

AMENDED IN ASSEMBLY APRIL 20, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 254**

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**Introduced by Assembly Member Alpert**  
*(Coauthors: Assembly Members Bowen, Cortese, Martinez,  
Mazzoni, McDonald, Willard Murray, and Vasconcellos)*  
*(Coauthors: Senators Petris, Solis, and Watson)*

February 6, 1995

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An act to add Article 3 (commencing with Section 3396) to Chapter 7 of Division 4 of the Health and Safety Code, relating to immunization.

LEGISLATIVE COUNSEL'S DIGEST

AB 254, as amended, Alpert. Immunization: disclosure of information.

Existing law, governing communicable disease prevention and immunization, requires the county health officer of each county to organize and maintain a program to make immunizations available to all persons required to be immunized.

*The bill would state legislative findings regarding the need for childhood immunizations and tuberculosis screenings to protect the public health and would state the intent of the Legislature to help more infants and children receive timely immunizations through providing for the utilization of immunization information and reminder systems.*

This bill would authorize local health officers to operate immunization registry systems, and would provide that

certain health care providers and immunization registries may disclose or share *certain prescribed* immunization-related information maintained by these systems concerning individual patients, ~~without the patient's consent~~ *unless the patient refuses to consent to the sharing of this information. The bill would restrict use of the information to certain prescribed purposes, and would require health care providers to disclose to the patient, or his or her parent or guardian, certain information regarding the immunization-related information to be shared including their right to examine the information, correct any errors, and to refuse to consent to the sharing of the information.*

The bill would also authorize the local health department that is operating the immunization registry system to provide information to school officials and licensed child care providers for the purpose of determining the immunization status of their students. ~~It would provide that the portion of the birth certificate containing the mother's address may be made available to the local health department for entry into the immunization registry for certain purposes. The bill would state that the purpose of authorizing the disclosure of information regarding a patient's immunization status is to use the immunization registry systems to increase the rate of immunization compliance and reduce the incidence of vaccine preventable disease.~~

Existing law requires the state department, in consultation with the Department of Education, to adopt and enforce all rules and regulations necessary to carry out the provisions of law regarding immunization.

This bill would provide that this requirement does not apply to its provisions.

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

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

- 1 SECTION 1. *The Legislature finds and declares all of*
- 2 *the following:*
- 3 (a) *Early childhood immunizations and tuberculosis*
- 4 *screenings are essential to protect the health of*



1 California's children and prevent the spread of  
2 potentially fatal contagious childhood diseases such as  
3 measles, whooping cough, and meningitis. The 1988-91  
4 California measles epidemic produced 17,000 cases, 3,400  
5 hospitalizations, claimed 70 lives, and cost over thirty  
6 million dollars (\$30,000,000).

7 (b) According to the State Department of Health  
8 Services, 20 to 40 percent of California's preschool  
9 children are not up to date on immunizations.

10 (c) Children ages birth to two years are at highest risk  
11 of contracting vaccine preventable diseases with serious  
12 complications due to underimmunization.

13 (d) The State of California has recognized the  
14 importance of immunizations and tuberculosis screening,  
15 as reflected by state laws that require children who are  
16 not adequately immunized to have school and child day  
17 care facility entry delayed. Furthermore, the Governor,  
18 as part of his immunization initiative has provided that  
19 three million five hundred thousand dollars (\$3,500,000)  
20 be appropriated for immunization tracking systems in  
21 the 1995-96 fiscal year budget.

22 (e) The State of California and the federal  
23 government have appropriated funds to assure that  
24 vaccines are available to immunize children whenever  
25 necessary.

26 (f) Many health care providers' medical records are  
27 incomplete, many parents are unaware that their  
28 children are not adequately immunized, and many  
29 parents seek immunizations for their children from  
30 multiple providers, resulting in difficulty complying with  
31 sound immunization practices.

32 (g) Overimmunization due to incomplete vaccination  
33 records is medically undesirable and costly. Unnecessary  
34 costs are also associated with poor medical and vaccine  
35 inventory record keeping.

36 (h) Timely immunizations and tuberculosis  
37 screenings save fourteen dollars in the medical and public  
38 health intervention of disease outbreaks for every dollar  
39 spent providing immunizations, and are documented as



1 *one of the most cost-effective components of preventive*  
2 *medical care.*

3 *(i) In light of all of the findings set forth in this section,*  
4 *in enacting this legislation, the Legislature intends to help*  
5 *more infants and young children receive immunizations*  
6 *in a timely manner through the utilization of*  
7 *immunization information and reminder systems.*

8 SEC. 2. Article 3 (commencing with Section 3396) is  
9 added to Chapter 7 of Division 4 of the Health and Safety  
10 Code, to read:

11  
12 Article 3. Disclosure of Immunization Status  
13

14 3396. (a) For the purposes of this article, “health care  
15 provider” means any person licensed pursuant to  
16 Division 2 (commencing with Section 500) of the  
17 Business and Professions Code.

18 (b) Local health officers may operate immunization  
19 registry systems pursuant to their authority under Section  
20 3110, in conjunction with the Immunization Branch of the  
21 State Department of Health Services.

