

House Bill 2269

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Department of Human Services)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes Oregon Immunization ALERT as statewide immunization registry program. Authorizes Health Division to assess certain fees to fund ALERT and to adopt rules for setting and assessing fees.

Appropriates moneys to program.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the Oregon Immunization ALERT; creating new provisions; amending ORS 433.100; ap-
3 propriating money; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. For purposes of this section and section 2 of this 2001 Act:**

6 **(1) "Insurer" means:**

7 **(a) Any insurer, as defined in ORS 731.106, or any fraternal benefit society, as described**
8 **in ORS 748.106, that is required to have a certificate of authority to transact health insur-**
9 **ance business in this state or any health care service contractor, as defined in ORS 750.005,**
10 **issuing or renewing medical insurance on or after September 27, 1987;**

11 **(b) Any person reinsuring medical insurance on or after September 27, 1987; or**

12 **(c) Any party implementing a self-insurance arrangement not covered by the federal**
13 **Employee Retirement Income Security Act of 1974, as amended, that provides health care**
14 **benefits in this state on or after September 27, 1987.**

15 **(2) "Medical insurance" means any health insurance benefits payable on the basis of**
16 **hospital, surgical or medical expenses incurred and any health care service contractor con-**
17 **tract. "Medical insurance" does not include coverage for accident only, disability income,**
18 **hospital confinement indemnity, dental or credit insurance, coverage issued as a supplement**
19 **to liability insurance, coverage issued as a supplement to Medicare, insurance arising out of**
20 **workers' compensation or similar law, automobile medical payment insurance or insurance**
21 **under which benefits are payable with or without regard to fault and that is statutorily re-**
22 **quired as a part of liability insurance or equivalent self-insurance, or insurance limited to**
23 **vision benefits.**

24 **(3) "Self-insurance arrangement" means any plan, program, contract or any other ar-**
25 **rangement under which one or more employers, unions or other organizations provide health**
26 **care services or benefits to their employees or members, either directly or indirectly through**
27 **a trust or third party administrator, unless the health care services or benefits are provided**
28 **by an insurance policy issued by an insurer other than the self-insurance arrangement.**

29 **SECTION 2. (1) The Oregon Immunization ALERT is the statewide immunization registry**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 established by the Health Division of the Department of Human Services for the purposes
2 of ORS 433.094.

3 (2) The division may assess fees on insurers and may accept payments from self-
4 insurance arrangements to fund the operation of the Oregon Immunization ALERT.

5 (3) Each insurer's assessment shall be determined by multiplying the total amount to be
6 assessed by the fraction described in ORS 735.614 (2).

7 (4) Fees assessed under this section shall not exceed \$350,000 for the first year of as-
8 sessment. For subsequent years, the fees assessed on insurers shall be in an amount equal
9 to the prior year's assessment, adjusted annually to reflect changes in the Consumer Price
10 Index as defined in ORS 327.006.

11 **SECTION 3.** There is created in the Department of Human Services Account in the
12 General Fund the Oregon Immunization ALERT subaccount. All moneys appropriated by
13 statute, fees, assessments or other moneys received by the department for the purposes of
14 section 2 of this 2001 Act shall be paid into the State Treasury and deposited to the credit
15 of the Oregon Immunization ALERT subaccount of the Department of Human Services Ac-
16 count. Such moneys are appropriated continuously to the Department of Human Services for
17 the purposes of section 2 of this 2001 Act. Interest earned by the subaccount shall be credited
18 to the subaccount.

19 **SECTION 4.** ORS 433.100 is amended to read:

20 433.100. (1) The Health Division shall adopt rules pertaining to the development and implemen-
21 tation of the immunization registries and their associated tracking and recall systems. The rules
22 shall include a process by which a custodial parent or guardian can control the transfer of infor-
23 mation from the immunization record or the immunization tracking and recall record when such
24 control is necessary to protect the health or safety of the family. **The division shall also establish**
25 **by rule a procedure for setting and assessing the fees authorized under section 2 of this 2001**
26 **Act.**

27 (2) Nothing in this section requires the consent of a parent or guardian prior to enrolling the
28 child in the registry or restricts the registry from providing tracking and recall information to a
29 custodial parent or guardian.

30 **SECTION 5.** This 2001 Act being necessary for the immediate preservation of the public
31 peace, health and safety, an emergency is declared to exist, and this 2001 Act takes effect
32 on its passage.

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