

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/CS/HB 1045 Immunization Registry  
**SPONSOR(S):** Health & Human Services Committee; Health Quality Subcommittee; Pigman  
**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Health Quality Subcommittee	15 Y, 0 N, As CS	Siples	McElroy
2) Health & Human Services Committee	19 Y, 0 N, As CS	Siples	Calamas

### SUMMARY ANALYSIS

Florida law requires children to comply with an immunization schedule established by the Department of Health (DOH), or register a religious objection to immunizations as a condition of school attendance. A parent or guardian must provide a school or child care facility a form signed by administering health care practitioner that shows compliance with the immunization requirements for admission or attendance.

Every child born in the state is entered into an electronic database maintain by DOH to record vaccines received by a child; children who are not born in Florida are entered as they are immunized in Florida. A health care practitioner may voluntarily enter immunization records into the database and schools and child care facilities may obtain the immunization records of a student as authorized by a parent or guardian. Although all children are listed in the database, a parent or guardian may opt to prohibit access to his or her child's electronic immunization record.

CS/CS/HB 1045 requires physicians, physician assistants, and nurses who administer vaccines to children aged 18 or younger, or to students, aged 19 to 23, at a Florida college or university health care facility, to report the vaccination to the immunization registry. The bill authorizes such a student to refuse to be included in the immunization registry. The bill also authorizes automated data uploads to the immunization registry from existing electronic health record systems.

The bill eliminates DOH's specific rulemaking and replaces it with general authority to adopt rules as needed to administer the communicable disease prevention program.

Currently, a school district or private school may accept a child's immunization record on a DOH-approved form or obtain it by accessing the immunization registry. The bill requires school districts and private schools to have a policy that requires each student to have a certification of immunizations on file with the state's electronic immunization registry. However, the school must still accept the DOH-approved immunization form if the child has been excluded from participating in the immunization registry.

The bill has no fiscal impact on state or local governments.

The bill has an effective date of July 1, 2020.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

##### Vaccinations

Current law requires the Department of Health (DOH) to implement a program to prevent and control vaccine-preventable diseases, including the immunization of all children in this state and to develop an automated, electronic, and centralized registry of immunizations.<sup>1</sup> For school admission or attendance, a child must obtain the following vaccinations:<sup>2</sup>

- Hepatitis B;
- Diphtheria, tetanus, and pertussis;
- Varicella (Chickenpox);
- Measles, mumps, rubella (MMR);
- Haemophilus influenza type b (Hib); and
- Polio.

Meningococcal meningitis and hepatitis B vaccines are required for individuals residing in on-campus housing of a postsecondary educational institution and are recommended for every student.<sup>3</sup>

##### Florida SHOTS

The Florida State Health Online Tracking System (SHOTS) is the statewide, online immunization registry employed by DOH to track immunization records.<sup>4</sup> All children born in this state are included in SHOTS and other children are added to SHOTS as immunizations are provided.<sup>5</sup> Only authorized health care practitioners, schools, childcare providers, and parents may access the system.<sup>6</sup> A health care practitioner voluntarily enrolls to access SHOTS, and once enrolled, may upload his or her patients' immunization history into the system.<sup>7</sup> A health care practitioner who provides an immunization that is required for school admission or attendance documents such immunization on a Florida Certification of Immunization Form (immunization form) or submits such information to SHOTS for electronic certification.<sup>8</sup> The record in SHOTS includes:<sup>9</sup>

- The child's name, date of birth, address, and other unique identifiers necessary;
- The immunization record, including the date, type of vaccine administered, and vaccine lot number; and
- The presence or absence of any adverse reaction or contraindication related to the immunization.

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<sup>1</sup> Section 381.003(1)(e), F.S.

<sup>2</sup> Department of Health, *Immunization Guidelines: Florida Schools, Childcare Facilities, and Family Daycare Homes*, (March 2013), incorporated by reference in r. 64D-3.046, F.A.C., available at <http://www.floridahealth.gov/programs-and-services/immunization/children-and-adolescents/documents/school-guide.pdf> (last visited January 7, 2018). The schedule and the number of doses required varies by age.

<sup>3</sup> Section 1006.69, F.S. A student or the parent of a minor who is required to have such vaccines, may refuse by signing a waiver for each vaccine.

<sup>4</sup> Department of Health, *Frequency Asked Questions*, available at <http://www.floridahealth.gov/programs-and-services/immunization/immunization-faq.html> (last visited January 7, 2018).

<sup>5</sup> Id.

<sup>6</sup> Id.

<sup>7</sup> Id.

<sup>8</sup> Rule 64D-3.046, F.A.C.

<sup>9</sup> *Supra* note 1.

More than 15,000 practitioners are reporting data to SHOTS.<sup>10</sup> Any child entering a preschool, school (K-12), licensed childcare facility, or family daycare home must present an immunization form.<sup>11</sup> An enrolled school or childcare facility, may access the system to obtain certification of a child's immunizations. A parent or guardian may access SHOTS to track their children's immunizations.<sup>12</sup> Authorized users may access and use SHOTS at no charge.<sup>13</sup>

Section 381.003(1)(e)2., F.S., authorizes a parent or guardian to elect to exclude his or her child's immunization record from SHOTS by submitting a DOH-approved opt-out form. However, in practice, by rule, DOH does not allow a parent to exclude a child's data from SHOTS.<sup>14</sup> Instead DOH prevents a child's immunization record from being automatically shared with preschools, schools, childcare facilities, and family daycare homes.<sup>15</sup> Therefore, the opt-out only prevents the child's immunization record from being accessed electronically by persons or entities other than the child's physician; however, the child's record is still maintained in SHOTS. The opt-out does not exempt a child from obtaining required immunizations.<sup>16</sup>

