

BILL ANALYSIS

Senate Research Center
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S.B. 56
By: Zaffirini
Health & Human Services
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 56 modifies the Texas immunization registry to a system of voluntary exclusion.

Texas is ranked 22nd in immunization coverage for children ages 19 to 35 months, which is a major public determinant of statewide public health. This is up from previous years, due in large part to the state's immunization registry, ImmTrac. By two years of age, over 20 percent of the children in the United States typically have seen more than one healthcare provider, resulting in scattered paper medical records. Immunization information systems help providers and families by consolidating immunization information into one reliable source and save money by ensuring that children get only the vaccines they need.

Texas's immunization registry, ImmTrac (the electronic medical record database that keeps track of vaccines that a child has already taken), continues to require modifications in order to maximize the system's full potential. These modifications include switching the system to a lifespan registry and allowing for voluntary exclusion.

Current law requires persons to fill out a form to be included into the immunization registry system, which then must be processed by the Department of State Health Services. The estimated cost of the consent process for each child is \$4.81, while voluntarily excluding a person is estimated to cost \$1.30 per child. The current system requires an inordinate amount of state resources to verify consent for the 90 percent of the population that consents to inclusion in the system. It would be far less costly to verify the 10 percent of those who choose not to participate, freeing up the state's valuable resources for other health priorities.

Voluntary exclusion protects the rights of those who do not want to participate in the registry while increasing the number of persons that are fully vaccinated. This is a responsible public health policy that will decrease societal risk and exposure to increasing outbreaks of preventable diseases and their long-term impacts.

As proposed, S.B. 56 amends current law relating to the inclusion and exclusion of certain information as part of the immunization registry.

[**Note:** While the statutory reference in this bill is to the Texas Department of Health (TDH), the following amendments affect the Department of State Health Services, as the successor agency to TDH.]

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission is modified in SECTION 1 (Section 161.007, Health and Safety Code) and SECTION 4 (Section 161.0107, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 161.007(a), (b), (b-1), (c), (d), (e), and (f), Health and Safety Code, as follows:

(a) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner; HHSC) by rule to develop guidelines to:

(1)-(2) Makes no changes these subdivisions;

(3) for an individual younger than 18 years of age, permit the individual's legally authorized representative to have the individual excluded from the registry, rather than require the written or electronic consent of the individual or the individual's legally authorized representative to have the individual excluded from before any information relating to the individual is included in the registry; and

(4) for an individual 18 years of age or older:

(A) require the consent of the individual or the individual's legally authorized representative for continued inclusion in the registry;

(B) permit the individual or the individual's legally authorized representative to withdraw consent for the individual to be included in the registry; and

(C) determine the process by which consent is verified before the inclusion of any individually identifiable information in the registry.

Deletes existing text of Subdivision (5) relating to guidelines to 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.

(b) Requires that the immunization registry, except as provided by Section 161.0071, contain information on the immunization history that is obtained by TDH under:

(1) this section of each individual:

(A) younger than 18 years of age for whom exclusion from the registry has not been requested; and

(B) 18 years of age or older for whom consent to remain in the registry has been obtained in accordance with guidelines adopted under Subsection (a-3), rather than under Subsection (a) or (a-3), as applicable; and

(2)-(4) Makes no changes to these subdivisions.

(b-1) Prohibits TDH from retaining and requires TDH to remove from the registry individually identifiable information about any individual:

(1) younger than 18 years of age for whom a request to be excluded from the registry has been received under this section;

(2) 18 years of age or older for whom consent to remain in the registry has not been received, has been withdrawn, or cannot be verified; or

(3)-(6) Makes no changes to these subdivisions.

Deletes existing text requiring TDH to remove from the registry information for any individual for whom consent has been withdrawn. Makes nonsubstantive changes.

(c) Requires TDH to verify consent to remain in the registry for an individual 18 years of age or older before including the reported information in the immunization registry. Deletes existing text prohibiting TDH from retaining individually identifiable information about an individual for whom consent cannot be verified.

(d) Deletes existing text requiring TDH to verify consent before including the information in the registry. Deletes existing text prohibiting TDH from retaining individually identifiable information about an individual for whom consent cannot be verified.

(e) Requires TDH to provide notice to a health care provider that submits an immunization history for an individual 18 years of age or older for whom consent cannot be verified. Requires that the notice contain instructions for the individual to consent, rather than for obtaining consent, in accordance with guidelines adopted under Subsections (a) and (a-3) and for the health care provider to resubmit the immunization history to TDH.

(f) Requires that the notice regarding an individual who is due or overdue for a particular type of immunization contain instructions for the legally authorized representative of an individual younger than 18 years of age to request that future notices not be sent and to remove the individual's immunization record from the registry and any registry-related records. Requires that the notice describe the procedure to report a violation if the individual's immunization record is included in the registry after requesting exclusion.

SECTION 2. Amends Sections 171.0071(a) and (b), Health and Safety Code, as follows:

(a) Provides that the first time TDH receives registry data for an individual who is younger than 18 years of age or for whom TDH has received consent to remain, rather than be included, in the registry, TDH is required to 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, but the department may not keep the information if the individual's legally authorized representative chooses to exclude the individual from the registry or, for an individual 18 years of age or older, the individual or the individual's legally authorized representative withdraws consent to remain in the registry;

(2)-(5) Makes no changes to these subdivisions; and

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

(b) Requires TDH, on receipt of a written or electronic request to exclude an individual's immunization records from or on discovering that consent for an individual 18 years of age or older to remain, rather than be included, in the registry has not been granted or has been withdrawn, to exclude the individual's immunization records from the registry and any other registry-related department record that individually identifies the individual.

SECTION 3. Amends Section 161.008(c), Health and Safety Code, as follows:

(c) Requires TDH to verify consent to remain in the registry for an individual 18 years of age or older before including the reported information in the immunization registry. Deletes existing text prohibiting TDH from retaining individually identifiable information about an individual for whom consent cannot be verified.

SECTION 4. Amends Section 161.0107(c), Health and Safety Code, to require the executive commissioner by rule to specify the fields necessary to populate the immunization registry, including a field that indicates the patient's consent to remain in the immunization registry for an individual 18 years of age or older, rather than a field that indicates the patient's consent to be listed in the immunization registry has been obtained, and the data standards that must be used for electronic submission of immunization information.

SECTION 5. Repealer: Section 161.007(a-1) (relating to required written or electronic consent), Health and Safety Code.

SECTION 6. Effective date: September 1, 2011.