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"Law puts newborns on immunization registry," 9-3-2004 The Record, pA4
"State to track immunization of Jersey-born," 9-3-2004 Star Ledger, p.32

P.L. 2004, CHAPTER 138, *approved September 2, 2004*
Assembly, No. 2240 (*First Reprint*)

1 **AN ACT** establishing a Statewide automated and electronic
2 immunization registry in the Department of Health and Senior
3 Services and supplementing Title 26 of the Revised Statutes.

4

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

7

8 1. This act shall be known and may be cited as the "Statewide
9 Immunization Registry Act."

10

11 2. The Legislature finds and declares that the establishment of a
12 Statewide automated and electronic immunization registry will serve
13 the following public health purposes:

14 a. ensure the greatest possible protection to the public from
15 morbidity and death related to infectious diseases preventable by
16 appropriate and timely immunizations;

17 b. establish the public health infrastructure necessary:

18 (1) to assist individuals and families to maximize their personal
19 protection from vaccine-preventable diseases in as efficient and
20 efficacious a manner as possible;

21 (2) for community-wide and population-specific surveillance of
22 potential susceptibility to outbreaks of vaccine-preventable diseases;
23 and

24 (3) for an effective response to a bio-terrorism event utilizing a
25 potentially vaccine-preventable disease organism or to an epidemic or
26 pandemic outbreak of a novel influenza virus of unusual virulence;

27 c. ensure that a registrant, or the registrant's parent or legal
28 guardian if the registrant is a minor, can more easily obtain from his
29 health care provider or local health authority, or by other means as
30 determined by the Commissioner of Health and Senior Services, the
31 registrant's full immunization history if the registrant changes health
32 care providers or requires documentation of immunization;

33 d. provide health care providers, licensed child care centers,
34 schools, colleges, and other public agencies and private organizations
35 authorized to access the immunization registry with information
36 concerning immunizations and other preventive health screenings, and

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AHH committee amendments adopted May 3, 2004.

- 1 the ability to determine relevant immunization and other preventive
2 health screening histories of the individuals whom they serve;
- 3 e. provide the State with greatly improved accuracy in its records
4 concerning immunization rates among the State's residents;
- 5 f. improve the State's ability to respond to outbreaks of
6 communicable and vaccine-preventable diseases in a manner that
7 reduces the risk of unnecessary additional immunizations;
- 8 g. enable the efficient allocation of public health resources to
9 provide the widest possible protection of the general population from
10 vaccine-preventable diseases;
- 11 h. ensure that all vulnerable children can be brought to completed
12 immunization status as quickly as possible following manufacturing or
13 distribution delays that may occur; and
- 14 i. establish the legal and administrative framework necessary to
15 ensure a properly functioning, universal, Statewide immunization
16 registry inclusive of both public and private partners working
17 cooperatively to share immunization data in a timely manner.

18

19 3. As used in this act:

20 "Commissioner" means the Commissioner of Health and Senior
21 Services.

22 "Department" means the Department of Health and Senior Services.

23 "Health care provider" means a health care facility licensed pursuant
24 to P.L.1971, c.136 (C.26:2H-1 et seq.) or a health care professional
25 whose practice is regulated pursuant to Title 45 of the Revised
26 Statutes.27 "Registry" means the New Jersey Immunization Information System
28 established pursuant to this act.

29

30 4. a. There is established a Statewide automated and electronic
31 immunization registry, to be designated as the New Jersey
32 Immunization Information System, in the Department of Health and
33 Senior Services. The registry shall be designed to serve as a single
34 repository of immunization records to aid, coordinate and help
35 promote effective and cost-efficient disease screening, prevention and
36 control efforts in the State.37 b. A newborn infant in New Jersey¹, who is born on or after
38 January 1, 1998,¹ shall be enrolled in the registry immediately
39 following birth unless the parent or legal guardian of the infant
40 provides a written request to not participate in the registry.41 A child born prior to ¹[the enactment of this act] January 1, 1998¹
42 may be enrolled in the registry at the parent's or legal guardian's
43 written request.44 c. Access to the information in the registry shall be limited to:
45 health care providers, schools, colleges, licensed child care centers,
46 and public agencies and private organizations as determined by

1 regulation of the commissioner. A registrant, or the registrant's parent
2 or legal guardian if the registrant is a minor, shall have access to the
3 registrant's immunization and other preventive health screening
4 information in the registry.

5 d. The information contained in the registry shall be used for the
6 following purposes:

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

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

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

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

23 f. A health care provider shall not discriminate in any way against
24 a person solely because the person elects not to participate in the
25 registry.

26 g. An authorized user granted access as provided in subsection c.
27 of this section shall only access information in the registry on a
28 specific patient or client who is presently receiving services, is under
29 the user's care or is within the applicable governmental health
30 authority's jurisdiction.

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

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

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

41 (2) the methods for submitting, and the content of, reports of
42 immunizations to the registry, for which purpose the commissioner
43 shall provide, to the maximum extent practicable, for reporting options
44 to facilitate compliance with the requirements of subsection b. of this
45 section;

46 (3) procedures for the birth hospital of a newborn infant or health

1 care provider, as applicable, to inform the parent or legal guardian of
2 a newborn infant or minor of the purpose of the registry and its
3 potential uses by parties having authorized access to registry
4 information, and the content of that information;

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

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

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

14 (7) procedures for health insurers to obtain immunization
15 information from the registry concerning only their covered persons,
16 as well as summary statistics, which information or statistics shall not
17 be used or disclosed for any other purpose than to:

18 (a) improve patient care;

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

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

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

26 (8) procedures for the department to disseminate statistical
27 information and supporting commentary.

28
29 5. Notwithstanding any other provision of this act to the contrary,
30 a person or entity, who is authorized by the commissioner to report,
31 receive or disclose information relating to the registry pursuant to this
32 act, shall be immune from liability for:

33 a. reporting information to, receiving information from, or
34 disclosing information received from, the registry in accordance with
35 the provisions of this act or any regulation adopted pursuant thereto;
36 and

37 b. any error or inaccuracy in the information that is reported to,
38 received from, or disclosed after receipt from, the registry in
39 accordance with the provisions of this act or any regulation adopted
40 pursuant thereto, and any consequence of that error or inaccuracy.

41
42 6. The provisions of this act shall not be construed to affect the
43 obligation of any person, or the person's parent or legal guardian if the
44 person is a minor, to comply with any immunization requirement, or
45 the right of that person, parent or legal guardian to request an
46 exemption from the immunization requirement on the grounds that an

1 immunization is medically contraindicated or that the requirement
2 conflicts with the religious tenets or practices of the person, parent or
3 legal guardian, as otherwise established by statute or by regulation of
4 the department.

5
6 7. a. Information contained in the registry is confidential and shall
7 be disclosed only for the purposes authorized by this act.

8 b. A person who is aggrieved as a result of a violation of this act
9 may commence a civil action against the person or entity committing
10 the violation to obtain appropriate relief, including actual damages,
11 equitable relief and reasonable attorney's fees and court costs.
12 Punitive damages may be awarded when the violation evidences
13 wantonly reckless or intentionally malicious conduct by the person or
14 entity who committed the violation.

15 c. A person who discloses information in violation of this act is
16 guilty of a disorderly persons offense. Each disclosure made in
17 violation of this act is a separate and actionable offense.

18
19 8. The provisions of this act shall not prohibit the transmission or
20 exchange of immunization information from other government
21 database systems, immunization registries of other states or similar
22 regional registries officially recognized by those states, health
23 maintenance organizations or health benefits plans, health insurance
24 companies, practice management or billing vendors, or other similar
25 databases containing immunization histories, if the transmission is in
26 accordance with the provisions of this act and other relevant State and
27 federal laws and regulations.

