

Amend **SB 156** (house committee report) as follows:

(1) In the recital to SECTION 4 of the bill, amending Section 108.013, Health and Safety Code (page 2, line 11), between "Subsections" and "(k)", insert "(a-1),".

(2) In SECTION 4 of the bill, immediately following amended Section 108.013(a), Health and Safety Code (page 2, between lines 18 and 19), insert the following:

(a-1) The department to the extent practicable as determined by the department may coordinate the reporting of data under this chapter and the reporting of data under Subchapter A, Chapter 161, to increase the efficiency of the department and reduce the department's costs in collecting and maintaining data. Any disclosure or release of data regarding the immunization registry established under Subchapter A, Chapter 161, must conform to the requirements of that subchapter.

(3) In SECTION 4 of the bill, in added Section 108.013(k), Health and Safety Code (page 4, line 13), following the period, add "The department may disclose to any program within the department nonidentifying summary statistics related to the immunization registry established under Subchapter A, Chapter 161, that do not individually identify an individual."

(4) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Sections 161.007(a), (a-2), (b), (b-1), (c), and (d), Health and Safety Code, are amended to read as follows:

(a) The department, for the primary purpose 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 communicable disease prevention and control efforts, shall establish and maintain an immunization registry. The executive commissioner of the Health and Human Services Commission by rule shall develop guidelines to:

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

(2) inform the individual or the individual's legally authorized representative about the registry and that registry information may be released under Section 161.00735; and

(3) ~~[require the written or electronic consent of the individual or the individual's legally authorized representative before any information relating to the individual is included in the registry,~~

~~[(4)] permit the individual or the individual's legally authorized representative to request that the individual's information be removed from [withdraw consent for the individual to be included in] the registry[, and~~

~~[(5) determine the process by which consent is verified, including affirmation by a health care provider, birth registrar, regional health information exchange, or local immunization registry that consent has been obtained].~~

(a-2) An individual's legally authorized representative or the individual, after the individual has attained 18 years of age, may submit a request ~~[consent]~~ in writing or electronically for the individual's information to be removed from ~~[remain in]~~ the registry ~~[after the individual's 18th birthday and for the individual's subsequent immunizations to be included in the registry. The written or electronic consent of the minor's legally authorized representative as described by Section 161.0001(1-c)(A) must be submitted to the department before the individual's 18th birthday. The written or electronic consent of the individual or the individual's legally authorized representative as described by Section 161.0001(1-c)(B) or (C) must be submitted to the department not later than the individual's 19th birthday. The consent of the representative or individual is valid until the individual or the individual's legally authorized representative withdraws consent in writing or electronically. The department may not include in the registry the immunization information of an individual who is 18 years of age or older until written or electronic consent has been obtained as provided by this subsection].~~ The department shall coordinate with the Texas Education Agency to distribute materials described in Section 161.0095(a)(2) to students and parents through local school districts.

(b) Except as provided by Section 161.0071, the immunization registry must contain information on the immunization history that is obtained by the department under:

(1) this section of each individual for whom immunization information [consent] has been obtained, unless the individual or the individual's legally authorized representative has requested that the individual's information be removed from the registry in accordance with guidelines adopted under Subsection (a) [or (a-3), as applicable];

(2) Section 161.00705 of persons immunized to prepare for or in response to a declared disaster, public health emergency, terrorist attack, hostile military or paramilitary action, or extraordinary law enforcement emergency;

(3) Section 161.00706 of first responders or their immediate family members; and

(4) Section 161.00735 of persons evacuated or relocated to this state because of a disaster.

(b-1) The department shall remove from the registry information for any individual for whom ~~[consent has been withdrawn. The department may not retain individually identifiable information about any individual:~~

~~[(1) for whom consent has been withdrawn,~~

~~[(2) for whom a consent for continued inclusion in the registry following the end of the declared disaster, public health emergency, terrorist attack, hostile military or paramilitary action, or extraordinary law enforcement emergency has not been received under Section 161.00705(f),~~

~~[(3) for whom a request to be removed from the registry has been received under Section 161.00706(e),~~

~~[(4) for whom consent for continued inclusion in the registry following the end of a disaster has not been received under Section 161.00735(f), or~~

~~[(5) for whom]~~ a request to remove information from the registry has been received under this subchapter ~~[Section 161.00735(g)].~~

(c) A payor that receives data elements from a health care provider who administers an immunization to an individual younger than 18 years of age shall provide the data elements to the department. A payor is required to provide the department with only the data elements the payor receives from a health care provider. A

payor that receives data elements from a health care provider who administers an immunization to an individual 18 years of age or older may provide the data elements to the department. The data elements shall be submitted in a format prescribed by the department. ~~[The department shall verify consent before including the reported information in the immunization registry. The department may not retain individually identifiable information about an individual for whom consent cannot be verified.]~~

