

(The House considered SB 346 by Nelson, the Senate companion bill, in lieu of HB 2382, the House version of the bill, which had been set on the daily calendar and was analyzed by the House Research Organization. The bill subsequently was enacted as SB 346.)

HOUSE		HB 2382
RESEARCH		Kolkhorst
ORGANIZATION	bill analysis	(CSHB 2382 by Coleman)
	4/23/2009	

SUBJECT: Allowing retention of immunization registry information for an adult

COMMITTEE: Public Health — committee substitute recommended

VOTE: 8 ayes — Kolkhorst, Naishtat, Coleman, J. Davis, Gonzales, Hopson, McReynolds, Zerwas

0 nays

3 absent — Truitt, Laubenberg, S. King

WITNESSES: For — Anna C. Dragsbaek, Houston Area Immunization Partnership; Charles Leach, Texas Pediatric Society, Texas Medical Association and Texas Academy of Family Physicians; (*Registered, but did not testify*: Ed Berger, Seton Family of Hospitals; Shane Casady, Driscoll Children's Hospital; Melody Chatelle, United Ways of Texas; Chuck Girard, Texas Association of OB/GYNs; Marshall Kenderdine, Texas Academy of Family Physicians; Elizabeth Love, Harris County Public Health and Environmental Services; Denise Rose, Texas Hospital Association; Rebekah Schroeder, Texas Children's Hospital, Bryan Sperry, Children's Hospital Association)

Against — None

On — (*Registered, but did not testify*: Jack Sims, Texas Department of State Health Services)

BACKGROUND: ImmTrac is the statewide immunization registry for children from birth to age 18 established under Health and Safety Code, sec. 161.007. This section outlines reporting requirements for providers and insurance companies and stipulates that the Texas Department of State Health Services (DSHS) is required to protect the confidentiality of patients in the registry, to disclose information only with the written consent of the child's parent, and permit a parent to withdraw consent for a child to be included in the registry. The records are deleted once a child reaches 18 years of age.

DSHS can use the immunization registry to control and prevent communicable diseases, including sending reminder notices to parents or guardians about future shots. Otherwise, ImmTrac information must be kept confidential and not released except with written consent from the individual or the individual's legally authorized representatives.

In 2003, the 78th Legislature enacted HB 1921 by Capelo, which amended Health Code, sec. 161.007 (5) a-1) to provide that the written consent of a parent, managing conservator, or guardian of a child be required only once to permit reporting the immunizations. The written consent is valid until the child becomes 18 years of age, unless the consent is withdrawn in writing.

DIGEST:

CSHB 2382 would amend Health and Safety Code, sec. 161.007 to allow a minor's legally authorized representative to submit written or electronic consent before the minor's 18th birthday to allow retention of immunization records in ImmTrac and for subsequent immunizations to be included.

The bill also would allow retention of ImmTrac records of an individual who has turned 18 at the request of the individual or the individual's legally authorized representative if the request were submitted before the individual's 19th birthday.

Consent would be valid until withdrawn in writing or electronically.

The bill would require that immunization information on 18-year-olds be segregated into a file accessible only to DSHS during the one-year period when an individual could request further inclusion in the ImmTrac registry.

CSHB 2382 also would allow health insurers or health care providers to provide information to DSHS on immunizations administered to a person 18 years of age or older.

The bill would also amend Health and Safety Code, sec. 161.0095 to require DSHS to provide educational information to any health care provider, clinic, hospital, or other facility that treats children 14 to 18 years of age to inform them about the option of retaining their immunization records past their 18th birthday.

The Health and Human Services Commission executive commissioner would develop guidelines for obtaining consent from an individual after the individual's 18th birthday. The bill also would make changes to conform other sections of the Health and Safety Code to reflect inclusion of persons older than 18 years of age and electronic submission of information.

The bill would take effect on September 1, 2009.

**SUPPORTERS
SAY:**

CSHB 2382 would provide a voluntary process for individuals to continue to be included in ImmTrac past their 18th birthday. Many Texans need access to their childhood immunization records when they apply to college or graduate school, join the military, and travel or study overseas. Those older than 18 need the same access to a centralized and secure source of information about their immunization records as provided to those younger than 18.

Participation for those older than 18 years of age would be entirely voluntary. Those wishing to opt into the registry would have until they turned 19 to decide. CSHB 2382 would not require any adult to be included in ImmTrac and would provide a mechanism to remove one's name from the registry at a later time.

Allowing reports of immunizations of those older than 18 would help provide more complete records for DSHS efforts to control and prevent communicable diseases. Maintaining adult immunization records is haphazard at best in Texas because it is one of 10 jurisdictions that do not require lifetime registration. Records are maintained by a variety of sources. Immunizations are administered at pharmacies, retail stores, urgent care centers, correctional facilities, and emergency rooms. Records could be lost when clinics and doctors' offices close. CSHB 2382 would provide a start towards a more complete health record system needed to identify and respond to pandemics or natural disasters such as hurricanes.

Costs for adult immunizations can be very expensive, and better record keeping through ImmTrac could prevent the need for duplicative immunizations.

**OPPONENTS
SAY:**

Keeping registration optional for those older than 18 years of age would not fully remedy the incompleteness of immunization records. Texas

should adopt a mandatory lifetime immunization registry as do other states.

NOTES:

The companion bill, SB 346 by Nelson, passed the Senate by 31-0 on April 2 on the Local and Uncontested Calendar and was reported favorably, without amendment, by the House Public Health Committee on April 9, making it eligible to be considered in lieu of HB 2382.

The substitute deleted a requirement in the original bill that DSHS notify minors and their legally authorized representatives within 30 days of their 18th birthday. The substitute also would extend the period for a person to make a request to be included in ImmTrac from 30 days as provided in the original bill to one year. The committee substitute also would include provisions to separate the registry for those 18 years of age for one year, allow electronic methods to provide consent forms, and permit education programs that were not in the original bill.