

TITLE 173 CONTROL OF COMMUNICABLE DISEASES

CHAPTER 8 ACCESS TO, REPORTING AND SHARING OF IMMUNIZATION DATA FOR
PUBLIC HEALTH PURPOSES

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PUBLIC HEALTH PURPOSES

8-001 SCOPE AND AUTHORITY: The purpose of these rules is to implement Neb. Rev. Stat. §§ 71-539 through 71-544 which authorizes the Department of Health and Human Services to establish an immunization information system (IIS) for the purpose of providing a central database of immunization information which can be accessed and used pursuant these rules and regulations.

8-002 DEFINITIONS: When terms are used in 173 NAC 8, the following definitions apply:

Authorized User means all persons and entities listed in Neb. Rev. Stat. §§ 71-539 who are permitted access to immunization records in the State Immunization Information System.

Batch message file means the transmission of a file containing multiple discrete standard electronic messages to the IIS from a facilities electronic health record system on a periodic basis less than real time.

Data encryption means the electronic obfuscation of data within an electronic message using industry standard practices for encryption.

Department means the Department of Health and Human Services.

Director means the Director of the Department's Division of Public Health.

Electronic Health Record (EHR) System means any computerized or electronic system used to capture and store patient identifying health information including immunization data.

Health Care Facility means any facility licensed under the Health Care Facility Licensure Act, and such additional clinics or facilities not licensed under that act as may be identified in specific orders issued pursuant to 173 NAC 8.

Health Care Professional means any person authorized by law to order or administer an immunization.

Health Care Services means any licensed facility that provides primary care, secondary care and tertiary care, as well as in public health.

Health Department of Other States means any State Health Department established to promote the health and well-being of all residents within its jurisdiction.

Immunization standard message means a standard electronic message meeting specifications as identified by current versions of the Nebraska State Immunization Information System *Flat File Specifications* or *HL7 Specifications for Immunization*.

Licensed Child Care Facility means any facility licensed under Neb. Rev. Stat. §§ 71-1908 through 71-1923.

Postsecondary Educational Institution means any organization or business enterprise which offers courses or subjects for which tuition is charged, and at the place of business of which a course of instruction is available through classroom instruction, home study, or both to a person for the purpose of training, preparing, or improving the person for an occupation even though the organization's or business enterprise principal efforts may not be exclusively educational in nature.

Local Public Health Department has the same meaning as in Neb. Rev. Stat. § 71-1626.

Public Health Authority means an agency or authority of the United States, a State, a territory, a political subdivision of a State or territory, or an Indian tribe, or a person or entity acting under a grant of authority from or contract with such public agency, including the employees or agents of such public agency or its contractors or persons or entities to whom it has granted authority, that is responsible for public health matters as part of its official mandate.

Real-time message means the transmission of discrete standard electronic messages to the Department as they are generated by the EHR system.

Restricted Immunization Information means all information contained within an immunization record in the IIS is restricted by the patient or, if the patient is a minor, the patient's parent or legal guardian, from access from everyone other than the professional or entity that provided the immunization(s).

School means any approved or accredited school under Neb. Rev. Stat. §§ 79-318 or 79-1601 offering courses of instruction to its students on the school's premises.

Secure message transport protocol means a method of sending electronic data to the department in a way that prevents unauthorized access to the data as specified by the Department.

Unrestricted Immunization Information means information that may be shared with an authorized user pursuant to Neb. Rev. Stat. § 71-541. It may include, but is not limited to, the patient's name, and date of birth, the dates and vaccine types administered, and any immunization information obtained from other sources

8-003 ENROLLMENT

8-003.01 The following may be enrolled in the State IIS:

8-003.01A All children born in the state will be enrolled in the IIS through a Vital Records birth data file. This information will include: the child's name (first, middle and last); date of birth; social security number, gender; address, including zip code; mother's maiden name; mother's or other responsible party's name (first, middle and last); address, including zip code.

8-003.01B All children who live with a parent or guardian in the state for any period of time, and who receive an immunization may be enrolled in the IIS.

8-003.01C Any person who receives an immunization in the state may be enrolled in the IIS.

8-003.01D Nothing in these rules requires the consent of a parent, guardian or Individual prior to enrollment in the registry.

