

OREGON REVISED STATUTES

IMMUNIZATION REGISTRY AND TRACKING SYSTEM

433.090 Definitions for ORS 433.090 to 433.102. As used in ORS 433.090 to 433.102:

(1) “Authorized user” means a person or entity authorized to provide information to or to receive information from an immunization registry or immunization tracking and recall system under ORS 433.090 to 433.102. “Authorized user” includes, but is not limited to, licensed health care providers, health care institutions, insurance carriers, the Oregon medical assistance program, parents or guardians of children under 18 years of age, clients 18 years of age or older, post-secondary education institutions, schools, children’s facilities, local health departments, the Department of Human Services and agents of the department.

(2) “Children’s facility” has the meaning given that term in ORS 433.235.

(3) “Client” means any person registered with any Oregon immunization tracking and recall system.

(4) “Immunization record” includes but is not limited to the following:

- (a) Any immunization received;
- (b) Date immunization was received;
- (c) Complication or side effect associated with immunization;
- (d) Date and place of birth of a client;
- (e) Hospital where a client was born;
- (f) Client’s name; and
- (g) Mother’s name.

(5) “Immunization registry” means any listing of clients and information relating to their immunization status, without regard to whether the registry is maintained in this state or elsewhere.

(6) “Immunization tracking and recall record” includes but is not limited to the client’s name, address of the parent or guardian of the client, telephone number, insurance carrier, health care provider and other information needed to send reminder cards to, place telephone calls to or personally contact the client or the parent or the guardian of a client for the purposes of informing the client, parent or guardian that the client is late in receiving the recommended immunizations.

(7) “Local health department” has the meaning given that term in ORS 433.235.

(8) “Parent or guardian” has the meaning given the term “parent” in ORS 433.235.

(9) “Post-secondary education institution” means:

(a) A state institution of higher education under the jurisdiction of the State Board of Higher Education;

(b) A community college operated under ORS chapter 341;

(c) A school or division of Oregon Health and Science University; or

(d) An Oregon-based, generally accredited, private institution of higher education.

(10) “Provider” means a physician or a health care professional who is acting within the scope of his or her licensure and responsible for providing immunization services or for coordinating immunization services within a clinic, public health site, school or other immunization site.

(11) “School” has the meaning given that term in ORS 433.235.

(12) “Tracking and recall system” means a system attached to an immunization registry designed to contact clients listed in the immunization registry for the purposes of assisting in the completion of the immunization series in a timely manner. [1993 c.297 §1; 2003 c.573 §1; 2003 c.593 §1; 2007 c.196 §1]

433.092 Purpose of ORS 433.090 to 433.102; waivers of consent to release certain medical information. The purpose of ORS 433.090 to 433.102 is to waive the requirement of consent for release of information from, or providing information to, the immunization record of a client of any immunization registry and to waive issues of confidentiality in regard to this information. The waiver allows authorized users to share information from the immunization record through or between immunization registries without violating confidentiality. The immunization registries and the associated tracking and recall systems are designed to increase the state’s immunization rates for clients and help prevent the spread of the diseases at which the immunizations are aimed. Immunizations are a proven benefit to individuals and society. An immunization registry reduces inappropriate immunizations and increases appropriate immunizations because clients’ records will be easily available to authorized users. [1993 c.297 §2; 2007 c.196 §2]

433.094 Development of immunization registry and tracking and recall system; standards. The Department of Human Services, a local health department, or both, or their agents or other providers may develop an immunization registry and an associated tracking and recall system to include, but not be limited to, children and young adults. This system shall include, but not be limited to, the following:

- (1) Registering all clients born in, living in or receiving services in this state;
 - (2) Tracking and updating immunization histories of the registered clients;
 - (3) Allowing a provider to provide information to and obtain information from the immunization and immunization tracking and recall records contained in an immunization registry without the consent of the client or the parent or guardian of the client;
 - (4) Allowing an immunization record of a client to be released to authorized users;
 - (5) Notifying in writing the parent or guardian of a client, at least through five years of age, when the tracking and recall system indicates that a client has missed a scheduled immunization and, if the client has not been immunized after two notifications, arranging to have the parent or guardian contacted personally;
 - (6) Integrating with any immunization registry and its associated tracking and recall systems; and
 - (7) Working with health care providers to develop easy information transfer systems.
- [1993 c.297 §3; 2003 c.573 §2; 2003 c.593 §2; 2007 c.196 §3]

