## Rhode Island

### Vaccination Surveillance System

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| RI    | NO SPECIFIC LAW OR RULE (DOH claimed authority in 23-1-1 per CCHC survey) | § 23-1-1 General functions of department. – The department of health shall take cognizance of the interests of life and health among the peoples of the state; shall make investigations into the causes of disease, the prevalence of epidemics and endemics among the people, the sources of mortality, the effect of localities, employments and all other conditions and circumstances on the public health, and do all in its power to ascertain the causes and the best means for the prevention and control of diseases or conditions detrimental to the public health, and adopt proper and expedient measures to prevent and control diseases and conditions detrimental to the public health in the state. It shall publish and circulate, from time to time, information that the director may deem to be important and useful for diffusion among the people of the state, and shall investigate and give advice in | “KIDSNET protects the information in the system very carefully. KIDSNET follows these practices to assure confidentiality:  

“Confidentiality Agreements from Authorized Users. Before getting access to KIDSNET, authorized users must sign statements of confidentiality that are in line with the Access to Public Records, Rhode Island General Laws § 38-2-2(d)(1)(1-19). Each authorized practice or authorized agency must also sign a KIDSNET User Agreement with the Department of Health that says they will follow the Confidentiality of Health Care Information Act, Rhode Island General Laws § 5-37.3 and recognize that any use of this | NO | NO |
| Department of Health to establish a registry and write regulations.” RWJF, June 18, 2002, http://www.rwjf.org/publichealth/product.jsp?id=17527 | relation to those subjects relating to public health that may be referred to it by the general assembly or by the governor when the general assembly is not in session, or when requested by any city or town. The department shall adopt and promulgate rules and regulations that it deems necessary, not inconsistent with law, to carry out the purposes of this section; provided, however, that the department shall not require all nonprofit volunteer ambulance, rescue service, and volunteer fire departments to have two (2) or more certified emergency medical technicians manning ambulances or rescue vehicles. [emphasis added]

*Chapter 5-37.3 Confidentiality of Health Care Communications and Information:*

| § 5-37.3-4 Limitations on and permitted disclosures. – (a) Except as provided in subsection (b) of this section or as specifically provided by the law, a patient's confidential health care information shall not be released or transferred without the written consent of the patient or his or her authorized representative, on a consent form meeting the requirements of subsection... | information for purposes other than those specifically stated in the KIDSNET User Agreement is a violation of the law and subject to penalties.

**Compliance with the Privacy Rule.** KIDSNET complies with HIPAA (Health Information Portability and Accountability Act) Privacy Rule, 45 Code of Federal Regulations, CFR § 164.512. The Privacy Rule allows healthcare professionals to share protected health information with a public health authority (such as the Department of Health) for “preventing or controlling disease, injury or disability.” - [http://www.health.ri.gov/family/kidsnet/confidentiality.php](http://www.health.ri.gov/family/kidsnet/confidentiality.php). 12/17/08

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*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.*

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(d) of this section. A copy of any notice used pursuant to subsection (d) of this section, and of any signed consent shall, upon request, be provided to the patient prior to his or her signing a consent form. Any and all managed care entities and managed care contractors writing policies in the state shall be prohibited from providing any information related to enrollees which is personal in nature and could reasonably lead to identification of an individual and is not essential for the compilation of statistical data related to enrollees, to any international, national, regional, or local medical information database. This provision shall not restrict or prohibit the transfer of information to the department of health to carry out its statutory duties and responsibilities.

(2) Any person who violates the provisions of this section may be liable for actual and punitive damages. (3) The court may award a reasonable attorney’s fee at its discretion to the prevailing party in any civil action under this section. (4) Any person who knowingly and intentionally violates the provisions of this section shall, upon conviction, be fined not more than five thousand
($5,000) dollars for each violation, or imprisoned not more than six (6) months for each violation, or both (5) Any contract or agreement which purports to waive the provisions of this section shall be declared null and void as against public policy.

(b) No consent for release or transfer of confidential health care information shall be required in the following situations: (1) To a physician, dentist, or other medical personnel who believes, in good faith, that the information is necessary for diagnosis or treatment of that individual in a medical or dental emergency; … (24) To a probate court of competent jurisdiction, petitioner, respondent, and/or their attorneys, when the information is contained within a decision-making assessment tool which conforms to the provisions of § 33-15-47. … [NOTE: 24 exemptions!]

(d) Consent forms for the release or transfer of confidential health care information shall contain, or in the course of an application or claim for insurance be accompanied by a notice containing, the following information in
a clear and conspicuous manner:

   (1) A statement of the need for and proposed uses of that information;

   (2) A statement that all information is to be released or clearly indicating the extent of the information to be released; and

   (3) A statement that the consent for release or transfer of information may be withdrawn at any future time and is subject to revocation, except where an authorization is executed in connection with an application for a life or health insurance policy in which case the authorization expires two (2) years from the issue date of the insurance policy, and when signed in connection with a claim for benefits under any insurance policy the authorization shall be valid during the pendency of that claim. Any revocation shall be transmitted in writing.

   (e) Except as specifically provided by law, an individual's confidential health care information shall not be given, sold, transferred, or in any way relayed to any
other person not specified in the consent form or notice meeting the requirements of subsection (d) of this section without first obtaining the individual's additional written consent on a form stating the need for the proposed new use of this information or the need for its transfer to another person.

(f) Nothing contained in this chapter shall be construed to limit the permitted disclosure of confidential health care information and communications described in subsection (b) of this section.