

Virginia

**Vaccination Surveillance System**

State	Statute/Rule	Language Specific to Surveillance System	Exemption	Data Sharing	Consent Required?	Dissent Allowed?
VA	STATUTE: C.V., Title 32.1 Chapter 2  12VAC5- 115 (Chapter 115)	<i>DOH Website lists two laws as authority. No rule.</i> <b>§ 32.1-46.01. Virginia Immunization Information System. A.</b> The Board of Health shall establish the Virginia Immunization Information System (VIIS), a statewide immunization registry that <b><i>consolidates patient immunization histories from birth to death</i></b> into a complete, accurate, and definitive record that may be made available to participating health care providers throughout Virginia, to the extent funds are appropriated by the General Assembly or otherwise made available. The purposes of VIIS shall be to	<i>Proposed Rule (accessed 8/18/12)</i> <b><u>12VAC5-115-50. Registration procedures.</u></b>  <u>A. Participation in VIIS is voluntary.</u>  <u>B. Completed registration forms from authorized participants must be processed and approved by VDH before access to the system is allowed. Registration will require the participant to assure compliance with necessary confidentiality and security access provisions that</u>	<b>§ 32.1-46.01. Virginia Immunization Information System. . . B.</b> The Board of Health shall promulgate regulations to implement the VIIS that shall address:  <b>1.</b> Registration of voluntary participants, including, but not limited to, a list of those health care entities that are authorized to participate and any forms and agreements necessary for compliance with the regulations concerning <b><i>patient privacy promulgated by the federal Department of Health and Human Services;...[emphasis added]</i></b>	NO	NO

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		<p>(i) protect the public health of all citizens of the Commonwealth,</p> <p>(ii) prevent under- and over-immunization of children,</p> <p>(iii) ensure up-to-date recommendations for immunization scheduling to health care providers and the Board,</p> <p>(iv) generate parental reminder and recall notices and manufacturer recalls,</p> <p>(v) develop immunization coverage reports,</p> <p>(vi) identify areas of under-immunized population, and</p> <p>(vii) provide, in the event of a public health emergency, a mechanism for tracking the distribution and administration of immunizations, immune globulins, or other preventive medications or emergency treatments. <i>[emphasis added]</i></p>	<p><u>specify security procedures to ensure that VIIS data are protected from unauthorized view and access. The participant shall update and submit the forms to VDH every year.</u></p> <p><u>C. Once the participant is approved, VDH will provide training and activate the participant in the VIIS system.</u></p> <p><b><u>12VAC5-115-60. Patient confidentiality.</u></b></p> <p><u>...C. Patients shall have the opportunity to opt-out of VIIS by doing one of the following:</u></p>	<p>...6. The patient identifying data to be reported, including, but not limited to, the patient's name, date of birth, gender, telephone number, home address, birth place, and mother's maiden name;</p> <p>7. The patient immunization information to be reported, including, but not necessarily limited to, the type of immunization administered (specified by current procedural terminology (CPT) code or Health Level 7 (HL7) code); date of administration; identity of administering person; lot number; and if present, any contraindications, or religious or medical exemptions;</p>		
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		<p><b>C.</b> The establishment and implementation of VIIS is hereby declared to be a necessary public health activity to ensure the integrity of the health care system in Virginia and to prevent serious harm and serious threats to the health and safety of individuals and the public. Pursuant to the regulations concerning patient privacy promulgated by the federal Department of Health and Human Services, covered entities may disclose protected health information to the secure system established for VIIS without obtaining consent or authorization for such disclosure. Such protected health information shall be used exclusively for the purposes established in this section.</p>		<p><b>8.</b> Mechanisms for entering into data-sharing agreements with other state and regional immunization registries for the exchange, on a periodic nonemergency basis and in the event of a public health emergency, of patient immunization information, after receiving, in writing, satisfactory assurances for the preservation of confidentiality, a clear description of the data requested, specific details on the intended use of the data, and the identities of the persons with whom the data will be shared;</p> <p><b>9.</b> Procedures for the use of vital statistics data, including, but not necessarily limited to, the linking of birth certificates and death certificates;</p>		
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		<p><b>D.</b> The Board and Commissioner of Health, any employees of the health department, any voluntary participant, and any person authorized to report or disclose immunization data hereunder shall be immune from civil liability in connection therewith unless such person acted with gross negligence or malicious intent...</p>		<p><b>10.</b> Procedures for requesting immunization records that are in compliance with the requirements for disclosing health records set forth in § <a href="#">32.1-127.1:03</a>; such procedures shall address the approved uses for the requested data, to whom the data may be disclosed, and information on the provisions for disclosure of health records pursuant to § <a href="#">32.1-127.1:03</a>;</p> <p><b>11.</b> Procedures for releasing aggregate data, from which personal identifying data has been removed or redacted, to qualified persons for purposes of research, statistical analysis, and reporting; and</p>		
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				<p><b>12.</b> Procedures for the Commissioner of Health to access and release, as necessary, the data contained in VIIS in the event of an epidemic or an outbreak of any vaccine-preventable disease or the potential epidemic or epidemic of any disease of public health importance, public health significance, or public health threat for which a treatment or vaccine exists...</p>		
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				<p><b>§32.1-46 Immunization of patients against certain diseases.</b> ...E. For the purpose of protecting the public health by ensuring that each child receives age-appropriate immunizations, any physician, physician assistant, nurse practitioner, licensed institutional health care provider, local or district health department, the Virginia Immunization Information System, and the Department of Health may share immunization and patient locator information without parental authorization, including, but not limited to, the month, day, and year of each administered immunization; the patient's name, address, telephone number, birth date, and social security number; and the parents' names. The immunization information; the patient's name, address, telephone number, birth date, and social security number; and the parents' names shall be</p>	
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				confidential and shall only be shared for the purposes set out in this subsection.		
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