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HOUSE BILL NO. 2519

Offered January 12, 2005

Prefiled January 12, 2005

A BILL to amend and reenact § 32.1-46 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 32.1-46.01, relating to immunization; establishment of the Virginia Immunization Information System.

 Patron—O'Bannon

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-46 of the Code of Virginia is amended and reenacted, and that the Code of Virginia is amended by adding a section numbered 32.1-46.01, as follows:

§ 32.1-46. Immunization of patients against certain diseases.

A. The parent, guardian or person standing in loco parentis of each child within this Commonwealth shall cause such child to be immunized by vaccine against diphtheria, tetanus, whooping cough and poliomyelitis before such child attains the age of one year, against *Haemophilus influenzae* type b before he attains the age of 30 months, and against measles (rubeola), German measles (rubella) and mumps before such child attains the age of two years. All children born on or after January 1, 1994, shall be required to receive immunization against hepatitis B before their first birthday. All children shall also be required to receive a second dose of measles (rubeola) vaccine in accordance with the regulations of the Board. The Board's regulations shall require that all children receive a second dose of measles (rubeola) vaccine prior to first entering kindergarten or first grade and that all children who have not yet received a second dose of measles (rubeola) vaccine receive such second dose prior to entering the sixth grade. All children born on or after January 1, 1997, shall be required to receive immunization against varicella zoster (chicken pox), not earlier than the age of 12 months. Children who have evidence of immunity as demonstrated by laboratory confirmation of immunity or a reliable medical history of disease are exempt from such requirement. After July 1, 2001, all children who have not yet received immunization against hepatitis B shall receive such immunization prior to entering sixth grade.

The parent, guardian or person standing in loco parentis may have such child immunized by a physician or registered nurse or may present the child to the appropriate local health department, which shall administer the required vaccines without charge.

B. A physician, registered nurse or local health department administering a vaccine required by this section shall provide to the person who presents the child for immunizations a certificate that shall state the diseases for which the child has been immunized, the numbers of doses given, the dates when administered and any further immunizations indicated.

C. The vaccines required by this section shall meet the standards prescribed in, and be administered in accordance with, regulations of the Board.

D. The provisions of this section shall not apply if:

1. The parent or guardian of the child objects thereto on the grounds that the administration of immunizing agents conflicts with his religious tenets or practices, unless an emergency or epidemic of disease has been declared by the Board, or

2. The parent or guardian presents a statement from a physician licensed to practice medicine in Virginia, or a licensed nurse practitioner, that states that the physical condition of the child is such that the administration of one or more of the required immunizing agents would be detrimental to the health of the child.

E. For the purpose of protecting the public health by ensuring that each child receives age-appropriate immunizations, any physician, nurse practitioner, licensed institutional health care provider, local or district health department, the *Virginia Immunization Information System*, and the Department of Health may share immunization and ~~child~~ *patient* locator information, including, but not limited to, the month, day, and year of each administered immunization; the ~~child's~~ *patient's* name, address, telephone number, birth date, and social security number; and the parents' names. The immunization information; the ~~child's~~ *patient's* name, address, telephone number, birth date, and social security number; and the parents' names shall be confidential and shall only be shared for the purposes set out in this subsection.

§ 32.1-46.01. *Virginia Immunization Information System.*

A. The Board of Health shall establish the *Virginia Immunization Information System (VIIS)*, a statewide immunization registry that consolidates patient immunization histories from birth to death into

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59 a complete, accurate, and definitive record that may be made available to participating health care
60 providers throughout Virginia. The purposes of VIIS shall be to (i) protect the public health of all
61 citizens of the Commonwealth, (ii) prevent under- and over-immunization of children, (iii) ensure
62 up-to-date recommendations for immunization scheduling to health care providers and the Board, (iv)
63 generate parental reminder and recall notices and manufacturer recalls, (v) develop immunization
64 coverage reports, (vi) identify areas of under-immunized population, and (vii) provide, in the event of a
65 public health emergency, a mechanism for tracking the distribution and administration of immunizations,
66 immune globulins, or other preventive medications or emergency treatments.

