

Wisconsin

Vaccination Surveillance System

State	Statute/Rule	Language Specific to Surveillance System	Exemption	Data Sharing	Consent Required?	Dissent Allowed?
WI	<p>STATUTE: W.S.A. Chapter 20, Appropriations and Budget Management, Subchapter V Human Relations and Resources</p> <p>NO SPECIFIC RULE FOUND Chapter DCF 250 - 252 -Day Camps</p>	<p>20.435 Health services, department of. There is appropriated to the department of health services for the following programs:</p> <p>...(4)...(bm) <i>Medical Assistance, food stamps, and Badger Care administration; contract costs, insurer reports, and resource centers.</i> Biennially, the amounts in the schedule to provide a portion of the state share of administrative contract costs for the Medical Assistance program under subch. IV of ch. 49 and the Badger Care health care program under s. 49.665 and to provide the state share of administrative costs for the food stamp program</p>	<p>FAQs:</p> <p>Is the WIR for everyone, children and adults? Since 2000, every child born in the State of Wisconsin has been enrolled in the registry using information from the child’s birth certificate, unless the child’s legal guardian requests not to be enrolled. Wisconsin has two forms, <i>Birth Certificate Application</i> and the <i>Facts About Your Child’s Birth Certificate</i>, which allow the legal</p>	<p>DCF 252.44. ...Health 6...(h) The camp shall maintain a record of immunizations for each child to document compliance with s. 252.04, Stats., and ch. DHS 144.</p> <p>Note: The form, Day Care Immunization Record, may be used to record immunization information. An electronic printout from the Wisconsin Immunization Registry or other registry maintained by a health care provider may be used in place of the Day Care Immunization Record. Information on how to obtain forms is available from the department’s web site, http://dcf.wisconsin.gov, or from any regional office</p>	NO	YES, but form not online

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		<p>under s. 49.79, other than payments to counties and tribal governing bodies under s. 49.78 (8), to develop and implement a registry of recipient immunizations, to reimburse 3rd parties for their costs under s. 49.475, for costs associated with outreach activities, for state administration of state supplemental grants to supplemental security income recipients under s. 49.77, to administer the pharmacy benefits purchasing pool under s. 146.45, and for services of resource centers under s. 46.283. No state positions may be funded in the department of health services from this appropriation, except positions for the performance of duties under a contract in effect before January 1, 1987, related to the administration of the Medical Assistance program between the subunit of the</p>	<p>guardian to “opt-out” of the registry.</p> <p>Anyone born before 2000 can have their immunization records sent to the WIR, but they should not be sent unless the patient has had the opportunity to “opt-out.” Ask your health care provider if you would like to know more about opting-out of the registry. – <i>“Frequently Asked Questions: The Wisconsin Immunization Registry (WIR), https://www.prohealthcare.org/pdf/FAQs%2012-16-08.pdf, -- accessed 8/18/12.</i></p> <p>ARTICLE: “[A] few patients request that DHFS</p>	<p>listed in Appendix A.</p> <p>BROCHURE: The Wisconsin Immunization Registry (WIR) is a secure computerized data system that tracks the immunizations given to people in Wisconsin...The Wisconsin Immunization Registry has several security features built into its system to ensure the confidentiality of the information stored. Public and private health care providers can access the registry only after they have been trained and have signed a confidentiality agreement administered through the Wisconsin Department of Health and Family Services.” – <i>Wisconsin Immunization Registry, parent brochure, WI Dept. of Health and Family Services, accessed 12/17/08.</i></p> <p>WEBSITE: The [WIR]...is a</p>		
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		<p>department primarily responsible for administering the Medical Assistance program and another subunit of the department. Total administrative funding authorized for the program under s. 49.665 may not exceed 10% of the amounts budgeted under pars. (bc), (p), and (x) [pars. (p) and (x)]. <i>[emphasis added]</i></p> <p>ARTICLE: “Wisconsin and federal law appear to allow physician and other health care professionals to provide immunization information to WIR. The HIPAA Privacy Rule at 45 CFR §164.512(b)(1)(i) allows covered entities to disclose protected health information to a public health authority, such as DHFS, for its public health activities including the prevention and control of disease. Wisconsin Administrative Code</p>	<p>restrict access to their immunization records. In such cases, DHFS can limit WIR access of that record to health care professionals designated by the patient or it can lock a patient’s immunization record so that no one outside of WIR and the public health department can view the information.” - “<i>Wisconsin’s Immunization Registry</i>,” <i>Ruth Heitz, JD (Associate General Counsel, Wisconsin Medical Society), Wisconsin Medical Journal, Volume 104, No. 5, 2005.</i></p>	<p>confidential, computerized repository of individual immunization records that integrated information from birth and death records, public and private health care providers, and parental records... WIR is also able to record immunization, contraindications, and reactions; validate immunization history and provide recommendations; produce recall and reminder notices; manage vaccine inventory; and much more, all at no cost to providers... WIR uses data encryption for all data going to and from WIR and is compliant with Health Insurance Portability and Accountability Act of 1996 (HIPAA) standards.” – “<i>Isn’t it worth a few hours of training to make sure they’re fully immunized?</i>” <i>WIR, Wisconsin Immunization Program, WI Dept. of Health and Family Services, accessed 12/17/08.</i></p>		
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		<p>§144.03(10)(b) allows health care professionals to release immunization information, without patient or parent consent, to health care professionals, including physicians, health care facilities, or local health departments that administer vaccines. Wisconsin Statute § 146.82(2)(a)5 allows health care professionals to release patient health care records, without patient or parental consent, in response to a written request by any federal or state governmental agency to perform a legally authorized function. DHFS is clearly authorized to perform functions that preserve the health of the public and eliminate and suppress diseases. <i>Because Wisconsin Statute § 146.82(2)(a)5 is very broad, it would appear that any letter or other communication from DHFS to health care professionals, requesting that they release</i></p>		<p>ARTICLE: “The WIR database receives weekly automatic downloads of birth and death data directly from Wisconsin’s vital record database. The WIR database is designed to store significant amounts of information...Approximately 6000 immunization inventory notations or historical immunizations are recorded into the system each day. The WIR database currently has over 3.2 million client records with over 22 million total recorded immunizations...Approximately 952 health care professionals and 2463 schools currently use the WIR database.” - “<i>Wisconsin’s Immunization Registry,</i>” Ruth Heitz, JD (Associate General Counsel, Wisconsin Medical Society), <i>Wisconsin Medical Journal</i>, Volume 104, No. 5, 2005.</p>		
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		<p><i>patient data to WIR would enable the health care professional to release the information without the informed consent of his or her patients.</i> Neither Wisconsin law nor federal law requires health care professionals to use the WIR system to record immunization.” – <i>“Wisconsin’s Immunization Registry,” Ruth Heitz, JD (Associate General Counsel, Wisconsin Medical Society), Wisconsin Medical Journal, Volume 104, No. 5, 2005. [emphasis added]</i></p>				
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