



GOV. MSG. NO. 1378

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

July 06, 2012

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on July 06, 2012, the following bill was signed into law:

SB2825 SD1 HD1 CD1

RELATING TO THE HAWAII IMMUNIZATION
REGISTRY.
Act 275 (12)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

A BILL FOR AN ACT

RELATING TO THE HAWAII IMMUNIZATION REGISTRY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 325-121, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By adding two new definitions to be appropriately
4 inserted and to read:

5 "Health organization" means a health insurance company,
6 fraternal benefit society governed by article 2 of chapter 432,
7 mutual benefit society governed by article 1 of chapter 432,
8 health care service plan or health maintenance organization
9 governed by chapter 432D, or any other entity delivering or
10 issuing for delivery in the State accident and health or
11 sickness insurance as defined in section 431:1-205.

12 "Immunization assessment report" means any registry-
13 produced report designed to provide a detailed listing of the
14 immunizations an individual has received as well as
15 immunizations that are currently due or overdue. Immunization
16 assessment reports may also include aggregate reports produced
17 to monitor and improve the health of a specific population or
18 public health in general."



1 2. By amending the definition of "health care provider" to
2 read:

3 ""Health care provider" means a program, agency, clinic,
4 health care center, physician licensed under the provisions of
5 chapter 453, advanced practice registered nurse recognized under
6 the provisions of chapter 457, pharmacist licensed under the
7 provisions of chapter 461, physician's assistant licensed under
8 the provisions of chapter 453, [~~or~~] person authorized to
9 practice medicine as a physician or physician's assistant, or
10 nursing as an advanced practice registered nurse, in federal
11 facilities located in the State, that administers immunizations
12 in Hawaii [-], or any other person authorized to prescribe
13 vaccinations in Hawaii."

14 SECTION 2. Section 325-123, Hawaii Revised Statutes, is
15 amended by amending subsections (b) and (c) to read as follows:

16 "(b) Registry information shall be limited to patient
17 name, demographic information, and contact information;
18 information specific to immunizations or medications received by
19 the patient, including types, manufacturers, lot numbers,
20 expiration dates, anatomical sites of administration, routes of
21 administration, vaccine information statement publication dates,
22 doses, dates administered, the patient's history of vaccine-



1 preventable diseases, and contraindications, precautions,
2 adverse reactions to, or comments regarding immunizations or
3 medications; and the name and contact information of the
4 vaccination administrator or medication provider and the
5 patient's health care provider.

6 (c) The department of health shall adopt administrative,
7 physical, and technical measures to ensure the security of the
8 registry [tø]; protect the confidentiality, integrity, and
9 availability of registry data; and prevent unauthorized access
10 to registry information."

11 SECTION 3. Section 325-124, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "[+]§325-124[+] Purposes for access to registry
14 information; access not a disclosure. (a) Notwithstanding
15 section 325-123, it shall not be a disclosure for the persons
16 listed in subsections (b), (c), [and] (d), and (e) to have
17 limited access to registry information for the purposes
18 specified in each subsection.

19 (b) Registry information regarding specific individuals in
20 the registry may be accessed by authorized health care providers
21 who are treating, have treated, or have been assigned to treat
22 those individuals; by authorized employees of these health care



1 providers; and by authorized department of health personnel
2 assigned to monitor the immunization or health status of those
3 individuals for the purposes of:

- 4 (1) Recording the administration of any vaccination,
5 including pandemic influenza vaccine;
- 6 (2) Determining the immunization history of a patient to
7 deliver health care treatment accordingly;
- 8 (3) Notifying individuals or parents or legal guardians of
9 the need to schedule a visit for an immunization;
- 10 (4) Generating official immunization records;
- 11 (5) Ensuring compliance with mandatory immunization
12 requirements; [ex]
- 13 (6) Recording the distribution of prophylactic and
14 treatment medications administered or dispensed in
15 preparation for and in response to a potentially
16 catastrophic disease threat[-]; or
- 17 (7) Complying with Hawaii vaccines for children and other
18 state-provided vaccine programs' vaccine ordering and
19 accountability policies and procedures.

20 (c) Registry information regarding specific individuals in
21 the registry may be accessed by school and post-secondary school
22 personnel authorized by the director of health, the



1 superintendent of education, or the administrator of a private
2 or post-secondary school for the purpose of ensuring compliance
3 with mandatory student immunization requirements.

