

A-Engrossed
Senate Bill 107

Ordered by the Senate April 13
Including Senate Amendments dated April 13

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Clarifies that Oregon Health Authority may release information from immunization registry and tracking and recall system for purposes of outreach to clients who have missed public health interventions and for purposes of public health assessment and evaluation.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to public health tracking systems; amending ORS 433.090, 433.094, 433.096, 433.098 and
3 433.100; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 433.090 is amended to read:

6 433.090. As used in ORS 433.090 to 433.102:

7 (1) "Authorized user" means a person or entity authorized to provide information to or to re-
8 ceive information from an immunization registry or [*immunization*] tracking and recall system under
9 ORS 433.090 to 433.102. "Authorized user" includes, but is not limited to[,];

10 (a) **The Oregon Health Authority and its agents;**

11 (b) **Local health departments and their agents;**

12 (c) Licensed health care providers[,], **and their agents;**

13 (d) Health care institutions[,];

14 (e) Insurance carriers[,];

15 (f) [*The Oregon medical assistance program,*] **State health plans as defined in ORS 192.519;**

16 (g) Parents [*or*], guardians **or legal custodians** of children under 18 years of age[,];

17 (h) Clients 18 years of age or older[,];

18 (i) Post-secondary education institutions[,];

19 (j) Schools[,]; **and**

20 (k) Children's facilities[, *local health departments, the Oregon Health Authority and agents of the*
21 *authority*].

22 (2) "Children's facility" has the meaning given that term in ORS 433.235.

23 (3) "Client" means [*any*] **a** person registered with any Oregon [*immunization*] tracking and recall
24 system.

25 (4) "Immunization record" includes but is not limited to **records of** the following:

26 (a) Any immunization received;

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

- 1 (b) Date immunization was received;
- 2 (c) Complication or side effect associated with immunization;
- 3 (d) Date and place of birth of a client;
- 4 (e) Hospital where a client was born;
- 5 (f) Client's name; and
- 6 (g) Mother's name.

7 (5) "Immunization registry" means *[any]* a listing of clients and information relating to their
8 immunization status, without regard to whether the registry is maintained in this state or elsewhere.

9 *[(6) "Immunization tracking and recall record" includes but is not limited to the client's name,*
10 *address of the parent or guardian of the client, telephone number, insurance carrier, health care pro-*
11 *vider and other information needed to send reminder cards to, place telephone calls to or personally*
12 *contact the client or the parent or the guardian of a client for the purposes of informing the client,*
13 *parent or guardian that the client is late in receiving the recommended immunizations.]*

14 *[(7) (6) "Local health department" has the meaning given that term in ORS 433.235.*

15 *[(8) (7) "Parent or guardian" has the meaning given the term "parent" in ORS 433.235.*

16 *[(9) (8) "Post-secondary education institution" means:*

17 (a) A state institution of higher education under the jurisdiction of the State Board of Higher
18 Education;

19 (b) A community college operated under ORS chapter 341;

20 (c) A school or division of Oregon Health and Science University; or

21 (d) An Oregon-based, generally accredited, private institution of higher education.

22 *[(10) (9) "Provider" means a physician or a health care professional who is acting within the*
23 *scope of [his or her] **the physician's or professional's** licensure and **is** responsible for providing*
24 *immunization services or for coordinating immunization services within a clinic, public health site,*
25 *school or other immunization site.*

26 *[(11) (10) "School" has the meaning given that term in ORS 433.235.*

27 **(11) "Tracking and recall record" means information needed to send reminder cards to,**
28 **place telephone calls to or personally contact the client or the parent or guardian of a client**
29 **for the purposes of informing the client, parent or guardian that the client is late in receiv-**
30 **ing recommended immunizations, hearing or lead screenings, or other public health inter-**
31 **ventions, including but not limited to the client's:**

32 (a) **Name;**

33 (b) **Address;**

34 (c) **Telephone number;**

35 (d) **Insurance carrier; and**

36 (e) **Health care provider.**

37 (12) "Tracking and recall system" means a system attached to an immunization registry designed
38 to contact clients listed in the immunization registry for the purposes of assisting in the **timely**
39 completion of *[the]* immunization series, **hearing or lead screenings, or other public health**
40 **interventions designated by rule of the authority** *[in a timely manner]*.

41 **SECTION 2.** ORS 433.094 is amended to read:

42 433.094. (1) The Oregon Health Authority, a local health department, or both, or their agents
43 or other providers may develop an immunization registry and an associated tracking and recall
44 system *[to include, but not be limited to, children and young adults. This system]*.

