

**PROPOSED REGULATION OF THE
STATE BOARD OF HEALTH**

Citation of Authority

N.R.S. 439.265 passed by the 2007 Legislative. N.R.S. 439.265 requires the State Board of Health to adopt regulations the establishment and administration of an Immunization Information System to collect certain information concerning the immunization of children in this State. It requires the State Board of Health to establish certain forms to be used to report information and inform the parent or guardian of a child about the system. Any provider who administers immunizations to a child after July 1, 2009 must report information about the immunization for inclusion in the Immunization Information System unless the parent or guardian of the child declines inclusion of information concerning the child in the system.

NRS 439.265

1. The Department shall establish an Immunization Information System to collect information concerning the immunization of children in this State. The Immunization Information System must be administered by the State Board of Health.
2. Except as otherwise provided in subsection 4, a person who administers any immunization to a child which is recommended and approved by the United States Public Health Service Advisory Committee on Immunization Practices, or its successor organization, on or after July 1, 2009, shall report information concerning the child and the immunization provided to the child to the Department for inclusion in the Immunization Information System. The information reported must include, without limitation:
 - a) The immunization provided to the child;
 - b) The name of the child;
 - c) Demographic information concerning the child, including, without limitation, the age, gender and race of the child; and
 - d) Any other information required by regulation of the State Board of Health, taking into consideration applicable requirements for information relating to the immunization of children of:
 - 1) The Centers for Disease Control and Prevention of the United States Department of Health and Human Services; and
 - 2) Any other governmental entity.
3. A person who reports information pursuant to subsection 2 may also report information concerning the history of the immunizations of the child if known to the Department for inclusion in the Immunization Information System.
4. The State Board of Health shall establish the form for reporting information to the Department for inclusion in the Immunization Information System and the form which the person administering the immunization must provide to the parent or guardian of the child receiving the immunization. The form provided to the parent or guardian must inform the parent or guardian about the Immunization Information System and must allow the parent or guardian to decline inclusion of the information concerning his child in the system.

5. The information in the Immunization Information System may only be disclosed to any person who administers immunizations to a child to determine the immunization status of the child and to the persons or governmental entities authorized pursuant to the regulations adopted by the State Board of Health.
6. The State Board of Health shall adopt regulations to carry out the provisions of this section.

Proposed Language to be added to NAC 439.---

Section 1. Chapter 439 of the NAC is hereby amended thereto the provisions set forth in Sections 2 to 8, inclusive of this regulation.

Sec. 2. Definitions:

- (a) "Provider" means any person who is licensed, certified or otherwise authorized by the laws of this State to administer immunizations and administer an immunization to a person after July 1, 2009.*
- (b) "System" refers to the Immunization Information System established by N.R.S. 439.265.*
- (c) "The Department" means the Department of Health and Human Services as defined in NRS 422A.020.*

Sec. 3. Notice of child immunization record inclusion in the system and right to decline inclusion:

All parents, guardians, or legal custodians of immunized children shall be informed during an initial immunization encounter with a provider of the inclusion of their immunization record and demographic information into the system on a form to be provided by the Health Division. This form shall also provide the parent, guardian or legal custodian with the opportunity and procedure by which to decline inclusion (opt-out) of the system. The parent, guardian or legal custodian is responsible for notifying the provider at each encounter of the decision to be excluded from the system.

Sec. 4. Notice of adult consent requirement for inclusion of immunization records in the system; authority to include adult immunization records in the system:

All adult patients shall be informed during an initial immunization encounter with a provider about the system. The adult patient shall be further notified that inclusion of their immunization record and demographic information into the system shall only be permitted with the written consent of the adult patient. Once adult patient consent has been obtained for inclusion of immunization information into the system the information shall be contained on a form to be provided by the Health Division. Once consent for inclusion into the system is obtained it may be withdrawn at any time by the adult patient. General authority to include adult immunization records in the system is provided in NRS 439.200.

Sec. 5. Inclusion of existing child and adult immunization records; inclusion of historical immunization information

All child and adult immunizations administered prior to July 1, 2009 that have been provided to the Health Division shall be included in the system. Any person, parent, guardian or legal

custodian may notify the provider of the decision and request that their or their child's information be removed from the system. The Health Division shall develop and make available to providers and the public the form for requesting this removal. A provider may report information to the system about child and adult immunizations administered prior to July 1, 2009 if such information was not previously reported. Any person, parent, guardian or legal custodian may notify the provider of the decision that their or their child's information shall be excluded from the system on the form to be developed and distributed by the Health Division.

Sec. 6. Reporting of Immunizations: Child

In addition to the information required by Subsection 2 of Section 2 of NRS 439.265 any provider who administers an immunization to a child after July 1, 2009 shall report the following information for inclusion in the system:

- a. Patient Address*
- b. Patient County of Residence*
- c. Patient Birth State/Country*
- d. Mother's Name (first, middle, last and maiden)*
- e. Vaccine Manufacturer*
- f. Vaccination Date*
- g. Vaccine Lot Number*

The provider shall report this information directly to the system or with a form to be provided by the Health Division.

Sec. 7. Reporting of Immunizations: Adult

Any provider who administers an immunization to an adult after July 1, 2009 shall, with the written consent of the patient, report the following information for inclusion in the system:

- a. Patient Name (first, middle and last)*
- b. Patient Address*
- c. Patient County of Residence*
- d. Patient Birth Date*
- e. Patient Gender*
- f. Patient Race/Ethnicity*
- g. Patient Birth State/Country*
- h. Vaccine Type*
- i. Vaccine Manufacturer*
- j. Vaccination Date*
- k. Vaccine Lot Number*

The provider shall report this information directly to the system or with a form to be provided by the Health Division.

Sec. 8. Access to the system

Information contained in the system is confidential unless otherwise authorized by law and access shall be limited to the following:

- a. Health care provider as defined in NRS 439.820.*
- b. Schools and child care facilities.*
- c. Colleges or Universities.*

- d. Staff of the Department.*
- e. Health care plans and insurers of health care regardless of whether the plan directly provides immunization to clients.*
- f. Agencies that provide child welfare services as defined in NRS 432B.030.*
- g. Department of Corrections.*

Sec. 9. Official Immunization Record

A printed immunization record obtained from the system shall be accepted as an official immunization record of the child for the purposes of satisfying the immunization requirements of schools, colleges or universities and child-care facilities.