

**RULES AND REGULATIONS
PERTAINING TO
IMMUNIZATION REPORTING**

**Promulgated Under the Authority of
Ark. Code Ann. §§ 20-15-1201 - 1203
(Arkansas Act 432 of 1995, as amended)**

ARKANSAS STATE BOARD OF HEALTH

Arkansas Division of Health
Center for Health Protection

COMMUNICABLE DISEASE/IMMUNIZATION SECTION

Effective (_____)
By the Arkansas State Board of Health

**Arkansas Division of Health
Little Rock, Arkansas
(Dr. Paul Halverson, Director)**

TABLE OF CONTENTS

SECTION I. AUTHORITY3
SECTION II. PURPOSE3
SECTION III. DEFINITIONS3
SECTION IV. GENERAL REQUIREMENTS3
SECTION V. SEVERABILITY6
SECTION VI. REPEAL6

**PROPOSED RULES AND REGULATIONS
PERTAINING TO IMMUNIZATION REPORTING**

SECTION I. AUTHORITY

The following Rules and Regulations Pertaining to Immunization Registration are duly adopted and promulgated by the Arkansas Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas including, without limitation, Ark. Code Ann. §§ 20-15-1201 - 1203.

SECTION II. PURPOSE

To protect the health of the citizens of Arkansas, these rules and regulations are necessary to establish and maintain a statewide childhood immunization registry and provide for the collection of data, enrollment of and reporting by Providers, and the release of immunization information. The immunization registry will serve as a repository of immunization information that may be available to parents or guardians of a child, Providers who report the immunization status of children in their care, and such other persons or organizations designated by rule or regulation of the board.

SECTION III. DEFINITIONS

For the purposes of these rules and regulations, the following words and phrases when used herein shall be construed as follows:

- A. "Board" means the Arkansas Board of Health;
- B. "Division" means the Arkansas Division of Health;
- C. "Section" means the Communicable Disease/Immunization Section of the Arkansas Division of Health;
- D. "Provider" means any health care professional who has direct or supervisory responsibility for the delivery of immunizations. NOTE: A school nurse or other health official who has direct or supervisory responsibility for the delivery of immunizations falls within the definition of "health care professional"; and
- E. "Other persons or organizations" means any non Providers who have direct or supervisory responsibility of children whose immunization history could have a direct impact upon their admission policy as outlined by state requirements. A child care facility licensed by the state of Arkansas falls within the definition of "Other persons or organizations".

SECTION IV. GENERAL REQUIREMENTS

- A. A statewide childhood immunization registry shall be established and include data as specified by the Division.
 - 1. All persons under 22 years of age receiving immunizations shall be enrolled into the registry. (As of January 1993, all newborns to Arkansas residents have been automatically enrolled.)
 - 2. The minimum data elements to be furnished by the Provider in an immunization record in the immunization registry are:

Clinic Name
Clinic Code
Name
Date of Birth
Address
Mother's Name (Maiden name preferred)
Gender
Race
Shot Type
Date Immunization Given
Provider Number
Lot Number
Insurance Status
All previous immunization if not given by the reporting Provider
Vaccine Manufacture

- B. All Providers shall register with the Division if they provide immunizations to persons under twenty-two years of age.
1. Enrollment:
 - a. The Section shall maintain a current listing of Providers.
 - b. The Section shall respond to Providers by assigning a clinic code and supplying the Provider agreement (See Section IV.B.2.) for signature by a physician or administrator.
 - c. The Section response shall also include instructions for the Provider to submit reports of doses given and make requests for immunization records.
 2. Division/Provider Agreement:

A signed agreement shall be kept on file by the Section and the Provider. It shall specify the purpose for the information and outline required security/confidentiality measures. Statements on disclosure of information specifying what and how information is to be released shall be included. Providers signing the agreement will specifically certify that information will be accessed only on persons for whom they have medical responsibility.
- C. All Providers shall report to the Division the administration of any childhood immunization to any person under twenty-two years of age.
1. A Division approved format for the reporting of data shall be used by all Providers to report immunizations given.

2. Providers shall submit information on immunizations provided within two weeks of administration.
 3. When reporting immunizations, previous unreported doses shall also be reported to provide a complete immunization history to the registry.
 4. Failure to report shall result in the Division contacting the Provider to encourage compliance. Continued non-compliance may result in sanctions not to exceed \$25.00 and/or removal from the Vaccine For Children (VFC) program.
- D. The Division shall upon request make information regarding the immunization status of children in the registry available to the parents or legal guardians of the child, to Providers who report on the immunization status of children in their care and such other persons or organizations authorized by the Board. The Section will evaluate the written documentation requesting access to information from the registry. If the request is authorized within these regulations and criteria approved by the Board, the Section will grant access to the information.

1. Providers

- a. When written requests are used, they shall be made on letterhead and include the Provider's clinic code (if applicable), patient name, and date of birth.
- b. Phone requests shall be accepted, but only if the clinic code (if applicable) is provided along with patient name and date of birth.
- c. Faxed requests shall be submitted on letterhead and include the Provider's clinic code (if applicable), patient name and date of birth. The information shall be faxed or phoned to the numbers on file only.

2. Parents/Legal Guardians/Self

Parents/ Legal Guardians/Self shall receive immunization information from the registry without providing consent for the release of information. Requests may be made in writing, in person, or by fax qualifying the information.

3. Other Persons or Organizations

- a. If accompanied by a HIPAA compliant authorization to disclose on DHHS Form 4000 signed by a parent or guardian,, written requests shall be granted. The request shall include the patient name and date of birth. Information shall include the requesting party's name, mailing address, and phone number.
- b. Phone requests shall not be granted.
- c. Faxed requests shall be accompanied by a signed and dated authorization to disclose and include the patient name and date of birth. Information shall include the requesting party's name, mailing address, phone number and fax number. The original consent shall be mailed in following the faxed request.
- d. If a request is made by a party which does not have signed authorization to disclose for the release of records, written documentation must be submitted to the Section and satisfy the following requirements:

- 1) HIPAA requirements for research -Re. 4.512(A)

- 2) Must demonstrate that this is a Public Health Activity as recognized by the HIPAA Privacy Regulations and approved by the DHHS HIPAA Privacy Officer.
 - 7) Granting access to the registry does not commit the division to any expense.
- E. Any Provider who administers an immunization without fulfilling the requirements of Section IV-B 1,2 and Section IV-C 1- 4 shall be fined twenty-five dollars (\$25). (See Section IV.C.4.)
- F. Confidentiality of medical information shall be observed. The patient's name, date of birth, and immunization information shall be the only information released from the registry. No further identifying or contact information shall be disclosed.

SECTION V. SEVERABILITY

If any provision of these rules and regulations, or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these rules and regulations which can give effect without the invalid provisions or applications, and to this end the provisions hereto are declared to be severable.

SECTION VI. REPEAL

All regulations in conflict herewith are hereby repealed.

CERTIFICATION

This will certify that the foregoing Rules and Regulations for immunization reporting were adopted by the Arkansas Board of Health at a regular session of the Board held in Little Rock, Arkansas on the _____ day of _____, 2007

 Director, Arkansas Division of Health
 Secretary, State Board of Health

The following rule has been filed in my office and is hereby adopted on the _____ day of _____, 2004.

 Governor