8-003.02 RESTRICTION

8-003.02A The records of an enrolled individual may be restricted by signing and submitting a non-disclosure form by the patient, parent, or guardian.

8-004 WHO MAY REPORT

8-004.01 Authorized Users may submit to the Department a minimum data set, as defined in the Department's HL7 or Flat File Specifications, on all immunizations administered by the facility. The immunization data may be manually entered or electronically submitted as an Immunization Standard Message, using secure message transport protocols and data encryption.

8-004.01A The minimum dataset shall be submitted within 14 calendar days of the immunization administration.

8-004.01B Electronic data must be submitted as an Immunization Standard Message. Real-time messages must meet Department's HL7 specifications. Flat file formats must be approved and agreed upon by the Department prior to submission of messages.

8-004.01C Authorized users may submit data directly to the Department or through a third party acting as their agent. Authorized users selecting this option are responsible for ensuring that all data specifications conform to the requirements of this rule.

8-004.01D Any authorized user may report immunizations, and other associated or as necessary information, permitted under these rules to the IIS without the consent of the patient or the parent or guardian of the patient. Reporting this information without the consent mentioned above shall not subject the authorized user to liability or civil action.

8-005 ACCESS TO IMMUNIZATION RECORDS:

8-005.01 An authorized user may only access unrestricted immunization information in the IIS as follows:

8-005.01A An authorized user will be given a unique user ID, password, and system role which will determine the level of access to unrestricted immunization information on an individual who is presently under that authorized user's care, or enrolled in the authorized user's facility, school, post-secondary educational institution, licensed child care, program or health plan, except as otherwise provided by law.

8-005.01B An authorized user that is a state or local public health authority may, in addition to accessing unrestricted immunization information described in subsection 8-005.01A of this rule, access immunization information that has not been restricted pursuant to subsection 8-003.02 on an individual within the public health jurisdiction for authority's assessment, evaluation, surveillance and outreach related to immunization promotion and vaccine-preventable disease prevention.

8-005.01C The Department may require any authorized user who has accessed an individual's record to provide evidence that such individual was under the care of the authorized user or enrolled in the authorized user's post-secondary educational institution, school, children's facility, licensed child care, program or health plan at the time the individual's record was assessed.

8-005.01D The Department may report violations of these rules by any authorized user who has accessed a individual's record to the appropriate licensing or regulatory authority.

8-005.02 The Department may provide a Public Immunization Record Access feature to allow individuals, parents, and guardians look-up access to their own, or their child's immunization record. To ensure data confidentiality the public immunization record access feature shall:

8-005.02A Require the individual, parent, or guardian to search for a record using the first name, last name, date of birth, and social security number of the Individual for whom they are searching.

8-005.02B Require that the first name, last name, date of birth, and social security number be populated in the IIS in order for the record to be accessed through the public immunization record access feature.

8-005.02C Display, upon successful search, only immunization information, such as first name, last name, date of birth, date of immunization, and immunization type.

8-005.02D Maintain confidentiality of social security numbers and address information through the public immunization record access feature.

8-006 DATA CONFIDENTIALITY AND SECURITY:

8-006.01 Identifiable immunization information from the IIS shall only be disclosed to authorized users or as otherwise stated in these rules.

8-006.02 An authorized user shall not disclose information from the IIS except to another authorized user or as otherwise stated in these rules.

8-006.03 All authorized users shall abide by such security policies and procedures to safeguard information in the IIS deemed necessary by the Department. Such policies and procedures may include, but are not limited to, confidentiality agreements, the use of computer passwords, and user identification codes. The Department shall provide copies of the policies and procedures to all authorized users who participate in the IIS. Policies and procedures may be supplied electronically through the IIS.

8-006.04 No authorized user shall be subjected to civil or criminal liability, or be deemed to have engaged in unprofessional conduct for reporting to, receiving from, or disclosing information relating to the IIS when made reasonably and in good faith and in accordance with the provisions of these rules or any regulation adopted thereto.

8-006.05 The Department must secure the data within the IIS in a manner that will ensure the confidentiality and security of said data.

8-006.06 The Department must maintain a secure message transport protocol which ensures the confidentiality and security of said data.