

# 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:

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, and subdivision 10 as  
6 amended by section 7 of part A of chapter 58 of the laws of 2009, para-  
7 graph (a) of subdivision 3 as amended by section 2-a of part DD of chap-  
8 ter 57 of the laws of 2018, paragraphs (b) and (c) of subdivision 8 and  
9 subdivision 11 as amended by chapter 829 of the laws of 2022, and para-  
10 graph (d) of subdivision 8 as amended by chapter 532 of the laws of 2022  
11 and subparagraph (i) of paragraph (d) as separately amended by chapter  
12 44 of the laws of 2022, are amended to read as follows:

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

21 (c) make available to an individual, or parents, guardians, or other  
22 person in a custodial relation to a child or, to local health districts,  
23 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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1 children, health care providers and their designees, schools, WIC  
2 programs, and third party payers the immunization status of children and  
3 any diagnosis of asthma or other respiratory disease diagnosis for which  
4 a rescue inhaler treatment is prescribed; and

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

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

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

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

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

38 10. The person to whom any immunization record relates, or his or her  
39 parent, or guardian, or other person in parental or custodial relation  
40 to such person may request a copy of an immunization [~~ex~~] record, lead  
41 testing record or rescue inhaler treatment prescription from the regis-  
42 trant's healthcare provider, the statewide immunization information  
43 system or the citywide immunization registry according to procedures  
44 established by the commissioner or, in the case of the citywide immuni-  
45 zation registry, by the city of New York commissioner of the department  
46 of health and mental hygiene.

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

1 of this section and provided that disclosure of identifiable registrant  
2 information shall be limited to the minimum amount necessary to accom-  
3 plish the purposes consistent with the provisions of this section as  
4 determined by the commissioner, or in the city of New York, the commis-  
5 sioner of the department of health and mental hygiene.

6 § 2. This act shall take effect immediately.