DOH must maintain the confidentiality of the information stored in SHOTS, and any health care practitioner or other agency that obtains such information must maintain the confidentiality.<sup>17</sup>

### DOH Rulemaking Authority

Current law authorizes DOH to adopt, repeal, and amend rules related to the prevention and control of communicable disease and the immunization registry (SHOTS).<sup>18</sup> Specifically, DOH may adopt rules that address:

- Procedures for investigating diseases;
- Timeframes for reporting diseases;
- Definitions;
- Procedures for managing specific diseases;
- Requirements for follow reports of known or suspected exposure to disease;
- Procedures for providing access to confidential information necessary for disease investigations;
- Procedures for a health care practitioner to obtain authorization to use SHOTS;
- Methods for a parent or guardian to elect not to participate in SHOTS; and
- Procedures for a health care practitioner to access and share electronic immunization records with other entities allowed by law to have access to records.

### School District Policies for Immunization Records

Each school district and the governing board of each private school must maintain and enforce a policy that requires each child who is admitted or attends a public or private school, respectively, present or

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<sup>10</sup> Department of Health, *2018 Agency Legislative Bill Analysis for House Bill 1045*, dated December 20, 2017, (on file with the Health Quality Subcommittee).

<sup>11</sup> *Supra* note 2. A parent who has a religious objection to the administration of vaccines may apply to DOH for an exemption. A child may also be exempted from immunizations based on medical reasons.

<sup>12</sup> *Supra* note 4. A parent must obtain the identification and certification PIN numbers of their child's immunization record from the child's health care practitioner to access the information.

<sup>13</sup> Florida SHOTS, *Frequently Asked Questions*, available at <http://flshotsusers.com/resources/frequently-asked-questions> (last visited January 14, 2018).

<sup>14</sup> Rule 64D-3.046(6), F.A.C. See also Department of Health, *Florida SHOTS Notification and Opt Out Form*, Form DH-1478, (Sept. 3, 2014), available at <https://flshotsusers.com/sites/default/files/docs/DH%201478ENGLISH0914.pdf> (last visited January 30, 2018).

<sup>15</sup> *Id.*

<sup>16</sup> *Id.* See also Department of Health, *Florida SHOTS Notification and Opt Out Form*, Form DH-1478 (Sept. 3, 2014), available at <http://flshotsusers.com/sites/default/files/docs/DH%201478ENGLISH0914.pdf> (last visited January 7, 2018).

<sup>17</sup> *Id.*

<sup>18</sup> Section 381.003, F.S.

have on file a certification of immunizations for those immunizations required by DOH.<sup>19</sup> The certification must be made on the DOH-approved immunization form and becomes a part of the child's permanent record.<sup>20</sup>

### **Effect of Proposed Changes**

CS/CS/HB 1045 requires physicians, physician assistants, and nurses who administer vaccines to children aged 18 or younger, or to students aged 19 to 23, at a Florida college or university health care facility, to report the vaccination to SHOTS unless the child or student has been excluded from participating in SHOTS. The bill authorizes automated data uploads to the immunization registry from existing electronic health record systems used by health care practitioners and health care facilities.

Current law allows a parent to exclude a child's data from SHOTS. The bill retains this provision and also authorizes a student who receives a vaccination at a Florida college or university health care facility to refuse to be included in SHOTS. Vaccination data for any other individuals receiving immunizations may be voluntarily submitted to SHOTS.

The bill requires that school districts and private schools have a policy that requires each student to have a certification of immunizations on file with SHOTS. However, the school must accept the certification of immunization on a form approved by DOH, if the child's data is excluded from SHOTS.

The bill removes DOH's specific rulemaking authority and replaces it with general authority to adopt rules to administer the program.

The bill provides an effective date of July 1, 2020.

#### **B. SECTION DIRECTORY:**

**Section 1:** Amends s. 381.003, F.S., relating to communicable diseases and AIDS prevention and control.

**Section 2:** Amends s. 1003.22, F.S., relating to school-entry health examinations; immunizations against communicable diseases; exemptions; duties of Department of Health.

**Section 3:** Provides an effective date of July 1, 2020.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

##### **1. Revenues:**

None.

##### **2. Expenditures:**

None.

#### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

##### **1. Revenues:**

None.

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<sup>19</sup> Section 1003.22(4), F.S.

<sup>20</sup> Id.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Health care practitioners who do not currently enter vaccination data into SHOTS and do not have the technology to do so may experience costs associated with acquiring necessary technological equipment. Health care practitioners who choose to have their electronic health records interface with the SHOTS system may incur costs associated with facilitating such access.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 24, 2018, the Health Quality Subcommittee adopted an amendment that limited the mandatory reporting of vaccinations administered at a college or university health center to those administered to students aged 19 to 23, and changed the effective date of the bill to January 1, 2020.

On February 1, 2018, the Health and Human Services Committee adopted a strike-all amendment that did the following:

- Reinstated the ability of a parent or guardian to refuse to have his or her child included in the immunization registry;
- Authorized a student, aged 19 to 23, who receives a vaccination at a university or college health center to refuse to be included in the immunization registry; and
- Required school districts and private schools to accept certification of immunization on a form approved by DOH, if the child is been excluded from the state's immunization registry.

The bill was reported favorably as a committee substitute. The analysis is drafted to the committee substitute as passed by the Health and Human Services Committee.