28
29 9. This act shall take effect on the 180th day after enactment, but
30 the commissioner may take such anticipatory administrative action in
31 advance as shall be necessary for the implementation of the act.

32

33

34

35

36 "Statewide Immunization Registry Act."

ASSEMBLY, No. 2240

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED FEBRUARY 9, 2004

Sponsored by:

Assemblywoman JOAN M. QUIGLEY

District 32 (Bergen and Hudson)

Assemblyman ROBERT MORGAN

District 12 (Mercer and Monmouth)

Assemblyman FRANCIS J. BLEE

District 2 (Atlantic)

SYNOPSIS

"Statewide Immunization Registry Act."

CURRENT VERSION OF TEXT

As introduced.



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2 immunization registry in the Department of Health and Senior
3 Services and supplementing Title 26 of the Revised Statutes.

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16 appropriate and timely immunizations;

17 b. establish the public health infrastructure necessary:

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19 protection from vaccine-preventable diseases in as efficient and
20 efficacious a manner as possible;

21 (2) for community-wide and population-specific surveillance of
22 potential susceptibility to outbreaks of vaccine-preventable diseases;
23 and

24 (3) for an effective response to a bio-terrorism event utilizing a
25 potentially vaccine-preventable disease organism or to an epidemic or
26 pandemic outbreak of a novel influenza virus of unusual virulence;

27 c. ensure that a registrant, or the registrant's parent or legal
28 guardian if the registrant is a minor, can more easily obtain from his
29 health care provider or local health authority, or by other means as
30 determined by the Commissioner of Health and Senior Services, the
31 registrant's full immunization history if the registrant changes health
32 care providers or requires documentation of immunization;

33 d. provide health care providers, licensed child care centers,
34 schools, colleges, and other public agencies and private organizations
35 authorized to access the immunization registry with information
36 concerning immunizations and other preventive health screenings, and
37 the ability to determine relevant immunization and other preventive
38 health screening histories of the individuals whom they serve;

39 e. provide the State with greatly improved accuracy in its records
40 concerning immunization rates among the State's residents;

41 f. improve the State's ability to respond to outbreaks of
42 communicable and vaccine-preventable diseases in a manner that
43 reduces the risk of unnecessary additional immunizations;

44 g. enable the efficient allocation of public health resources to
45 provide the widest possible protection of the general population from
46 vaccine-preventable diseases;

1 h. ensure that all vulnerable children can be brought to completed
2 immunization status as quickly as possible following manufacturing or
3 distribution delays that may occur; and

4 i. establish the legal and administrative framework necessary to
5 ensure a properly functioning, universal, Statewide immunization
6 registry inclusive of both public and private partners working
7 cooperatively to share immunization data in a timely manner.

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11 Services.

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14 to P.L.1971, c.136 (C.26:2H-1 et seq.) or a health care professional
15 whose practice is regulated pursuant to Title 45 of the Revised
16 Statutes.

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18 established pursuant to this act.

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21 immunization registry, to be designated as the New Jersey
22 Immunization Information System, in the Department of Health and
23 Senior Services. The registry shall be designed to serve as a single
24 repository of immunization records to aid, coordinate and help
25 promote effective and cost-efficient disease screening, prevention and
26 control efforts in the State.

27 b. A newborn infant in New Jersey shall be enrolled in the registry
28 immediately following birth unless the parent or legal guardian of the
29 infant provides a written request to not participate in the registry.

30 A child born prior to the enactment of this act may be enrolled in
31 the registry at the parent's or legal guardian's written request.

32 c. Access to the information in the registry shall be limited to:
33 health care providers, schools, colleges, licensed child care centers,
34 and public agencies and private organizations as determined by
35 regulation of the commissioner. A registrant, or the registrant's parent
36 or legal guardian if the registrant is a minor, shall have access to the
37 registrant's immunization and other preventive health screening
38 information in the registry.

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42 immunizations in a timely manner by providing access to the
43 registrants' immunization records;

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

46 (3) to help control communicable diseases by assisting in the

1 identification of persons who require immediate immunization in the
2 event of a vaccine-preventable disease outbreak.

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

11 f. A health care provider shall not discriminate in any way against
12 a person solely because the person elects not to participate in the
13 registry.

14 g. An authorized user granted access as provided in subsection c.
15 of this section shall only access information in the registry on a
16 specific patient or client who is presently receiving services, is under
17 the user's care or is within the applicable governmental health
18 authority's jurisdiction.

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

23 i. The commissioner, in consultation with the Public Health
24 Council, shall adopt rules and regulations, pursuant to the
25 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
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27 to:

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

29 (2) the methods for submitting, and the content of, reports of
30 immunizations to the registry, for which purpose the commissioner
31 shall provide, to the maximum extent practicable, for reporting options
32 to facilitate compliance with the requirements of subsection b. of this
33 section;

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

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

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

46 (6) limits on, and methods of, access to the registry by those

1 authorized pursuant to subsection c. of this section;

2 (7) procedures for health insurers to obtain immunization
3 information from the registry concerning only their covered persons,
4 as well as summary statistics, which information or statistics shall not
5 be used or disclosed for any other purpose than to:

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

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

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

14 (8) procedures for the department to disseminate statistical
15 information and supporting commentary.

16

17 5. Notwithstanding any other provision of this act to the contrary,
18 a person or entity, who is authorized by the commissioner to report,
19 receive or disclose information relating to the registry pursuant to this
20 act, shall be immune from liability for:

21 a. reporting information to, receiving information from, or
22 disclosing information received from, the registry in accordance with
23 the provisions of this act or any regulation adopted pursuant thereto;
24 and

25 b. any error or inaccuracy in the information that is reported to,
26 received from, or disclosed after receipt from, the registry in
27 accordance with the provisions of this act or any regulation adopted
28 pursuant thereto, and any consequence of that error or inaccuracy.

29

30 6. The provisions of this act shall not be construed to affect the
31 obligation of any person, or the person's parent or legal guardian if the
32 person is a minor, to comply with any immunization requirement, or
33 the right of that person, parent or legal guardian to request an
34 exemption from the immunization requirement on the grounds that an
35 immunization is medically contraindicated or that the requirement
36 conflicts with the religious tenets or practices of the person, parent or
37 legal guardian, as otherwise established by statute or by regulation of
38 the department.

39

40 7. a. Information contained in the registry is confidential and shall
41 be disclosed only for the purposes authorized by this act.

42 b. A person who is aggrieved as a result of a violation of this act
43 may commence a civil action against the person or entity committing
44 the violation to obtain appropriate relief, including actual damages,
45 equitable relief and reasonable attorney's fees and court costs.
46 Punitive damages may be awarded when the violation evidences

1 wantonly reckless or intentionally malicious conduct by the person or
2 entity who committed the violation.

3 c. A person who discloses information in violation of this act is
4 guilty of a disorderly persons offense. Each disclosure made in
5 violation of this act is a separate and actionable offense.

6

7 8. The provisions of this act shall not prohibit the transmission or
8 exchange of immunization information from other government
9 database systems, immunization registries of other states or similar
10 regional registries officially recognized by those states, health
11 maintenance organizations or health benefits plans, health insurance
12 companies, practice management or billing vendors, or other similar
13 databases containing immunization histories, if the transmission is in
14 accordance with the provisions of this act and other relevant State and
15 federal laws and regulations.

16

17 9. This act shall take effect on the 180th day after enactment, but
18 the commissioner may take such anticipatory administrative action in
19 advance as shall be necessary for the implementation of the act.

