

BILL ANALYSIS

Senate Research Center

H.B. 2171
By: Sheffield et al. (Zaffirini)
Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the parent, managing conservator, or guardian of a child can consent to placement of the child's immunization records into the state's secure, confidential immunization registry. When the child turns 18 years of age, however, consent must be obtained anew if the person wishes for his or her immunization records to continue to be maintained in the registry. If additional consent is not received, the records are removed. Immunization records are frequently needed after the age of 18 for college admissions, international travel, changing health care providers, or enlisting in the military. By allowing immunization records to be maintained in the state's registry until a person reaches 26 years of age, young adults would have the confidence that their information is kept safe and available if they need it at a future time.

H.B. 2171 extends the period in which a person's information is retained in the immunization registry from 18 to 26 upon a person's request.

H.B. 2171 amends current law relating to information maintained in the immunization registry with the consent of an individual after the individual becomes an adult.

[**Note:** While the statutory reference in this bill is to the Texas Department of Health (TDH), the following amendments affect the Department of State Health Services, as the successor agency to TDH.]

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission is modified in SECTION 1 (Section 161.007, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 161.007, Health and Safety Code, by amending Subsections (a-1), (a-2), (b), and (e) and adding Subsections (a-4), (a-5), and (a-6), and amending Subsection (a-3), as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, follows:

(a-1) Provides that the written or electronic consent required by Subsection (a)(3) for an individual younger than 18 years of age is required to be obtained only one time. Requires that the written or electronic consent of the individual's parent, managing conservator, or guardian be submitted to the Texas Department of Health (TDH) before the individual's 18th birthday. Authorizes the individual's immunization information, after consent is submitted, to be included in the registry until the individual becomes 26 years of age unless the consent is withdrawn in writing or electronically, or renewed after the individual's 18th birthday as provided by Subsection (a-2). Authorizes a parent, managing conservator, or guardian of a minor to provide the consent by using an electronic signature on the minor's birth certificate.

Deletes existing text providing that the consent is valid until the individual becomes 18 years of age unless the consent is withdrawn in writing or electronically.

(a-2) Provides that the written or electronic consent required by Subsection (a)(3) for an individual who is 18 years of age or older is required to be obtained only one time and must be received from the individual before the information may be released. Authorizes an individual's legally authorized representative or the individual, after the individual has attained 18 years of age, to consent in writing or electronically for the individual's information to remain in the registry. Prohibits TDH from including in the registry the immunization information of an individual who is 26, rather than 18, years of age or older until written or electronic consent has been obtained as provided by this subsection.

Deletes existing text authorizing an individual's legally authorized representative or the individual, after the individual has attained 18 years of age, to consent in writing or electronically for the individual's information to remain in the registry after the individual's 18th birthday and for the individual's subsequent immunizations to be included in the registry. Deletes existing text requiring that the written or electronic consent of the minor's legally authorized representative as described by Section 161.0001(1-c)(A) (defining "individual's legally authorized representative" as a parent, managing conservator, or guardian of an individual, if the individual is a minor) be submitted to TDH before the individual's 18th birthday. Deletes existing text requiring that the written or electronic consent of the individual or the individual's legally authorized representative as described by Section 161.0001(1-c)(B) (defining "individual's legally authorized representative" as a guardian of the individual, if the individual has been adjudicated incompetent to manage the individual's personal affairs) or (C) (defining "individual's legally authorized representative" as an agent of the individual authorized under a durable power of attorney for health care) be submitted to TDH not later than the individual's 19th birthday.

(a-3) Requires the executive commissioner of the Health and Human Services Commission by rule to develop guidelines and procedures for obtaining consent from an individual after the individual's 18th birthday, including procedures for retaining immunization information in a separate database that is inaccessible by any person other than TDH during the eight-year period during which an individual who is 18 years of age or older, rather than the one-year period during which an 18-year-old, may consent to inclusion in the registry under Subsection (a-2).

(a-4) Requires TDH, after an individual's 18th birthday, to make a reasonable effort to provide notice to an individual whose immunization information is included in the registry with consent that was provided by a parent, managing conservator, or guardian under Subsection (a-1). Requires that the reasonable effort include at least two attempts by TDH to provide the notice required by this subsection by telephone or e-mail, by regular mail to the individual's last known address, or by general outreach efforts through the individual's health care provider, school district, or institution of higher education. Requires that the notice inform the individual that the individual's immunization records will be included in the registry until the date of the individual's 26th birthday unless the individual or the individual's legally authorized representative:

- (1) withdraws consent in writing or electronically before that date; or
- (2) provides consent for the records to continue to be included in the registry as provided by Subsection (a-2).

(a-5) Requires TDH, after an individual's 25th birthday, to make a reasonable effort to provide notice to an individual whose immunization information is included in the registry with consent that was provided under Subsection (a-1) and has not been renewed under Subsection (a-2). Requires that the reasonable effort include at least two attempts by TDH to provide the notice required by this subsection by telephone or e-mail, by regular mail to the individual's last known address, or by general outreach efforts through the individual's health care provider or institution of higher education. Requires that the notice inform the individual that the individual's immunization records will be included in the immunization registry until the individual's 26th birthday unless the individual or

the individual's legally authorized representative renews consent as provided by Subsection (a-2).

(a-6) Requires TDH to make a reasonable effort to obtain current contact information for written or electronic notices sent by TDH under Subsection (a-5) that are returned due to incorrect address information.

(b) Deletes a reference to Subsection (a-3) and makes no further change to this subsection.

(e) Deletes a reference to Subsection (a-3) and makes no further change to this subsection.

SECTION 2. Provides that the changes in law made by this Act to Section 161.007 (Immunization Registry; Reports to Department), Health and Safety Code, apply only to immunization information in the immunization registry of a person who turns 18 years of age on or after the effective date of this Act. Provides that the immunization information in the immunization registry of a person who turns 18 years of age before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

SECTION 3. Effective date: September 1, 2015.