

# ASSEMBLY, No. 4557

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED OCTOBER 15, 2018

**Sponsored by:**

**Assemblywoman NANCY J. PINKIN**

**District 18 (Middlesex)**

**SYNOPSIS**

Revises access and reporting requirements for New Jersey Immunization Information System.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the New Jersey Immunization Information  
2 System, amending and supplementing P.L.2004, c.138, and  
3 amending P.L.2003, c.280.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. Section 3 of P.L.2004, c.138 (C.26:4-133) is amended to  
9 read as follows:

10 3. As used in this act:

11 “Authorized user” means any health care provider, child care  
12 center, school, college or university, health benefits plan, billing  
13 vendor, practice management vendor, State public health or social  
14 services program, or local health agency granted access to registry  
15 information pursuant to subsection c. of section 4 of P.L.2004,  
16 c.138 (C.26:4-134). “Authorized user” includes the designated  
17 agent of an authorized user.

18 “Billing vendor” means an entity that a health care provider or  
19 health care practice contracts with in order to prepare invoices,  
20 claims, or statements of services performed by the provider or  
21 practice and submit them to a third party for payment or  
22 reimbursement.

23 "Commissioner" means the Commissioner of Health.

24 "Department" means the Department of Health.

25 “Designated agent” means a person to whom a site administrator  
26 has delegated responsibility to submit information to, receive  
27 information from, or access or review information contained in, the  
28 registry.

29 “Health benefits plan” means a health benefits plan as defined in  
30 section 2 of P.L.1997, c.192 (C.26:2S-2), the State Health Benefits  
31 Program, the School Employees’ Health Benefits Program, the State  
32 Medicaid program, and the NJ FamilyCare program.

33 "Health care provider" means a health care facility licensed  
34 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) or a health care  
35 professional whose practice is regulated pursuant to Title 45 of the  
36 Revised Statutes.

37 “Practice management vendor” means a company that develops  
38 and sells information technology electronic applications or  
39 software, which primarily focuses on patient medical records.

40 "Registry" means the New Jersey Immunization Information  
41 System established pursuant to this act.

42 “Site administrator” means the person at a registry site assigned  
43 to coordinate the registry on site and accept official documents  
44 regarding the registry.

45 (cf: P.L.2012, c.17, s.339)

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1       2. Section 4 of P.L.2004, c.138 (C.26:4-134) is amended to  
2 read as follows:

3       4. a. There is established a Statewide automated and electronic  
4 immunization registry, to be designated as the New Jersey  
5 Immunization Information System, in the Department of Health.  
6 The registry shall be designed to serve as a single repository of  
7 immunization records to aid, coordinate, and help promote effective  
8 and cost-efficient disease screening, prevention, and control efforts  
9 in the State.

10       b. A newborn infant in New Jersey, who is born on or after  
11 January 1, 1998, shall be enrolled in the registry immediately  
12 following birth unless the parent or legal guardian of the infant  
13 provides a written request to not participate in the registry.

14       A **【child】** person born prior to January 1, 1998 **【may】** who is not  
15 currently enrolled in the registry shall be enrolled in the registry **【at**  
16 **the parent's or legal guardian's】** upon receiving an immunization  
17 unless the person provides a written request not to participate in the  
18 registry.

19       c. **【Access】** (1) The commissioner shall grant access to **【the】**  
20 registry information **【in the registry shall be limited to: health care**  
21 **providers, schools, colleges, licensed child care centers, and public**  
22 **agencies, and private organizations as determined by regulation of**  
23 **the commissioner】** as an authorized user to any individual who is,  
24 and to any site administrator or designated agent of an entity that is,  
25 a health care provider, child care center, school, college or  
26 university, health benefits plan, billing vendor, practice  
27 management vendor, State public health or social services program,  
28 or local health agency, provided that the individual, site  
29 administrator, or designated agent has:

30       (a) completed either an in-person training course or the online  
31 tutorial developed by the commissioner pursuant to subsection j. of  
32 this section; and

33       (b) submitted a completed authorized user confidentiality  
34 agreement in a form and manner approved by the commissioner.

