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

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I N A S S E M B L Y

May 7, 2014

Introduced by M. of A. PAULIN, GOTTFRIED, GUNTHER, JACOBS, MAGNARELLI, MOSLEY, OTIS, HOOPER -- Multi-Sponsored by -- M. of A. BUCHWALD, CLARK, COOK, McDONOUGH, STECK, SWEENEY -- 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 adult immunization registry

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

Section 1. Paragraph (a) of subdivision 2 and subdivision 3 of section 2168 of the public health law, subdivision 3 as amended by section 7 of part A of chapter 58 of the laws of 2009, paragraph (a) of subdivision 2 and paragraph (a) of subdivision 3 as amended by chapter 154 of the laws of 2013, are 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, *REGISTERED PROFESSIONAL NURSES, AND PHARMACISTS AUTHORIZED TO ADMINISTER IMMUNIZATIONS PURSUANT TO SUBDIVISION TWO OF SECTION SIXTY-EIGHT HUNDRED ONE OF THE EDUCATION LAW.* An authorized user may be located outside New York state. An entity other than a local health

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

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district shall be an authorized user only with respect to a person seeking or receiving a health care service 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.

3. (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 consent of the 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.

(b) (I) ANY HEALTH CARE PROVIDER WHO ADMINISTERS ANY VACCINE TO A PERSON NINETEEN YEARS OF AGE OR OLDER, MAY REPORT, WITH THE CONSENT OF THE VACCINEE, ALL SUCH IMMUNIZATIONS TO THE DEPARTMENT IN A FORMAT PRESCRIBED BY THE COMMISSIONER WITHIN FOURTEEN DAYS OF ADMINISTRATION OF SUCH IMMUNIZATIONS. HEALTH CARE PROVIDERS ADMINISTERING IMMUNIZATIONS TO PERSONS NINETEEN YEARS OF AGE OR OLDER IN THE CITY OF NEW YORK MAY REPORT, WITH THE CONSENT OF THE VACCINEE, IN A FORMAT PRESCRIBED BY THE CITY OF NEW YORK COMMISSIONER OF HEALTH AND MENTAL HYGIENE, ALL SUCH IMMUNIZATIONS TO THE CITYWIDE IMMUNIZATION REGISTRY.

(II) A REGISTERED PROFESSIONAL NURSE, OR A PHARMACIST WHO ADMINISTERS A VACCINE PURSUANT TO SUBDIVISION TWO OF SECTION SIXTY-EIGHT HUNDRED ONE OF THE EDUCATION LAW, TO A PERSON NINETEEN YEARS OF AGE OR OLDER, SHALL REPORT, WITH THE CONSENT OF THE VACCINEE, ALL SUCH IMMUNIZATIONS TO THE DEPARTMENT IN A FORMAT PRESCRIBED BY THE COMMISSIONER WITHIN FOURTEEN DAYS OF ADMINISTRATION OF SUCH IMMUNIZATIONS. REGISTERED PROFESSIONAL NURSES OR PHARMACISTS ADMINISTERING IMMUNIZATIONS PURSUANT TO SUBDIVISION TWO OF SECTION SIXTY-EIGHT HUNDRED ONE OF THE EDUCATION LAW, TO PERSONS NINETEEN YEARS OF AGE OR OLDER IN THE CITY OF NEW YORK SHALL REPORT, WITH THE CONSENT OF THE VACCINEE, IN A FORMAT PRESCRIBED BY THE CITY OF NEW YORK COMMISSIONER OF HEALTH AND MENTAL HYGIENE, ALL SUCH IMMUNIZATIONS TO THE CITYWIDE IMMUNIZATION REGISTRY.

(C) The statewide immunization information system shall provide a method for health care providers to determine when the registrant is due or late for a recommended immunization and shall serve as a means for authorized users to receive prompt and accurate information, as reported to the system, about the vaccines that the registrant has received.

S 2. Paragraph (c) 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:

(c) health care providers and their designees, REGISTERED PROFESSIONAL NURSES, AND PHARMACISTS AUTHORIZED TO ADMINISTER IMMUNIZATIONS PURSUANT TO SUBDIVISION TWO OF SECTION SIXTY-EIGHT HUNDRED ONE OF THE EDUCATION LAW shall have access to the statewide immunization information system and the blood lead information in such system only for purposes of submission of information about vaccinations received by a specific registrant, determination of the immunization status of a specific registrant, determination of the blood lead testing status of a specific registrant, submission of the results from a blood lead analysis of a sample obtained from a specific registrant in accordance with paragraph (h) of subdivision two of this section, review of practice coverage, generation of reminder notices, quality improvement and accountability and printing a copy of the immunization or lead testing record for the registrant's medical record, for the registrant's parent or guardian, or other person in parental or custodial relation to a child, or for a registrant upon reaching eighteen years of age.

S 3. This act shall take effect immediately.