4 (d) Registry information regarding specific individuals in
5 the registry may be accessed by authorized health organizations
6 that have been contracted to provide health insurance or health
7 plan coverage for those individuals; provided that access is
8 limited to only the enrollees, members, subscribers, and
9 insureds of the authorized health organization, and for the
10 purpose of producing immunization assessment reports by the
11 authorized health organization.

12 [~~(d)~~] (e) Registry information regarding specific
13 individuals in the registry may be accessed by the department of
14 health or agents of the department of health for the purposes
15 of:

- 16 (1) Ensuring compliance with mandatory immunization
17 requirements;
- 18 (2) Performing immunization-related quality improvement or
19 quality assessment activities;
- 20 (3) Complying with Hawaii vaccines for children [~~and teen~~
21 ~~wax~~] and other state-provided vaccine programs'



1 vaccine ordering and accountability policies and
2 procedures;

3 (4) Producing aggregate immunization assessment reports to
4 monitor and improve public health;

5 (5) Supporting efforts to prevent and manage outbreaks of
6 vaccine-preventable diseases, including pandemic
7 influenza;

8 (6) Assisting the department of health in the event of a
9 public health emergency; or

10 (7) Managing and maintaining the Hawaii immunization
11 registry system.

12 [~~e~~] (f) The use of registry information accessed
13 pursuant to this section shall be limited to the purposes for
14 which access is granted."

15 SECTION 4. Section 325-125, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "[+]§325-125[+] Registry record requirements; duration of
18 retention. (a) The establishment of an individual's record in
19 the registry shall not require the prior consent of a patient or
20 the consent of a patient's parent or legal guardian in the case
21 of a minor or dependent.



1 (b) The department of health shall make available to the
2 patient or the patient's parent or legal guardian in the case of
3 a minor or dependent, via the patient's health care provider or
4 birthing hospital, a written description of the purpose and
5 benefits of the registry as well as the procedure for refusing
6 inclusion in the registry. ~~[No registry information shall be
7 established in the registry for any patient who in writing
8 refuses, or, in the case of a minor or dependent, the patient's
9 parent or legal guardian who in writing refuses to allow the
10 information to be included in the registry.]~~

11 (c) A patient's, or in the case of a minor, the minor's
12 parent's or legal guardian's, choice to refuse inclusion in the
13 registry shall be documented in writing on a form or in a format
14 approved by the department of health.

15 (d) Each health care provider or birthing hospital shall
16 maintain the records of refusal of inclusion and shall report
17 any refusal to the department of health in a manner specified by
18 rule.

19 (e) When a patient, or in the case of a minor, the minor's
20 parent or legal guardian, chooses to refuse inclusion in the
21 registry, minimal demographic information, including the
22 patient's name and date of birth, shall be maintained within the



1 registry system to identify the patient as having elected to
2 refuse inclusion in the registry. If the patient has an
3 existing record in the registry at the time that the refusal
4 documentation is submitted, all other patient demographic and
5 immunization information shall be removed from the registry.

6 (f) All registry authorized users shall make available for
7 inspection by the department of health all medical records
8 relating to patient demographic and immunization information
9 recorded in the registry or documentation of the patient's, or
10 in the case of a minor, the minor's parent's or legal guardian's
11 refusal of inclusion in the registry for the purposes of
12 performing registry-related quality improvement or quality
13 assessment activities.

14 ~~(b)~~ (g) Registry information for any individual included
15 within the registry shall be retained as a part of the registry
16 for twenty-five years after the last entry, except in the case
17 of minors, whose records shall be retained during the period of
18 minority plus twenty-five years after the minor reaches the age
19 of majority. At the conclusion of the retention period, the
20 data stored in the registry for that individual shall be
21 archived."

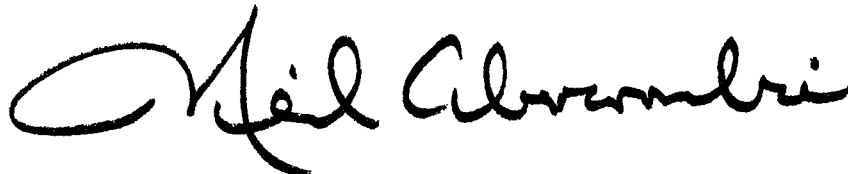


1 SECTION 5. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 6. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 7. This Act shall take effect upon its approval.

APPROVED this 6 day of JUL, 2012



GOVERNOR OF THE STATE OF HAWAII