S T A T E O F N E W Y O R K

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I N S E N A T E

April 8, 2013

Introduced by Sens. HANNON, AVELLA, FUSCHILLO, GRISANTI, MAZIARZ -- (at request of the Department of Health) -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

AN ACT to amend the public health law, in relation to the statewide immunization information system

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph (a) of subdivision 2 of section 2168 of the public health law, as amended by section 7 of part A of chapter 58 of the laws of 2009, is amended to read as follows:

(a) The term "authorized user" shall mean any person or entity authorized to provide information to or to receive information from the statewide immunization information system and shall include health care providers and their designees, as defined in paragraph (d) of this subdivision, schools as defined in paragraph a of subdivision one of section twenty-one hundred sixty-four of this title, COLLEGES AS DEFINED IN SECTION TWO OF THE EDUCATION LAW, PROFESSIONAL AND TECHNICAL SCHOOLS AS REFERRED TO IN THE DEFINITION OF HIGHER EDUCATION IN SECTION TWO OF THE EDUCATION LAW, CHILDREN'S OVERNIGHT CAMPS AND SUMMER DAY CAMPS AS DEFINED IN SECTION THIRTEEN HUNDRED NINETY-TWO OF THIS CHAPTER, third party payer as defined in paragraph (f) of this subdivision, local health districts as defined by paragraph (c) of subdivision one of section two of this chapter, local social services districts and the office of children and family services with regard to children in their legal custody, and WIC programs as defined in paragraph (g) of this subdivision. An authorized user may be located outside New York state. An entity other than a local health district shall be an authorized user only with respect to a person seeking or receiving a health care service

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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from the health care provider, a person enrolled or seeking to be enrolled in the school, a person insured by the third party payer, a person in the custody of the local social services district or the office of children and family services, or a person seeking or receiving services through WIC programs, as the case may be.

S 2. Paragraph (a) of subdivision 3 of section 2168 of the public health law, as amended by section 7 of part A of chapter 58 of the laws of 2009, is amended to read as follows:

(a) Any health care provider who administers any vaccine to a person less than nineteen years of age or, on or after September first, two thousand nine, conducts a blood lead analysis of a sample obtained from a person under eighteen years of age in accordance with paragraph (h) of subdivision two of this section; and immunizations received by a person less than nineteen years of age in the past if not already reported, shall report all such immunizations and the results of any blood lead analysis to the department in a format prescribed by the commissioner within fourteen days of administration of such immunizations or of obtaining the results of any such blood lead analysis. Health care providers administering immunizations to persons less than nineteen years of age in the city of New York shall report, in a format prescribed by the city of New York commissioner of health and mental hygiene, all such immunizations to the citywide immunization registry. The commissioner, and for the city of New York the commissioner of health and mental hygiene, shall have the discretion to accept for inclusion in the system information regarding immunizations administered to individuals nineteen years of age or older with the [express written] consent of the [vaccine] VACCINEE. Health care providers who conduct a blood lead analysis on a person under eighteen years of age and who report the results of such analysis to the city of New York commissioner of health and mental hygiene pursuant to New York city reporting requirements shall be exempt from this requirement for reporting blood lead analysis results to the state commissioner of health; provided, however, blood lead analysis data collected from physician office laboratories by the commissioner of health and mental hygiene of the city of New York pursuant to the health code of the city of New York shall be provided to the department in a format prescribed by the commissioner.

S 3. Paragraph (f) of subdivision 5 of section 2168 of the public health law, as amended by section 7 of part A of chapter 58 of the laws of 2009, is amended to read as follows:

(f) The immunization status of children exempt from immunizations pursuant to subdivision eight of [this] section TWENTY-ONE HUNDRED SIXTY-FOUR OF THIS TITLE and a parent claiming exemption pursuant to subdivision nine of section twenty-one hundred sixty-four of this title shall be reported by the health care provider.

S 4. Paragraph (d) of subdivision 8 of section 2168 of the public health law, as amended by section 7 of part A of chapter 58 of the laws of 2009, is amended to read as follows:

(d) The following authorized users shall have access to the statewide immunization information system and the blood lead information in such system and the citywide immunization registry for the purposes stated in this paragraph: (i) schools for verifying immunization status for eligibility for admission; (ii) COLLEGES FOR VERIFYING IMMUNIZATION STATUS FOR ELIGIBILITY FOR ADMISSION; (III) PROFESSIONAL AND TECHNICAL SCHOOLS FOR VERIFYING IMMUNIZATION STATUS FOR ELIGIBILITY FOR ADMISSION; (IV) CHILDREN'S OVERNIGHT CAMPS AND SUMMER DAY CAMPS FOR VERIFYING IMMUNIZATION STATUS OF CHILDREN ATTENDING CAMP; (V) third party payer for

performing quality assurance, accountability and outreach, relating to enrollees covered by the third party payer; [(iii)] (VI) commissioners of local social services districts with regard to a child in his/her legal custody; [(iv)] (VII) the commissioner of the office of children and family services with regard to children in their legal custody, and for quality assurance and accountability of commissioners of local social services districts, care and treatment of children in the custody of commissioners of local social services districts; and [(v)] (VIII) WIC programs for the purposes of verifying immunization and lead testing status for those seeking or receiving services.

S 5. Subdivision 8 of section 2168 of the public health law is amended by adding a new paragraph (e) to read as follows:

(E) INSTITUTES OF HIGHER EDUCATION, MEDICAL RESEARCH CENTERS OR OTHER INSTITUTIONS ENGAGED IN EPIDEMIOLOGICAL RESEARCH OR OTHER PUBLIC HEALTH RESEARCH SHALL HAVE ACCESS TO DE-IDENTIFIED REGISTRANT INFORMATION IN THE STATEWIDE IMMUNIZATION INFORMATION SYSTEM OR THE CITYWIDE IMMUNIZATION REGISTRY FOR RESEARCH PURPOSES IF APPROVED BY THE COMMISSIONER OR THE COMMISSIONER OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE OF THE CITY OF NEW YORK, AS APPROPRIATE.

S 6. Subdivision 11 of section 2168 of the public health law, as amended by section 7 of part A of chapter 58 of the laws of 2009, is amended to read as follows:

11. The commissioner, or in the city of New York, the commissioner of the department of health and mental hygiene, may provide registrant specific immunization AND LEAD TEST records to other state OR CITY registries AND REGISTRIES MAINTAINED BY THE INDIAN HEALTH SERVICE AND TRIBAL NATIONS RECOGNIZED BY THE STATE OR THE UNITED STATES pursuant to a written agreement requiring that the [out-of-state] OTHER registry conform to national standards for maintaining the integrity of the data and will not be used for purposes inconsistent with the provisions of this section.

S 7. This act shall take effect immediately.