

## **BILL ANALYSIS**

Senate Research Center

H.B. 3054  
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Health & Human Services  
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Engrossed

### **DIGEST**

In 1994, with funding from the Texas Legislature, the Texas Department of Health (TDH) established an immunization tracking system (Immtrac) for the purpose of monitoring immunization rates for children across Texas. This tracking system also serves as an information depository for providers, who are then able to determine if a child's immunization record is up-to-date. For children that do not regularly see the same care provider, Immtrac serves to protect them from "over-immunization." However, the current system lacks data from the private sector, and thus does not provide a complete picture of the immunization rates in Texas. This lack of information is an obstacle to achieving the state's goal of 90 percent immunization levels in two-year olds. This legislation aims to correct this inadequacy by requiring anyone that administers immunizations to a person under the age of 18 to submit the relevant information to Immtrac. Insurance companies, health maintenance organizations, and others who pay for or reimburse claims for immunizations will also be required to report. In addition, H.B. 3054 will include strict parameters to ensure the confidentiality of the reported information.

### **PURPOSE**

As proposed, H.B. 3054 creates an immunization registry, establishes reporting requirements concerning immunizations, and provides criminal penalties.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the Texas Board of Health in SECTION 1 (Section 161.007(a), Health and Safety Code) and the Texas Board of Health in SECTION 1 (Section 161.007(i), Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 161A, Health and Safety Code, by adding Sections 161.007-161.009, as follows:

Sec. 161.007. IMMUNIZATION REGISTRY; REPORTS TO DEPARTMENT. Requires the Texas Department of Health (department), for the purposes of establishing and maintaining a single repository of accurate, complete, and current immunization records to be used in aiding, coordinating, and promoting efficient and cost-effective childhood communicable disease prevention and control efforts, to establish and maintain a childhood immunization registry. Requires any person who administers a vaccine to a child under the age of 18 to provide to the department certain data necessary for the immunization registry. Requires the department, by rule, to develop guidelines to protect the confidentiality of patients and inform parents or a managing conservator or guardian about the immunization registry and the opportunity for exemption from the registry. Sets forth regulations regarding the immunization registry. Provides that nothing in this section diminishes a parent's, managing conservator's, or guardian's responsibility for having a child immunized property. Provides that a person, including a health care provider, who submits or obtains in good faith an immunization history or data to or from the department in compliance with the provisions of this section and any rules adopted under this section is not liable for any civil damages. Requires the Texas Board of Health to adopt rules to implement this section.

Sec. 161.008. IMMUNIZATION RECORD. Sets forth regulations regarding immunization records held in the immunization registry.

Sec. 161.009. PENALTIES FOR DISCLOSURE OF INFORMATION. Provides that a person commits a Class A misdemeanor if the person negligently releases or discloses immunization registry information in violation of Section 161.007 or 161.008; or negligently uses the information in the immunization registry to solicit new patients or clients or for other purposes that are not associated with immunization purposes, unless authorized by this section.

SECTION 3. Requires the department to evaluate the immunization registry established under Section 161.007, Health and Safety Code, as added by this Act, two years after its implementation date to determine if the immunization registry is meeting its stated goals and objectives. Requires the department to report to the legislature on February 1 of each odd-numbered year concerning the maintenance and operation of the registry.

SECTION 4. (a) Effective date: September 1, 1997, except as provided by Subsection (b).

(b) Effective date for Sections 161.007(c) and (d), Health and Safety Code: January 1, 1999.

SECTION 5. Emergency clause.