

STATE OF NEW YORK

2431

2021-2022 Regular Sessions

IN ASSEMBLY

January 19, 2021

Introduced by M. of A. REYES, LUPARDO, BARRON, DAVILA, SIMON, SEAWRIGHT, O'DONNELL, DARLING -- read once and referred 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;

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

LBD00125-01-1

(c) make available to an individual, or parents, guardians, or other person in a custodial relation to a child or, to local health districts, local social services districts responsible for the care and custody of children, health care providers and their designees, schools, WIC programs, and third party payers the immunization status of children and any diagnosis of asthma or other respiratory disease diagnosis for which a rescue inhaler treatment is prescribed; and

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

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

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

(a) (i) 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 or on or after January first, two thousand twenty-three prescribes or renews a prescription for rescue inhaler treatment; 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, and any prescription for rescue inhaler treatment 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 or prescribing such rescue inhaler treatment. 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. Health care providers who conduct a blood lead analysis on or prescribe a rescue inhaler treatment for a person under eighteen years of age and who report the results of such analysis or prescription 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 and prescription for rescue inhaler treatment 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

1 pursuant to the health code of the city of New York shall be provided to
2 the department in a format prescribed by the commissioner.

3 (ii) A pharmacist who administers a vaccine pursuant to subdivision
4 two of section sixty-eight hundred one of the education law, to a person
5 less than nineteen years of age, shall report all such immunizations to
6 the department in a format prescribed by the commissioner within four-
7 teen days of administration of such immunizations. Pharmacists adminis-
8 tering immunizations pursuant to subdivision two of section sixty-eight
9 hundred one of the education law to persons less than nineteen years of
10 age in the city of New York shall report, in a format prescribed by the
11 city of New York commissioner of health and mental hygiene, all such
12 immunizations to the citywide immunization registry.

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

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

50 (d) The following authorized users shall have access to the statewide
51 immunization information system and the blood lead and rescue inhaler
52 treatment prescription information in such system and the citywide
53 immunization registry for the purposes stated in this paragraph: (i)
54 schools for the purpose of verifying immunization status for eligibility
55 for admission, for the purpose of knowing a student or child care or
56 preschool child has been diagnosed with asthma or other respiratory

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

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

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

46 § 2. This act shall take effect immediately.