(d) A health care provider who administers an immunization to an individual younger than 18 years of age shall provide data elements regarding an immunization to the department. A health care provider who administers an immunization to an individual 18 years of age or older may submit data elements regarding an immunization to the department. The data elements shall be submitted in a format prescribed by the department. ~~[The department shall verify consent before including the information in the immunization registry. The department may not retain individually identifiable information about an individual for whom consent cannot be verified.]~~

SECTION _____. Sections 161.00705(e) and (f), Health and Safety Code, are amended to read as follows:

(e) The executive commissioner of the Health and Human Services Commission by rule shall determine the period during which the information collected under this section must remain in the immunization registry following the end of the disaster, public health emergency, terrorist attack, hostile military or paramilitary action, or extraordinary law enforcement emergency. Requests for removal of information from the registry under Subsection (f) may be made only at the expiration of the retention period established by department rule under this subsection.

(f) Unless an individual or the individual's legally authorized representative ~~[consents]~~ in writing or electronically requests that ~~[to continued inclusion of]~~ the individual's information be removed from ~~[in]~~ the registry, the department shall maintain ~~[remove]~~ the immunization records collected under this section in ~~[from]~~ the registry on expiration of the period prescribed under Subsection (e).

SECTION _____. Sections 161.0071(a) and (b), Health and Safety Code, are amended to read as follows:

(a) The first time the department receives registry data for an individual [~~for whom the department has received consent~~] to be included in the registry, the department shall send notice to the individual or the individual's legally authorized representative disclosing:

(1) that providers and payors may be sending the individual's immunization information to the department;

(2) the information that is included in the registry;

(3) the persons to whom the information may be released under Sections 161.00735(b) and 161.008(d);

(4) the purpose and use of the registry;

(5) the procedure to exclude an individual from the registry; and

(6) the procedure to report a violation if an individual's information is included in the registry after exclusion has been requested [~~or consent has been withdrawn~~].

(b) The [~~On discovering that consent to be included in the registry has not been granted or has been withdrawn, the~~] department shall exclude [~~the individual's immunization records~~] from the registry, and any other registry-related department record that individually identifies the individual, the immunization record of any individual from whom a request for exclusion has been received by the department.

SECTION _____. Sections 161.00735(c) and (e), Health and Safety Code, are amended to read as follows:

(c) The department may receive immunization information from a health authority of another state or from a local health authority in another state if the department determines that residents of that state have evacuated or relocated to this state in response to a disaster. The department shall include information received under this subsection in the registry. [~~Notwithstanding Section 161.007, the department is not required to obtain written consent for the inclusion in the registry of information received under this subsection.~~]

(e) The executive commissioner of the Health and Human

Services Commission, by rule, shall determine the period during which the information collected under Subsection (c) must remain in the immunization registry following the end of the disaster. The period must be the same as the period established under Section 161.00705(e). Requests for removal of information from the registry under Subsection (g) may be made only at the expiration of the retention period established by department rule under this subsection.

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

(c) The department may obtain the data constituting an immunization record for an individual from a public health district, a local health department, the individual or the individual's legally authorized representative, a physician to the individual, a payor, or any health care provider licensed or otherwise authorized to administer vaccines. ~~[The department shall verify consent before including the reported information in the immunization registry. The department may not retain individually identifiable information about an individual for whom consent cannot be verified.]~~

SECTION _____. Section 161.0095(a), Health and Safety Code, is amended to read as follows:

(a) The department shall develop:

(1) continuing education programs for health care providers relating to immunizations and the vaccines for children program operated by the department under authority of 42 U.S.C. Section 1396s; and

(2) educational information, for health care providers, health care clinics, hospitals, and any other health care facility that provides health care to children 14 to 18 years of age, relating to the immunization registry and the option for an individual or the individual's legally authorized representative to request removal ~~[who is 18 years of age or older to consent to submission and retention]~~ of the individual's information from ~~[in]~~ the immunization registry.

SECTION _____. Section 161.0107(c), Health and Safety Code, is amended to read as follows:

(c) The executive commissioner of the Health and Human Services Commission by rule shall specify:

(1) the fields necessary to populate the immunization registry[, ~~including a field that indicates the patient's consent to be listed in the immunization registry has been obtained~~]; and

(2) the data standards that must be used for electronic submission of immunization information.

SECTION _____. The following provisions of the Health and Safety Code are repealed:

(1) Sections 161.007(a-1), (a-3), and (e); and

(2) Section 161.00735(f).

SECTION _____. The changes in law made by this Act to Chapter 161, Health and Safety Code, apply only to immunization information received by the Department of State Health Services on or after the effective date of this Act. The information received by the department before the effective date of this Act is covered by the law in effect immediately before that date, and that law is continued in effect for that purpose.