20

21

22 STATEMENT

23

24 This bill, which is designated the "Statewide Immunization Registry
25 Act," establishes a Statewide automated and electronic immunization
26 registry in the Department of Health and Senior Services (in
27 conjunction with the federal Centers for Disease Control and
28 Prevention-sponsored initiatives in all 50 states), to be designated as
29 the "New Jersey Immunization Information System." The registry
30 shall be designed to serve as a single repository of immunization and
31 other preventive health screening records to aid, coordinate and
32 promote effective and cost-efficient disease screening, prevention, and
33 control efforts in the State.

34 Specifically, the bill provides as follows:

35 -- A newborn infant in New Jersey shall be enrolled in the registry
36 immediately following birth unless the parent or legal guardian of
37 the infant provides a written request to not participate in the
38 registry. A child born prior to the enactment of this bill may be
39 enrolled in the registry at the parent's or legal guardian's written
40 request.

41 -- Access to the information in the registry shall be limited to: health
42 care providers, schools, colleges, licensed child care centers, and
43 public agencies and private organizations as determined by the
44 Commissioner of Health and Senior Services. A registrant, or the
45 registrant's parent or legal guardian if the registrant is a minor, shall
46 have access to the registrant's immunization and other preventive

- 1 health screening information in the registry.
- 2 -- The information contained in the registry shall be used for the
3 following purposes:
- 4 - to help ensure that registrants receive all recommended
5 immunizations in a timely manner by providing access to their
6 records;
- 7 - to help improve immunization rates by facilitating notice to
8 registrants of overdue or upcoming immunizations; and
- 9 - to help control communicable diseases by assisting in the
10 identification of persons who require immediate immunization in the
11 event of a vaccine-preventable disease outbreak.
- 12 -- The authentic immunization and preventive health screening record
13 of a child obtained from the registry shall be accepted as a valid
14 immunization and screening record of the registrant for the purpose
15 of meeting immunization and screening documentation requirements
16 for admission to a licensed child care center, school or college.
- 17 -- An authorized user granted access to registry information pursuant
18 to this bill shall only access information on a specific patient or
19 client who is at the time receiving services, is under the user's care,
20 or is within the applicable governmental health authority's
21 jurisdiction.
- 22 -- A health care provider shall not discriminate in any way against a
23 person solely because the person elects not to participate in the
24 registry; and an agency, organization or other entity that is
25 authorized to have access to information in the registry shall not
26 use any report made by a health care provider pursuant to this bill
27 in any punitive manner against the provider.
- 28 -- The commissioner shall adopt rules and regulations to effectuate
29 the purposes of the bill, including, but not limited to:
- 30 - the establishment and maintenance of the registry;
- 31 - the methods for submitting, and the content of, reports of
32 immunizations to the registry;
- 33 - procedures for the birth hospital of a newborn infant or health
34 care provider, as applicable, to inform the parent or legal guardian
35 of a newborn infant or minor of the purpose of the registry and its
36 potential uses by parties having authorized access to registry
37 information, and the content of that information;
- 38 - procedures for a registrant, or the registrant's parent or legal
39 guardian if the registrant is a minor, to review and correct
40 information contained in the registry;
- 41 - procedures for the parent or legal guardian of a newborn infant or
42 minor, or a person over 18 years of age, to request to not
43 participate in the registry at any time and to remove or inactivate
44 information from the registry;
- 45 - limits on, and methods of, access to the registry by those
46 authorized pursuant to the bill;

- 1 - procedures for health insurers to obtain immunization information
2 from the registry concerning only their covered persons, as well as
3 summary statistics, which information or statistics shall not be used
4 or disclosed for any other purpose than those specified in the bill;
5 and
6 - procedures for the department to disseminate statistical
7 information and supporting commentary.
- 8 -- A person or entity authorized by the commissioner to report,
9 receive or disclose information relating to the registry shall be
10 immune from liability for:
11 - reporting information to, receiving information from, or disclosing
12 information received from, the registry; and
13 - any error or inaccuracy in the information that is reported to,
14 received from, or disclosed after receipt from, the registry, and any
15 consequence of that error or inaccuracy.
- 16 -- The provisions of this bill shall not be construed to affect the
17 obligation of any person, or the person's parent or legal guardian if
18 the person is a minor, to comply with any immunization
19 requirement, or the right of that person, parent or legal guardian to
20 request an exemption from the immunization requirement on the
21 grounds that an immunization is medically contraindicated or that
22 the requirement conflicts with the religious tenets or practices of
23 the person, parent or legal guardian, as otherwise established by
24 statute or by regulation of the department.
- 25 -- Information contained in the registry is confidential and shall be
26 disclosed only for the purposes authorized by this bill. A person
27 who is aggrieved as a result of a violation of this bill may
28 commence a civil action against the person or entity committing the
29 violation to obtain appropriate relief, including actual damages,
30 equitable relief and reasonable attorney's fees and court costs.
31 Punitive damages may be awarded when the violation evidences
32 wantonly reckless or intentionally malicious conduct by the person
33 or entity who committed the violation. In addition, a person who
34 discloses information in violation of the bill is guilty of a disorderly
35 persons offense. Each disclosure made in violation of this bill is a
36 separate and actionable offense.
- 37 -- The provisions of this bill shall not prohibit the transmission or
38 exchange of immunization information from other government
39 database systems, immunization registries of other states or similar
40 regional registries officially recognized by those states, health
41 benefits plans, practice management or billing vendors, or other
42 similar databases containing immunization histories, if the
43 transmission is in accordance with the provisions of this bill and
44 other relevant State and federal laws and regulations.
- 45 The bill takes effect on the 180th day after enactment, but provides
46 that the commissioner may take anticipatory administrative action in
47 advance as necessary for its implementation.

ASSEMBLY HEALTH AND HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2240

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 3, 2004

The Assembly Health and Human Services Committee reports favorably and with committee amendments Assembly Bill No. 2240.

As amended by the committee, this bill, which is designated the "Statewide Immunization Registry Act," establishes a Statewide automated and electronic immunization registry in the Department of Health and Senior Services (in conjunction with the federal Centers for Disease Control and Prevention-sponsored initiatives in all 50 states), to be designated as the "New Jersey Immunization Information System." The registry will be designed to serve as a single repository of immunization and other preventive health screening records to aid, coordinate and promote effective and cost-efficient disease screening, prevention, and control efforts in the State.

Specifically, the bill provides as follows:

-- A newborn infant in New Jersey, who is born on or after January 1, 1998, is to be enrolled in the registry immediately following birth unless the parent or legal guardian of the infant provides a written request to not participate in the registry. A child born prior to January 1, 1998 may be enrolled in the registry at the parent's or legal guardian's written request.

-- Access to the information in the registry will be limited to: health care providers, schools, colleges, licensed child care centers, and public agencies and private organizations as determined by the Commissioner of Health and Senior Services. A registrant, or the registrant's parent or legal guardian if the registrant is a minor, will have access to the registrant's immunization and other preventive health screening information in the registry.

-- The information contained in the registry is to be used for the following purposes:

- * to help ensure that registrants receive all recommended immunizations in a timely manner by providing access to their records;
- * to help improve immunization rates by facilitating notice to registrants of overdue or upcoming immunizations; and
- * to help control communicable diseases by assisting in the identification of persons who require immediate immunization in the

event of a vaccine-preventable disease outbreak.

-- The authentic immunization and preventive health screening record of a child obtained from the registry is to be accepted as a valid immunization and screening record of the registrant for the purpose of meeting immunization and screening documentation requirements for admission to a licensed child care center, school or college.

-- An authorized user granted access to registry information pursuant to this bill is to only access information on a specific patient or client who is at the time receiving services, is under the user's care, or is within the applicable governmental health authority's jurisdiction.

-- A health care provider is not to discriminate in any way against a person solely because the person elects not to participate in the registry; and an agency, organization or other entity that is authorized to have access to information in the registry is not to use any report made by a health care provider pursuant to this bill in any punitive manner against the provider.

