

# STATE OF NEW YORK

7337

## IN SENATE

January 17, 2020

Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to including diagnosis of asthma or other respiratory diseases for which rescue inhaler treatment is prescribed in 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. Paragraphs (a) and (c) of subdivision 1, paragraphs (b),  
2 (c) and (d) of subdivision 2, paragraph (a) of subdivision 3, paragraphs  
3 (b), (c) and (d) of subdivision 8, and subdivisions 10 and 11 of section  
4 2168 of the public health law, paragraphs (a) and (c) of subdivision 1,  
5 paragraphs (b), (c) and (d) of subdivision 2, paragraph (b) of subdivi-  
6 sion 8 and subdivision 10 as amended by section 7 of part A of chapter  
7 58 of the laws of 2009, paragraph (a) of subdivision 3 as amended by  
8 section 2-a of part DD of chapter 57 of the laws of 2018, paragraph (c)  
9 of subdivision 8 as amended by chapter 420 of the laws of 2014, para-  
10 graph (d) of subdivision 8 as amended by chapter 154 of the laws of  
11 2013, subparagraph (i) of paragraph (d) of subdivision 8 as amended by  
12 section 7 of part MM of chapter 57 of the laws of 2018, and subdivision  
13 11 as amended by chapter 154 of the laws of 2013, are amended to read as  
14 follows:

15 (a) collect reports of immunizations and thus reduce the incidence of  
16 illness, disability and death due to vaccine preventable diseases [~~and~~],  
17 collect results of blood lead analyses performed by physician office  
18 laboratories to provide to the statewide registry of lead levels of  
19 children established pursuant to section thirteen hundred seventy-a of  
20 this chapter and collect reports of asthma or other respiratory disease  
21 diagnosis for which rescue inhaler treatment is prescribed by a health  
22 care provider licensed under title eight of the education law;

23 (c) make available to an individual, or parents, guardians, or other  
24 person in a custodial relation to a child or, to local health districts,  
25 local social services districts responsible for the care and custody of  
26 children, health care providers and their designees, schools, WIC

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

LBD14556-01-9

1 programs, and third party payers the immunization status of children and  
2 any diagnosis of asthma or other respiratory disease diagnosis for which  
3 a rescue inhaler treatment is prescribed; and

4 (b) The term "statewide immunization information system" or "system"  
5 shall mean a statewide-computerized database maintained by the depart-  
6 ment capable of collecting, storing, and disclosing the electronic and  
7 paper records of vaccinations received, blood lead analysis, and rescue  
8 inhaler treatment prescriptions by persons under nineteen years of age.

9 (c) The term "citywide immunization registry" shall mean the computer-  
10 ized database maintained by the city of New York department of health  
11 and mental hygiene capable of collecting, storing, and disclosing the  
12 electronic and paper records of vaccinations received and rescue inhaler  
13 treatment prescriptions by persons less than nineteen years of age. The  
14 term "citywide immunization registry" shall not include the childhood  
15 blood lead registry established pursuant to the health code of the city  
16 of New York. For the purposes of this section the term New York city  
17 department of health and mental hygiene, shall mean such agency or any  
18 successor agency responsible for the citywide immunization registry.

19 (d) The term "health care provider" shall mean any person authorized  
20 by law to order an immunization ~~[or]~~, analysis of a blood sample for  
21 lead or diagnose asthma or other respiratory disease for which a rescue  
22 inhaler treatment is prescribed or any health care facility licensed  
23 under article twenty-eight of this chapter or any certified home health  
24 agency established under section thirty-six hundred six of this chapter;  
25 with respect to a person seeking or receiving a health care service from  
26 the health care provider.

27 (a) (i) Any health care provider who administers any vaccine to a  
28 person less than nineteen years of age or, on or after September first,  
29 two thousand nine, conducts a blood lead analysis of a sample obtained  
30 from a person under eighteen years of age in accordance with paragraph

31 (h) of subdivision two of this section or on or after January first, two  
32 thousand twenty-one prescribes or renews a prescription for rescue  
33 inhaler treatment; and immunizations received by a person less than  
34 nineteen years of age in the past if not already reported, shall report  
35 all such immunizations ~~[and]~~, the results of any blood lead analysis,  
36 and any prescription for rescue inhaler treatment to the department in a  
37 format prescribed by the commissioner within fourteen days of adminis-  
38 tration of such immunizations or of obtaining the results of any such  
39 blood lead analysis or prescribing such rescue inhaler treatment. Health  
40 care providers administering immunizations to persons less than nineteen  
41 years of age in the city of New York shall report, in a format  
42 prescribed by the city of New York commissioner of health and mental  
43 hygiene, all such immunizations to the citywide immunization registry.  
44 Health care providers who conduct a blood lead analysis on or prescribe  
45 a rescue inhaler treatment for a person under eighteen years of age and  
46 who report the results of such analysis or prescription to the city of  
47 New York commissioner of health and mental hygiene pursuant to New York  
48 city reporting requirements shall be exempt from this requirement for  
49 reporting blood lead analysis results and prescription for rescue inhal-  
50 er treatment to the state commissioner of health; provided, however,  
51 blood lead analysis data collected from physician office laboratories by  
52 the commissioner of health and mental hygiene of the city of New York  
53 pursuant to the health code of the city of New York shall be provided to  
54 the department in a format prescribed by the commissioner.

