STATE OF NEW YORK

4783

2023-2024 Regular Sessions

IN SENATE

February 14, 2023

Introduced by Sens. RIVERA, BAILEY, SEPULVEDA -- 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:

Section 1. Paragraphs (a) and (c) of subdivision 1, paragraphs (b), (c) and (d) of subdivision 2, paragraph (a) of subdivision 3, paragraphs (b), (c) and (d) of subdivision 8, and subdivisions 10 and 11 of section 2168 of the public health law, paragraphs (a) and (c) of subdivision 1, paragraphs (b), (c) and (d) of subdivision 2, and subdivision 10 as amended by section 7 of part A of chapter 58 of the laws of 2009, paragraph (a) of subdivision 3 as amended by section 2-a of part DD of chapter 57 of the laws of 2018, paragraphs (b) and (c) of subdivision 8 and subdivision 11 as amended by chapter 829 of the laws of 2022, and paragraph (d) of subdivision 8 as amended by chapter 532 of the laws of 2022 and subparagraph (i) of paragraph (d) as separately amended by chapter 44 of the laws of 2022, are amended to read as follows:

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

(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

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

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

(ii) A pharmacist who administers a vaccine pursuant to subdivision two of section sixty-eight hundred one of the education law, to a person less than nineteen years of age, shall report all such immunizations to the department in a format prescribed by the commissioner within fourteen days of administration of such immunizations. Pharmacists administering immunizations pursuant to subdivision two of section sixty-eight hundred one of the education law 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.

(b) (i) The commissioner may use the statewide immunization information system and the blood lead **analysis and rescue inhaler treatment prescription** information in such system for purposes of outreach, quality improvement and accountability, including professional responsibility proceedings of the office of professional medical conduct and the state education department, research, epidemiological studies and disease control, and to obtain blood lead test results from physician office laboratories for the statewide registry of lead levels of children established pursuant to subdivision two of section thirteen hundred seventy-a of this chapter; (ii) the commissioner of health and mental hygiene for the city of New York may use the immunization registry and the blood lead **analysis and rescue inhaler treatment prescription** information in such system for purposes of outreach, quality improvement and accountability, research, epidemiological studies and disease control; (iii) local health departments shall have access to the immunization information system and the blood lead **analysis and rescue inhaler treatment prescription** information in such system for purposes of outreach, quality improvement and accountability, epidemiological studies and disease control within their county; and

(c) health care providers and their designees, registered professional nurses, and pharmacists authorized to administer immunizations pursuant to subdivision two of section sixty-eight hundred one of the education law shall have access to the statewide immunization information system and the blood lead **analysis and rescue inhaler treatment prescription** information in such system only for purposes of submission of information about vaccinations received by a specific registrant, determination of the immunization status of a specific registrant, determination of the blood lead testing status of a specific registrant, submission of the results from a blood lead analysis of a sample obtained from a specific registrant in accordance with paragraph (h) of subdivision two of this section, **determination of the asthma or other respiratory disease diagnosis of a specific registrant, submission of information about prescriptions for rescue inhaler treatment** review of practice coverage, generation of reminder notices, quality improvement and accountability, including professional responsibility proceedings of the office of professional medical conduct and the state education department, and printing a copy of the immunization [~~or~~] **record,** lead testing record**, or rescue inhaler treatment prescription** for the registrant's medical record, for the registrant's parent or guardian, or other person in parental or custodial relation to a child, or for a registrant upon reaching eighteen years of age.

(d) The following authorized users shall have access to the statewide immunization information system and the blood lead **and rescue inhaler treatment prescription** information in such system and the citywide immunization registry for the purposes stated in this paragraph: (i) schools for the purpose of verifying immunization status for eligibility

for admission, **for the purpose of knowing a student or child care or preschool child has been diagnosed with asthma or other respiratory disease for which rescue inhaler treatment was prescribed,** for the purpose of confirming a student has been screened for lead when enrolling in child care, pre-school, pre-kindergarten or kindergarten, and for the provision of appropriate educational materials developed by the department pursuant to section thirteen hundred seventy-a of this chapter on the dangers of lead exposure, and the health risks associated with elevated blood lead levels to the parents or legal guardians of the student with an elevated blood lead level, as such term is defined in subdivision six of section thirteen hundred seventy of this chapter, as well as information on programs that may be available to the student and the parents or legal guardians of the student. For each school that has the technical ability to batch download sets of immunization records, the department shall make available such sets of immunization records of only those children submitted by the school for which the school has obtained a certificate of immunization or for which the school has responsibility to verify the immunization status for school attendance purposes under section twenty-one hundred sixty-four of this article. Schools shall properly safeguard such information for use only as authorized by this section; (ii) colleges for verifying immunization status for eligibility for admission; (iii) professional and technical schools for verifying immunization status for eligibility for admission; (iv) children's overnight camps and summer day camps for verifying immunization status of children attending camp **and for the purpose of knowing a student has been diagnosed with asthma or other respiratory disease for which rescue inhaler treatment was prescribed**; (v) third party payer for performing quality assurance, accountability and outreach, relating to enrollees covered by the third party payer; (vi) commissioners of local social services districts with regard to a child in his/her legal custody; (vii) the commissioner of the office of children and family services with regard to children in their legal custody, and for quality assurance and accountability of commissioners of local social services districts, care and treatment of children in the custody of commissioners of local social services districts; and (viii) WIC programs for the purposes of verifying immunization and lead testing status for those seeking or receiving services.

10. The person to whom any immunization record relates, or his or her parent, or guardian, or other person in parental or custodial relation to such person may request a copy of an immunization [~~or~~] **record,** lead testing record **or rescue inhaler treatment prescription** from the registrant's healthcare provider, the statewide immunization information system or the citywide immunization registry according to procedures established by the commissioner or, in the case of the citywide immunization registry, by the city of New York commissioner of the department of health and mental hygiene.

11. The commissioner, or in the city of New York, the commissioner of the department of health and mental hygiene, may provide registrant specific immunization [~~and~~] **records,** lead test records**, and rescue inhaler treatment prescriptions** to the federal centers for disease control and prevention or its successor agency, to other state or city registries and registries maintained by the Indian Health Service and tribal nations recognized by the state or the United States pursuant to a written agreement requiring that the other registry conform to national standards for maintaining the integrity of the data and that the data will only be used for purposes consistent with the provisions

of this section and provided that disclosure of identifiable registrant information shall be limited to the minimum amount necessary to accomplish the purposes consistent with the provisions of this section as determined by the commissioner, or in the city of New York, the commissioner of the department of health and mental hygiene.

§ 2. This act shall take effect immediately.