-- The commissioner is to adopt rules and regulations to effectuate the purposes of the bill, including, but not limited to:

- * the establishment and maintenance of the registry;
- * the methods for submitting, and the content of, reports of immunizations to the registry;
- * procedures for the birth hospital of a newborn infant or health care provider, as applicable, to inform the parent or legal guardian of a newborn infant or minor of the purpose of the registry and its potential uses by parties having authorized access to registry information, and the content of that information;
- * procedures for a registrant, or the registrant's parent or legal guardian if the registrant is a minor, to review and correct information contained in the registry;
- * procedures for the parent or legal guardian of a newborn infant or minor, or a person over 18 years of age, to request to not participate in the registry at any time and to remove or inactivate information from the registry;
- * limits on, and methods of, access to the registry by those authorized pursuant to the bill;
- * procedures for health insurers to obtain immunization information from the registry concerning only their covered persons, as well as summary statistics, which information or statistics are not to be used or disclosed for any other purpose than those specified in the bill; and
- * procedures for the Department of Health and Senior Services to disseminate statistical information and supporting commentary.

-- A person or entity authorized by the commissioner to report, receive or disclose information relating to the registry is immune from liability for:

- * reporting information to, receiving information from, or disclosing information received from, the registry; and
- * any error or inaccuracy in the information that is reported to,

received from, or disclosed after receipt from, the registry, and any consequence of that error or inaccuracy.

-- The provisions of this bill are not to be construed to affect the obligation of any person, or the person's parent or legal guardian if the person is a minor, to comply with any immunization requirement, or the right of that person, parent or legal guardian to request an exemption from the immunization requirement on the grounds that an immunization is medically contraindicated or that the requirement conflicts with the religious tenets or practices of the person, parent or legal guardian, as otherwise established by statute or by regulation of the department.

-- Information contained in the registry is confidential and is to be disclosed only for the purposes authorized by this bill. A person who is aggrieved as a result of a violation of this bill may commence a civil action against the person or entity committing the violation to obtain appropriate relief, including actual damages, equitable relief and reasonable attorney's fees and court costs. Punitive damages may be awarded when the violation evidences wantonly reckless or intentionally malicious conduct by the person or entity who committed the violation. In addition, a person who discloses information in violation of the bill is guilty of a disorderly persons offense (which is punishable by a fine of up to \$1,000 or imprisonment for up to six months, or both). Each disclosure made in violation of the bill is a separate and actionable offense.

-- The provisions of this bill are not to prohibit the transmission or exchange of immunization information from other government database systems, immunization registries of other states or similar regional registries officially recognized by those states, health benefits plans, practice management or billing vendors, or other similar databases containing immunization histories, if the transmission is in accordance with the provisions of this bill and other relevant State and federal laws and regulations.

The bill takes effect on the 180th day after enactment, but authorizes the commissioner to take anticipatory administrative action in advance as necessary for its implementation.

As reported by the committee, this bill is similar to Senate Bill No. 553 (Vitale/Adler), which is currently pending in the Senate Budget and Appropriations Committee.

COMMITTEE AMENDMENTS

The committee amendments to the bill provide that:

-- a newborn infant in New Jersey, who is born on or after January 1, 1998, is to be enrolled in the registry immediately following birth unless the parent or legal guardian of the infant provides a written request to not participate in the registry; and

-- a child born prior to January 1, 1998 may be enrolled in the registry at the parent's or legal guardian's written request.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2240

STATE OF NEW JERSEY

DATED: JUNE 18, 2004

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 2240 (1R).

This bill, which is designated the "Statewide Immunization Registry Act," establishes a Statewide automated and electronic immunization registry in the Department of Health and Senior Services (in conjunction with the federal Centers for Disease Control and Prevention-sponsored initiatives in all 50 states), to be designated as the "New Jersey Immunization Information System." The registry shall be designed to serve as a single repository of immunization and other preventive health screening records to aid, coordinate and promote effective and cost-efficient disease screening, prevention, and control efforts in the State.

Specifically, the bill provides as follows:

- A newborn infant in New Jersey, who is born on or after January 1, 1998, is to be enrolled in the registry immediately following birth unless the parent or legal guardian of the infant provides a written request to not participate in the registry. A child born prior to that date may be enrolled in the registry at the parent's or legal guardian's written request.
- Access to the information in the registry shall be limited to: health care providers, schools, colleges, licensed child care centers, and public agencies and private organizations as determined by the Commissioner of Health and Senior Services. A registrant, or the registrant's parent or legal guardian if the registrant is a minor, shall have access to the registrant's immunization and other preventive health screening information in the registry.
- The information contained in the registry shall be used for the following purposes:
 - to help ensure that registrants receive all recommended immunizations in a timely manner by providing access to their records;
 - to help improve immunization rates by facilitating notice to registrants of overdue or upcoming immunizations; and
 - to help control communicable diseases by assisting in the

identification of persons who require immediate immunization in the event of a vaccine-preventable disease outbreak.

- The authentic immunization and preventive health screening record of a child obtained from the registry shall be accepted as a valid immunization and screening record of the registrant for the purpose of meeting immunization and screening documentation requirements for admission to a licensed child care center, school or college.
- An authorized user granted access to registry information pursuant to this bill shall only access information on a specific patient or client who is at the time receiving services, is under the user's care, or is within the applicable governmental health authority's jurisdiction.
- A health care provider shall not discriminate in any way against a person solely because the person elects not to participate in the registry; and an agency, organization or other entity that is authorized to have access to information in the registry shall not use any report made by a health care provider pursuant to this bill in any punitive manner against the provider.
- The commissioner shall adopt rules and regulations to effectuate the purposes of the bill, including, but not limited to:
 - the establishment and maintenance of the registry;
 - the methods for submitting, and the content of, reports of immunizations to the registry;
 - procedures for the birth hospital of a newborn infant or health care provider, as applicable, to inform the parent or legal guardian of a newborn infant or minor of the purpose of the registry and its potential uses by parties having authorized access to registry information, and the content of that information;
 - procedures for a registrant, or the registrant's parent or legal guardian if the registrant is a minor, to review and correct information contained in the registry;
 - procedures for the parent or legal guardian of a newborn infant or minor, or a person over 18 years of age, to request to not participate in the registry at any time and to remove or inactivate information from the registry;
 - limits on, and methods of, access to the registry by those authorized pursuant to the bill;
 - procedures for health insurers to obtain immunization information from the registry concerning only their covered persons, as well as summary statistics, which information or statistics shall not be used or disclosed for any other purpose than those specified in the bill; and
 - procedures for the department to disseminate statistical information and supporting commentary.
- A person or entity authorized by the commissioner to report,

receive or disclose information relating to the registry shall be immune from liability for:

- reporting information to, receiving information from, or disclosing information received from, the registry; and
 - any error or inaccuracy in the information that is reported to, received from, or disclosed after receipt from, the registry, and any consequence of that error or inaccuracy.
- The provisions of this bill shall not be construed to affect the obligation of any person, or the person's parent or legal guardian if the person is a minor, to comply with any immunization requirement, or the right of that person, parent or legal guardian to request an exemption from the immunization requirement on the grounds that an immunization is medically contraindicated or that the requirement conflicts with the religious tenets or practices of the person, parent or legal guardian, as otherwise established by statute or by regulation of the department.
 - Information contained in the registry is confidential and shall be disclosed only for the purposes authorized by this bill. A person who is aggrieved as a result of a violation of this bill may commence a civil action against the person or entity committing the violation to obtain appropriate relief, including actual damages, equitable relief and reasonable attorney's fees and court costs. Punitive damages may be awarded when the violation evidences wantonly reckless or intentionally malicious conduct by the person or entity who committed the violation. In addition, a person who discloses information in violation of the bill is guilty of a disorderly persons offense. Each disclosure made in violation of this bill is a separate and actionable offense.
 - The provisions of this bill shall not prohibit the transmission or exchange of immunization information from other government database systems, immunization registries of other states or similar regional registries officially recognized by those states, health benefits plans, practice management or billing vendors, or other similar databases containing immunization histories, if the transmission is in accordance with the provisions of this bill and other relevant State and federal laws and regulations.