45 **(2) The immunization registry and tracking and recall system** shall include, but not be

1 limited to, the following:

2 [(1)] (a) Registering all clients born in, living in or receiving services in this state;

3 [(2)] (b) Tracking and updating immunization histories of the registered clients;

4 [(3)] (c) Allowing a provider, **the authority or a local health department** to provide informa-
5 tion to and obtain information from the immunization [*and immunization tracking and recall*] records
6 contained in [*an*] **the immunization registry, and the tracking and recall records contained in**
7 **the tracking and recall system**, without the consent of the client or the parent or guardian of the
8 client;

9 [(4)] (d) Allowing an immunization record of a client **who is under the care of an authorized**
10 **user or enrolled in an authorized user's program** to be released to **the authorized** [*users*] **user**;

11 [(5)] (e) Notifying in writing the parent or guardian of a client, at least through five years of
12 age, when the tracking and recall system indicates that a client has missed a scheduled immuniza-
13 tion [*and, if the client has not been immunized after two notifications, arranging to have the parent*
14 *or guardian contacted personally*];

15 [(6)] (f) Integrating with any immunization registry and its associated tracking and recall sys-
16 tems; and

17 [(7)] (g) Working with health care providers to develop [*easy*] information transfer systems.

18 (3) **The immunization registry and tracking and recall system may allow information to**
19 **be released to an authorized user from an immunization record or a tracking and recall re-**
20 **cord for purposes including, but not limited to:**

21 (a) **Outreach to clients under the care of the authorized user or enrolled in the author-**
22 **ized user's program who have missed immunizations, hearing or lead screenings, or other**
23 **public health interventions designated by rule of the authority; or**

24 (b) **Public health assessment and evaluation related to immunizations and vaccine-**
25 **preventable diseases conducted by the authority or by a local health department for clients**
26 **within the local health department's jurisdiction.**

27 **SECTION 3.** ORS 433.098 is amended to read:

28 433.098. (1) An authorized user and the employees or agents of an authorized user are not liable
29 for sharing **or using** information from the immunization [*record or using information from the im-*
30 *munization tracking and recall record for purposes of tracking immunizations of clients and for out-*
31 *reach to clients who have missed immunizations*] **registry regarding a client's immunization**
32 **record or tracking and recall record as provided in ORS 433.094.**

33 (2) Information in an immunization registry [*or in the immunization*] **regarding a client's im-**
34 **munization record or** tracking and recall record, or derived from the registry or record, is confi-
35 dential and may not be disclosed to any person who is not specifically authorized to receive
36 information under ORS 433.090 to 433.102.

37 (3) When a client who is 18 years of age or older requests in writing that the client's immu-
38 nization record be removed from an immunization registry, the agency that maintains the registry
39 shall purge the client's immunization record from the registry as soon as is reasonably possible.

40 (4) Before sharing data with any immunization registry, an immunization registry maintained in
41 Oregon [*must*] **shall** ensure that the immunization registry receiving the data has confidentiality and
42 security policies at least as stringent as the policies of the registry sharing the data.

43 **SECTION 4.** ORS 433.096 is amended to read:

44 433.096. Nothing in ORS 179.505, 192.410 to 192.505, 192.518 to 192.529 or 677.190 (5) or the cli-
45 ent and provider privilege prevents:

1 (1) Authorized users from providing information to and receiving information from the immu-
2 nization [*record of a client from the immunization registry*] **registry regarding a client's immu-
3 nization record or tracking and recall record**; or

4 (2) The immunization registry from:

5 (a) Providing immunization information to or receiving immunization information from **an au-
6 thorized user regarding** a client's immunization record **or tracking and recall record** [*from au-
7 thorized users*];

8 (b) Notifying or personally contacting a client or the custodial parent or guardian of a client
9 about the client's immunization status; or

10 (c) Providing or publishing information in aggregate form that does not identify a client.

11 **SECTION 5.** ORS 433.100 is amended to read:

12 433.100. (1) The Oregon Health Authority shall adopt rules pertaining to the development and
13 implementation of the immunization registries and [*their*] associated tracking and recall systems. The
14 rules [*shall*] **must** include a process that allows a client who is 18 years of age or older, a custodial
15 parent or guardian to control the transfer of information from the **client's** immunization record or
16 [*the immunization*] tracking and recall record when such control is necessary to protect the health
17 or safety of the family or the client.

18 (2) Nothing in this section requires the consent of a parent or guardian prior to enrolling the
19 child in the registry or restricts the registry from providing **information from a** tracking and recall
20 [*information*] **record** to a custodial parent or guardian.

21 (3)(a) Pursuant to rules adopted by the authority, the authority may charge fees to authorized
22 users, except hospitals, schools and individual health care providers, for services requested from an
23 immunization registry, including associated tracking and recall systems maintained by the authority.
24 Authorized users may make voluntary contributions to the authority to help support the operation
25 of an immunization registry established under ORS 433.094.

26 (b) Fees authorized under paragraph (a) of this subsection [*shall*] **may** be assessed only against
27 managed care organizations, health maintenance organizations, physician organizations and insur-
28 ance carriers that are using the information from the registries for quality improvement activities
29 for their privately insured patients.

30 (c) All moneys received by the authority under this section shall be paid into the State Treasury
31 and placed in the General Fund to the credit of the Public Health Account. Such moneys are con-
32 tinuously appropriated to the authority and shall be used only for the administration and enforce-
33 ment of ORS 433.090 to 433.102.

34 **SECTION 6. This 2011 Act being necessary for the immediate preservation of the public
35 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
36 on its passage.**

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