

**RULES AND REGULATIONS
PERTAINING TO
IMMUNIZATION REPORTING**

**Promulgated Under the Authority of
Ark. Code Ann. §§ 20-15-1201 - 1203**

ARKANSAS STATE BOARD OF HEALTH

**Effective
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**Arkansas Department of Health
Little Rock, Arkansas
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RULES AND REGULATIONS PERTAINING TO IMMUNIZATION REPORTING

SECTION I. AUTHORITY

The following Rules and Regulations Pertaining to Immunization Registration are duly adopted and promulgated by the Arkansas Board of Health pursuant to the authority expressly conferred by the laws of the State of Arkansas including, without limitation, Ark. Code Ann. §§ 20-15-1201 - 1203.

SECTION II. PURPOSE

To protect the health of the citizens of Arkansas, these rules and regulations are necessary to establish and maintain a statewide immunization registry and provide for the collection of data, enrollment of and reporting by Providers, and the release of immunization information. The immunization registry will serve as a repository of immunization information that may be available to an individual requesting a copy of his/her immunization record, parents or guardians of a child, Providers who report the immunization status of individuals in their care, and such other persons or organizations designated by rule or regulation of the Board.

SECTION III. DEFINITIONS

For the purposes of these rules and regulations, the following words and phrases when used herein shall be construed as follows:

- A. “Board” means the Arkansas Board of Health;
- B. “Department” means the Arkansas Department of Health;
- C. “Section” means the Communicable Disease/Immunization Section of the Arkansas Department of Health;
- D. “Provider” means any health care professional who has direct or supervisory responsibility for the delivery of immunizations. NOTE: A school nurse or other health official who has direct or supervisory responsibility for the delivery of

immunizations falls within the definition of “health care professional”; and

- E. "Other persons or organizations" means any non-Providers who have direct or supervisory responsibility of an individual whose immunization history could have a direct impact upon their admission policy as outlined by state requirements. A child care facility licensed by the state of Arkansas falls within the definition of "Other persons or organizations".

SECTION IV. GENERAL REQUIREMENTS

- A. A statewide immunization registry shall be established and include data as specified by the Department.
 - 1. All persons under 22 years of age receiving immunizations shall be enrolled into the registry. (As of January 1993, all newborns to Arkansas residents have been automatically enrolled.)
 - 2. Persons age 22 years or older may be enrolled into the registry.
 - 3. The minimum data elements to be furnished by the Provider in an immunization record in the immunization registry are:

Clinic Name

Clinic Code

Name

Date of Birth Address

Mother's Name (Maiden name preferred)

Gender & Race

Shot Type

Date Immunization Given

Provider Number

Lot Number

Insurance Status

All previous immunizations if not given by the reporting Provider

Vaccine Manufacturer

- B. All Providers who provide immunizations to persons under 22 years of age shall register with the Department. Providers who provide immunizations to persons age 22 years or older may register with the Department.
 - 1. Enrollment:
 - a. The Section shall maintain a current listing of Providers.
 - b. The Section shall respond to Providers by assigning a clinic code and supplying the Provider agreement (See Section IV.B.2.) for signature by a

physician or administrator.

- c. The Section's response shall also include instructions for the Provider to submit reports of doses given and make requests for immunization records.

2. Department/Provider Agreement:

A signed agreement shall be kept on file by the Section and the Provider. It shall specify the purpose for the information and outline required security/confidentiality measures. Statements on disclosure of information specifying what and how information is to be released shall be included. Providers signing the agreement will specifically certify that information will be accessed only on persons for whom they have medical responsibility.

C. All Providers shall report to the Department the administration of any childhood immunization to any person under twenty-two years of age.

1. A Department approved format for the reporting of data shall be used by all Providers to report immunizations given.
2. Providers shall submit information on immunizations provided within two weeks of administration.
3. When reporting immunizations, previous unreported doses shall also be reported to provide a complete immunization history to the registry.
4. Failure to report shall result in the Department contacting the Provider to encourage compliance. Continued non-compliance may result in sanctions not to exceed \$25.00 and/or removal from the Vaccine For Children (VFC) program.

