## Pennsylvania

### Vaccination Surveillance System

<table>
<thead>
<tr>
<th>State</th>
<th>Statute/Rule</th>
<th>Language Specific to Surveillance System</th>
<th>Exemption</th>
<th>Data Sharing</th>
<th>Consent Required?</th>
<th>Dissent Allowed?</th>
</tr>
</thead>
<tbody>
<tr>
<td>PA</td>
<td>NONE FOUNDED</td>
<td>NONE</td>
<td>“II. Notification: All participating provider practices, with the exception of those operating on behalf of the Department, must notify patients that their information will be included in the PA-SIIS. The Department is a public health authority legally authorized to receive information without patient authorization for the purpose or preventing or controlling disease. The “All birth records from 1996 to date are electronically imported into PA-SIIS weekly.” – Statewide Immunization Information System, Pennsylvania Department of Health, June 2004</td>
<td>NO</td>
<td>NO – unless clinic does not participate</td>
<td></td>
</tr>
</tbody>
</table>

§ 510.701. Consent and confidentiality of health information

(a) Construction.--

(1) Nothing in this act [Chpt 2A, §510.101, eHealth Information Technology Act] shall be construed to prohibit a health care provider or payer from obtaining and storing a patient's health records in electronic form or exchanging health information with another health care provider or payer in accordance with Federal law or State law other than this act.

(2) Nothing in this act shall supersede or limit any other law which requires additional consent to the release of health information or otherwise establishes greater restrictions or limitations on the

---

Updated August 2012. All state statutes and department rules originally accessed online July/Aug 2008.
Statute/Rule data not inclusive. For comprehensive or updated language, access complete statute and rules online, at local library or through the state legislature.

www.cchfreedom.org
release of health information.

(b) Consent.--The authority shall promulgate a consent form including notice of a patient's ability to decline to allow exchange of the patient's electronic health information in the health information exchange. The notice shall include, at a minimum and in plain language, the following information: [emphasis added]

(1) Definition of a health information exchange.

(2) Explanation of the benefits of participation in the health information exchange.

(3) Explanation of the limits of the patient's ability to decline the release or exchange of the patient's health information with the health information exchange.

(4) Explanation of the manner in which the health information exchange will address privacy issues.

(5) Explanation of the manner in which an

| Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule states that providers may disclose protected health information to public health authorities for public health activities without authorization from the individual. These public health activities include preventing or controlling disease, injury, or disability; reporting disease, injury and vital events such as birth or death; and conducting public health surveillance, public health investigations and public health
| all people, particularly in the age group most at risk, birth through two years of age.” – PA Dept of Health SIIS website, 12/17/08
| “The PA-SIIS staffs work closely with attorneys in the Department as well as the Centers for Disease Control and Prevention to ensure that all policies adopted for the PA-SIIS are in full compliance with all applicable state and federal laws and regulations.” – Confidentiality Policy, Pennsylvania Statewide Immunization Information System, Pennsylvania Department of Health
| -- “The PA-SIIS is property of the Pennsylvania

Copyright © Citizens’ Council for Health Freedom June 2013

Updated August 2012. All state statutes and department rules originally accessed online July/Aug 2008. Statute/Rule data not inclusive. For comprehensive or updated language, access complete statute and rules online, at local library or through the state legislature. www.cchfreedom.org
individual may decline to participate in the health information exchange.

**(c) Opt-out registry.**

(1) In order to decline participation in the health information exchange, a patient must sign and date a form declining participation. If appropriate, the signature must be witnessed by the patient’s representative. Copies of the completed form shall be sent by the provider within five business days to the authority to be included in an opt-out registry.

(2) After receipt of the form, the authority shall within five business days notify health information organizations that the patient has not authorized the release of the health information.

(3) Once the patient is included in the opt-out registry, the authority shall notify the patient. The notification shall include a copy of the completed form signed by the patient or electronic notification to the patient.

(4) The patient alone shall decide to opt out of a health information exchange.

interventions according to the [45 CFR 164.512(b) and Disease Prevention and Control Law, 35 P.S. §521.1, et seq., and the regulations promulgated thereunder, 28 Pa. Code §27.1 et seq. (relating to communicable and noncommunicable diseases)].


“According to the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule 45 CFR 164.512 (b), and Disease Prevention and Control Law, Title 28 Chapter 27 Communicable and Noncommunicable Disease Regulations, protected health information may not be released or disclosed to anyone except to public health authorities for public health activities. The public health activities are defined in...
(d) Disclosure.--

(1) The authority shall retain only the health information necessary for the operation of the health information exchange. The authority may not disclose, without prior written consent of the patient, any health information that the authority or its employees, agents or contractors retain, or to which the authority or its agents or contractors have access or any other health records maintained or accessible by the authority under this act, to any person who is not an authorized employee, agent or contractor of the authority, except as required by law.

(2) *Sharing health information among participants in the health information exchange shall not be considered a disclosure* under paragraph (1). [emphasis added]

(3) Violations of this subsection:

(i) shall subject employees, agents and contractors to administrative discipline, including discharge and suspension; and

| the PA-SIIS Confidentiality Policy (see Section II: Notification)” – Pennsylvania Statewide Immunization Information System User Agreement Acknowledgement. Accessed 12/17/08 |
| “Yes. Providers must enter the immunization histories of all patients. Typically, immunizations histories are entered when patients present for immunizations. A complete immunization history offers key benefits such as generation of an official immunization record, calculation of immunization rates for your practice, and generation of accurate reminder/recall notifications. Entry of |
(ii) shall subject contractors to monetary penalties or contract revocation or suspension.

(e) Construction.—Nothing in this act may be construed to alter a proprietary interest held by any participant in any record, data or information released, accepted or included in the health information exchange, except insofar as the paperwork approved by the authority may require participants to license those interests by contract in order to allow for the free flow of information.

Complete immunization histories also assist in minimizing unnecessary duplicate immunization administration.” – Frequently Asked Questions, SIIS, PA Dept of Health, accessed August 18, 2012

http://www.portal.state.pa.us/portal/server.pt/community/pa_statewide_immunization_information_system_(pa-siis)/14281/faqs/556461#double