

# STATE OF NEW YORK

1410

2021-2022 Regular Sessions

## IN SENATE

January 12, 2021

Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to including diagnosis of asthma or other respiratory diseases for which rescue inhaler treatment is prescribed in the statewide immunization information system

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraphs (a) and (c) of subdivision 1, paragraphs (b),  
2 (c) and (d) of subdivision 2, paragraph (a) of subdivision 3, paragraphs  
3 (b), (c) and (d) of subdivision 8, and subdivisions 10 and 11 of section  
4 2168 of the public health law, paragraphs (a) and (c) of subdivision 1,  
5 paragraphs (b), (c) and (d) of subdivision 2, paragraph (b) of subdivi-  
6 sion 8 and subdivision 10 as amended by section 7 of part A of chapter  
7 58 of the laws of 2009, paragraph (a) of subdivision 3 as amended by  
8 section 2-a of part DD of chapter 57 of the laws of 2018, paragraph (c)  
9 of subdivision 8 as amended by chapter 420 of the laws of 2014, para-  
10 graph (d) of subdivision 8 as amended by chapter 154 of the laws of  
11 2013, subparagraph (i) of paragraph (d) of subdivision 8 as amended by  
12 section 7 of part MM of chapter 57 of the laws of 2018, and subdivision  
13 11 as amended by chapter 154 of the laws of 2013, are amended to read as  
14 follows:

15 (a) collect reports of immunizations and thus reduce the incidence of  
16 illness, disability and death due to vaccine preventable diseases [~~and~~],  
17 collect results of blood lead analyses performed by physician office  
18 laboratories to provide to the statewide registry of lead levels of  
19 children established pursuant to section thirteen hundred seventy-a of  
20 this chapter and collect reports of asthma or other respiratory disease  
21 diagnosis for which rescue inhaler treatment is prescribed by a health  
22 care provider licensed under title eight of the education law;

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

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1 (c) make available to an individual, or parents, guardians, or other  
2 person in a custodial relation to a child or, to local health districts,  
3 local social services districts responsible for the care and custody of  
4 children, health care providers and their designees, schools, WIC  
5 programs, and third party payers the immunization status of children and  
6 any diagnosis of asthma or other respiratory disease diagnosis for which  
7 a rescue inhaler treatment is prescribed; and

8 (b) The term "statewide immunization information system" or "system"  
9 shall mean a statewide-computerized database maintained by the depart-  
10 ment capable of collecting, storing, and disclosing the electronic and  
11 paper records of vaccinations received, blood lead analysis, and rescue  
12 inhaler treatment prescriptions by persons under nineteen years of age.

13 (c) The term "citywide immunization registry" shall mean the computer-  
14 ized database maintained by the city of New York department of health  
15 and mental hygiene capable of collecting, storing, and disclosing the  
16 electronic and paper records of vaccinations received and rescue inhaler  
17 treatment prescriptions by persons less than nineteen years of age. The  
18 term "citywide immunization registry" shall not include the childhood  
19 blood lead registry established pursuant to the health code of the city  
20 of New York. For the purposes of this section the term New York city  
21 department of health and mental hygiene, shall mean such agency or any  
22 successor agency responsible for the citywide immunization registry.

23 (d) The term "health care provider" shall mean any person authorized  
24 by law to order an immunization ~~[ex]~~, analysis of a blood sample for  
25 lead or diagnose asthma or other respiratory disease for which a rescue  
26 inhaler treatment is prescribed or any health care facility licensed  
27 under article twenty-eight of this chapter or any certified home health  
28 agency established under section thirty-six hundred six of this chapter;  
29 with respect to a person seeking or receiving a health care service from  
30 the health care provider.

31 (a) (i) Any health care provider who administers any vaccine to a  
32 person less than nineteen years of age or, on or after September first,  
33 two thousand nine, conducts a blood lead analysis of a sample obtained  
34 from a person under eighteen years of age in accordance with paragraph  
35 (h) of subdivision two of this section or on or after January first, two  
36 thousand twenty-three prescribes or renews a prescription for rescue  
37 inhaler treatment; and immunizations received by a person less than  
38 nineteen years of age in the past if not already reported, shall report  
39 all such immunizations ~~[and]~~, the results of any blood lead analysis,  
40 and any prescription for rescue inhaler treatment to the department in a  
41 format prescribed by the commissioner within fourteen days of adminis-  
42 tration of such immunizations or of obtaining the results of any such  
43 blood lead analysis or prescribing such rescue inhaler treatment. Health  
44 care providers administering immunizations to persons less than nineteen  
45 years of age in the city of New York shall report, in a format  
46 prescribed by the city of New York commissioner of health and mental  
47 hygiene, all such immunizations to the citywide immunization registry.  
48 Health care providers who conduct a blood lead analysis on or prescribe  
49 a rescue inhaler treatment for a person under eighteen years of age and  
50 who report the results of such analysis or prescription to the city of  
51 New York commissioner of health and mental hygiene pursuant to New York  
52 city reporting requirements shall be exempt from this requirement for  
53 reporting blood lead analysis results and prescription for rescue inhal-  
54 er treatment to the state commissioner of health; provided, however,  
55 blood lead analysis data collected from physician office laboratories by  
56 the commissioner of health and mental hygiene of the city of New York

1 pursuant to the health code of the city of New York shall be provided to  
2 the department in a format prescribed by the commissioner.