35       (2) An authorized user who accesses registry information shall  
36 certify that the information is being accessed for an authorized  
37 purpose, consistent with the scope of that user's authorization to  
38 access registry information, and consistent with the rules and  
39 regulations adopted by the commissioner pursuant to subsection i.  
40 of this section.

41       (3) A registrant, or the registrant's parent or legal guardian if the  
42 registrant is a minor, shall have access to the registrant's  
43 immunization and other preventive health screening information in  
44 the registry.

45       d. The information contained in the registry shall be used for  
46 the following purposes:

1 (1) to help ensure that registrants receive all recommended  
2 immunizations in a timely manner by providing access to the  
3 registrants' immunization records;

4 (2) to help improve immunization rates by providing notice to  
5 registrants of overdue or upcoming immunizations; and

6 (3) to help control communicable diseases by assisting in the  
7 identification of persons who require immediate immunization in  
8 the event of a vaccine-preventable disease outbreak.

9 e. The authentic immunization and other preventive health  
10 screening record of a child, which shall consist of a paper or  
11 electronic copy of the registry entry that is a true and accurate  
12 representation of the information contained therein, obtained from  
13 the registry shall be accepted as a valid immunization and  
14 preventive health screening record of the registrant for the purpose  
15 of meeting immunization and preventive health screening  
16 documentation requirements for admission to a school, college, or  
17 licensed child care center.

18 f. A health care provider shall not discriminate in any way  
19 against a person solely because the person elects not to participate  
20 in the registry.

21 g. An authorized user granted access to registry information as  
22 provided in subsection c. of this section shall only access  
23 information in the registry on a specific patient or client who is  
24 presently receiving services, is under the user's care, or is within the  
25 applicable governmental health authority's jurisdiction.

26 h. An agency, organization, or other entity authorized to access  
27 information in the registry shall not use any report made by a health  
28 care provider pursuant to this act in any punitive manner against the  
29 provider.

30 i. The commissioner, in consultation with the Public Health  
31 Council, shall adopt rules and regulations, pursuant to the  
32 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
33 seq.), to effectuate the purposes of this act, including, but not  
34 limited to:

35 (1) the establishment and maintenance of the registry;

36 (2) the methods for submitting, and the content of, reports of  
37 immunizations to the registry, for which purpose the commissioner  
38 shall provide, to the maximum extent practicable, for reporting  
39 options to facilitate compliance with the requirements of subsection  
40 b. of this section and section 3 of P.L. , c. (C. ) (pending  
41 before the Legislature as this bill);

42 (3) procedures for the birth hospital of a newborn infant or  
43 health care provider, as applicable, to inform the parent or legal  
44 guardian of a newborn infant or minor of the purpose of the registry  
45 and its potential uses by parties having authorized access to registry  
46 information, and the content of that information;

47 (4) procedures for a registrant, or the registrant's parent or legal  
48 guardian if the registrant is a minor, to review and correct  
49 information contained in the registry;

1 (5) procedures for the parent or legal guardian of a newborn  
2 infant or minor, or a person over 18 years of age, to request to not  
3 participate in the registry at any time and to remove or inactivate  
4 information from the registry;

5 (6) limits on, and methods of, access to the registry by those  
6 authorized pursuant to subsection c. of this section;

7 (7) procedures for health **[insurers]** benefits plans to obtain  
8 immunization information from the registry concerning only their  
9 covered persons, as well as summary statistics, which information  
10 or statistics shall not be used or disclosed for any other purpose  
11 than to:

12 (a) improve patient care;

13 (b) provide quality assurance to employers purchasing group  
14 coverage and to health care providers;

15 (c) improve outreach and education efforts with respect to their  
16 covered persons and health care providers; and

17 (d) monitor and improve quality of care standards as developed  
18 by professional organizations, accreditation agencies and  
19 government agencies in collaboration with the department; and

20 (8) procedures for the department to disseminate statistical  
21 information and supporting commentary.

