

IN THE SENATE

SENATE BILL NO. 1073

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO IMMUNIZATION REGISTRY; AMENDING SECTION 39-4803, IDAHO CODE, TO
2 REVISE TERMINOLOGY, TO PROVIDE FOR BOTH ADULTS AND CHILDREN IN THE IMMUNIZATION
3 REGISTRY, TO PROVIDE FOR A HEALTH DATA EXCHANGE IN DISCLOSURE
4 OF INFORMATION, TO REVISE A PROVISION RELATING TO REMOVAL OF INFORMATION
5 FROM THE REGISTRY AND TO REVISE A PROVISION RELATING TO DISCLOSURE
6 OF CONFIDENTIAL INFORMATION.
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Section 39-4803, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 39-4803. IMMUNIZATION REGISTRY. (1) The department of health and
12 welfare shall provide for the establishment of a voluntary registry of the
13 immunization status of people who are vaccinated in Idaho ~~children~~ against
14 ~~childhood~~ vaccine preventable diseases. The registry shall be maintained
15 and its data disclosed as set out herein to further the following purposes:

16 (a) To make immunizations readily available to every Idaho citizen that
17 desires to have their child immunized;

18 (b) To increase the voluntary immunization rate in Idaho to the maximum
19 extent possible without mandating such immunizations;

20 (c) To recognize and respect the rights of parents and guardians to make
21 health care decisions for their children; and

22 (d) To provide for timely reminders to parents of children in the reg-
23 istry.

24 (2) The name of ~~a child~~ an individual and information relating to the
25 immunization status of that ~~child~~ individual shall be collected and included
26 in the registry unless that individual, or in the case of a child, a par-
27 ent, guardian or other person legally responsible for the care of the child,
28 chooses not to have the child be included in the registry upon a specified
29 written statement. Such statement may not be part of a general authorization
30 or release. The registry shall contain the following information for each
31 child individual:

32 (a) The child's individual's name, address and birth date;

33 (b) In the case of a child, the name and address of each parent of the
34 child;

35 (c) The month, day, year and type of each immunization that has been ad-
36 ministered to the child individual;

37 (d) The name, address and phone number of each provider that has admin-
38 istered an immunization to the child individual;

39 (e) In the case of a child, if requested by a parent or guardian, any
40 statement made pursuant to subsection (4) of this section; and

41 (f) Other information as authorized or requested by an individual, or
42 in the case of a child, a parent or guardian.

1 (3) The department of health and welfare shall only disclose informa-
 2 tion relating to an individual ~~child~~ in the registry to the following ~~upon a~~
 3 ~~specific request:~~

4 (a) Employees of the health district in which the child resides or seeks
 5 medical services;

6 (b) Health records staff of the school or school district in which the
 7 child is enrolled;

8 (c) The operator of a licensed daycare facility in which the child is
 9 enrolled;

10 (d) Persons who are legally responsible for the long-term care of the
 11 child, including operators of licensed ~~ICF/ID's~~ intermediate care fa-
 12 ilities for people with intellectual disabilities and residential or
 13 assisted living facilities, adoptive and foster parents and a guardian
 14 appointed pursuant to chapter 5, title 15, Idaho Code;

15 (e) Any health care provider rendering treatment to the child, and the
 16 provider's agents;

17 (f) Any person possessing a lawful release, properly executed by the
 18 child's parent or guardian;

19 (g) A parent of the child; ~~or~~

20 (h) Any hospital where the child is receiving care; or

21 (i) A health data exchange operating under the guidelines of the fed-
 22 eral health insurance portability and accountability act (HIPAA).

23 (4) A parent or guardian of the child shall have free and open access to
 24 all information in the registry that relates to their child or themselves.
 25 Upon the written request of an individual, or in the case of a child, a parent
 26 or guardian, the department of health and welfare shall:

27 (a) Cause all information relating to the ~~child~~ individual to be re-
 28 moved from the registry ~~and any databases or files of other entities or~~
 29 ~~persons to which information in the database has been disclosed;~~

30 (b) Include in the registry the statement of a physician or parent pur-
 31 suant to section 39-4802 (2) or 39-1118 (2), Idaho Code.

32 (5) All information contained in the registry or disclosed from it is
 33 confidential and may not be sold and may only be disclosed as specifically
 34 authorized in this section. ~~A person or entity to whom information is dis-~~
 35 ~~closed from the registry may not thereafter disclose it to others.~~ Any per-
 36 son who discloses or authorizes disclosure of any information contained in
 37 the registry, except as authorized in this section, is guilty of a misde-
 38 meanor and is liable for civil damages in the amount of one hundred dollars
 39 (\$100) for each violation.