

AMENDED IN ASSEMBLY JUNE 24, 2004

AMENDED IN SENATE MAY 4, 2004

AMENDED IN SENATE APRIL 19, 2004

SENATE BILL

No. 1764

Introduced by Senator Speier
(Coauthor: Senator Alpert)
(Coauthor: Assembly Member Nakanishi)

February 20, 2004

An act to amend Section 120440 of the Health and Safety Code, relating to immunization.

LEGISLATIVE COUNSEL'S DIGEST

SB 1764, as amended, Speier. Immunization information systems.

Existing law governing communicable disease prevention and immunization authorizes local health officers to operate immunization information systems. Existing law authorizes health care providers, as defined, other agencies, and the State Department of Health Services to disclose or share immunization-related information concerning individual patients, unless the patient refuses to consent to the sharing of this information.

This bill would expand the entities authorized to disclose this immunization information to include foster care agencies, as defined, *and government-funded programs that have as their purpose paying the costs of health care*. The bill would revise the procedures for allowing a patient, or parent or guardian of a patient, to refuse permission to share the information. The bill would authorize any party authorized to make medical decisions for a patient or client to permit recordsharing with an immunization information system. This bill would require the

department to assist its Immunization Branch with respect to issues relating to publicly funded immunizations.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. (a) The Legislature finds and declares as~~
2 ~~follows:~~

3 ~~(1) Immunizations and vaccines have saved many thousands of~~
4 ~~lives and prevented many thousands of people from lifelong~~
5 ~~disability.~~

6 ~~(2) Immunization is one of the most important and crowning~~
7 ~~public health achievements.~~

8 ~~(3) Timely immunizations for children help provide them with~~
9 ~~a safe and healthy start in life, and protect everyone else from~~
10 ~~unnecessary exposure to deadly diseases.~~

11 ~~(4) Knowing when and what type of immunizations have been~~
12 ~~given can prevent unnecessary and costly duplication of~~
13 ~~immunization services, and save taxpayers, health care providers,~~
14 ~~and health systems millions of dollars each year.~~

15 ~~(5) Having a fully funded and operational immunization~~
16 ~~registry system throughout California is essential for tracking and~~
17 ~~protecting children from disease, disability, and death from not~~
18 ~~being immunized on time.~~

19 ~~(6) An immunization registry system provides a confidential,~~
20 ~~computerized database that captures and consolidates all of a~~
21 ~~child's immunization information into a central location.~~

22 ~~(7) A fully functional immunization registry system is~~
23 ~~estimated to save the state, taxpayers, and health care systems~~
24 ~~more than \$32,000,000 per year in current costs for manual record~~
25 ~~pulls, duplicative shots, reduced illness and time lost from work,~~
26 ~~or over-immunizations when records are not available.~~

27 ~~(8) Having an immunization registry in place is necessary for~~
28 ~~the state to reach the goal of a 95 percent immunization rate by~~
29 ~~2010.~~

30 ~~(b) It is therefore, the intent of the Legislature that for the health~~
31 ~~and well-being of California's children and all other citizens, the~~
32 ~~Legislature and Governor shall agree to ensure the full funding of~~
33 ~~the California State Immunization Information System.~~



1 ~~SEC. 2.—~~

2 SECTION 1. Section 120440 of the Health and Safety Code
3 is amended to read:

4 120440. (a) For the purposes of this chapter, the following
5 definitions shall apply:

6 (1) “Health care provider” means any person licensed
7 pursuant to Division 2 (commencing with Section 500) of the
8 Business and Professions Code or a clinic or health facility
9 licensed pursuant to Division 2 (commencing with Section 1200).

10 (2) “Schools, child care facilities, and family child care
11 homes” means those institutions referred to in subdivision (b) of
12 Section 120335, regardless of whether they directly provide
13 immunizations to patients or clients.

14 (3) “WIC service provider” means any public or private
15 nonprofit agency contracting with the department to provide
16 services under the California Special Supplemental Food Program
17 for Women, Infants, and Children, as provided for in Article 2
18 (commencing with Section 123275) of Chapter 1 of Part 2 of
19 Division 106.

20 (4) “Health care plan” means a health care service plan as
21 defined in subdivision (f) of Section 1345, *a government-funded*
22 *program the purpose of which is paying the costs of health care,*
23 or an insurer as described in Sections 10123.5 and 10123.55 of the
24 Insurance Code, regardless of whether the plan directly provides
25 immunizations to patients or clients.

26 (5) “County welfare department” means a county welfare
27 agency administering the California Work Opportunity and
28 Responsibility to Kids (CalWORKs) program, pursuant to
29 Chapter 2 (commencing with Section 11200.5) of Part 3 of
30 Division 9 of the Welfare and Institutions Code.

31 (6) “Foster care agency” means any of the county and state
32 social services agencies providing foster care services in
33 California.

