

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

LCB File No. R094-09

October 8, 2009

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

AUTHORITY: §§1 and 4, NRS 439.200; §§2 and 3, NRS 439.200 and 439.265.

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

Section 1. Section 8 of LCB File No. R041-08 is hereby amended to read as follows:

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;]~~ *LCB File No. R041-08*; and
 - (c) The procedure for an adult to ~~[withdraw inclusion of]~~ *decline inclusion of* his *or her* 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.

4. If an adult declines inclusion of his or her information in the System, the adult is responsible for notifying the provider of the decision to opt out of the System at each subsequent visit of the adult to the provider for an immunization.

Sec. 2. Section 9 of LCB File No. R041-08 is hereby amended to read as follows:

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]~~ *to* 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]~~ *unless the adult has declined inclusion of his or her information* in the System ~~[.]~~ *pursuant to section 8 of LCB File No. R041-08.*

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. 3. Section 10 of LCB File No. R041-08 is hereby amended to read as follows:

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, if available, 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 ~~and~~; *and*

(h) The information required pursuant to the Listing of Core Data Items prescribed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services. A copy of the Listing of Core Data Items may be obtained, free of charge, from:

(1) The Centers for Disease Control and Prevention at the Internet address

<http://www.cdc.gov/vaccines/programs/iis/stds/coredata.htm>; or

(2) The Department by mail at 4126 Technology Way, Room 100, Carson City, Nevada 89706, or by telephone at (775) 684-4000.

2. The Health Division shall provide the form for reporting the information required by subsection 1. A provider ~~may~~ *shall* report the information ~~directly~~:

(a) Directly to the System ; or ~~may use~~

(b) If an undue hardship prevents the provider from reporting the information directly to the System, using the form provided by the Health Division.

Sec. 4. Section 11 of LCB File No. R041-08 is hereby amended to read as follows:

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]~~ *unless* the adult *has declined inclusion of his or her information in the System* pursuant to section 8 of ~~[this regulation,]~~ *LCB File No. R041-08*, report the following information, if available, 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 *name*, manufacturer and lot number of the vaccine administered to the person;

~~[and]~~

(h) The date on which the immunization was administered to the person ~~[.]~~; *and*

(i) The information required pursuant to the Listing of Core Data Items prescribed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services. A copy of the Listing of Core Data Items may be obtained, free of charge, from:

(1) The Centers for Disease Control and Prevention at the Internet address <http://www.cdc.gov/vaccines/programs/iis/stds/coredata.htm>; or

(2) The Department by mail at 4126 Technology Way, Room 100, Carson City, Nevada 89706, or by telephone at (775) 684-4000.

2. The Health Division shall provide the form for reporting the information required by subsection 1. A provider ~~{may}~~ **shall** report the information ~~{directly}~~ :

(a) ***Directly*** to the System ; or ~~{may-use}~~

(b) ***If an undue hardship prevents the provider from reporting the information directly to the System, using*** the form provided by the Health Division.