

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 168

(Chair, Education, Health, and Environmental Affairs
Committee)(By Request - Departmental - Health)

Education, Health, and Environmental Affairs

Health and Government Operations

**Department of Health - ImmuNet and Statewide Advisory Commission on
Immunizations**

This departmental bill repeals the exemption from certain ImmuNet requirements (including providing certain forms and notification and reporting vaccines administered to ImmuNet) for a health care provider who administers vaccines in a nursing facility, an assisted living program, a continuing care retirement community, or a medical day care program. The bill also alters the membership of and term limits for members of the Statewide Advisory Commission on Immunizations. **The bill takes effect July 1, 2022.**

Fiscal Summary

State Effect: Any change in State activities does not materially affect State finances.

Local Effect: None.

Small Business Effect: The Maryland Department of Health (MDH) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Bill Summary: The bill adds the State Superintendent of Schools (or the State Superintendent's designee with knowledge of the immunizations required of children entering schools), one school-based health care provider, and one school nurse to the advisory commission and removes the chair of the Maryland Childhood Immunization Partnership from the advisory commission.

The bill specifies that, except for the State Superintendent of Schools (or designee), the local health officer, and the Maryland State Epidemiologist, the Secretary of Health must appoint the membership of the advisory commission, based on the recommendation of the appropriate medical society or agency.

The following advisory commission members must serve without term limits: (1) the State Superintendent of Schools (or designee); (2) one local health officer; (3) one representative of MDH's Vaccines for Children Program; and (4) the Maryland State Epidemiologist.

The following members are subject to term limits of four years: (1) one representative from a public health consumer advocacy group; (2) one nurse practitioner; (3) one representative from a health insurance carrier; (4) one consumer; (5) one pharmacist; (6) one physician member of MedChi; (7) two physician members of the Maryland Chapter of the American Academy of Pediatrics with experience in private practice and infectious diseases; (8) one physician member of the Maryland Academy of Family Physicians; (9) one school-based health care provider member of the Maryland Assembly on School-Based Health Care; (10) one school nurse member of the Maryland Association of School Health Nurses or the Maryland Nurses Association; (11) one physician member of the American College of Physicians – Internal Medicine Society of Maryland; and (12) up to three additional members selected by the Secretary of Health.

For members subject to term limits, at the end of a term, a member may serve two consecutive terms and continue to serve until a successor is appointed and qualifies. A member who serves two consecutive full four-year terms may not be reappointed for four years after the completion of those terms. If a vacancy for an appointed member occurs, the Secretary must promptly appoint a successor.

Current Law:

ImmuNet Requirements

An individual (or the parent or guardian of a minor child) who has received a vaccination may refuse to permit disclosure of confidential information collected by ImmuNet to an authorized user by completing a "refusal to permit" form. MDH must develop brochures about ImmuNet with specified information, including information about the benefits of ImmuNet for authorized users, privacy protections, the right to refuse to permit disclosure, the right to correct inaccurate information, and the right to have individual personal information kept confidential. MDH must make the brochure and the refusal to permit form available to each health care provider who administers vaccines.

Generally, a health care provider who administers a vaccine must (1) provide an individual with a copy of the refusal to permit form and the ImmuNet brochure; (2) notify the

individual (or the parent or guardian of a minor) of the right to refuse to disclose to ImmuNet; and (3) report to ImmuNet all vaccines administered. Chapter 502 of 2019 exempted a health care provider who administers a vaccine in a nursing facility, an assisted living program, a continuing care retirement community, or a medical day care program from these requirements.

Statewide Advisory Commission on Immunizations

The advisory commission determines where vaccine shortages exist in Maryland and which vaccines are in short supply. The commission also makes recommendations on immunization requirements for children entering school; the elimination of any disparities in vaccine distribution; options for the purchasing of vaccines; and plans to increase the availability and affordability of adult, adolescent, and childhood vaccines in the State.

Background: MDH advises that the COVID-19 pandemic has demonstrated that individuals in a nursing facility, assisted living program, continuing care retirement community, or medical day care program have a high risk of morbidity and mortality from infectious diseases and that these facilities have the capability to report vaccination records to ImmuNet. Collection of vaccination information from these facilities is critical in staging an effective response to communicable disease outbreaks in the State. In addition, changes to the membership of the advisory committee will improve consistency and efficiency in membership and appointments.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland State Department of Education; Maryland Department of Health; Department of Legislative Services

Fiscal Note History: First Reader - January 18, 2022
fnu2/ljm Third Reader - March 22, 2022
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Analysis by: Jennifer B. Chasse

Direct Inquiries to:
(410) 946-5510
(301) 970-5510

ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES
Maryland Department of Health
Session 2021

BILL TITLE: Department of Health – ImmuNet and Statewide Advisory Commission on Immunizations

BILL NUMBER SB 168

PREPARED BY:
(Program\Unit): Prevention and Health Promotion Administration

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

 X WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESS

OR

 WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND
SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

There will be no fiscal impact from this proposal.