information;

14 5. Provide a list of addresses where an individual may obtain
15 a form to request the correction or removal of inaccurate information from ImmuNet;

16 6. Explain the right of an individual who has received [an
17 immunization] **A VACCINATION** to have the individual's personal information kept
18 confidential;

19 7. Describe the kind of information collected and retained by
20 ImmuNet about an individual who receives [an immunization] **A VACCINATION**;

21 8. Describe who has access to the information in ImmuNet;
22 and

23 9. Describe how the information is used by ImmuNet; and

24 (ii) [Distribute copies of] **MAKE** the brochure **AVAILABLE** to each
25 health care provider who administers [immunizations] **VACCINES**.

26 (5) Prior to administering [immunizations] **VACCINES** to a newborn child,
27 each birth hospital or birthing center shall distribute the form and the brochure described
28 in paragraphs (2) and (4) of this subsection to the parent of a newborn child.

29 (6) A health care provider who administers [an immunization] **A VACCINE**,
30 or the agent of the health care provider, shall:

1 (i) Provide the individual with a copy of the form and the brochure
2 described in paragraphs (2) and (4) of this subsection; [and]

3 (ii) Notify the individual or the parent or guardian of a minor of the
4 right to refuse to disclose to ImmuNet; AND

5 (III) REPORT TO IMMUNET ALL VACCINES ADMINISTERED.

6 (e) Subject to the provisions of subsection (d) of this section, information for
7 ImmuNet may be obtained from:

8 (1) Any records owned or controlled by the Department, including Medicaid
9 records, clinic records, and vital records;

10 (2) Any authorized user; and

11 (3) Any other source of information authorized by the Secretary for use.

12 (f) Authorized users may not use the information in ImmuNet:

13 (1) To release or disclose information in ImmuNet that an individual has
14 refused to disclose;

15 (2) To solicit new patients or clients; or

16 (3) For any other purpose unless authorized by the Secretary.

17 (g) (1) A local health department may operate a local immunization system.

18 (2) A local health department operating a local immunization system shall
19 be subject to the provisions of subsections (c) through (f) of this section.

20 (3) A local health department is required to submit information
21 maintained in a local immunization system to ImmuNet in accordance with regulations
22 adopted by the Secretary.

23 (h) An authorized user who in good faith discloses or does not disclose information
24 to ImmuNet is not liable in any cause of action arising from the disclosure or nondisclosure
25 of that information.

26 (i) An authorized user, including an officer or employee of a governmental unit,
27 who knowingly and willfully violates subsection (f) of this section is guilty of a misdemeanor
28 and on conviction is subject to a fine not exceeding \$1,000 for the first offense and not
29 exceeding \$5,000 for each subsequent offense.

30 (j) If the confidentiality of records of Maryland citizens is protected, the Secretary
31 may enter into collaborative agreements with other states for the purpose of sharing

1 information about immunizations.

2 (k) The Secretary shall adopt regulations to implement this section, including
3 regulations specifying:

4 (1) The type and kind of information to be collected;

5 (2) Procedures for protecting the confidentiality of information in
6 ImmuNet;

7 (3) The permissible use of information compiled by ImmuNet; and

8 (4) Standards for maintaining security and reliability of collected
9 information in the system.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2019.