

Enrolled
House Bill 2244

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 registry information systems; creating new provisions; amending ORS 433.090, 433.094 and 433.100; and appropriating money.

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) “Authorized user” means a person or entity authorized to provide information to or to receive information from an immunization registry or immunization tracking and recall system under ORS 433.090 to 433.102. “Authorized user” includes, but is not limited to, licensed health care providers, health care institutions, insurance carriers, the Oregon medical assistance program, parents, schools, children’s facilities, local health departments, the Department of Human Services and agents of the department.

[(1)] **(2)** “Children’s facility” has the meaning given that term in ORS 433.235.

[(2)] **(3)** “Client” means any person registered with any Oregon immunization tracking and recall system.

[(3)] **(4)** “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)] **(5)** “Immunization registry” means any listing of clients and information relating to their immunization status.

[(5)] **(6)** “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)] **(7)** “Local health department” has the meaning given that term in ORS 433.235.

[(7)] **(8)** “Parent or guardian” has the meaning given the term “parent” in ORS 433.235.

[(8)] **(9)** “Provider” means **a physician or** 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] **professional who is acting within the scope of their licensure and responsible for providing immunization services or for coordinating immunization services within a clinic, public health site, school or other immunization site.**

[9] (10) "School" has the meaning given that term in ORS 433.235.

[(10)] (11) "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 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 433.100 is amended to read:

433.100. (1) The Department of Human Services shall adopt rules pertaining to the development and implementation of the immunization registries and their associated tracking and recall systems. The rules shall include a process by which a custodial parent or guardian can control the transfer of information from the immunization record or the immunization tracking and recall record when such control is necessary to protect the health or safety of the family.

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

(3)(a) Pursuant to rules adopted by the department, the department may charge fees to authorized users, except hospitals, schools and individual health care providers, for services requested from an immunization registry, including associated tracking and recall systems maintained by the department. Authorized users may make voluntary contributions to the department to help support the operation of an immunization registry established under ORS 433.094.

(b) Fees authorized under paragraph (a) of this subsection shall be assessed only against managed care organizations, health maintenance organizations, physician organizations and insurance carriers that are using the information from the registries for quality improvement activities for their privately insured patients.

(c) All moneys received by the department under this section shall be paid into the State Treasury and placed in the General Fund to the credit of the Public Health Account. Such moneys are continuously appropriated to the department and shall be used only for the administration and enforcement of ORS 433.090 to 433.102.

SECTION 4. (1) The immunization registry and associated tracking and recall systems established under ORS 433.094 may be used as a vaccination management and tracking system in preparation for a potential catastrophic disease threat, such as smallpox or pandemic influenza.

(2) When used as authorized by this section, the immunization registry may include persons of any age, and vaccination records may be shared with authorized users of the registry without obtaining the prior consent of the clients of the registry.

(3) As used in this section, "client" and "immunization registry" have the meanings given those terms in ORS 433.090.

Passed by House June 23, 2003

.....
Chief Clerk of House

.....
Speaker of House

Passed by Senate July 7, 2003

.....
President of Senate

Received by Governor:

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

Approved:

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

.....
Governor

Filed in Office of Secretary of State:

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

.....
Secretary of State