

Enrolled
House Bill 2153

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Department of Human Services)

CHAPTER

AN ACT

Relating to immunization registries; amending ORS 433.090, 433.094 and 433.098.

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

SECTION 1. ORS 433.090 is amended to read:

433.090. As used in ORS 433.090 to 433.102:

- (1) "Children's facility" has the meaning given that term in ORS 433.235.
- (2) "Client" means any person registered with any Oregon immunization tracking and recall system.
- (3) "Immunization record" includes but is not limited to the following:
 - (a) Any immunization received;
 - (b) Date immunization was received;
 - (c) Complication or side effect associated with immunization;
 - (d) Date and place of birth of a client;
 - (e) Hospital where a client was born;
 - (f) Client's name; and
 - (g) Mother's name.
- (4) "Immunization registry" means any listing of clients and information relating to their immunization status, **without regard to whether the registry is maintained in this state or elsewhere.**
- (5) "Immunization tracking and recall record" includes but is not limited to the client's name, address of the parent or guardian of the client, telephone number, insurance carrier, health care provider and other information needed to send reminder cards to, place telephone calls to or personally contact the client or the parent or the guardian of a client for the purposes of informing the client, parent or guardian that the client is late in receiving the recommended immunizations.
- (6) "Local health department" has the meaning given that term in ORS 433.235.
- (7) "Parent or guardian" has the meaning given the term "parent" in ORS 433.235.
- (8) "Provider" means a health care provider licensed to provide health care services [*in Oregon*], managed health care systems, health maintenance organizations, health service contractors, insurance carriers and the Oregon medical assistance program.
- (9) "School" has the meaning given that term in ORS 433.235.
- (10) "Tracking and recall system" means a system attached to an immunization registry designed to contact clients listed in the immunization registry for the purposes of assisting in the completion of the immunization series in a timely manner.

SECTION 2. ORS 433.094 is amended to read:

433.094. Subject to availability of funds, the Department of Human Services, a local health department, or both, or their agents or other providers [*shall be permitted to*] **may** develop an immunization registry and an associated tracking and recall system to include, but not be limited to, children and young adults. This system shall include, but not be limited to, the following:

(1) Registering all clients born in [*or*], living in **or receiving services in** this state;

(2) Tracking and updating immunization histories of the registered clients and retaining in appropriate form information about clients who have attained 18 years of age for release only as provided in ORS 433.098 (2);

(3) Allowing a provider to provide information to and obtain information from the immunization and immunization tracking and recall records contained in an immunization registry without the consent of the client or the parent or guardian of the client;

(4) Allowing an immunization record of a client to be released to that client's parent, guardian, school, children's facility or provider;

(5) Notifying in writing the parent or guardian of a client, at least through five years of age, when the tracking and recall system indicates that a client has missed a scheduled immunization and, if the client has not been immunized after two notifications, arranging to have the parent or guardian contacted personally;

(6) Integrating with any immunization registry and its associated tracking and recall systems [*within this state*]; and

(7) Working with health care providers to develop easy information transfer systems.

SECTION 3. ORS 433.098 is amended to read:

433.098. (1) A provider, or a local health department, the Department of Human Services or the agents of any of them, children's facilities and schools shall not be subject to an action or be liable for sharing information from the immunization record or using information from the immunization tracking and recall record for purposes of tracking immunizations of clients and for outreach to clients who have missed immunizations.

(2) Information in an immunization registry or in the immunization tracking and recall record or derived therefrom is confidential and shall not be disclosed to any person who is not specifically authorized to receive information under ORS 433.090 to 433.102. However, when a client attains 18 years of age, information in the registry shall be made available only with the written consent of the client unless the requester shows a public health need for the information. Upon the written request of a client who is at least 18 years of age, the registry shall purge that client's immunization record and tracking and recall record from the registry.

(3) Before sharing data with any immunization registry, an immunization registry maintained in Oregon must ensure that the immunization registry receiving the data has confidentiality and security policies at least as stringent as the policies of the registry sharing the data.

Passed by House June 19, 2003

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Chief Clerk of House

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Speaker of House

Passed by Senate June 27, 2003

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President of Senate

Received by Governor:

.....M,....., 2003

Approved:

.....M,....., 2003

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Governor

Filed in Office of Secretary of State:

.....M,....., 2003

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Secretary of State