3 (ii) A pharmacist who administers a vaccine pursuant to subdivision  
4 two of section sixty-eight hundred one of the education law, to a person  
5 less than nineteen years of age, shall report all such immunizations to  
6 the department in a format prescribed by the commissioner within four-  
7 teen days of administration of such immunizations. Pharmacists adminis-  
8 tering immunizations pursuant to subdivision two of section sixty-eight  
9 hundred one of the education law to persons less than nineteen years of  
10 age in the city of New York shall report, in a format prescribed by the  
11 city of New York commissioner of health and mental hygiene, all such  
12 immunizations to the citywide immunization registry.

13 (b) (i) The commissioner may use the statewide immunization informa-  
14 tion system and the blood lead analysis and rescue inhaler treatment  
15 prescription information in such system for purposes of outreach, quali-  
16 ty improvement and accountability, research, epidemiological studies and  
17 disease control, and to obtain blood lead test results from physician  
18 office laboratories for the statewide registry of lead levels of chil-  
19 dren established pursuant to subdivision two of section thirteen hundred  
20 seventy-a of this chapter; (ii) the commissioner of health and mental  
21 hygiene for the city of New York may use the immunization registry and  
22 the blood lead analysis and rescue inhaler treatment prescription infor-  
23 mation in such system for purposes of outreach, quality improvement and  
24 accountability, research, epidemiological studies and disease control;  
25 (iii) local health departments shall have access to the immunization  
26 information system and the blood lead analysis and rescue inhaler treat-  
27 ment prescription information in such system for purposes of outreach,  
28 quality improvement and accountability, epidemiological studies and  
29 disease control within their county; and

30 (c) health care providers and their designees, registered professional  
31 nurses, and pharmacists authorized to administer immunizations pursuant  
32 to subdivision two of section sixty-eight hundred one of the education  
33 law shall have access to the statewide immunization information system  
34 and the blood lead analysis and rescue inhaler treatment prescription  
35 information in such system only for purposes of submission of informa-  
36 tion about vaccinations received by a specific registrant, determination  
37 of the immunization status of a specific registrant, determination of  
38 the blood lead testing status of a specific registrant, submission of  
39 the results from a blood lead analysis of a sample obtained from a  
40 specific registrant in accordance with paragraph (h) of subdivision two  
41 of this section, determination of the asthma or other respiratory  
42 disease diagnosis of a specific registrant, submission of information  
43 about prescriptions for rescue inhaler treatment review of practice  
44 coverage, generation of reminder notices, quality improvement and  
45 accountability and printing a copy of the immunization [✘] record, lead  
46 testing record or rescue inhaler treatment prescription for the regis-  
47 trant's medical record, for the registrant's parent or guardian, or  
48 other person in parental or custodial relation to a child, or for a  
49 registrant upon reaching eighteen years of age.

50 (d) The following authorized users shall have access to the statewide  
51 immunization information system and the blood lead and rescue inhaler  
52 treatment prescription information in such system and the citywide  
53 immunization registry for the purposes stated in this paragraph: (i)  
54 schools for the purpose of verifying immunization status for eligibility  
55 for admission, for the purpose of knowing a student or child care or  
56 preschool child has been diagnosed with asthma or other respiratory

1 disease for which rescue inhaler treatment was prescribed, for the  
2 purpose of confirming a student has been screened for lead when enroll-  
3 ing in child care, pre-school or kindergarten, and for the provision of  
4 appropriate educational materials developed by the department pursuant  
5 to section thirteen hundred seventy-a of this chapter on the dangers of  
6 lead exposure, and the health risks associated with elevated blood lead  
7 levels to the parents or legal guardians of the student with an elevated  
8 blood lead level, as such term is defined in subdivision six of section  
9 thirteen hundred seventy of this chapter, as well as information on  
10 programs that may be available to the student and the parents or legal  
11 guardians of the student; (ii) colleges for verifying immunization  
12 status for eligibility for admission; (iii) professional and technical  
13 schools for verifying immunization status for eligibility for admission;  
14 (iv) children's overnight camps and summer day camps for verifying  
15 immunization status of children attending camp and for the purpose of  
16 knowing a student has been diagnosed with asthma or other respiratory  
17 disease for which rescue inhaler treatment was prescribed; (v) third  
18 party payer for performing quality assurance, accountability and  
19 outreach, relating to enrollees covered by the third party payer; (vi)  
20 commissioners of local social services districts with regard to a child  
21 in his/her legal custody; (vii) the commissioner of the office of chil-  
22 dren and family services with regard to children in their legal custody,  
23 and for quality assurance and accountability of commissioners of local  
24 social services districts, care and treatment of children in the custody  
25 of commissioners of local social services districts; and (viii) WIC  
26 programs for the purposes of verifying immunization and lead testing  
27 status for those seeking or receiving services.

28 10. The person to whom any immunization record relates, or his or her  
29 parent, or guardian, or other person in parental or custodial relation  
30 to such person may request a copy of an immunization [~~or~~] record, lead  
31 testing record or rescue inhaler treatment prescription from the regis-  
32 trant's healthcare provider, the statewide immunization information  
33 system or the citywide immunization registry according to procedures  
34 established by the commissioner or, in the case of the citywide immuni-  
35 zation registry, by the city of New York commissioner of the department  
36 of health and mental hygiene.

37 11. The commissioner, or in the city of New York, the commissioner of  
38 the department of health and mental hygiene, may provide registrant  
39 specific immunization [~~and~~] records, lead test records and rescue inhal-  
40 er treatment prescriptions to other state or city registries and regis-  
41 tries maintained by the Indian Health Service and tribal nations recog-  
42 nized by the state or the United States pursuant to a written agreement  
43 requiring that the other registry conform to national standards for  
44 maintaining the integrity of the data and will not be used for purposes  
45 inconsistent with the provisions of this section.

46 § 2. This act shall take effect immediately.