

S.B. NO. 2825

JAN 25 2012

A BILL FOR AN ACT

RELATING TO THE HAWAII IMMUNIZATION REGISTRY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 325-121, Hawaii Revised Statutes, is amended to read as follows:

"[+] §325-121[+] Definitions. As used in this part:

"Health care provider" means a program, agency, clinic, health care center, physician licensed under the provisions of chapter 453, advanced practice registered nurse recognized under the provisions of chapter 457, pharmacist licensed under the provisions of chapter 461, physician's assistant licensed under the provisions of chapter 453, ~~[or]~~ person authorized to practice medicine as a physician or physician's assistant, or nursing as an advanced practice registered nurse, in federal facilities located in the State, that administers immunizations in Hawaii~~[-]~~, or any other person authorized to prescribe vaccinations in Hawaii.

"Health organization" means a health insurance company, fraternal benefit society governed by chapter 432, mutual benefit society governed by chapter 432, health care service

1 plan, health maintenance organization governed by chapter 432D,
2 or any other entity delivering or issuing for delivery in the
3 State health insurance as defined in section 431:1-205, Hawaii
4 Revised Statutes.

5 "Immunization assessment report" means any registry-produced
6 report designed to provide a detailed listing of the
7 immunizations an individual has received as well as
8 immunizations that are currently due or overdue. Immunization
9 assessment reports may also include aggregate reports produced
10 to monitor and improve the health of a specific population or
11 public health in general.

12 "Post-secondary school" means any adult education school,
13 business school, trade school, community college, college, or
14 university enrolling or registering students above the age of
15 compulsory attendance.

16 "Registry" means the Hawaii immunization registry.

17 "School" means any child care center, preschool, day care
18 center, day nursery, head start program, group child care home,
19 kindergarten, elementary, intermediate, middle, or secondary
20 school that is responsible for ensuring student compliance with
21 mandatory school immunization entrance requirements.

1 "Student" means any child or adult enrolled in any school or
2 post-secondary school in the State."

3 SECTION 2. Section 325-123, Hawaii Revised Statutes, is
4 amended by amending subsections (b) and (c) to read as follows:

5 "(b) Registry information shall be limited to patient name,
6 demographic information, and contact information; information
7 specific to immunizations or medications received by the
8 patient, including types, manufacturers, lot numbers, expiration
9 dates, anatomical sites of administration, routes of
10 administration, vaccine information statement publication dates,
11 doses, dates administered, the patient's history of vaccine-
12 preventable diseases, and contraindications, precautions,
13 adverse reactions to, or comments regarding immunizations or
14 medications; and the name and contact information of the
15 vaccination administrator or medication provider and the
16 patient's health care provider.

17 (c) The department of health shall adopt administrative,
18 physical, and technical measures to ensure the security of the
19 registry ~~[to]~~, protect the confidentiality, integrity, and
20 availability of registry data, and prevent unauthorized access
21 to registry information."

1 SECTION 3. Section 325-124, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§325-124[+] Purposes for access to registry
4 information; access not a disclosure. (a) Notwithstanding
5 section 325-123, it shall not be a disclosure for the persons
6 listed in subsections (b), (c), [and] (d), and (e) to have
7 limited access to registry information for the purposes
8 specified in each subsection.

9 (b) Registry information regarding specific individuals in
10 the registry may be accessed by authorized health care providers
11 who are treating, have treated, or have been assigned to treat
12 those individuals; by authorized employees of these health care
13 providers; and by authorized department of health personnel
14 assigned to monitor the immunization or health status of those
15 individuals for the purposes of:

- 16 (1) Recording the administration of any vaccination,
17 including pandemic influenza vaccine;
18 (2) Determining the immunization history of a patient to
19 deliver health care treatment accordingly;
20 (3) Notifying individuals or parents or legal guardians of
21 the need to schedule a visit for an immunization;
22 (4) Generating official immunization records;

1 (5) Ensuring compliance with mandatory immunization
2 requirements; [~~or~~]

3 (6) Recording the distribution of prophylactic and
4 treatment medications administered or dispensed in
5 preparation for and in response to a potentially
6 catastrophic disease threat [~~-~~]; or

7 (7) Complying with Hawaii vaccines for children and other
8 state provided vaccine programs' vaccine ordering and
9 accountability policies and procedures.

10 (c) Registry information regarding specific individuals in
11 the registry may be accessed by school and post-secondary school
12 personnel authorized by the director of health, the
13 superintendent of education, or the administrator of a private
14 or post-secondary school for the purpose of ensuring compliance
15 with mandatory student immunization requirements.

16 (d) Registry information regarding specific individuals in
17 the registry may be accessed by authorized health organizations
18 that have been contracted to provide health insurance or health
19 plan coverage for those individuals; provided that access is:

20 (1) limited to only the enrollees, members, subscribers, and
21 insureds of the authorized health organization, and (2) for the

1 purpose of producing immunization assessment reports by the
2 authorized health organization.

3 ~~[(d)]~~ (e) Registry information regarding specific
4 individuals in the registry may be accessed by the department of
5 health or agents of the department of health for the purposes
6 of:

- 7 (1) Ensuring compliance with mandatory immunization
8 requirements;
- 9 (2) Performing immunization-related quality improvement or
10 quality assessment activities;
- 11 (3) Complying with Hawaii vaccines for children ~~[and teen~~
12 ~~vax-]~~ and other state provided vaccine programs'
13 vaccine ordering and accountability policies and
14 procedures;
- 15 (4) Producing aggregate immunization assessment reports to
16 monitor and improve public health;
- 17 (5) Supporting efforts to prevent and manage outbreaks of
18 vaccine-preventable diseases, including pandemic
19 influenza;
- 20 (6) Assisting the department of health in the event of a
21 public health emergency; or

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(7) Managing and maintaining the Hawaii immunization registry system.