The bill takes effect on the 180th day after enactment, but provides that the commissioner may take anticipatory administrative action in advance as necessary for its implementation.

The provisions of this bill are identical to those of Senate Bill No. 553 Sca, which the committee also reports this day.

FISCAL IMPACT

This bill is not anticipated to have a fiscal impact, as the Department of Health and Senior Services has already established a Statewide immunization registry.

SENATE, No. 553

STATE OF NEW JERSEY
211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator JOHN H. ADLER

District 6 (Camden)

SYNOPSIS

"Statewide Immunization Registry Act."

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT establishing a Statewide automated and electronic
2 immunization registry in the Department of Health and Senior
3 Services and supplementing Title 26 of the Revised Statutes.

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

7
8 1. This act shall be known and may be cited as the "Statewide
9 Immunization Registry Act."

10
11 2. The Legislature finds and declares that the establishment of a
12 Statewide automated and electronic immunization registry will serve
13 the following public health purposes:

14 a. ensure the greatest possible protection to the public from
15 morbidity and death related to infectious diseases preventable by
16 appropriate and timely immunizations;

17 b. establish the public health infrastructure necessary:

18 (1) to assist individuals and families to maximize their personal
19 protection from vaccine-preventable diseases in as efficient and
20 efficacious a manner as possible;

21 (2) for community-wide and population-specific surveillance of
22 potential susceptibility to outbreaks of vaccine-preventable diseases;
23 and

24 (3) for an effective response to a bio-terrorism event utilizing a
25 potentially vaccine-preventable disease organism or to an epidemic or
26 pandemic outbreak of a novel influenza virus of unusual virulence;

27 c. ensure that a registrant, or the registrant's parent or legal
28 guardian if the registrant is a minor, can more easily obtain from his
29 health care provider or local health authority, or by other means as
30 determined by the Commissioner of Health and Senior Services, the
31 registrant's full immunization history if the registrant changes health
32 care providers or requires documentation of immunization;

33 d. provide health care providers, licensed child care centers,
34 schools, colleges, and other public agencies and private organizations
35 authorized to access the immunization registry with information
36 concerning immunizations and other preventive health screenings, and
37 the ability to determine relevant immunization and other preventive
38 health screening histories of the individuals whom they serve;

39 e. provide the State with greatly improved accuracy in its records
40 concerning immunization rates among the State's residents;

41 f. improve the State's ability to respond to outbreaks of
42 communicable and vaccine-preventable diseases in a manner that
43 reduces the risk of unnecessary additional immunizations;

44 g. enable the efficient allocation of public health resources to
45 provide the widest possible protection of the general population from
46 vaccine-preventable diseases;

1 h. ensure that all vulnerable children can be brought to completed
2 immunization status as quickly as possible following manufacturing or
3 distribution delays that may occur; and

4 i. establish the legal and administrative framework necessary to
5 ensure a properly functioning, universal, Statewide immunization
6 registry inclusive of both public and private partners working
7 cooperatively to share immunization data in a timely manner.

8
9 3. As used in this act:

10 "Commissioner" means the Commissioner of Health and Senior
11 Services.

12 "Department" means the Department of Health and Senior Services.

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

17 "Registry" means the New Jersey Immunization Information System
18 established pursuant to this act.

19
20 4. a. There is established a Statewide automated and electronic
21 immunization registry, to be designated as the New Jersey
22 Immunization Information System, in the Department of Health and
23 Senior Services. The registry shall be designed to serve as a single
24 repository of immunization records to aid, coordinate and help
25 promote effective and cost-efficient disease screening, prevention and
26 control efforts in the State.

27 b. A newborn infant in New Jersey shall be enrolled in the registry
28 immediately following birth unless the parent or legal guardian of the
29 infant provides a written request to not participate in the registry.

30 A child born prior to the enactment of this act may be enrolled in
31 the registry at the parent's or legal guardian's written request.

32 c. Access to the information in the registry shall be limited to:
33 health care providers, schools, colleges, licensed child care centers,
34 and public agencies and private organizations as determined by
35 regulation of the commissioner. A registrant, or the registrant's parent
36 or legal guardian if the registrant is a minor, shall have access to the
37 registrant's immunization and other preventive health screening
38 information in the registry.

39 d. The information contained in the registry shall be used for the
40 following purposes:

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

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

46 (3) to help control communicable diseases by assisting in the

1 identification of persons who require immediate immunization in the
2 event of a vaccine-preventable disease outbreak.

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

11 f. A health care provider shall not discriminate in any way against
12 a person solely because the person elects not to participate in the
13 registry.

14 g. An authorized user granted access as provided in subsection c.
15 of this section shall only access information in the registry on a
16 specific patient or client who is presently receiving services, is under
17 the user's care or is within the applicable governmental health
18 authority's jurisdiction.

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

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

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

29 (2) the methods for submitting, and the content of, reports of
30 immunizations to the registry, for which purpose the commissioner
31 shall provide, to the maximum extent practicable, for reporting options
32 to facilitate compliance with the requirements of subsection b. of this
33 section;

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

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

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

46 (6) limits on, and methods of, access to the registry by those

1 authorized pursuant to subsection c. of this section;

2 (7) procedures for health insurers to obtain immunization
3 information from the registry concerning only their covered persons,
4 as well as summary statistics, which information or statistics shall not
5 be used or disclosed for any other purpose than to:

6 (a) improve patient care;

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

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

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

14 (8) procedures for the department to disseminate statistical
15 information and supporting commentary.

16

17 5. Notwithstanding any other provision of this act to the contrary,
18 a person or entity, who is authorized by the commissioner to report,
19 receive or disclose information relating to the registry pursuant to this
20 act, shall be immune from liability for:

21 a. reporting information to, receiving information from, or
22 disclosing information received from, the registry in accordance with
23 the provisions of this act or any regulation adopted pursuant thereto;
24 and

25 b. any error or inaccuracy in the information that is reported to,
26 received from, or disclosed after receipt from, the registry in
27 accordance with the provisions of this act or any regulation adopted
28 pursuant thereto, and any consequence of that error or inaccuracy.

29

30 6. The provisions of this act shall not be construed to affect the
31 obligation of any person, or the person's parent or legal guardian if the
32 person is a minor, to comply with any immunization requirement, or
33 the right of that person, parent or legal guardian to request an
34 exemption from the immunization requirement on the grounds that an
35 immunization is medically contraindicated or that the requirement
36 conflicts with the religious tenets or practices of the person, parent or
37 legal guardian, as otherwise established by statute or by regulation of
38 the department.

39

40 7. a. Information contained in the registry is confidential and shall
41 be disclosed only for the purposes authorized by this act.

42 b. A person who is aggrieved as a result of a violation of this act
43 may commence a civil action against the person or entity committing
44 the violation to obtain appropriate relief, including actual damages,
45 equitable relief and reasonable attorney's fees and court costs.
46 Punitive damages may be awarded when the violation evidences

1 wantonly reckless or intentionally malicious conduct by the person or
2 entity who committed the violation.

3 c. A person who discloses information in violation of this act is
4 guilty of a disorderly persons offense. Each disclosure made in
5 violation of this act is a separate and actionable offense.

