

SENATE BILL NO. 169

BY SENATOR BARROW

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 40:31.11, 31.12(2) and (5), the introductory paragraph of 31.13,
3 31.13(5) and (6), 31.14, and 31.16(A) and (B), and to repeal R.S. 40:31.13(3) and
4 31.16(A)(3), relative to the statewide immunization registry; to provide for
5 terminology clarification from day care centers to early learning centers; to provide
6 for statutory naming of the registry as the Louisiana Immunization Network
7 (LINKS); to provide for applicability to clients who are not children; and to provide
8 for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:31.11, 31.12(2) and (5), the introductory paragraph of 31.13,
11 31.13(5) and (6), 31.14, and 31.16(A) and (B) are hereby amended and reenacted to read as
12 follows:

13 §31.11. Purpose

14 The office of public health of the Louisiana Department of Health and parish
15 health units are hereby authorized to establish immunization registries for the
16 purpose of improving the immunization rates of the state's children and young adults
17 in order to prevent the spread of diseases at which the immunizations are directed.
18 Registries established in accordance with this Part shall provide for a method of
19 informing the parent, guardian, or registrant when the registrant is due or is late for
20 a recommended immunization and shall serve as a means for persons and institutions
21 that either provide immunization services or are required to ensure that persons are
22 immunized to receive prompt and accurate immunization information. Such persons
23 and institutions shall include but not be limited to public health units, health care

1 providers, schools, and ~~day care~~ **early learning** centers.

2 §31.12. Definitions

3 As used in this Part, the following definitions shall apply:

4 * * *

5 (2) "~~Day care~~ **Early learning** center" means a facility licensed as a ~~day care~~
6 **an early learning** center under the provisions of the ~~Child Care Facility and Child-~~
7 ~~Placing Agency Act (R.S. 46:1401 et seq.) or licensed as a group child day care~~
8 ~~home under the provisions of the Child Care Registration Law (R.S. 46:1441.1 et~~
9 ~~seq.)~~ **Early Learning Center Licensing Act, R.S. 17:407.31, et seq.**

10 * * *

11 (5) "Immunization tracking and recall record" is a record that includes but
12 is not limited to the client's name, address of the **client or** parent or guardian of the
13 client, telephone number, provider, and other information needed to send reminder
14 cards to, to place telephone calls to, or to personally contact the client or the parent
15 or the guardian of a client for the purposes of informing the client, parent, or
16 guardian that the client is due for a recommended immunization or is late in
17 receiving a recommended immunization.

18 * * *

19 §31.13. Development of immunization registry and tracking and recall system;
20 standards

21 The office of public health, a public health unit, or both, or their agents or
22 other providers may develop an immunization registry and an associated tracking
23 and recall system. The developer of any system shall consult providers in developing
24 the system to provide for a simple and efficient system of transferring information.
25 The registry and associated tracking system shall **be named the Louisiana**
26 **Immunization Network (LINKS), and shall** include but not be limited to the
27 following:

28 * * *

29 ~~(3) A uniform method of retaining general information about clients who~~
30 ~~have attained twenty-one years of age.~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

* * *

(5) Procedures that allow an immunization record of a client to be released to a client or the client's parent, guardian, school, or ~~day care~~ **early learning** center.

(6) A method of notifying the client or parent or guardian of a the client, ~~in writing,~~ when the tracking and recall system indicates that a client is due to receive a scheduled immunization or when the client has missed a scheduled immunization.

* * *

§31.14. Authorization of release of immunization records

A. Notwithstanding any provision of law to the contrary, immunization records for use in an immunization registry shall not be considered privileged communications between a health care provider and patient when such records are used in accordance with the provisions of this Part. The Louisiana Department of Health, public health units and their agents, providers, parents or guardians, schools, and ~~day care~~ **early learning** centers may obtain information from, or provide information to, the immunization record of a client of any immunization registry without the written consent of a client ~~who has not attained eighteen years of age or of the parent or legal guardian of such a client. Upon a client's attainment of eighteen years of age, information in the registry shall be made available only with the consent of the client unless the requestor shows a public health need for the information.~~

B. A provider, a public health unit, the Louisiana Department of Health, or the agents of any of them, schools, and ~~day care~~ **early learning** centers shall not be subject to an action or be liable for sharing information from the immunization record or using information from the immunization tracking and recall record for purposes of tracking immunizations of clients and for outreach to clients who have missed immunizations.

C. Information in an immunization registry or in the immunization tracking and recall record or derived therefrom is confidential and shall not be disclosed to any person who is not specifically authorized to receive information under this Part. ~~Upon a client's attainment of twenty-one years of age, the client's immunization~~

1 ~~record and tracking and recall record shall be purged from the registry, except that~~
 2 ~~non-identifying data may be retained for statistical analysis.~~

3 * * *

4 §31.16. Parental consent; parental responsibility for immunization; exemptions

5 A.(1) Nothing in this Part shall be construed to restrict the registry from
 6 providing tracking and recall information to the **healthcare provider of a client,**
 7 ~~parent,~~ or guardian **of a minor client** ~~that provides the consent for the child to be~~
 8 ~~entered into an immunization registry.~~

9 (2) General consent for treatment and release of information to other
 10 providers or to the office of public health shall be considered ~~parental~~ consent for
 11 sharing historical, current, and future immunization information. In addition, each
 12 immunization provider shall comply with at least one of the following requirements:

13 (a) Place a poster in the patient registration area notifying **patients and**
 14 ~~parents~~ that the site is participating in the state immunization registry and that
 15 ~~childhood~~ **immunization** data is being shared with the registry.

16 (b) Provide each **patient or** parent a brochure supplied by the office of public
 17 health describing the purposes of the registry and notifying **patients and** parents that
 18 they can prohibit data sharing by notifying the health care provider not to submit
 19 ~~their child's~~ immunization information **to the registry.**

20 (3) ~~In the event of a public health emergency as declared by the state health~~
 21 ~~officer, including a natural disaster, bioterrorist attack, epidemic, or other event~~
 22 ~~affecting the public health, the requirement to obtain consent for placement on a~~
 23 ~~registry shall be waived for mass immunizations performed in response to such~~
 24 ~~declaration.~~

25 B. The immunization record of a ~~child~~ **client** shall be purged from the
 26 registry at any time that the ~~child's~~ **client or client's** custodial parent or legal
 27 guardian requests, in writing, that the immunization record be purged from the
 28 registry.

29 * * *

30 Section 2. R.S. 40:31.13(3) and 31.16(A)(3) are hereby repealed.

1 Section 3. The Louisiana State Law Institute is hereby authorized and directed to
2 properly renumber the Paragraphs contained in R.S. 40:31.13.

3 Section 4. This Act shall become effective upon signature by the governor or, if not
4 signed by the governor, upon expiration of the time for bills to become law without signature
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
7 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____