

# MODEL INTERSTATE IMMUNIZATION INFORMATION SHARING STATUTE

The \_\_\_\_\_ enacts this legislation in order to effectively collect and disseminate the covered immunization data for the purpose of ensuring the effective transfer of patient immunization information between and among states.

BE IT ENACTED BY THE \_\_\_\_\_, that this act may be cited as the “Interstate Immunization Information Sharing Statute.”

## PART I: PURPOSE AND NEED

### SEC 1 DEFINITIONS

- (a) “Authorized entities” means any representative of an entity who is designated by state law, regulation, or the State Department of Health, to receive the pertinent immunization information, including but not limited to any private entity or government agency that has an immunization information sharing agreement with any other representative of an authorized entity, including but not limited to representatives of local, county, city, regional, Veteran’s Administration, the Indian Health Service, health care providers, immunization information systems, and health plans.
- (b) “Department of Health” or “Department” means the State Department of Health.
- (c) “Guardian” means a minor’s parent or legal guardian, including custodian or foster care provider.
- (d) “Immunized” or “Immunization” means initial immunization and any boosters or immunizations required to maintain immunity against disease in accordance with the immunization standards issued by the State Health Officer.
- (e) “Immunization Information System” means a population-based, confidential, computerized information system that collects, stores and disseminates reports regarding demographic and immunization data about all persons residing or receiving care in the State, during an individual’s lifetime.
- (f) “Individually identifiable immunization information” means information, including demographic information collected from an individual, and:
  - (1) is created or received by a health care provider, health plan, employer, or immunization information system; and
  - (2) relates to the past, present, or future immunization status of an individual; the provision of vaccines to an individual; or the past, present, or future payment for the provision of immunizations to an individual; and
    - (i) that identifies the individual; or
    - (ii) with respect to which there is a reasonable basis to believe the information can be used to identify the individual.

- (g) “Pertinent Immunization Information” means the individual’s name, mother’s name, address, vaccine types, immunization dates, reactions and contraindications.
- (h) “Pertinent Immunization Report” means a report that may contain the following:
  - (A) Demographic Information
    - (i) Individual’s full name
    - (ii) Individual’s place of birth
    - (iii) Individual’s date of birth
    - (iv) Social Security Number
  - (B) Immunization Data
    - (i) Vaccine type
    - (ii) Immunization date
    - (iii) Vaccine manufacturer
    - (iv) Vaccine lot number
    - (v) Insurance Status and Insurer
  - (C) Medical and Clinical information
    - (i) Adverse reactions
    - (ii) Medical Contraindications and Exemptions
      - 1. Note whether temporary or permanent
      - 2. Note which antigen, exemption expiration date, etc.
      - 3. Exemptions for religious or other conscientiously held beliefs.
    - (iii) Laboratory evidence of immunity
    - (iv) Varicella disease status.
- (i) “Provider” means any licensed health care provider, including, but not limited to, health care clinics, private practitioners, nurses, hospitals, charitable organizations providing medical care and advice.
- (j) “Public and private licensed childcare facilities” means public and private day care facilities.
- (k) “Recipient” means entities including but not limited to the Centers for Disease Control and Prevention, and other federal government organizations, parents and guardians, public and private licensed childcare facilities, schools, health care providers, health plans and Departments of Health, or other entities authorized by law or the Department.
- (l) “Schools” means any educational institution, including but not limited to public, private, charter, home-based, parochial, HeadStart, preschool, elementary, secondary, and post-secondary education.
- (m) “Vaccine” means any preparation used to stimulate the immune system to protect persons from a particular disease.

**SEC 2 PURPOSE**

- (a) The Department of Health, for purposes of establishing an effective follow-up system to be used in aiding, coordinating, and promoting effective and cost-efficient disease prevention and control efforts, is permitted to disclose pertinent immunization information to authorized entities in different states.

**PART II: INTERSTATE IMMUNIZATION INFORMATION SHARING PROGRAM**

**SEC 3 INFORMATION SHARING**

- (a) Immunization information sharing systems shall:
  - (1) be permitted to disclose pertinent patient immunization information, pursuant to Section 4, to other health care providers and immunization information systems in other states;
  - (2) provide individuals and/or their guardians with written educational materials about immunization information systems and the benefits of immunization information sharing among agencies.
- (b) The State Health Officer may enter into agreements to exchange confidential immunization information with other states pursuant to Section 4.
- (c) This law covers all forms of information sharing including but not limited to verbal communications, paper, telephonic, facsimile, electronic mail, and electronic data exchanges between immunization information systems.

**SEC 4 PERTINENT PATIENT INFORMATION**

- (a) The immunization information system shall disclose only pertinent immunization information for sharing with other immunization information systems, as contained in a Pertinent Immunization Report.
- (b) Entities other than an immunization information system shall receive individually identifiable immunization data only if the entity is a designated recipient as defined by the Department or the state legislature. The Department will issue rules and regulations governing the procedures for release.

**OR ALTERNATE LANGUAGE AS DETAILED BELOW FOR STATES THAT HAVE HEALTH INFORMATION DISCLOSURE LAWS:**

Disclosure of immunization data shall be made pursuant to *[include the state's existing statutory reference governing the disclosure of health care information or immunization information.*

**SEC 5            INFORMED CONSENT & OPT-OUT PROVISIONS**

Nothing in the law is meant to amend in any way the notification and opt out requirements pursuant to [*include the state's statutory reference governing consent/opt out/notification*].

**SEC 6            ADDITIONAL PROVISIONS**

The Department is authorized and directed to promulgate such rules and regulations as are necessary and appropriate to implement the provisions of this Code section.