22 j. The commissioner shall develop an online tutorial for the  
23 purposes of subparagraph (a) of paragraph (1) of subsection c. of  
24 this section, which shall provide information concerning:

25 (1) registry access requirements, including any special  
26 requirements as may apply to health care providers authorized to  
27 access registry information for the purposes of reporting  
28 immunization information for individual patients;

29 (2) the rights of registry enrollees;

30 (3) the responsibilities of authorized users accessing registry  
31 information, including any special requirements as may apply to  
32 health care providers authorized to access registry information for  
33 the purposes of reporting immunization information for individual  
34 patients; and

35 (4) a summary of the federal health privacy rule set forth at 45  
36 C.F.R. Parts 160 and 164, including a hypertext link to the federal  
37 Department of Health and Human Services website for further  
38 information about the specific provisions of the federal health  
39 privacy rule.

40 k. The commissioner shall develop and implement measures to  
41 facilitate and streamline access to registry information for health  
42 care providers and other authorized users, which may include, but  
43 shall not be limited to, making the registry compatible with  
44 electronic health records systems. Nothing in this subsection shall  
45 be construed to authorize or require access to, or the transmission  
46 of, patient data in a form or manner that presents an increased risk  
47 that confidential patient information may be disclosed in an  
48 unlawful manner.

49 (cf: P.L.2012, c.17, s.340)

1       3. (New section) a. No later than one year after the effective  
2 date of this act, each health care provider who administers  
3 immunizations to patients shall meet the requirements, as set forth  
4 in subsection c. of section 4 of P.L.2004, c.138 (C.26:4-134), to  
5 become an authorized user with access to registry information.

6       b. A health care provider who administers an immunization to  
7 a patient shall report the immunization administration to the registry  
8 if the patient is enrolled in the registry. If the patient is not enrolled  
9 in the registry, the provider shall enroll the patient upon  
10 administering the immunization unless the patient provides a  
11 written request not to participate in the registry, as provided in  
12 subsection b. of section 4 of P.L.2004, c.138 (C.26:4-134).

13

14       4. Section 24 of P.L.2003, c.280 (C.45:14-63) is amended to  
15 read as follows:

16       24. a. No pharmacist shall administer a prescription medication  
17 directly to a patient without appropriate education or certification,  
18 as determined by the board in accordance with the requirements set  
19 forth in the rules jointly promulgated by the board and the State  
20 Board of Medical Examiners. Such medication shall only be for the  
21 treatment of a disease for which a nationally certified program is in  
22 effect, or as determined by the board, and only if utilized for the  
23 treatment of that disease for which the medication is prescribed or  
24 indicated or for which the collaborative drug therapy management  
25 permits.

26       b. (1) Notwithstanding any law, rule, or regulation to the  
27 contrary, a pharmacist may administer drugs to a patient 18 years of  
28 age or older, provided the pharmacist is appropriately educated and  
29 qualified, as determined by the board in accordance with the  
30 requirements set forth in the rules jointly promulgated by the board  
31 and the State Board of Medical Examiners, and provided the drugs  
32 are administered under any one of the following conditions:

33       (a) pursuant to a prescription by an authorized prescriber for a  
34 vaccine and related emergency medications;

35       (b) in immunization programs implemented pursuant to an  
36 authorized prescriber's standing order for the vaccine and related  
37 emergency medications; or

38       (c) in immunization programs and programs sponsored by  
39 governmental agencies that are not patient specific.

40       (2) A pharmacist may administer an influenza vaccine to a  
41 patient who is seven years of age or older. For a patient who is  
42 under 18 years of age, a pharmacist shall not administer a vaccine  
43 except with the permission of the patient's parent or legal guardian.  
44 For a patient who is under 12 years of age, a pharmacist shall not  
45 administer a vaccine unless pursuant to a prescription by an  
46 authorized prescriber. Nothing in this subsection shall be construed  
47 to require a patient 12 years of age or older to obtain a prescription  
48 for an influenza vaccine.

1     c. A pharmacy that offers vaccine administration to patients  
2     shall provide a private room for the purposes of vaccine  
3     administration and providing any patient counseling as may be  
4     necessary in association with vaccine administration.

5     (cf: P.L.2013, c.254, s.1)

6  
7     5. This act shall take effect the first day of the fourth month  
8     next following the date of enactment, except that the Commissioner  
9     of Health may take any anticipatory administrative action in  
10    advance as may be necessary for the implementation of this act.

