

## **BILL ANALYSIS**

C.S.H.B. 574  
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Public Health  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Immunization information contained in the state immunization registry helps streamline the delivery of health services by establishing a greater continuum of care across city, county, and state borders, especially during public health and natural disasters. Currently, in order to have an immunization record recorded in Texas' electronic immunization registry, an individual must provide consent, or opt-in. Interested parties contend that the process to verify, include, and maintain consent for a record is complicated, inefficient, and costly. Texas is one of only a handful of states that maintains an opt-in, as opposed to an opt-out, immunization registry, and since approximately 95 percent of Texans provide consent to include an immunization record in the registry, those parties assert that it would be more efficient and cost-effective to provide a mechanism for the remaining five percent of Texans to opt-out of the registry.

C.S.H.B. 574 seeks to address this issue by providing for immunization data to be stored in the Texas immunization registry unless an individual, or an individual's legal representative, requests that the individual's immunization information not be included.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

### **ANALYSIS**

C.S.H.B. 574 amends the Health and Safety Code to remove the requirement that the executive commissioner of the Health and Human Services Commission (HHSC), by rule, develop guidelines to require the written or electronic consent of an individual or the individual's legally authorized representative before any information relating to the individual is included in the immunization registry maintained by the Department of State Health Services (DSHS) and makes conforming changes to remove language relating to submitting, obtaining, verifying, and withdrawing such consent. The bill requires the executive commissioner, by rule, to develop guidelines to permit an individual or the individual's legally authorized representative to request that the individual's information be removed from the registry. The bill authorizes an individual's legally authorized representative or the individual, after the individual has attained 18 years of age, to submit a request in writing or electronically for the individual's information to be removed from the registry and removes language making the authorization to submit a request applicable to written or electronic consent that the individual's information remain in the registry.

C.S.H.B. 574 requires the registry to contain information on the immunization history of each individual for whom immunization information has been obtained by DSHS, unless the individual or the individual's legally authorized representative has requested that the individual's information be removed from the registry. The bill requires DSHS to remove from the registry information for an individual for whom a request to remove information from the registry has been received and removes language making the requirement subject to consent of the

individual. The bill removes a provision of law prohibiting DSHS from retaining individually identifiable information about any individual for whom consent has been withdrawn, for whom the appropriate consent has not been obtained, or for whom consent has not been verified.

C.S.H.B. 574 requires DSHS to include immunization records collected in a disaster or emergency in the registry, unless an individual or the individual's legally authorized representative requests in writing or electronically that the individual's information be removed from the registry, and removes language making the removal subject to consent. The bill repeals a provision of law requiring the executive commissioner of HHSC by rule to determine the period during which the information collected by DSHS in a disaster or an emergency must remain in the registry following the end of the disaster or emergency.

C.S.H.B. 574 requires DSHS to exclude 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 DSHS and removes language making the requirement subject to consent of the individual.

C.S.H.B. 574, in a provision of law requiring the executive commissioner of HHSC to make every effort to enter into a memorandum of agreement with each state to which residents of Texas are likely to evacuate in a disaster on the release and use of registry information in a disaster to the appropriate health authority or local health authority of that state, removes the length of time the information may be retained by that state from the information included in that memorandum. The bill repeals a provision of law requiring the executive commissioner of HHSC by rule to determine the period during which the information collected from the health authority or local health authority of another state must remain in the immunization registry following the end of the disaster.

C.S.H.B. 574 specifies, in a provision of law requiring DSHS to develop educational information related to the immunization registry for certain health care facilities that provide health care to children 14 to 18 years of age, that the educational information include information relating to the option for an individual or the individual's legally authorized representative to request removal of the individual's information from the registry, rather than information relating to the option for an individual who is 18 years of age or older to consent to submission and retention of the individual's information in the registry. The bill, in a provision of law requiring the executive commissioner, by rule, to specify the fields necessary to populate the immunization registry, removes the requirement that the necessary fields include a field that indicates the patient's consent to be listed in the registry has been obtained. The bill makes conforming changes.

C.S.H.B. 574 repeals the following sections of the Health and Safety Code:

- Sections 161.007(a-1), (a-3), and (e)
- Sections 161.00705(e) and (h)
- Sections 161.00735(e) and (f)

### **EFFECTIVE DATE**

September 1, 2011.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

C.S.H.B. 574 differs from the original in nonsubstantive ways by making a technical correction relating to the requirement that the Department of State Health Services exclude from the immunization registry and certain other registry-related records the immunization record of any individual from whom a request for exclusion has been received.