34 (b) (1) Local health officers may operate immunization
35 information systems pursuant to their authority under Section
36 120175, in conjunction with the Immunization Branch of the State
37 Department of Health Services. Local health officers and the State
38 Department of Health Services may operate these systems in either
39 or both of the following manners:

40 (A) Separately within their individual jurisdictions.



1 (B) Jointly among more than one jurisdiction.

2 (2) Nothing in this subdivision shall preclude local health
3 officers from sharing the information set forth in paragraphs (1) to
4 (9), inclusive, of subdivision (c) with other health officers jointly
5 operating the system.

6 (c) Notwithstanding Sections 49075 and 49076 of the
7 Education Code, Chapter 5 (commencing with Section 10850) of
8 Part 2 of Division 9 of the Welfare and Institutions Code, or any
9 other provision of law, unless a refusal to permit recordsharing is
10 made pursuant to subdivision (e), health care providers, and other
11 agencies, including, but not limited to, schools, child care
12 facilities, service providers for the California Special
13 Supplemental Food Program for Women, Infants, and Children
14 (WIC), health care plans, foster care agencies, and county welfare
15 departments, may disclose the information set forth in paragraphs
16 (1) to (9), inclusive, from the patient's medical record, or the
17 client's record, to local health departments operating countywide
18 or regional immunization information and reminder systems and
19 the State Department of Health Services. Local health departments
20 and the State Department of Health Services may disclose the
21 information set forth in paragraphs (1) to (9), inclusive, to each
22 other, and upon a request for information pertaining to a specific
23 person, to health care providers taking care of the patient. Local
24 health departments and the State Department of Health Services
25 may disclose the information in paragraphs (1) to (6), inclusive,
26 and paragraphs (8) and (9), to schools, child care facilities, county
27 welfare departments, and family child care homes to which the
28 person is being admitted or in attendance, foster care agencies in
29 assessing and providing medical care for children in foster care,
30 and WIC service providers providing services to the person, health
31 care plans arranging for immunization services for the patient, and
32 county welfare departments assessing immunization histories of
33 dependents of CalWORKs participants, upon request for
34 information pertaining to a specific person. Determination of
35 benefits based upon immunization of a dependent CalWORKs
36 participant shall be made pursuant to Section 11265.8 of the
37 Welfare and Institutions Code. The following information shall be
38 subject to this subdivision:

39 (1) The name of the patient or client and names of the parents
40 or guardians of the patient or client.



- 1 (2) Date of birth of the patient or client.
- 2 (3) Types and dates of immunizations received by the patient
- 3 or client.
- 4 (4) Manufacturer and lot number for each immunization
- 5 received.
- 6 (5) Adverse reaction to immunizations received.
- 7 (6) Other nonmedical information necessary to establish the
- 8 patient's or client's unique identity and record.
- 9 (7) Current address and telephone number of the patient or
- 10 client and the parents or guardians of the patient or client.
- 11 (8) Patient's or client's gender.
- 12 (9) Patient's or client's place of birth.
- 13 (d) (1) Health care providers, local health departments, and
- 14 the State Department of Health Services shall maintain the
- 15 confidentiality of information listed in subdivision (c) in the same
- 16 manner as other medical record information with patient
- 17 identification that they possess. These providers, departments, and
- 18 contracting agencies are subject to civil action and criminal
- 19 penalties for the wrongful disclosure of the information listed in
- 20 subdivision (c), in accordance with existing law. They shall use the
- 21 information listed in subdivision (c) only for the following
- 22 purposes:
 - 23 (A) To provide immunization services to the patient or client,
 - 24 including issuing reminder notifications to patients or clients or
 - 25 their parents or guardians when immunizations are due.
 - 26 (B) To provide or facilitate provision of third-party payer
 - 27 payments for immunizations.
 - 28 (C) To compile and disseminate statistical information of
 - 29 immunization status on groups of patients or clients or populations
 - 30 in California, without identifying information for these patients or
 - 31 clients included in these groups or populations.
 - 32 (D) In the case of health care providers only, as authorized by
 - 33 Part 2.6 (commencing with Section 56) of Division 1 of the Civil
 - 34 Code.
- 35 (2) Schools, child care facilities, family child care homes, WIC
- 36 service providers, foster care agencies, county welfare
- 37 departments, and health care plans shall maintain the
- 38 confidentiality of information listed in subdivision (c) in the same
- 39 manner as other client, patient, and pupil information that they
- 40 possess. These institutions and providers are subject to civil action



1 and criminal penalties for the wrongful disclosure of the
2 information listed in subdivision (c), in accordance with existing
3 law. They shall use the information listed in subdivision (c) only
4 for those purposes provided in subparagraphs (A) to (D),
5 inclusive, of paragraph (1) and as follows:

6 (A) In the case of schools, child care facilities, family child care
7 homes, and county welfare departments, to carry out their
8 responsibilities regarding required immunization for attendance
9 or participation benefits, or both, as described in Chapter 1
10 (commencing with Section 120325), and in Section 11265.8 of the
11 Welfare and Institutions Code.