### 11 12 13                   STATEMENT

14  
15    This bill revises certain requirements for enrollment in,  
16    accessing, and reporting information to, the New Jersey  
17    Immunization Information System (NJIIS), also known as “the  
18    registry.”

19    Currently, children born on or after January 1, 1998 are  
20    automatically enrolled in the registry at birth, and individuals born  
21    prior to that date may be enrolled by written request. The bill  
22    revises these requirements to provide that anyone born prior to  
23    January 1, 1998 who is not currently enrolled in the registry will be  
24    automatically enrolled upon receiving an immunization, unless the  
25    person submits a written request not to participate in the registry.

26    Additionally, the bill requires any health care provider who  
27    administers immunizations to patients to enroll as an authorized  
28    user of the registry no later than one year after the effective date of  
29    the bill; under current regulations, only health care providers who  
30    administer immunizations to patients who are younger than seven  
31    years of age are required to enroll.

32    The bill requires health care providers to report all  
33    immunizations administered to a patient, regardless of the patient’s  
34    age, if the patient is enrolled in the registry. Currently, mandatory  
35    reporting only applies to immunizations administered to patients  
36    younger than seven years of age.

37    The bill additionally revises the requirements to become an  
38    authorized user of the registry. The bill defines “authorized user”  
39    to include any health care provider, child care center, school,  
40    college or university, health benefits plan, billing vendor, practice  
41    management vendor, State public health or social services program,  
42    or local health agency. “Authorized user” also includes a  
43    designated agent of an authorized user.

44    The commissioner is to grant access to registry information to  
45    any person or entity who: (1) is a health care provider, child care  
46    center, school, college or university, health benefits plan, billing  
47    vendor, practice management vendor, State public health or social  
48    services program, or local health agency; (2) completes either an in-  
49    person training course or an online tutorial to be developed by the

1 commissioner; and (3) submits a completed authorized user  
2 confidentiality agreement in a form and manner approved by the  
3 commissioner. Currently, the training requirements may only be  
4 completed by attending an in-person training course. Nothing in the  
5 bill revises or limits the right of persons enrolled in the registry to  
6 access their own information.

7 An authorized user who accesses registry information will be  
8 required to certify that the information is being requested for an  
9 authorized purpose, consistent with the scope of that user's  
10 authorization to access registry information, and consistent with the  
11 rules and regulations adopted by the commissioner.

12 The bill requires the commissioner to develop an online tutorial  
13 for the purposes of granting access to the registry to authorized  
14 users that includes, at a minimum, registry access requirements, the  
15 rights of registry enrollees, the responsibilities of authorized users,  
16 and a summary of the federal health privacy rule, including a  
17 hypertext link to the federal Department of Health and Human  
18 Services website for further information about the rule. The tutorial  
19 information may include any special requirements as may apply to  
20 health care providers authorized to access registry information for  
21 the purposes of reporting immunization information for individual  
22 patients.

23 The commissioner will additionally be required to develop and  
24 implement measures to facilitate and streamline access to registry  
25 information for health care providers and other authorized users.  
26 The measures may include, but will not be limited to, making the  
27 registry compatible with electronic health records systems. The bill  
28 specifies that nothing in the requirement is to be construed to  
29 authorize or require access to, or the transmission of, patient data in  
30 a form or manner that presents an increased risk that confidential  
31 patient information may be disclosed in an unlawful manner.

32 Further, the bill requires that pharmacies that offer vaccine  
33 administrations to patients will also be required to provide a private  
34 room for the purposes of administering vaccines and providing any  
35 patient counseling as may be necessary.

36 The NJIIS is a Statewide information system established in 1997  
37 to serve as the official repository of child immunization data. The  
38 NJIIS provides recommended immunization schedules for infants,  
39 children, and adults, assists State and federal agencies with  
40 population assessments in the event of preventable disease  
41 outbreaks, helps communities to assess their immunization coverage  
42 and identify pockets of need, and serves as a lifespan repository for  
43 individual immunization records.