

**LCB File No. R094-09**

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

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

AUTHORITY: §§1-7, NRS 439.200 and 439.265.

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 3, inclusive, of this regulation.**

**Sec. 2. *“Child” means a person under 19 years of age.***

**Sec. 3. *“Adult” means a person 19 years of age or older.***

**Section 4. Section 8 of LCB File No. R041-08 is amended to read as follows:**

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 adult’s immunization record and the information set forth in section 11 of this regulation; and
  - (c) The procedure for an adult to ~~[withdraw]~~*decline* inclusion of his information in the System.
2. The notice required by subsection 1 must be provided upon an adult’s initial visit 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.]~~ *If an adult declines inclusion of the information concerning himself in the System, he is responsible for notifying the provider of his decision to opt out of the System at each subsequent visit to the provider for administration of an immunization.*

**Section 5. Section 9 of LCB File No. R041-08 is amended to read as follows:**

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 in the System.]~~

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

**Section 6. Section 10 of LCB File No. R041-08 is amended to read as follows:**

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 of the vaccine administered to the child; and
- (g) The date and lot number of the vaccination administered to the child.

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

**Section 7. Section 11 of LCB File No. R041-08 is amended to read as follows:**

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, if available, to the Department *for inclusion in the System:*

*(a) The vaccine provided to the adult;*

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

*(j) Any other information required by regulation of the State Board of Health, taking into consideration applicable requirements for information relating to the immunization of adults 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.*

2. ~~[The Health Division shall provide the form for reporting the information required by subsection 1.]~~A provider ~~[may]~~*must* report the information *required by subsection 1* directly to the System or ~~[may use the form provided]~~*by another method prescribed* by the Health Division.