# Texas Vaccination Surveillance System

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<tr>
<td>TX</td>
<td>STATUTE</td>
<td>Sec. 161.007. IMMUNIZATION REGISTRY; REPORTS TO DEPARTMENT. (a) The department, for the primary purpose of establishing and maintaining a single repository of accurate, complete, and current immunization records to be used in aiding, coordinating, and promoting efficient and cost-effective childhood communicable disease prevention and control efforts, shall establish and maintain an immunization registry. The executive commissioner of the</td>
<td>Sec. 161.007. IMMUNIZATION REGISTRY; REPORTS TO DEPARTMENT. (a-1) The written or electronic consent required by Subsection (a)(3) for an individual younger than 18 years of age is required to be obtained only one time. The consent is valid until the individual becomes 18 years of age unless the consent is withdrawn in writing or electronically. A parent, managing conservator, or guardian of a minor may provide the consent by using an electronic signature on the minor's birth certificate. (b-1) The department shall remove from the registry information for any individual for whom consent has been withdrawn. The department may not retain individually identifiable information about any individual: (1) for whom consent has been</td>
<td>YES</td>
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Updated August 2012. All state statutes and department rules originally accessed online July/Aug 2008.
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| Health and Human Services Commission by rule shall develop guidelines to:  
(1) protect the confidentiality of patients in accordance with Section 159.002, Occupations Code;  
(2) inform the individual or the individual's legally authorized representative about the registry and that registry information may be released under Section 161.00735;  
(3) require the written or electronic consent of the individual or the individual's legally authorized representative before any information relating to the individual is included in the registry;  
(4) permit the withdrawn; (2) for whom a consent for continued inclusion in the registry following the end of the declared disaster, public health emergency, terrorist attack, hostile military or paramilitary action, or extraordinary law enforcement emergency has not been received under Section 161.00705(f); or (3) for whom a request to be removed from the registry has been received under Section 161.00706(e).  

**Rule § 100.4 (a)** A parent, managing conservator or legal guardian of a patient younger than 18 years of age may consent to the inclusion of the child's immunization history in the immunization registry by doing one of the following:  

(1) indicating consent at birth certificate registration, including by electronic signature;  
(2) submitting written notification to the department in a format prescribed by the department or substantially similar and mailed to shall adopt rules to implement this section.  

**Sec. 161.00705. RECORDING ADMINISTRATION OF IMMUNIZATION AND MEDICATION FOR DISASTERS AND EMERGENCIES.**  
(a) The department shall maintain a registry of persons who receive an immunization, antiviral, and other medication administered to prepare for a potential disaster, public health emergency, terrorist attack, hostile military or paramilitary action, or extraordinary law enforcement emergency or in response to a declared disaster, public health emergency, terrorist attack, hostile military or paramilitary action, or extraordinary law enforcement emergency. A health care provider who administers an
| (5) Determine the process by which consent is verified, including affirmation by a health care provider, birth registrar, regional health information exchange, or local immunization registry that consent has been obtained. (c) A payor that receives data elements from a health care provider who administers an immunization to an individual younger than 18 years of age shall provide the data elements to the department. A payor is required to provide the data elements to the Department of State Health Services, Immunization Branch, MC-1946, P.O. Box 149347, Austin, Texas 78714-9347, or by courier to Department of State Health Services, Immunization Branch, 1100 West 49th Street, MC-1946, Austin, Texas 78756, or by calling the Immunization Branch at (800) 252-9152 to request a consent form; | | (3) Completing written consent to be submitted to a health care provider, birth registrar, regional health information exchange, or local immunization registry that consent has been obtained via an affirmation process as directed by the department. | (b) Unless otherwise provided by §100.7 of this title (relating to Potential and Declared Disasters, Public Health Emergency, Terrorist Attack, Hostile Military or Paramilitary Action, and Extraordinary Law Enforcement Emergency Event), the department shall verify consent before including the reported information regarding immunization, antiviral, or other medication shall provide the data elements to the department. (b) The department shall maintain the registry as part of the immunization registry required by Section 161.007. | **Sec. 161.00706. FIRST RESPONDER IMMUNIZATION INFORMATION.** (a) A person 18 years of age or older who is a first responder or an immediate family member of a first responder may: (1) request that a health care provider who administers an immunization to the person provide data elements regarding the immunization to the department for inclusion in the immunization registry; or (2) provide the person's immunization history directly to the |
immunization to an individual 18 years of age or older may provide the data elements to the department. The data elements shall be submitted in a format prescribed by the department. The department shall verify consent before including the reported information in the immunization registry. The department may not retain individually identifiable information about an individual for whom consent cannot be verified.