~~[(e)]~~ (f) The use of registry information accessed pursuant to this section shall be limited to the purposes for which access is granted."

SECTION 4. Section 325-125, Hawaii Revised Statutes, is amended to read as follows:

"~~[+] §325-125~~ **[+] Registry record requirements; duration of retention.** (a) The establishment of an individual's record in the registry shall not require the prior consent of a patient or the consent of a patient's parent or legal guardian in the case of a minor or dependent.

(b) The department of health shall make available to the patient or the patient's parent or legal guardian in the case of a minor or dependent, via the patient's health care provider or birthing hospital, a written description of the purpose and benefits of the registry as well as the procedure for refusing inclusion in the registry. ~~[No registry information shall be established in the registry for any patient who in writing refuses, or, in the case of a minor or dependent, the patient's parent or legal guardian who in writing refuses to allow the information to be included in the registry.]~~

1 (c) A patient's, or in the case of a minor, the minor's
2 parent's or legal guardian's, choice to refuse inclusion in the
3 registry shall be documented in writing on a form or in a format
4 approved by the department of health.

5 (d) Each health care provider or birthing hospital shall
6 maintain the records of refusal of inclusion and shall report
7 any refusal to the department of health in a manner specified by
8 rule.

9 (e) When a patient, or in the case of a minor, the minor's
10 parent or legal guardian, chooses to refuse inclusion in the
11 registry, minimal demographic information, including the
12 patient's name and date of birth, shall be maintained within the
13 registry system to identify the patient as having elected to
14 refuse inclusion in the registry. If the patient has an
15 existing record in the registry at the time that the refusal
16 documentation is submitted, all other patient demographic and
17 immunization information shall be removed from the registry.

18 ~~[(b)]~~ (f) All registry authorized users shall make
19 available for inspection by the department of health all medical
20 records relating to patient demographic and immunization
21 information recorded in the registry or documentation of the
22 patient's, or in the case of a minor, the minor's parent's or

1 legal guardian's refusal of inclusion in the registry for the
2 purposes of performing registry-related quality improvement or
3 quality assessment activities.

4 (g) Registry information for any individual included
5 within the registry shall be retained as a part of the registry
6 for twenty-five years after the last entry, except in the case
7 of minors, whose records shall be retained during the period of
8 minority plus twenty-five years after the minor reaches the age
9 of majority. At the conclusion of the retention period, the
10 data stored in the registry for that individual shall be
11 archived."

12 SECTION 5. This Act does not affect rights and duties that
13 matured, penalties that were incurred, and proceedings that were
14 begun before its effective date.

15 SECTION 6. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY: 

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BY REQUEST

Report Title:

Hawaii Immunization Registry

Description:

Authorizes the Department of Health to allow limited health insurer access to the Hawaii Immunization Registry and authorizes the Hawaii Immunization Registry to store minimal demographic information for individuals who have elected to refuse inclusion in the Hawaii Immunization Registry.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Health.

TITLE: A BILL FOR AN ACT RELATING TO THE HAWAII IMMUNIZATION REGISTRY.

PURPOSE: Authorizes the Department of Health (department) to allow limited health insurer access to the Hawaii Immunization Registry (registry). Authorizes the registry to store minimal demographic information for individuals who have elected to refuse inclusion in the registry.

MEANS: Amend sections 325-121, 325-123(b) and (c), 325-124, and 325-125, Hawaii Revised Statutes.

JUSTIFICATION: The statutory change requested would enable health insurer access to the registry for the limited purpose of producing immunization assessment reports. The department's ability to efficiently share a member's or subscriber's immunization data with the member's or subscriber's insurer could assist the insurer in formulating strategies to improve immunization rates in its member or subscriber populations.

The additional statutory change requested would allow for the inclusion of minimal patient demographic information in the registry to enable the system to automatically identify patients who have elected to refuse participation in the system ("opt out"). This change would prevent the inadvertent data entry or data transfer of restricted patient information into the registry, thereby ensuring more thorough privacy protections for individuals who have elected to opt out.

Impact on the public: The ability to efficiently share the immunization data of

their members or subscribers with health insurers could serve to assist insurers in formulating strategies to improve immunization rates in their member populations.

Eliminating registry users' ability to create and store full demographic and immunization records for individuals who have elected to opt-out of participation in the Registry would more thoroughly protect the privacy of these individuals and would prevent registry users from inadvertently performing actions that would be non-compliant with existing statute.

Impact on the department and other agencies:

The ability to share efficiently the immunization data of their members or subscribers with insurers would assist the department in the further expansion of partnerships with health insurers to assure the efficient exchange of electronic health records toward increasing immunization rates and decreasing vaccine-preventable disease occurrence.

An automated opt out notification process would serve to improve accuracy and eliminate the need for the current manual opt out notification and audit process, resulting in increased staff productivity and efficiency.

GENERAL FUND:	None.
OTHER FUNDS:	None.
PPBS PROGRAM DESIGNATION:	HTH-131.
OTHER AFFECTED AGENCIES:	None.
EFFECTIVE DATE:	Upon approval.