433.096 Authority to receive and to disclose registry information. Nothing in ORS 179.505, 192.410 to 192.505, 192.518 to 192.529 or 677.190 (5) or the client and provider privilege prevents:

- (1) Authorized users from providing information to and receiving information from the immunization record of a client from the immunization registry; or

- (2) The immunization registry from:
- (a) Providing immunization information to or receiving immunization information from a client's immunization record from authorized users;
 - (b) Notifying or personally contacting a client or the custodial parent or guardian of a client about the client's immunization status; or
 - (c) Providing or publishing information in aggregate form that does not identify a client. [1993 c.297 §4; 2003 c.86 §11; 2007 c.196 §4]

433.098 Nonliability for disclosing or using information; confidentiality of information; removal of information. (1) An authorized user and the employees or agents of an authorized user are not 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.

(2) Information in an immunization registry or in the immunization tracking and recall record or derived from the registry or record is confidential and may not be disclosed to any person who is not specifically authorized to receive information under ORS 433.090 to 433.102.

(3) When a client who is 18 years of age or older requests in writing that the client's immunization record be removed from an immunization registry, the agency that maintains the registry shall purge the client's immunization record from the registry as soon as is reasonably possible.

(4) Before sharing data with any immunization registry, an immunization registry maintained in Oregon must ensure that the immunization registry receiving the data has confidentiality and security policies at least as stringent as the policies of the registry sharing the data. [1993 c.297 §8; 2003 c.573 §3; 2007 c.196 §5]

433.100 Parental consent not required for enrollment in registry; rules; fees. (1) The Department of Human Services shall adopt rules pertaining to the development and implementation of the immunization registries and their associated tracking and recall systems. The rules shall include a process that allows a client who is 18 years of age or older, a custodial parent or guardian to control the transfer of information from the immunization record or the immunization tracking and recall record when such control is necessary to protect the health or safety of the family or the client.

(2) Nothing in this section requires the consent of a parent or guardian prior to enrolling the child in the registry or restricts the registry from providing tracking and recall information to a custodial parent or guardian.

(3)(a) Pursuant to rules adopted by the department, the department may charge fees to authorized users, except hospitals, schools and individual health care providers, for services requested from an immunization registry, including associated tracking and recall systems maintained by the department. Authorized users may make voluntary contributions to the department to help support the operation of an immunization registry established under ORS 433.094.

(b) Fees authorized under paragraph (a) of this subsection shall be assessed only against managed care organizations, health maintenance organizations, physician organizations and insurance carriers that are using the information from the registries for

quality improvement activities for their privately insured patients.

(c) All moneys received by the department under this section shall be paid into the State Treasury and placed in the General Fund to the credit of the Public Health Account. Such moneys are continuously appropriated to the department and shall be used only for the administration and enforcement of ORS 433.090 to 433.102. [1993 c.297 §5; 2003 c.593 §3; 2007 c.196 §6]

433.102 Parental responsibility for immunization; medical or religious exemptions. (1) Nothing in ORS 433.090 to 433.102 is intended to affect the responsibility of a parent or guardian to have a child of that parent or guardian properly immunized.

(2) Nothing in ORS 433.090 to 433.102 is intended to require immunization or tracking of any child otherwise exempt from immunization requirements under ORS 433.267 (1)(b) or (c). [1993 c.297 §§6,7]

433.104 Use of immunization registry for potential catastrophic disease threat. (1) The immunization registry and associated tracking and recall systems established under ORS 433.094 may be used as a vaccination management and tracking system in preparation for a potential catastrophic disease threat, such as smallpox or pandemic influenza.

(2) When used as authorized by this section, the immunization registry may include persons of any age, and vaccination records may be shared with authorized users of the registry without obtaining the prior consent of the clients of the registry.

(3) As used in this section, “client” and “immunization registry” have the meanings given those terms in ORS 433.090. [2003 c.593 §4]