

REFERENCE TITLE: adult immunizations; reporting system

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1698

Introduced by
Senators Gonzales: Terán

AN ACT

AMENDING SECTION 36-135, ARIZONA REVISED STATUTES; RELATING TO THE
DEPARTMENT OF HEALTH SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-135, Arizona Revised Statutes, is amended to
3 read:

4 36-135. Immunization reporting system; requirements; access;
5 confidentiality; immunity; violation;
6 classification; definitions

7 A. The ~~child~~ immunization reporting system is established in the
8 department to collect, store, analyze, release and report immunization
9 data.

10 B. A health care professional who is licensed under title 32 to
11 provide immunizations, except as provided in subsection I of this section,
12 shall report the following information:

13 1. The health care professional's name, business address and
14 business telephone number.

15 2. IF THE PATIENT IS A CHILD, the child's name, address, social
16 security number, if known and not confidential, gender, date of birth and
17 mother's maiden name.

18 3. IF THE PATIENT IS AN ADULT, THE PATIENT'S NAME, ADDRESS, SOCIAL
19 SECURITY NUMBER, IF NOT CONFIDENTIAL, AND DATE OF BIRTH.

20 ~~3.~~ 4. The type of vaccine administered and the date it is
21 administered.

22 C. The health care professional may submit this information to the
23 department on a weekly or monthly basis by telephone, fax, mail, computer
24 or any other method prescribed by the department.

25 D. Except as provided in subsection I of this section, the
26 department shall release identifying information only to the ~~person~~
27 ~~PATIENT~~, the ~~person's~~ PATIENT'S health care decision maker, parent or
28 guardian, a health care provider, an entity regulated under title 20, the
29 Arizona health care cost containment system and its contractors as defined
30 in chapter 29 of this title, its external quality review organization or
31 any other entity that has a business associate agreement with the Arizona
32 health care cost containment system, a school official who is authorized
33 by law to receive and record immunization records, a person or entity that
34 provides services to a health care provider and with whom the health care
35 provider has a business associate agreement that requires the person or
36 entity to protect the confidentiality of the information, as required by
37 the health insurance portability and accountability act privacy standards
38 (45 Code of Federal Regulations part 164, subpart E) or a nonprofit health
39 information organization as defined in section 36-3801 that is designated
40 by the department as this state's official health information exchange
41 organization. The department may also release identifying information to
42 an entity designated by the ~~person~~ PATIENT or the ~~person's~~ PATIENT'S
43 health care decision maker, parent or guardian. The department, by rule,
44 may release immunization information to persons for a specified
45 purpose. The department may release nonidentifying summary statistics.

1 E. Identifying information in the system is confidential. A person
2 who is authorized to receive confidential information under subsection D
3 of this section or pursuant to rules adopted by the department shall
4 disclose this information only as ~~permitted~~ ALLOWED by this section or
5 rules adopted by the department.

6 F. A health care provider that provides information in good faith
7 pursuant to this section is not subject to civil or criminal liability.

8 G. A health care provider that does not comply with the
9 requirements of this section violates a law applicable to the practice of
10 medicine and commits an act of unprofessional conduct or a violation of
11 chapter 4 of this title.

12 H. Any agency or person receiving confidential information from the
13 system who subsequently discloses that information to any other person
14 other than as ~~permitted~~ ALLOWED by this section is guilty of a class 3
15 misdemeanor.

16 I. At the request of the ~~person~~ PATIENT, or if the ~~person~~ PATIENT
17 is a child the child's parent or guardian, the department of health
18 services shall provide a form to be signed that allows confidential
19 immunization information to be withheld from all persons including persons
20 authorized to receive confidential information pursuant to subsection D of
21 this section. If the request is delivered to the health care professional
22 before the immunization, the health care professional shall not forward
23 the information required under subsection B of this section to the
24 department.

25 J. For the purposes of this section, "health care decision maker"
26 and "health care provider" have the same meanings prescribed in section
27 12-2291.