# Texas

## Vaccination Surveillance System

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<th>State</th>
<th>Statute/Rule</th>
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<tr>
<td>TX</td>
<td>STATUTE Texas Statutes, Chapter 161 T.A.C. Title 25, Part 1, Chapter 100</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 The consent is valid until the individual becomes 18 years of age unless the consent is withdrawn in writing or electronically.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 (b-1) The department shall remove from the registry information for any individual for whom consent has been withdrawn.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:</td>
<td>Sec. 161.007. IMMUNIZATION REGISTRY; REPORTS TO DEPARTMENT. …(j) Except as provided by Sections 161.00705, 161.00706, 161.00735(b), and 161.008, information obtained by the department for the immunization registry is confidential and may be disclosed only with the written or electronic consent of the individual or the individual's legally authorized representative.</td>
<td>YES</td>
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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; [emphasis added]

(1) for whom consent has been withdrawn;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;
(k) The executive commissioner of the Health and Human Services Commission 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
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<td><strong>(4)</strong></td>
<td>permit the individual or the individual's legally authorized representative to withdraw consent for the individual to be included in the registry; and</td>
<td><strong>(2)</strong> 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 a consent form;</td>
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<td><strong>(5)</strong></td>
<td>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.</td>
<td><strong>law enforcement emergency</strong>. A health care provider who administers an immunization, antiviral, or other medication shall provide the data elements to the department.</td>
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**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:
(c) A payer 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 payer is required to provide the department with only the data elements the payer receives from a health care provider. A payer that receives data elements from 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

(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 the child in the immunization registry. Under Health and Safety Code, §161.007(a)(5), the department may elect to verify consent by receiving affirmation from a 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.

(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 department for inclusion in the immunization registry.
| consent before | (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 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 a consent withdrawal form. Unless otherwise provided by §100.7 of this title, the department shall remove information from the immunization registry for any person for whom consent has been withdrawn, and the

| 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 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 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 a consent withdrawal form. Unless otherwise provided by §100.7 of this title, the department shall remove information from the immunization registry for any person for whom consent has been withdrawn, and the

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| 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.  
(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. | department shall send the parent, managing conservator or legal guardian a written confirmation of the removal of the information. The department may not retain individually identifiable information about any person for whom consent has been withdrawn except as provided for by §100.7 of this title.  
(e) A parent, managing conservator or legal guardian may request exclusion of a child's immunization 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 | 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 department, the individual or the individual's legally authorized representative, a physician to the individual, a payer, or any health care provider licensed or otherwise authorized to administer vaccines. The department shall verify consent before including the reported information in the immunization registry. The department may not retain individually identifiable information about a |
(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 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.

(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) 252-3952 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 request, and shall exclude the child's records from the registry. 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.

(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

(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 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.