22 (c) Notwithstanding any other provision of law, *unless*  
23 *a refusal to permit record sharing is made pursuant to*  
24 *subdivision (e), health care providers may, without the*  
25 ~~consent of the patient, disclose or share~~  
26 ~~immunization-related information from the patient’s~~  
27 ~~medical record to or with state, county, or city health~~  
28 ~~departments operating comprehensive immunization~~  
29 ~~registry systems. This data may be exchanged between or~~  
30 ~~among the immunization registries, or directly between~~  
31 ~~providers. All of the~~ *disclose the information set forth in*  
32 *paragraphs (1) to (9), inclusive, from the patient’s*  
33 *medical record to local health departments operating*  
34 *county-wide immunization information and reminder*  
35 *systems and the State Department of Health Services.*  
36 *Local health departments may disclose the information*  
37 *set forth in paragraphs (1) to (9), inclusive, to other local*  
38 *health departments and health care providers taking care*  
39 *of the patient. All of the following information shall be*  
40 *subject to this subdivision:*



1 (1) The name of the ~~patient's parent or guardian~~  
2 *patient and names of the patient's parents or guardians.*

3 (2) Date of birth of the patient.

4 (3) ~~Type and date of vaccination~~ *Types and dates of*  
5 *immunizations* received by the patient.

6 (4) Manufacturer and lot number for each ~~vaccination~~  
7 *immunization received.*

8 (5) Adverse reaction to immunizations *received.*

9 (6) ~~Unique identifier~~ *Other information necessary to*  
10 *establish the patient's unique identity.*

11 (7) ~~Address~~ *Current address* and telephone number of  
12 the patient and the patient's parents or guardians.

13 ~~(d)~~

14 (8) *Patient's gender.*

15 (9) *Patient's place of birth.*

16 (d) *Health care providers, local health departments,*  
17 *and the State Department of Health Services shall*  
18 *maintain the confidentiality of information listed in*  
19 *subdivision (c) in the same manner as other medical*  
20 *record information with patient identification that they*  
21 *possess, and shall use the information only for the*  
22 *following purposes:*

23 (1) *To provide immunization and tuberculosis*  
24 *screening services to the patient, including issuing*  
25 *reminder notifications to patients or their parents or*  
26 *guardians when immunizations are due.*

27 (2) *To provide or facilitate provision of third-party*  
28 *payer payments for immunizations and tuberculosis*  
29 *screenings.*

30 (3) *To compile and disseminate statistical information*  
31 *of immunization status on groups of patients or*  
32 *populations in California, without patient identifying*  
33 *information for these patients included in these groups or*  
34 *populations.*

35 (e) *A patient or a patient's parent or guardian may*  
36 *refuse to permit record sharing. The health care provider*  
37 *administering immunization shall inform the patient or*  
38 *the patient's parent or guardian of the following:*



1 (1) The information listed in subdivision (c) may be  
2 shared with local health departments, and the State  
3 Department of Health Services.

4 (2) Any of the information shared will be treated as  
5 confidential medical information and used only to help  
6 provide immunization services to the patient, or to issue  
7 reminder notifications to the patient or patient's parent  
8 or guardian if immunizations are due or overdue.

9 (3) The patient or patient's parent or guardian has the  
10 right to examine any immunization-related information  
11 shared in this manner and to correct any errors in it.

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

16 (f) If the patient or patient's parent or guardian  
17 refuses to allow the information to be shared, pursuant to  
18 paragraph (4) of subdivision (e), the health care provider  
19 shall not share this information in the manner described  
20 in subdivision (c).

21 (g) The local health department that is operating the  
22 immunization registry system may provide information  
23 specified in subdivision (c) to school officials for the  
24 purpose of determining the immunization status of their  
25 students.

26 ~~(e)~~

27 (h) The local health department operating the  
28 immunization registry may provide the information  
29 specified in subdivision (c) to licensed child care  
30 providers for the purpose of determining the  
31 immunization status of the children enrolled, or  
32 requesting enrollment, in the child day care facilities.

33 ~~(f) That portion of the birth certificate of a child~~  
34 ~~containing the mother's address may be made available~~  
35 ~~to the local health department for entry into the~~  
36 ~~immunization registry in order to establish a data base of~~  
37 ~~children to be monitored for immunization status, to~~  
38 ~~generate immunization reminder notices, and to match~~  
39 ~~immunization patients with the previous births within~~



1 ~~the county. Upon request of the parent or guardian, a~~  
2 ~~child shall not be included in registry followup.~~

3 ~~(g) The disclosure of information pertaining to a~~  
4 ~~patient's immunization status pursuant to this section is~~  
5 ~~authorized for the purpose of permitting the local health~~  
6 ~~department, in conjunction with other licensed health~~  
7 ~~care providers and schools, to utilize immunization~~  
8 ~~registry systems in order to increase the rate of~~  
9 ~~immunization compliance, thereby reducing the~~  
10 ~~incidence of vaccine preventable disease within their~~  
11 ~~community.~~

12 ~~(h)–~~

13 ~~(i) Section 3390 shall not apply to this section.~~