6
7 8. The provisions of this act shall not prohibit the transmission or
8 exchange of immunization information from other government
9 database systems, immunization registries of other states or similar
10 regional registries officially recognized by those states, health
11 maintenance organizations or health benefits plans, health insurance
12 companies, practice management or billing vendors, or other similar
13 databases containing immunization histories, if the transmission is in
14 accordance with the provisions of this act and other relevant State and
15 federal laws and regulations.

16
17 9. This act shall take effect on the 180th day after enactment, but
18 the commissioner may take such anticipatory administrative action in
19 advance as shall be necessary for the implementation of the act.

20
21

22 STATEMENT

23

24 This bill, which is designated the "Statewide Immunization Registry
25 Act," establishes a Statewide automated and electronic immunization
26 registry in the Department of Health and Senior Services (in
27 conjunction with the federal Centers for Disease Control and
28 Prevention-sponsored initiatives in all 50 states), to be designated as
29 the "New Jersey Immunization Information System." The registry
30 shall be designed to serve as a single repository of immunization and
31 other preventive health screening records to aid, coordinate and
32 promote effective and cost-efficient disease screening, prevention, and
33 control efforts in the State.

34 Specifically, the bill provides as follows:

35 * A newborn infant in New Jersey shall be enrolled in the registry
36 immediately following birth unless the parent or legal guardian of
37 the infant provides a written request to not participate in the
38 registry. A child born prior to the enactment of this bill may be
39 enrolled in the registry at the parent's or legal guardian's written
40 request.

41 * Access to the information in the registry shall be limited to: health
42 care providers, schools, colleges, licensed child care centers, and
43 public agencies and private organizations as determined by the
44 Commissioner of Health and Senior Services. A registrant, or the
45 registrant's parent or legal guardian if the registrant is a minor, shall

- 1 have access to the registrant's immunization and other preventive
2 health screening information in the registry.
- 3 * The information contained in the registry shall be used for the
4 following purposes:
- 5 -- to help ensure that registrants receive all recommended
6 immunizations in a timely manner by providing access to their
7 records;
 - 8 -- to help improve immunization rates by facilitating notice to
9 registrants of overdue or upcoming immunizations; and
 - 10 -- to help control communicable diseases by assisting in the
11 identification of persons who require immediate immunization
12 in the event of a vaccine-preventable disease outbreak.
- 13 * The authentic immunization and preventive health screening record
14 of a child obtained from the registry shall be accepted as a valid
15 immunization and screening record of the registrant for the purpose
16 of meeting immunization and screening documentation requirements
17 for admission to a licensed child care center, school or college.
- 18 * An authorized user granted access to registry information pursuant
19 to this bill shall only access information on a specific patient or
20 client who is at the time receiving services, is under the user's care,
21 or is within the applicable governmental health authority's
22 jurisdiction.
- 23 * A health care provider shall not discriminate in any way against a
24 person solely because the person elects not to participate in the
25 registry; and an agency, organization or other entity that is
26 authorized to have access to information in the registry shall not
27 use any report made by a health care provider pursuant to this bill
28 in any punitive manner against the provider.
- 29 * The commissioner shall adopt rules and regulations to effectuate
30 the purposes of the bill, including, but not limited to:
- 31 -- the establishment and maintenance of the registry;
 - 32 -- the methods for submitting, and the content of, reports of
33 immunizations to the registry;
 - 34 -- procedures for the birth hospital of a newborn infant or
35 health care provider, as applicable, to inform the parent or
36 legal guardian of a newborn infant or minor of the purpose of
37 the registry and its potential uses by parties having authorized
38 access to registry information, and the content of that
39 information;
 - 40 -- procedures for a registrant, or the registrant's parent or legal
41 guardian if the registrant is a minor, to review and correct
42 information contained in the registry;
 - 43 -- procedures for the parent or legal guardian of a newborn
44 infant or minor, or a person over 18 years of age, to request to
45 not participate in the registry at any time and to remove or

1 inactivate information from the registry;
2 -- limits on, and methods of, access to the registry by those
3 authorized pursuant to the bill;
4 -- procedures for health insurers to obtain immunization
5 information from the registry concerning only their covered
6 persons, as well as summary statistics, which information or
7 statistics shall not be used or disclosed for any other purpose
8 than those specified in the bill; and
9 -- procedures for the department to disseminate statistical
10 information and supporting commentary.

11 * A person or entity authorized by the commissioner to report,
12 receive or disclose information relating to the registry shall be
13 immune from liability for:

14 -- reporting information to, receiving information from, or
15 disclosing information received from, the registry; and
16 -- any error or inaccuracy in the information that is reported to,
17 received from, or disclosed after receipt from, the registry, and
18 any consequence of that error or inaccuracy.

19 * The provisions of this bill shall not be construed to affect the
20 obligation of any person, or the person's parent or legal guardian if
21 the person is a minor, to comply with any immunization
22 requirement, or the right of that person, parent or legal guardian to
23 request an exemption from the immunization requirement on the
24 grounds that an immunization is medically contraindicated or that
25 the requirement conflicts with the religious tenets or practices of
26 the person, parent or legal guardian, as otherwise established by
27 statute or by regulation of the department.

28 * Information contained in the registry is confidential and shall be
29 disclosed only for the purposes authorized by this bill. A person
30 who is aggrieved as a result of a violation of this bill may
31 commence a civil action against the person or entity committing the
32 violation to obtain appropriate relief, including actual damages,
33 equitable relief and reasonable attorney's fees and court costs.
34 Punitive damages may be awarded when the violation evidences
35 wantonly reckless or intentionally malicious conduct by the person
36 or entity who committed the violation. In addition, a person who
37 discloses information in violation of the bill is guilty of a disorderly
38 persons offense. Each disclosure made in violation of this bill is a
39 separate and actionable offense.

40 * The provisions of this bill shall not prohibit the transmission or
41 exchange of immunization information from other government
42 database systems, immunization registries of other states or similar
43 regional registries officially recognized by those states, health
44 benefits plans, practice management or billing vendors, or other
45 similar databases containing immunization histories, if the

S553 VITALE, ADLER

9

1 transmission is in accordance with the provisions of this bill and
2 other relevant State and federal laws and regulations.

3 The bill takes effect on the 180th day after enactment, but provides
4 that the commissioner may take anticipatory administrative action in
5 advance as necessary for its implementation.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 553

STATE OF NEW JERSEY

DATED: FEBRUARY 9, 2004

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 553.

This bill, which is designated the "Statewide Immunization Registry Act," establishes a Statewide automated and electronic immunization registry in the Department of Health and Senior Services (in conjunction with the federal Centers for Disease Control and Prevention-sponsored initiatives in all 50 states), to be designated as the "New Jersey Immunization Information System." The registry shall be designed to serve as a single repository of immunization and other preventive health screening records to aid, coordinate and promote effective and cost-efficient disease screening, prevention, and control efforts in the State.

