

Enrolled
Senate Bill 107

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CHAPTER

AN ACT

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

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

SECTION 1. ORS 433.090 is amended to read:

433.090. As used in ORS 433.090 to 433.102:

(1) "Authorized user" means a person or entity authorized to provide information to or to receive information from an immunization registry or [immunization] tracking and recall system under ORS 433.090 to 433.102. "Authorized user" includes, but is not limited to[,]:

- (a) **The Oregon Health Authority and its agents;**
- (b) **Local health departments and their agents;**
- (c) Licensed health care providers[,] **and their agents;**
- (d) Health care institutions[.];
- (e) Insurance carriers[.];
- (f) [The Oregon medical assistance program,] **State health plans as defined in ORS 192.519;**
- (g) Parents [or], guardians **or legal custodians** of children under 18 years of age[.];
- (h) Clients 18 years of age or older[.];
- (i) Post-secondary education institutions[.];
- (j) Schools[.]; **and**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) **Name;**

(b) **Address;**

(c) **Telephone number;**

(d) **Insurance carrier; and**

(e) **Health care provider.**

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

SECTION 2. ORS 433.094 is amended to read:

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

(2) **The immunization registry and tracking and recall system** shall include, but not be limited to, the following:

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

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

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

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

[(5)] (e) Notifying in writing the parent or guardian of a client, at least through five years of age, when the tracking and recall system indicates that a client has missed a scheduled

immunization [and, if the client has not been immunized after two notifications, arranging to have the parent or guardian contacted personally];

[(6)] (f) Integrating with any immunization registry and its associated tracking and recall systems; and

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

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

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

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

SECTION 3. ORS 433.098 is amended to read:

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

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

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

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

SECTION 4. ORS 433.096 is amended to read:

433.096. Nothing in ORS 179.505, 192.410 to 192.505, 192.518 to 192.529 or 677.190 (5) or the client and provider privilege prevents:

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

(2) The immunization registry from:

(a) Providing immunization information to or receiving immunization information from **an authorized user regarding** a client's immunization record **or tracking and recall record** [from authorized users];

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

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

SECTION 5. ORS 433.100 is amended to read:

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

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

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

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

(c) All moneys received by the authority under this section shall be paid into the State Treasury and placed in the General Fund to the credit of the Public Health Account. Such moneys are continuously appropriated to the authority and shall be used only for the administration and enforcement of ORS 433.090 to 433.102.

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

Passed by Senate April 18, 2011

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 11, 2011

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Received by Governor:

.....M.,....., 2011

Approved:

.....M.,....., 2011

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2011

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Kate Brown, Secretary of State