(d) A health care provider who administers an immunization to an individual 18 years of age or older may provide the data elements to the department. The data elements shall be submitted in a format prescribed by the department. The department shall verify consent before including the reported information in the immunization registry. The department may not retain individually identifiable information about an individual for whom consent cannot be verified.

(c) Consent is required to be obtained only one time, and is valid until the child becomes 18 years of age, unless the consent is withdrawn in writing.

(d) A parent, managing conservator or legal guardian of a patient younger than 18 years of age may withdraw consent for the child to be included in the registry at any time by submitting written notification to the department in a format prescribed by the department for inclusion in the immunization registry.

Sec. 161.0076. COMPLIANCE WITH FEDERAL LAW. If the provisions of this chapter relating to the use or disclosure of information in the registry are more stringent than the Health Insurance Portability and Accountability Act and Privacy Standards, as defined by Section 181.001, then the use or disclosure of information in the registry is governed by this chapter.

Sec. 161.008. IMMUNIZATION RECORD. (a) An immunization record is part of the immunization registry. (c) The department may obtain the data constituting an immunization record for a child from a public health district, a local health care provider, birth registrar, regional health information exchange, or local immunization registry that consent has been obtained. The department shall provide notice to a provider that submits data elements for a person for whom consent cannot be verified. The notice shall contain instructions for obtaining and affirming consent and resubmitting the data elements to the department.

(c) Consent is required to be obtained only one time, and is valid until the child becomes 18 years of age, unless the consent is withdrawn in writing.

(d) A parent, managing conservator or legal guardian of a patient younger than 18 years of age may withdraw consent for the child to be included in the registry at any time by submitting written notification to the department in a format prescribed by the department for inclusion in the immunization registry.
administers an immunization to an individual younger than 18 years of age shall provide data elements regarding an immunization to the department. A health care provider who administers an immunization to an individual 18 years of age or older may submit data elements regarding an immunization to the department. The data elements shall be submitted in a format prescribed by the department. The department shall verify consent before including the information in the immunization registry. The department may not retain individually identifiable information about a person for whom consent cannot be verified. (d) The department may release the data constituting an immunization record for the individual to: (1) any entity that is described by Subsection (c); (2) a school or child care facility in which the individual is enrolled; or
be verified.

e) The department shall provide notice to a health care provider that submits an immunization history for a person for whom consent cannot be verified. The notice shall contain instructions for obtaining consent in accordance with guidelines adopted under Subsection (a) and resubmitting the immunization history to the department.

f) The department and health care providers may use the registry to provide notices by mail, telephone, personal contact, or other means to an individual or the individual's legally authorized representative regarding an individual who is due or overdue for a particular type of history from the immunization registry by doing one of the following:

1) indicating the request for exclusion at birth certificate registration, including by electronic signature; or

2) submitting written notification to the department in a format prescribed by the department or substantially similar and mailed to the Department of State Health Services, Immunization Branch, MC-1946, P.O. Box 149347, Austin, Texas 78714-9347, or by courier to Department of State Health Services, Immunization Branch, 1100 West 49th Street, MC-1946, Austin, Texas 78756, or by calling the Immunization Branch at (800) 252-9152 to request an exclusion form. Unless otherwise provided by §100.7 of this title, on receipt of a written request to exclude a child's immunization records from the registry, the department shall send the parent, managing conservator or legal guardian a written confirmation of receipt of the

(3) a state agency having legal custody of the individual. e) An individual or the individual's legally authorized representative may obtain and on request to the department shall be provided with all individually identifiable immunization registry information concerning the individual. f) A person, including a health care provider, a payor, or an employee of the department, that submits in good faith an immunization history or data to or obtains in good faith an immunization history or data from the department in compliance with the provisions of this section and any rules adopted under this section is not liable for any civil damages. g) The department may release nonidentifying summary
| Immunization according to the department's immunization schedule for children or another analogous schedule recognized by the department for individuals 18 years of age or older. The department shall consult with health care providers to determine the most efficient and cost-effective manner of using the registry to provide those notices. | The department may not retain individually identifiable information about any person for whom an exclusion has been requested, unless otherwise allowed under §100.7 of this title. | Statistics related to the registry that do not individually identify an individual. (h) The executive commissioner of the Health and Human Services Commission shall adopt rules to implement this section. |