

9561--A

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:

1 Section 1. Paragraph (a) of subdivision 2 and subdivision 3 of section
2 2168 of the public health law, subdivision 3 as amended by section 7 of
3 part A of chapter 58 of the laws of 2009, paragraph (a) of subdivision 2
4 and paragraph (a) of subdivision 3 as amended by chapter 154 of the laws
5 of 2013, are amended to read as follows:
6 (a) The term "authorized user" shall mean any person or entity author-
7 ized to provide information to or to receive information from the state-
8 wide immunization information system and shall include health care
9 providers and their designees, as defined in paragraph (d) of this
10 subdivision, schools as defined in paragraph a of subdivision one of
11 section twenty-one hundred sixty-four of this title, colleges as defined
12 in section two of the education law, professional and technical schools
13 as referred to in the definition of higher education in section two of
14 the education law, children's overnight camps and summer day camps as
15 defined in section thirteen hundred ninety-two of this chapter, third
16 party payer as defined in paragraph (f) of this subdivision, local
17 health districts as defined by paragraph (c) of subdivision one of
18 section two of this chapter, local social services districts and the
19 office of children and family services with regard to children in their
20 legal custody, [and] WIC programs as defined in paragraph (g) of this
21 subdivision, REGISTERED PROFESSIONAL NURSES, AND PHARMACISTS AUTHORIZED
22 TO ADMINISTER IMMUNIZATIONS PURSUANT TO SUBDIVISION TWO OF SECTION
23 SIXTY-EIGHT HUNDRED ONE OF THE EDUCATION LAW. An authorized user may be
24 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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1 district shall be an authorized user only with respect to a person seek-
2 ing or receiving a health care service from the health care provider, a
3 person enrolled or seeking to be enrolled in the school, a person
4 insured by the third party payer, a person in the custody of the local
5 social services district or the office of children and family services,
6 or a person seeking or receiving services through WIC programs, as the
7 case may be.

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

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

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

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

6 S 2. Paragraph (c) of subdivision 8 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 (c) health care providers and their designees, REGISTERED PROFESSIONAL
10 NURSES, AND PHARMACISTS AUTHORIZED TO ADMINISTER IMMUNIZATIONS PURSUANT
11 TO SUBDIVISION TWO OF SECTION SIXTY-EIGHT HUNDRED ONE OF THE EDUCATION
12 LAW shall have access to the statewide immunization information system
13 and the blood lead information in such system only for purposes of
14 submission of information about vaccinations received by a specific
15 registrant, determination of the immunization status of a specific
16 registrant, determination of the blood lead testing status of a specific
17 registrant, submission of the results from a blood lead analysis of a
18 sample obtained from a specific registrant in accordance with paragraph
19 (h) of subdivision two of this section, review of practice coverage,
20 generation of reminder notices, quality improvement and accountability
21 and printing a copy of the immunization or lead testing record for the
22 registrant's medical record, for the registrant's parent or guardian, or
23 other person in parental or custodial relation to a child, or for a
24 registrant upon reaching eighteen years of age.

25 S 3. This act shall take effect immediately.