

7734--A

2013-2014 Regular Sessions

I N A S S E M B L Y

May 31, 2013

Introduced by M. of A. PAULIN, GOTTFRIED -- read once and referred to the Committee on Health -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

1 Section 1. Paragraph (a) of subdivision 2 of section 2168 of the
2 public health law, as amended by section 7 of part A of chapter 58 of
3 the laws of 2009, is amended to read as follows:
4 (a) The term "authorized user" shall mean any person or entity author-
5 ized to provide information to or to receive information from the state-
6 wide immunization information system and shall include health care
7 providers and their designees, as defined in paragraph (d) of this
8 subdivision, schools as defined in paragraph a of subdivision one of
9 section twenty-one hundred sixty-four of this title, COLLEGES AS DEFINED
10 IN SECTION TWO OF THE EDUCATION LAW, PROFESSIONAL AND TECHNICAL SCHOOLS
11 AS REFERRED TO IN THE DEFINITION OF HIGHER EDUCATION IN SECTION TWO OF
12 THE EDUCATION LAW, CHILDREN'S OVERNIGHT CAMPS AND SUMMER DAY CAMPS AS
13 DEFINED IN SECTION THIRTEEN HUNDRED NINETY-TWO OF THIS CHAPTER, third
14 party payer as defined in paragraph (f) of this subdivision, local
15 health districts as defined by paragraph (c) of subdivision one of
16 section two of this chapter, local social services districts and the
17 office of children and family services with regard to children in their
18 legal custody, and WIC programs as defined in paragraph (g) of this
19 subdivision. An authorized user may be located outside New York state.
20 An entity other than a local health district shall be an authorized user
21 only with respect to a person seeking or receiving a health care service
22 from the health care provider, a person enrolled or seeking to be
23 enrolled in the school, a person insured by the third party payer, a

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

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1 person in the custody of the local social services district or the
2 office of children and family services, or a person seeking or receiving
3 services through WIC programs, as the case may be.

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

7 (a) Any health care provider who administers any vaccine to a person
8 less than nineteen years of age or, on or after September first, two
9 thousand nine, conducts a blood lead analysis of a sample obtained from
10 a person under eighteen years of age in accordance with paragraph (h) of
11 subdivision two of this section; and immunizations received by a person
12 less than nineteen years of age in the past if not already reported,
13 shall report all such immunizations and the results of any blood lead
14 analysis to the department in a format prescribed by the commissioner
15 within fourteen days of administration of such immunizations or of
16 obtaining the results of any such blood lead analysis. Health care
17 providers administering immunizations to persons less than nineteen
18 years of age in the city of New York shall report, in a format
19 prescribed by the city of New York commissioner of health and mental
20 hygiene, all such immunizations to the citywide immunization registry.
21 The commissioner, and for the city of New York the commissioner of
22 health and mental hygiene, shall have the discretion to accept for
23 inclusion in the system information regarding immunizations administered
24 to individuals nineteen years of age or older with the [express written]
25 consent of the [vaccine] VACCINEE. Health care providers who conduct a
26 blood lead analysis on a person under eighteen years of age and who
27 report the results of such analysis to the city of New York commissioner
28 of health and mental hygiene pursuant to New York city reporting
29 requirements shall be exempt from this requirement for reporting blood
30 lead analysis results to the state commissioner of health; provided,
31 however, blood lead analysis data collected from physician office labo-
32 ratories by the commissioner of health and mental hygiene of the city of
33 New York pursuant to the health code of the city of New York shall be
34 provided to the department in a format prescribed by the commissioner.

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

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

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

46 (d) The following authorized users shall have access to the statewide
47 immunization information system and the blood lead information in such
48 system and the citywide immunization registry for the purposes stated in
49 this paragraph: (i) schools for verifying immunization status for eligi-
50 bility for admission; (ii) COLLEGES FOR VERIFYING IMMUNIZATION STATUS
51 FOR ELIGIBILITY FOR ADMISSION; (III) PROFESSIONAL AND TECHNICAL SCHOOLS
52 FOR VERIFYING IMMUNIZATION STATUS FOR ELIGIBILITY FOR ADMISSION; (IV)
53 CHILDREN'S OVERNIGHT CAMPS AND SUMMER DAY CAMPS FOR VERIFYING IMMUNIZA-
54 TION STATUS OF CHILDREN ATTENDING CAMP; (V) third party payer for
55 performing quality assurance, accountability and outreach, relating to
56 enrollees covered by the third party payer; [(iii)] (VI) commissioners

1 of local social services districts with regard to a child in his/her
2 legal custody; [(iv)] (VII) the commissioner of the office of children
3 and family services with regard to children in their legal custody, and
4 for quality assurance and accountability of commissioners of local
5 social services districts, care and treatment of children in the custody
6 of commissioners of local social services districts; and [(v)] (VIII)
7 WIC programs for the purposes of verifying immunization and lead testing
8 status for those seeking or receiving services.

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

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

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

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

30 S 7. This act shall take effect immediately.