

By: Howard of Travis

H.B. No. 1895

A BILL TO BE ENTITLED

AN ACT

relating to the immunization registry.

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

SECTION 1. Section 161.007, Health and Safety Code, is amended by amending Subsections (a), (b), (c), (d), and (f) to read as follows:

(a) The department, for purposes of establishing and maintaining a single repository of accurate, complete, and current immunization records to be used in aiding, coordinating, and promoting efficient and cost-effective childhood communicable disease prevention and control efforts, shall establish and maintain a childhood immunization registry. The department by rule shall develop guidelines to:

(1) protect the confidentiality of patients in accordance with Section 159.002, Occupations Code;

(2) inform a parent, managing conservator, or guardian of each patient about the registry; and

(3) permit [~~require the written consent of~~] a parent, managing conservator, or guardian of a patient to choose to have the patient excluded from [~~before any information relating to the patient is included in~~] the registry[, ~~and~~

~~[(4) permit a parent, managing conservator, or guardian to withdraw consent for the patient to be included in the registry].~~

1 (b) Except as provided by Section 161.0071, the ~~[The]~~
2 childhood immunization registry must contain information on the
3 immunization history that is obtained by the department under this
4 section of each person who is younger than 18 years of age ~~[and for~~
5 ~~whom consent has been obtained in accordance with guidelines~~
6 ~~adopted under Subsection (a). The department shall remove from the~~
7 ~~registry information for any person for whom consent has been~~
8 ~~withdrawn].~~ The department may not retain individually
9 identifiable information about any person for whom a request to be
10 excluded from the registry has been received ~~[consent has been~~
11 ~~withdrawn].~~

12 (c) A payor that receives data elements from a health care
13 provider who administers an immunization to a person younger than
14 18 years of age shall provide the data elements to the department.
15 A payor is required to provide the department with only the data
16 elements the payor receives from a health care provider. The data
17 elements shall be submitted in a format prescribed by the
18 department. ~~[The department shall verify consent before including~~
19 ~~the reported information in the immunization registry.]~~ The
20 department may not retain individually identifiable information
21 about a person for whom a request to be excluded from the registry
22 has been received ~~[consent cannot be verified].~~

23 (d) A health care provider who administers an immunization
24 to a person younger than 18 years of age shall provide data elements
25 regarding an immunization to the department. The data elements
26 shall be submitted in a format prescribed by the department. ~~[The~~
27 ~~department shall verify consent before including the information in~~

1 ~~the immunization registry.]~~ The department may not retain
2 individually identifiable information about a person for whom a
3 request to be excluded from the registry has been received [~~consent~~
4 ~~cannot be verified~~].

5 (f) The department and health care providers may use the
6 registry to provide notices by mail, telephone, personal contact,
7 or other means to a parent, managing conservator, or guardian
8 regarding his or her child or ward who is due or overdue for a
9 particular type of immunization according to the department's
10 immunization schedule. The notice must contain instructions for
11 the parent, managing conservator, or guardian to request that
12 future notices not be sent and to remove the child's immunization
13 record from the registry and any other registry-related records.
14 The notice must describe the procedure to report a violation if a
15 child is included in the registry after requesting exclusion. The
16 department shall consult with health care providers to determine
17 the most efficient and cost-effective manner of using the registry
18 to provide those notices.

19 SECTION 2. Section 161.0071, Health and Safety Code, is
20 amended by amending Subsections (a) and (b) and adding Subsection
21 (a-1) to read as follows:

22 (a) The first time the department receives registry data for
23 a child [~~for whom the department has received consent to be included~~
24 ~~in the registry, from a person other than the child's parent,~~
25 ~~managing conservator, or guardian~~], the department shall send a
26 written notice to the child's parent, managing conservator, or
27 guardian disclosing:

1 (1) that providers and payors may be sending the
2 child's immunization information to the department, but the
3 department may not keep the information if the parent, managing
4 conservator, or guardian chooses to exclude the child from the
5 registry;

6 (2) that the child's immunization information will be
7 added to the immunization registry unless the department receives
8 written notice from the parent, managing conservator, or guardian
9 requesting that the child be excluded from the registry;

10 (3) the information that is included in the registry;

11 (4) ~~[(3)]~~ the persons to whom the information may be
12 released under Section 161.008(d);

13 (5) ~~[(4)]~~ the purpose and use of the registry;

14 (6) ~~[(5)]~~ the procedure to exclude a child from the
15 registry; and

16 (7) ~~[(6)]~~ the procedure to report a violation if a
17 parent, managing conservator, or guardian discovers a child is
18 included in the registry after exclusion has been requested.

19 (a-1) The department, in accordance with rules adopted by
20 the executive commissioner of the Health and Human Services
21 Commission, shall provide the parent, managing conservator, or
22 guardian a reasonable time to respond to the notice under
23 Subsection (a) before the department adds the child's initial
24 immunization information to the registry.

25 (b) On receipt of a written request to exclude a child's
26 immunization records from ~~[discovering that consent to be included~~
27 ~~in]~~ the registry ~~[has not been granted]~~, the department shall

1 exclude the child's immunization records from the registry and any
2 other registry-related department record that individually
3 identifies the child.

4 SECTION 3. Section 161.0072(a), Health and Safety Code, is
5 amended to read as follows:

6 (a) If the parent, managing conservator, or guardian of a
7 child has reasonable concern that the child's health care provider
8 is not submitting the immunization history to the department [~~and~~
9 ~~the parent, managing conservator, or guardian wants the child~~
10 ~~included in the registry~~], the parent, managing conservator, or
11 guardian may provide the child's immunization history directly to
12 the department to be included in the immunization registry.

13 SECTION 4. Section 161.008(c), Health and Safety Code, is
14 amended to read as follows:

15 (c) The department may obtain the data constituting an
16 immunization record for a child from a public health district, a
17 local health department, a regional health information exchange, a
18 local immunization registry, the child's parent, managing
19 conservator, or guardian, a physician to the child, a payor, or any
20 health care provider licensed or otherwise authorized to administer
21 vaccines. [~~The department shall verify consent before including~~
22 ~~the reported information in the immunization registry.~~] The
23 department may not retain individually identifiable information
24 about a person for whom a request to be excluded from the registry
25 has been received [~~consent cannot be verified~~].

26 SECTION 5. Sections 161.007(a-1) and (e), Health and Safety
27 Code, are repealed.

1 SECTION 6. This Act takes effect September 1, 2007.