12 (B) In the case of WIC service providers, to perform
13 immunization status assessments of clients and to refer those
14 clients found to be due or overdue for immunizations to health care
15 providers.

16 (C) In the case of health care plans, to facilitate payments to
17 health care providers, to assess the immunization status of their
18 clients, and to tabulate statistical information on the immunization
19 status of groups of patients, without including patient-identifying
20 information in these tabulations.

21 (D) In the case of foster care agencies, to perform
22 immunization status assessments of foster children and to assist
23 those foster children found to be due or overdue for immunization
24 in obtaining immunizations from health care providers.

25 (e) A patient or a patient's parent or guardian may refuse to
26 permit recordsharing. The health care provider administering
27 immunization and any other agency possessing any patient or
28 client information listed in subdivision (c), if planning to provide
29 patient or client information to an immunization system, as
30 described in subdivision (b), shall inform the patient or client, or
31 the parent or guardian of the patient or client, of the following:

32 (1) The information listed in subdivision (c) may be shared
33 with local health departments, and the State Department of Health
34 Services. The health care provider or other agency shall provide
35 the name and address of the ~~department or departments~~ *State*
36 *Department of Health Services and of the immunization registry*
37 with which the provider or other agency will share the information.

38 (2) Any of the information shared with local health
39 departments and the State Department of Health Services shall be
40 treated as confidential medical information and shall be used only



1 to share with each other, and, upon request, with health care
2 providers, schools, child care facilities, family child care homes,
3 WIC service providers, county welfare departments, foster care
4 agencies, and health care plans. These providers, agencies, and
5 institutions shall, in turn, treat the shared information as
6 confidential, and shall use it only as described in subdivision (d).

7 (3) The patient or client, or parent or guardian of the patient or
8 client, has the right to examine any immunization-related
9 information shared in this manner and to correct any errors in it.

10 (4) The patient or client, or the parent or guardian of the patient
11 or client, may refuse to allow this information to be shared in the
12 manner described, or to receive immunization reminder
13 notifications at any time, or both.

14 (f) (1) The health care provider administering the
15 immunization and any other agency possessing any patient or
16 client information listed in subdivision (c), may inform the patient
17 or client, or the parent or guardian of the patient or client, by
18 ordinary mail, of the information in paragraphs (1) to (4),
19 inclusive, of subdivision (e). The mailing must include a
20 reasonable means for refusal, such as a return form or contact
21 telephone number.

22 (2) The information in paragraphs (1) to (4) of subdivision (e)
23 may also be presented to the parent or guardian of the patient or
24 client during any hospitalization of the patient or client.

25 (g) If the patient or client, or parent or guardian of the patient
26 or client, refuses to allow the information to be shared, pursuant
27 to paragraph (4) of subdivision (e), the health care provider or
28 other agency may not share this information in the manner
29 described in subdivision (c), except as provided in subparagraph
30 (D) of paragraph (1) of subdivision (d).

31 (h) Upon request of the patient or client, or the parent or
32 guardian of the patient or client, in writing or by other means
33 acceptable to the recipient, a local health department or the State
34 Department of Health Services that has received information
35 about a person pursuant to subdivision (c) shall do all of the
36 following:

37 (1) Provide the name and address of other persons or agencies
38 with whom the recipient has shared the information.

39 (2) Stop sharing the information in its possession after the date
40 of the receipt of the request.



1 (i) Upon notification, in writing or by other means acceptable
2 to the recipient, of an error in the information, a local health
3 department or the State Department of Health Services that has
4 information about a person pursuant to subdivision (c) shall
5 correct the error. If the recipient is aware of a disagreement about
6 whether an error exists, information to that effect may be included.

7 (j) (1) Any party authorized to make medical decisions for a
8 patient or client, including, but not limited to, those authorized by
9 Section 6922, 6926, or 6927 of, Part 1.5 (commencing with
10 Section 6550), Chapter 2 (commencing with Section 6910) of Part
11 4, or Chapter 1 (commencing with Section 7000) of Part 6, of
12 Division 11 of, the Family Code, Section 1530.6 of the Health and
13 Safety Code, or Sections 727 and 1755.3 of, and Article 6
14 (commencing with Section 300) of Chapter 2 of Part 1 of Division
15 2 of, the Welfare and Institutions Code, may permit sharing of the
16 patient’s or client’s record with any of the immunization
17 information systems authorized by this section.

18 (2) For a patient or client who is a dependent of a juvenile court,
19 the court or a person or agency designated by the court may permit
20 this recordsharing.

21 (3) For a patient or client receiving foster care, a person or
22 persons licensed to provide residential foster care, or having legal
23 custody, may permit this recordsharing.

24 (k) For purposes of supporting immunization information
25 systems, the State Department of Health Services shall assist its
26 Immunization Branch in both of the following:

27 (1) The provision of department records containing
28 information about publicly funded immunizations.

29 (2) Supporting efforts for the reporting of publicly funded
30 immunizations into immunization information systems by health
31 care providers and health care plans.

32 (l) Section 120330 shall not apply to this section.

