

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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 S 7. This act shall take effect immediately.