Specifically, the bill provides as follows:

- A newborn infant in New Jersey shall be enrolled in the registry immediately following birth unless the parent or legal guardian of the infant provides a written request to not participate in the registry. A child born prior to the enactment of this bill may be enrolled in the registry at the parent's or legal guardian's written request.
- Access to the information in the registry shall be limited to: health care providers, schools, colleges, licensed child care centers, and public agencies and private organizations as determined by the Commissioner of Health and Senior Services. A registrant, or the registrant's parent or legal guardian if the registrant is a minor, shall have access to the registrant's immunization and other preventive health screening information in the registry.
- The information contained in the registry shall be used for the following purposes:
 - to help ensure that registrants receive all recommended immunizations in a timely manner by providing access to their records;
 - to help improve immunization rates by facilitating notice to registrants of overdue or upcoming immunizations; and

- to help control communicable diseases by assisting in the identification of persons who require immediate immunization in the event of a vaccine-preventable disease outbreak.
- The authentic immunization and preventive health screening record of a child obtained from the registry shall be accepted as a valid immunization and screening record of the registrant for the purpose of meeting immunization and screening documentation requirements for admission to a licensed child care center, school or college.
- An authorized user granted access to registry information pursuant to this bill shall only access information on a specific patient or client who is at the time receiving services, is under the user's care, or is within the applicable governmental health authority's jurisdiction.
- A health care provider shall not discriminate in any way against a person solely because the person elects not to participate in the registry; and an agency, organization or other entity that is authorized to have access to information in the registry shall not use any report made by a health care provider pursuant to this bill in any punitive manner against the provider.
- The commissioner shall adopt rules and regulations to effectuate the purposes of the bill, including, but not limited to:
 - the establishment and maintenance of the registry;
 - the methods for submitting, and the content of, reports of immunizations to the registry;
 - procedures for the birth hospital of a newborn infant or health care provider, as applicable, to inform the parent or legal guardian of a newborn infant or minor of the purpose of the registry and its potential uses by parties having authorized access to registry information, and the content of that information;
 - procedures for a registrant, or the registrant's parent or legal guardian if the registrant is a minor, to review and correct information contained in the registry;
 - procedures for the parent or legal guardian of a newborn infant or minor, or a person over 18 years of age, to request to not participate in the registry at any time and to remove or inactivate information from the registry;
 - limits on, and methods of, access to the registry by those authorized pursuant to the bill;
 - procedures for health insurers to obtain immunization information from the registry concerning only their covered persons, as well as summary statistics, which information or statistics shall not be used or disclosed for any other purpose than those specified in the bill; and
 - procedures for the department to disseminate statistical information and supporting commentary.

- A person or entity authorized by the commissioner to report, receive or disclose information relating to the registry shall be immune from liability for:
 - reporting information to, receiving information from, or disclosing information received from, the registry; and
 - any error or inaccuracy in the information that is reported to, received from, or disclosed after receipt from, the registry, and any consequence of that error or inaccuracy.
- The provisions of this bill shall not be construed to affect the obligation of any person, or the person's parent or legal guardian if the person is a minor, to comply with any immunization requirement, or the right of that person, parent or legal guardian to request an exemption from the immunization requirement on the grounds that an immunization is medically contraindicated or that the requirement conflicts with the religious tenets or practices of the person, parent or legal guardian, as otherwise established by statute or by regulation of the department.
- Information contained in the registry is confidential and shall be disclosed only for the purposes authorized by this bill. A person who is aggrieved as a result of a violation of this bill may commence a civil action against the person or entity committing the violation to obtain appropriate relief, including actual damages, equitable relief and reasonable attorney's fees and court costs. Punitive damages may be awarded when the violation evidences wantonly reckless or intentionally malicious conduct by the person or entity who committed the violation. In addition, a person who discloses information in violation of the bill is guilty of a disorderly persons offense. Each disclosure made in violation of this bill is a separate and actionable offense.
- The provisions of this bill shall not prohibit the transmission or exchange of immunization information from other government database systems, immunization registries of other states or similar regional registries officially recognized by those states, health benefits plans, practice management or billing vendors, or other similar databases containing immunization histories, if the transmission is in accordance with the provisions of this bill and other relevant State and federal laws and regulations.

The bill takes effect on the 180th day after enactment, but provides that the commissioner may take anticipatory administrative action in advance as necessary for its implementation.

This bill is identical to S2257(1R) of 2002-03, which the committee reported favorably on November 24, 2003 and was passed by the Senate on January 12, 2004.

This bill was pre-filed for introduction in the 2004-2005 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 553

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 18, 2004

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 553.

This bill, which is designated the "Statewide Immunization Registry Act," establishes a Statewide automated and electronic immunization registry in the Department of Health and Senior Services (in conjunction with the federal Centers for Disease Control and Prevention-sponsored initiatives in all 50 states), to be designated as the "New Jersey Immunization Information System." The registry shall be designed to serve as a single repository of immunization and other preventive health screening records to aid, coordinate and promote effective and cost-efficient disease screening, prevention, and control efforts in the State.

Specifically, the bill provides as follows:

- A newborn infant in New Jersey, who is born on or after January 1, 1998, is to be enrolled in the registry immediately following birth unless the parent or legal guardian of the infant provides a written request to not participate in the registry. A child born prior to that date may be enrolled in the registry at the parent's or legal guardian's written request.
- Access to the information in the registry shall be limited to: health care providers, schools, colleges, licensed child care centers, and public agencies and private organizations as determined by the Commissioner of Health and Senior Services. A registrant, or the registrant's parent or legal guardian if the registrant is a minor, shall have access to the registrant's immunization and other preventive health screening information in the registry.
- The information contained in the registry shall be used for the following purposes:
 - to help ensure that registrants receive all recommended immunizations in a timely manner by providing access to their records;
 - to help improve immunization rates by facilitating notice to registrants of overdue or upcoming immunizations; and
 - to help control communicable diseases by assisting in the

identification of persons who require immediate immunization in the event of a vaccine-preventable disease outbreak.

- The authentic immunization and preventive health screening record of a child obtained from the registry shall be accepted as a valid immunization and screening record of the registrant for the purpose of meeting immunization and screening documentation requirements for admission to a licensed child care center, school or college.
- An authorized user granted access to registry information pursuant to this bill shall only access information on a specific patient or client who is at the time receiving services, is under the user's care, or is within the applicable governmental health authority's jurisdiction.
- A health care provider shall not discriminate in any way against a person solely because the person elects not to participate in the registry; and an agency, organization or other entity that is authorized to have access to information in the registry shall not use any report made by a health care provider pursuant to this bill in any punitive manner against the provider.
- The commissioner shall adopt rules and regulations to effectuate the purposes of the bill, including, but not limited to:
 - the establishment and maintenance of the registry;
 - the methods for submitting, and the content of, reports of immunizations to the registry;
 - procedures for the birth hospital of a newborn infant or health care provider, as applicable, to inform the parent or legal guardian of a newborn infant or minor of the purpose of the registry and its potential uses by parties having authorized access to registry information, and the content of that information;
 - procedures for a registrant, or the registrant's parent or legal guardian if the registrant is a minor, to review and correct information contained in the registry;
 - procedures for the parent or legal guardian of a newborn infant or minor, or a person over 18 years of age, to request to not participate in the registry at any time and to remove or inactivate information from the registry;
 - limits on, and methods of, access to the registry by those authorized pursuant to the bill;
 - procedures for health insurers to obtain immunization information from the registry concerning only their covered persons, as well as summary statistics, which information or statistics shall not be used or disclosed for any other purpose than those specified in the bill; and
 - procedures for the department to disseminate statistical information and supporting commentary.
- A person or entity authorized by the commissioner to report,

receive or disclose information relating to the registry shall be immune from liability for:

- reporting information to, receiving information from, or disclosing information received from, the registry; and
 - any error or inaccuracy in the information that is reported to, received from, or disclosed after receipt from, the registry, and any consequence of that error or inaccuracy.
- The provisions of this bill shall not be construed to affect the obligation of any person, or the person's parent or legal guardian if the person is a minor, to comply with any immunization requirement, or the right of that person, parent or legal guardian to request an exemption from the immunization requirement on the grounds that an immunization is medically contraindicated or that the requirement conflicts with the religious tenets or practices of the person, parent or legal guardian, as otherwise established by statute or by regulation of the department.
 - Information contained in the registry is confidential and shall be disclosed only for the purposes authorized by this bill. A person who is aggrieved as a result of a violation of this bill may commence a civil action against the person or entity committing the violation to obtain appropriate relief, including actual damages, equitable relief and reasonable attorney's fees and court costs. Punitive damages may be awarded when the violation evidences wantonly reckless or intentionally malicious conduct by the person or entity who committed the violation. In addition, a person who discloses information in violation of the bill is guilty of a disorderly persons offense. Each disclosure made in violation of this bill is a separate and actionable offense.
 - The provisions of this bill shall not prohibit the transmission or exchange of immunization information from other government database systems, immunization registries of other states or similar regional registries officially recognized by those states, health benefits plans, practice management or billing vendors, or other similar databases containing immunization histories, if the transmission is in accordance with the provisions of this bill and other relevant State and federal laws and regulations.

