

7734--A

2013-2014 Regular Sessions

I N   A S S E M B L Y

May 31, 2013

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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.