67 B. The Board of Health shall promulgate regulations to implement the VIIS that shall address:

68 1. Registration of voluntary participants, including, but not limited to, a list of those health care
69 entities that are authorized to participate and any forms and agreements necessary for compliance with
70 the regulations concerning patient privacy promulgated by the federal Department of Health and Human
71 Services;

72 2. Procedures for confirming, continuing, and terminating participation and disciplining any
73 participant for unauthorized use or disclosure of any VIIS data;

74 3. Procedures, timelines, and formats for reporting of immunizations by participants;

75 4. Procedures to provide for a secure system of data entry that may include encrypted online data
76 entry or secure delivery of data files;

77 5. Procedures for incorporating the data reported on children's immunizations pursuant to subsection
78 E of § 32.1-46;

79 6. The patient identifying data to be reported, including, but not limited to, the patient's name, date
80 of birth, gender, telephone number, home address, birth place, and mother's maiden name;

81 7. The patient immunization information to be reported, including, but not necessarily limited to, the
82 type of immunization administered (specified by current procedural terminology (CPT) code or Health
83 Level 7 (HL7) code); date of administration; identity of administering person; lot number; and if
84 present, any contraindications, or religious or medical exemptions;

85 8. Mechanisms for entering into data-sharing agreements with other state and regional immunization
86 registries for the exchange, on a periodic nonemergency basis and in the event of a public health
87 emergency, of patient immunization information, after receiving, in writing, satisfactory assurances for
88 the preservation of confidentiality, a clear description of the data requested, specific details on the
89 intended use of the data, and the identities of the persons with whom the data will be shared;

90 9. Procedures for the use of vital statistics data, including, but not necessarily limited to, the linking
91 of birth certificates and death certificates;

92 10. Procedures for requesting immunization records that are in compliance with the requirements for
93 disclosing health records set forth in § 32.1-127.1:03; such procedures shall address the approved uses
94 for the requested data, to whom the data may be disclosed, and information on the provisions for
95 disclosure of health records pursuant to § 32.1-127.1:03;

96 11. Procedures for releasing aggregate data, from which personal identifying data has been removed
97 or redacted, to qualified persons for purposes of research, statistical analysis, and reporting; and

98 12. Procedures for the Commissioner of Health to access and release, as necessary, the data
99 contained in VIIS in the event of an epidemic or an outbreak of any vaccine-preventable disease or the
100 potential epidemic or epidemic of any disease of public health importance, public health significance, or
101 public health threat for which a treatment or vaccine exists.

102 The Board's regulations shall also include any necessary definitions for the operation of VIIS;
103 however, "health care entity," "health care plan," and "health care provider" shall be as defined in
104 subsection B of § 32.1-127.1:03.

105 C. The establishment and implementation of VIIS is hereby declared to be a necessary public health
106 activity to ensure the integrity of the health care system in Virginia and to prevent serious harm and
107 serious threats to the health and safety of individuals and the public. Pursuant to the regulations
108 concerning patient privacy promulgated by the federal Department of Health and Human Services,
109 covered entities may disclose protected health information to the secure system established for VIIS
110 without obtaining consent or authorization for such disclosure. Such protected health information shall
111 be used exclusively for the purposes established in this section.

112 D. The Board and Commissioner of Health, any employees of the health department, any voluntary
113 participant, and any person authorized to report or disclose immunization data hereunder shall be
114 immune from civil liability in connection therewith unless such person acted with gross negligence or
115 malicious intent.

116 E. This section shall not diminish the responsibility of any physician or other person to maintain
117 accurate patient immunization data or the responsibility of any parent, guardian, or person standing in
118 loco parentis to cause a child to be immunized in accordance with the provisions of § 32.1-46. Further,
119 this section shall not be construed to require the immunization of any person who objects thereto on the
120 grounds that the administration of immunizing agents conflicts with his religious tenets or practices, or

121 *any person for whom administration of immunizing agents would be detrimental to his health.*