55 (ii) A pharmacist who administers a vaccine pursuant to subdivision  
56 two of section sixty-eight hundred one of the education law, to a person

1 less than nineteen years of age, shall report all such immunizations to  
2 the department in a format prescribed by the commissioner within four-  
3 teen days of administration of such immunizations. Pharmacists adminis-  
4 tering immunizations pursuant to subdivision two of section sixty-eight  
5 hundred one of the education law to persons less than nineteen years of  
6 age in the city of New York shall report, in a format prescribed by the  
7 city of New York commissioner of health and mental hygiene, all such  
8 immunizations to the citywide immunization registry.

9 (b) (i) The commissioner may use the statewide immunization informa-  
10 tion system and the blood lead analysis and rescue inhaler treatment  
11 prescription information in such system for purposes of outreach, quali-  
12 ty improvement and accountability, research, epidemiological studies and  
13 disease control, and to obtain blood lead test results from physician  
14 office laboratories for the statewide registry of lead levels of chil-  
15 dren established pursuant to subdivision two of section thirteen hundred  
16 seventy-a of this chapter; (ii) the commissioner of health and mental  
17 hygiene for the city of New York may use the immunization registry and  
18 the blood lead analysis and rescue inhaler treatment prescription infor-  
19 mation in such system for purposes of outreach, quality improvement and  
20 accountability, research, epidemiological studies and disease control;  
21 (iii) local health departments shall have access to the immunization  
22 information system and the blood lead analysis and rescue inhaler treat-  
23 ment prescription information in such system for purposes of outreach,  
24 quality improvement and accountability, epidemiological studies and  
25 disease control within their county; and

26 (c) health care providers and their designees, registered professional  
27 nurses, and pharmacists authorized to administer immunizations pursuant  
28 to subdivision two of section sixty-eight hundred one of the education  
29 law shall have access to the statewide immunization information system  
30 and the blood lead analysis and rescue inhaler treatment prescription  
31 information in such system only for purposes of submission of informa-  
32 tion about vaccinations received by a specific registrant, determination  
33 of the immunization status of a specific registrant, determination of  
34 the blood lead testing status of a specific registrant, submission of  
35 the results from a blood lead analysis of a sample obtained from a  
36 specific registrant in accordance with paragraph (h) of subdivision two  
37 of this section, determination of the asthma or other respiratory  
38 disease diagnosis of a specific registrant, submission of information  
39 about prescriptions for rescue inhaler treatment review of practice  
40 coverage, generation of reminder notices, quality improvement and  
41 accountability and printing a copy of the immunization [✗] record, lead  
42 testing record or rescue inhaler treatment prescription for the regis-  
43 trant's medical record, for the registrant's parent or guardian, or  
44 other person in parental or custodial relation to a child, or for a  
45 registrant upon reaching eighteen years of age.

46 (d) The following authorized users shall have access to the statewide  
47 immunization information system and the blood lead and rescue inhaler  
48 treatment prescription information in such system and the citywide  
49 immunization registry for the purposes stated in this paragraph: (i)  
50 schools for the purpose of verifying immunization status for eligibility  
51 for admission, for the purpose of knowing a student or child care or  
52 preschool child has been diagnosed with asthma or other respiratory  
53 disease for which rescue inhaler treatment was prescribed, for the  
54 purpose of confirming a student has been screened for lead when enroll-  
55 ing in child care, pre-school or kindergarten, and for the provision of  
56 appropriate educational materials developed by the department pursuant

1 to section thirteen hundred seventy-a of this chapter on the dangers of  
2 lead exposure, and the health risks associated with elevated blood lead  
3 levels to the parents or legal guardians of the student with an elevated  
4 blood lead level, as such term is defined in subdivision six of section  
5 thirteen hundred seventy of this chapter, as well as information on  
6 programs that may be available to the student and the parents or legal  
7 guardians of the student; (ii) colleges for verifying immunization  
8 status for eligibility for admission; (iii) professional and technical  
9 schools for verifying immunization status for eligibility for admission;  
10 (iv) children's overnight camps and summer day camps for verifying  
11 immunization status of children attending camp and for the purpose of  
12 knowing a student has been diagnosed with asthma or other respiratory  
13 disease for which rescue inhaler treatment was prescribed; (v) third  
14 party payer for performing quality assurance, accountability and  
15 outreach, relating to enrollees covered by the third party payer; (vi)  
16 commissioners of local social services districts with regard to a child  
17 in his/her legal custody; (vii) the commissioner of the office of chil-  
18 dren and family services with regard to children in their legal custody,  
19 and for quality assurance and accountability of commissioners of local  
20 social services districts, care and treatment of children in the custody  
21 of commissioners of local social services districts; and (viii) WIC  
22 programs for the purposes of verifying immunization and lead testing  
23 status for those seeking or receiving services.

24 10. The person to whom any immunization record relates, or his or her  
25 parent, or guardian, or other person in parental or custodial relation  
26 to such person may request a copy of an immunization ~~[ex]~~ record, lead  
27 testing record or rescue inhaler treatment prescription from the regis-  
28 trant's healthcare provider, the statewide immunization information  
29 system or the citywide immunization registry according to procedures  
30 established by the commissioner or, in the case of the citywide immuni-  
31 zation registry, by the city of New York commissioner of the department  
32 of health and mental hygiene.

33 11. The commissioner, or in the city of New York, the commissioner of  
34 the department of health and mental hygiene, may provide registrant  
35 specific immunization ~~[and]~~ records, lead test records and rescue inhal-  
36 er treatment prescriptions to other state or city registries and regis-  
37 tries maintained by the Indian Health Service and tribal nations recog-  
38 nized by the state or the United States pursuant to a written agreement  
39 requiring that the other registry conform to national standards for  
40 maintaining the integrity of the data and will not be used for purposes  
41 inconsistent with the provisions of this section.

42 § 2. This act shall take effect immediately.