The bill takes effect on the 180th day after enactment, but provides that the commissioner may take anticipatory administrative action in advance as necessary for its implementation.

The provisions of this bill, as amended, are identical to those of Assembly Bill No. 2240 (1R), which the committee also reports this day.

COMMITTEE AMENDMENTS

Committee amendments to this bill move back the date, by which a child must have been born in order for the parent or guardian's choice of enrolling the newborn in the registry to be an "opt-in" rather

than an "opt-out" option, from the date of the bill's enactment into law to January 1, 1998.

FISCAL IMPACT

This bill is not anticipated to have a fiscal impact, as the Department of Health and Senior Services has already established a Statewide immunization registry.

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[Previous Screen](#)

McGreevey Signs Bills Protecting the Health of NJ's Families

Creates Immunization Registry for Children; Establishes Health Enterprise Zones Providing Access to Quality Care in Underserved Communities

(TRENTON) – Governor James E. McGreevey today signed into law A2240, the “Statewide Immunization Registry Act,” and A2638, which creates Health Enterprise Zones to provide access to quality medical care for residents of certain medically underserved municipalities.

“Protecting the health of New Jersey’s families is our most paramount obligation,” said Governor McGreevey. “Today, we help to fulfill that obligation with a significant step to secure a healthy future for all of New Jersey’s children. By establishing a registry of childhood immunizations, we help ensure that every child begins his or her life with the best protection possible against some of the world’s most life-threatening diseases.”

A2240, the “Statewide Immunization Act,” creates an automated and electronic immunization registry to compile and maintain immunization and preventative health screening records. The state Department of Health and Senior Services (DHSS) will oversee the centralized registry. The registry will serve as a single repository of immunization records for New Jersey's children and will be used to ensure that registrants receive all recommended immunizations; to improve immunization rates by sending notice of overdue or upcoming required immunizations; to require immediate immunization in the event of a vaccine-preventable communicable disease outbreak; and to work with the Centers for Disease Control and Prevention’s health advisories and immunization recommendations.

Health care providers, schools and colleges, licensed childcare centers, and public and private agencies will have immediate access to the registry. A newborn infant will be included in the registry at birth unless a parent or legal guardian provides a written request denying participation in the database. Parents or legal guardians of children born before the

enactment of this bill can voluntarily enroll their child in the registry.

"The number of vaccines available to children has shot up in recent years," said Senator Joseph Vitale, D-Middlesex and Chair of the Senate Health, Human Services & Senior Citizens Committee. "It can be very difficult for parents to track which vaccines their children have and which ones they will soon need. This registry will provide parents, doctors and schools with a quick and powerful tool to ensure that children stay up to date with their shots. It will go a long way toward promoting good health practices in New Jersey's kids."

"As students in the State prepare to go back to school, it is necessary that they have the proper tools to excel," said Senator John H. Adler, D-Camden. "As parents pick up notebooks and pens and other classroom essentials, they should keep in mind that good health is possibly the most important aspect to ensure success in school. With schools having greater ability to monitor vaccinations through a statewide computer database, we can make sure that our State's kids are focusing on school work, and not health problems, in the coming school year."

"Readily accessible immunization records will provide emergency responders with an immediate sense of who could face a greater risk if exposed to toxic bio-chemical agents or contagious antibodies," said Assemblywoman Joan M. Quigley, D-Hudson, chairwoman of the Assembly Homeland Security and State Preparedness Committee. "This registry will be an invaluable resource."

"In the event of a contagious outbreak, the registry will save precious minutes when identifying potentially at-risk youths and adults who should be quarantined or carefully monitored," said Assemblyman Robert L. Morgan, D-Monmouth, a practicing pediatrician.

"Preparation is always the best defense," said Assemblyman Robert M. Gordon, D-Bergen. "This registry is a precaution that in the end could save many lives."

A2638, also signed into law today, creates Health Enterprise Zones (HEZ) in certain municipalities to encourage establishment of certain primary care practices in medically underserved areas.

"Fulfilling our obligation to protect the health of our families also means ensuring every family in New Jersey has access to top-quality medical care, regardless of where they live," said Governor McGreevey. "Today we mark a milestone in meeting that obligation, with the establishment of Health Enterprise Zones. With this new law, we expand access to quality health care for medically underserved communities, by offering incentives to physicians and dentists that practice in those communities. These Zones will help provide peace of mind to every family, that when confronted with the challenge of illness, medical care will be available."

"New Jersey residents who live in urban areas need to have access to medical and dental offices," said Senator Ronald L. Rice, D-Essex. "Urban residents who have limited

transportation options tend to forgo regular check-ups that are necessary to remain a healthy individual. By bringing the doctors to them, we are providing a great service to those in urban areas who have slipped through the cracks in our State's health care system."

"Health Care Enterprise Zones will provide medical safety nets for residents who might otherwise have insufficient access to care," said Assembly Speaker Albio Sires, D-Hudson. "We need to provide every possible incentive to draw primary care physicians back into New Jersey's urban centers, where too many of our residents do not have ready access to basic medical care. Local primary care providers are critical links in providing accessible medical services to every New Jerseyan."

"Our State's urban centers are tragically underserved by the medical community, and we need to take action to reverse this trend," said Senator Barbara Buono, D-Middlesex. "By offering incentives to doctors to set up shop in New Jersey's cities, we can begin to bridge the gap between the haves and the have-nots in terms of health care opportunities. Many of the families in these areas are experiencing major health problems that could otherwise have been avoided with regular visits to a doctor. With this measure we can move forward and get medical attention to those New Jerseyans who have traditionally been unable to find a doctor within their local vicinity."

"Bringing doctors back into our underserved communities will provide basic medical care access for countless residents currently lacking sufficient health services," said Assemblyman Wilfredo Caraballo, D-Essex. "Low-interest loans will greatly help physicians shoulder the costs of starting or expanding medical offices in underserved urban centers. The cost of medical equipment or the construction of an office should not be a deterrent to establishing a medical practice that would provide critical health care in underserved neighborhoods."

Under this new law, qualified primary care physicians and dentists who practice in an HEZ will be: allowed to deduct from their taxable income an amount of their net income from the practice that is proportional to their gross receipts from providing health care services to eligible recipients of the Medicaid program and the New Jersey FamilyCare program at their practices located in an HEZ. They also will be eligible to apply for low-interest loans, under a new loan program created under the bill and administered by the New Jersey Economic Development Authority, for the purposes of constructing and renovating their office spaces in an HEZ and purchasing medical equipment for use in their practices in an HEZ; and eligible for an exemption from taxation as real property for their qualified medical and dental offices located in an HEZ in which they provide health care services, if the municipality in which the HEZ is located adopts a resolution to that effect.

Primary care physicians and dentists who practice within five miles of an HEZ will also be allowed the gross income tax deduction and will be eligible for the loan program if at least half of their gross receipts at the practice are from providing health care services to eligible recipients of the Medicaid program and the New Jersey FamilyCare program and at least half of those eligible Medicaid and FamilyCare recipients to whom they provide services are residents of an HEZ.

Copies of the legislation signed by Governor McGreevey may be viewed by entering the bill numbers at <http://www.njleg.state.nj.us/>.

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