

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

LCB File No. R041-08

April 17, 2008

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1-7 and 9, 10, 12, and 13, NRS 439.200 and 439.265; §§8 and 11, NRS 439.200.

A REGULATION relating to public health; prescribing the provisions for the Immunization Information System established by the Department of Health and Human Services; and providing other matters properly relating thereto.

Section 1. Chapter 439 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 13, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Department” means the Department of Health and Human Services.*

Sec. 4. *“Health Division” means the Health Division of the Department.*

Sec. 5. *“Provider” means any person who is licensed, certified or otherwise authorized by the laws of this State, or the regulations adopted pursuant thereto, to administer immunizations.*

Sec. 6. *“System” means the Immunization Information System established by the Department pursuant to NRS 439.265.*

Sec. 7. 1. *A provider administering an immunization to a child shall provide notice about the System to the parent or guardian of the child on a form provided by the Health Division. The notice must include:*

- (a) A description of the System;*
- (b) A description of the information concerning the child which will be reported by the provider for inclusion in the System, including, without limitation, the immunization record of the child and the information required by section 10 of this regulation; and*
- (c) The procedure for a parent or guardian to decline inclusion of the information concerning his child in the System.*

2. *The notice required by subsection 1 must be provided upon the initial visit of a child to a provider for administration of an immunization.*

3. *If a parent or guardian declines inclusion of the information concerning his child in the System, the parent or guardian is responsible for notifying the provider of his decision to opt out of the System at each subsequent visit of the child to the provider for an immunization.*

Sec. 8. 1. *An adult may voluntarily participate in the System pursuant to the provisions of this section. A provider administering an immunization to an adult shall provide notice about the System to the adult on a form provided by the Health Division. The notice must include:*

- (a) A description of the System;*
- (b) A description of the information concerning the adult which will be reported by the provider for inclusion in the System if the adult voluntarily participates in the System, including, without limitation, the immunization record of the adult and the information set forth in section 11 of this regulation; and*

(c) The procedure for an adult to withdraw inclusion of his information in the System.

2. The notice required by subsection 1 must be provided upon the initial visit of an adult to a provider for administration of an immunization.

3. An adult may only be included in the System if he provides written consent for his inclusion. An adult who provides such consent may withdraw his participation in the System at any time in accordance with the procedure prescribed by the Health Division.

Sec. 9. *1. Except as otherwise provided in subsection 3, the Health Division shall include in the System all immunization records in the possession of the Health Division for immunizations of children and adults administered before July 1, 2009.*

2. Except as otherwise provided in this subsection and subsection 3, a provider may report for inclusion in the System, on a form developed by the Health Division, the records of the immunizations administered to any child or adult before July 1, 2009, if such information was not previously reported. A provider may report the information concerning an adult only if the adult provides voluntary written consent for his participation in the System.

3. The Health Division shall develop and make available to providers and the general public the form by which the parent or guardian of a child or an adult may request the removal of the immunization records included in the System pursuant to this section.

Sec. 10. *1. In addition to the information required by NRS 439.265, a provider who administers an immunization to a child on or after July 1, 2009, shall report the following information to the Department for inclusion in the System:*

(a) The address of the child;

(b) The county in which the child resides;

(c) The child's date of birth;

- (d) The state and country in which the child was born;*
- (e) The full name of the child's mother;*
- (f) The manufacturer and lot number of the vaccine administered to the child; and*
- (g) The date on which the immunization was administered to the child.*

2. The Health Division shall provide the form for reporting the information required by subsection 1. A provider may report the information directly to the System or may use the form provided by the Health Division.

Sec. 11. *1. A provider who administers an immunization to an adult on or after July 1, 2009, shall, upon the voluntary written consent of the adult pursuant to section 8 of this regulation, report the following information to the Department:*

- (a) The name and address of the person who received the immunization;*
- (b) The county in which the person resides;*
- (c) The person's date of birth;*
- (d) The state and country in which the person was born;*
- (e) The person's gender;*
- (f) The person's race or ethnicity;*
- (g) The manufacturer and lot number of the vaccine administered to the person; and*
- (h) The date on which the immunization was administered to the person.*

2. The Health Division shall provide the form for reporting the information required by subsection 1. A provider may report the information directly to the System or may use the form provided by the Health Division.

Sec. 12. *Except as otherwise provided in NRS 439.265 or other specific statute, the information included in the System is confidential and access must be limited to:*

- 1. A provider of health care as defined in NRS 439.820;*
- 2. The Nevada System of Higher Education or a private college or university authorized to operate in this State;*
- 3. A child care facility as defined in NRS 432A.024;*
- 4. Public schools and private schools as defined in NRS 385.007 and 394.103, respectively;*
- 5. The Department;*
- 6. An insurer as defined in NRS 679B.540, regardless of whether the insurer directly covered the immunization;*
- 7. An agency which provides child welfare services as defined in NRS 432B.030; and*
- 8. The Department of Corrections.*

Sec. 13. *An immunization record provided by the System shall be deemed an official certificate of immunization, as required for enrollment in any school, college or university and child care facility in this State.*