D. Providers may report immunizations given to individuals age 22 years or older to the registry.

1. A Department approved format for the reporting of data shall be used by all Providers to report immunizations given.
2. Providers should submit information on immunizations provided within two weeks of administration.
3. When reporting immunizations, previous unreported doses, if available, should also be reported to provide a complete immunization history to the registry.

E. The Department shall upon request make information regarding the immunization status of individuals in the registry available to an individual requesting a copy of his/her immunization record, the parents or legal guardians of the child, providers who report on the immunization status of individuals in their care and such other persons or organizations authorized by the Board. The Section will evaluate the written documentation requesting access to information from the registry. If the request is authorized within these regulations and criteria approved by the Board, the Section will grant access to the information.

1. Providers

- a. When written requests are used, they shall be made on letterhead and include the Provider's clinic code (if applicable), patient name, and date of birth.
- b. Phone requests shall be accepted, but only if the clinic code (if applicable) is provided along with patient name and date of birth.
- c. Faxed requests shall be submitted on letterhead and include the Provider's clinic code (if applicable), patient name and date of birth. The information shall be faxed or phoned to the numbers on file only.
- d. Electronic requests shall be accepted if they include the Provider's clinic code (if applicable), patient name and date of birth.

2. Parents/Legal Guardians of Children/Self

Parents/Legal Guardians of children/Self shall receive immunization information from the registry without providing consent for the release of information. Requests may be made in writing, in person, electronically, or by fax with requested qualifying the information.

3. Other Persons or Organizations

- a. If accompanied by a HIPAA compliant authorization to disclose on AS Form 4000 signed by a parent or guardian, written requests shall be granted. The request shall include the patient name and date of birth. Information shall include the requesting party's name, mailing address, and phone number.
- b. Phone requests shall not be granted.
- c. Faxed and electronic requests shall be accompanied by a signed and dated authorization to disclose and include the patient name and date of birth. Information shall include the requesting party's name, email or mailing address, phone number, and fax number.
- d. Any licensed daycare facility responsible for ensuring compliance with immunization requirements may have read-only access after the submission of a signed user agreement.

4. Granting access to the registry does not commit the Department to any expense.

- F. Confidentiality of medical information shall be observed. The patient's name, date of birth, and immunization information shall be the only information released from the registry. No further identifying or contact information shall be disclosed.

SECTION V. PENALTIES

- A. After an opportunity for a fair hearing conducted under the Administrative Procedure Act, Ark. Code Ann. § 25-15-201 et seq., a provider found to have administered an immunization to a person under 22 years of age without fulfilling the requirements of Section IV-B 1, 2 and Section IV-C 1-4 shall be fined twenty-five dollars (\$25). (See Section IV-C 4.)

- B. Any wrongful disclosure of individually identifiable health information may be considered a violation of HIPAA (42 USC 1320d-6) and may result in fines administered by the Office for Civil Rights of the U.S. Department of Health and Human Services of up to \$250,000, or imprisonment of not more than 10 years, or both.
- C. Wrongful disclosures may also result in state criminal sanctions of fines up to \$500.00 or imprisonment not exceeding one (1) month, or both.
- D. After an opportunity for a fair hearing conducted under the Administrative Procedure Act, Ark. Code Ann. § 25-15-201 et seq., civil penalties may be administered by the State Board of Health of fines up to \$1,000 per violation.

SECTION VI. SEVERABILITY

If any provision of these rules and regulations, or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these rules and regulations which can give effect without the invalid provisions or applications, and to this end the provisions hereto are declared to be severable.

SECTION VII. REPEAL

All regulations in conflict herewith are hereby repealed.

CERTIFICATION

This will certify that the foregoing Rules and Regulations for immunization reporting were adopted by the Arkansas Board of Health at a regular session of the Board held in Little Rock, Arkansas, on the 22nd day of October, 2015.

Nathaniel Smith, MD, MPH
Secretary
Arkansas State Board of Health