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FILED

**Jane Dee Hull
Secretary of State**

CHAPTER 228

HOUSE BILL 2134

AN ACT

AMENDING SECTION 32-1601, ARIZONA REVISED STATUTES; AMENDING TITLE 36, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-135; RELATING TO CHILD IMMUNIZATION REPORTING.

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, chapter 1, article 2, Arizona Revised Statutes,
3 is amended by adding section 36-135, to read:

4 36-135. Child immunization reporting system; requirements;
5 access; confidentiality; immunity; violation;
6 classification

7 A. THE CHILD IMMUNIZATION REPORTING SYSTEM IS ESTABLISHED IN THE
8 DEPARTMENT TO COLLECT, STORE, ANALYZE, RELEASE AND REPORT IMMUNIZATION DATA.

9 B. BEGINNING ON JANUARY 1, 1998, A HEALTH CARE PROFESSIONAL WHO IS
10 LICENSED UNDER TITLE 32 TO PROVIDE IMMUNIZATIONS SHALL, EXCEPT AS PROVIDED
11 IN SUBSECTION I, REPORT THE FOLLOWING INFORMATION:

12 1. THE HEALTH CARE PROFESSIONAL'S NAME, BUSINESS ADDRESS AND BUSINESS
13 TELEPHONE NUMBER.

14 2. THE CHILD'S NAME, ADDRESS, THE CHILD'S SOCIAL SECURITY NUMBER IF
15 KNOWN AND NOT CONFIDENTIAL, GENDER, MOTHER'S MAIDEN NAME AND DATE OF BIRTH.

16 3. THE TYPE OF VACCINE ADMINISTERED AND THE DATE IT IS ADMINISTERED.

17 C. THE HEALTH CARE PROFESSIONAL MAY SUBMIT THIS INFORMATION TO THE
18 DEPARTMENT ON A WEEKLY OR MONTHLY BASIS BY TELEPHONE, FACSIMILE, MAIL,
19 COMPUTER OR ANY OTHER METHOD PRESCRIBED BY THE DEPARTMENT.

20 D. EXCEPT AS PROVIDED IN SUBSECTION I, THE DEPARTMENT SHALL RELEASE
21 IDENTIFYING INFORMATION ONLY TO THE CHILD'S HEALTH CARE PROFESSIONAL, PARENT,
22 GUARDIAN, HEALTH CARE SERVICE ORGANIZATION, THE ARIZONA HEALTH CARE COST

1 CONTAINMENT SYSTEM AND ITS PROVIDERS AS DEFINED IN TITLE 36, CHAPTER 29, OR
2 A SCHOOL OFFICIAL WHO IS AUTHORIZED BY LAW TO RECEIVE AND RECORD IMMUNIZATION
3 RECORDS. THE DEPARTMENT MAY, BY RULE, RELEASE IMMUNIZATION INFORMATION TO
4 PERSONS FOR A SPECIFIED PURPOSE. THE DEPARTMENT MAY RELEASE NONIDENTIFYING
5 SUMMARY STATISTICS.

6 E. IDENTIFYING INFORMATION IN THE SYSTEM IS CONFIDENTIAL. A PERSON
7 WHO IS AUTHORIZED TO RECEIVE CONFIDENTIAL INFORMATION UNDER SUBSECTION D
8 SHALL NOT DISCLOSE THIS INFORMATION TO ANY OTHER PERSON.

9 F. A HEALTH CARE PROFESSIONAL WHO PROVIDES INFORMATION IN GOOD FAITH
10 PURSUANT TO THIS SECTION IS NOT SUBJECT TO CIVIL OR CRIMINAL LIABILITY.

11 G. A HEALTH CARE PROFESSIONAL WHO DOES NOT COMPLY WITH THE
12 REQUIREMENTS OF THIS SECTION VIOLATES A LAW OR TASK APPLICABLE TO THE
13 PRACTICE OF MEDICINE AND AN ACT OF UNPROFESSIONAL CONDUCT.

14 H. ANY AGENCY OR PERSON RECEIVING CONFIDENTIAL INFORMATION FROM THE
15 SYSTEM WHO SUBSEQUENTLY DISCLOSES THAT INFORMATION TO ANY OTHER PERSON IS
16 GUILTY OF A CLASS 3 MISDEMEANOR.

17 I. AT THE REQUEST OF THE CHILD'S PARENT OR GUARDIAN, THE DEPARTMENT
18 OF HEALTH SERVICES SHALL PROVIDE A FORM TO BE SIGNED THAT ALLOWS CONFIDENTIAL
19 IMMUNIZATION INFORMATION TO BE WITHHELD FROM ALL PERSONS INCLUDING PERSONS
20 AUTHORIZED TO RECEIVE CONFIDENTIAL INFORMATION PURSUANT TO SUBSECTION D. IF
21 THE REQUEST IS DELIVERED TO THE HEALTH CARE PROFESSIONAL PRIOR TO THE
22 IMMUNIZATION, THE HEALTH CARE PROFESSIONAL SHALL NOT FORWARD THE INFORMATION
23 REQUIRED UNDER SUBSECTION B TO THE DEPARTMENT.

24 Sec. 2. Section 32-1601, Arizona Revised Statutes, is amended to read:

25 32-1601. Definitions

26 In this chapter, unless the context otherwise requires:

27 1. "Approved nursing program" means a program for the educational
28 preparation of professional and practical nurses for licensure in this state
29 which has met standards of the board or is accredited by a national nursing
30 accrediting agency recognized by the board.

31 2. "Board" means the state board of nursing.

32 3. "Certified registered nurse" means a registered nurse who has been
33 certified by a national nursing credentialing agency recognized by the board.

34 4. "Nursing assistant" means a person certified pursuant to this
35 chapter to provide or assist in the delivery of nursing or nursing-related
36 services under the supervision and direction of a licensed nursing staff
37 member in a location where a nursing assistant is required by law to be
38 certified. Nursing assistant does not include a person who:

39 (a) Is a licensed health care professional.

40 (b) Volunteers to provide nursing assistant services without monetary
41 compensation.

42 5. "Practical nurse" means a person who practices practical nursing
43 as defined in this section.

1 6. "Practical nursing" means the performance for compensation of
2 services that require knowledge, skills and abilities that are acquired by
3 completing an approved practical nursing program. The practice of practical
4 nursing consists of participating with registered nurses in the assessment,
5 planning, implementation and evaluation of nursing care by:

- 6 (a) Providing for the emotional and physical comfort of patients.
- 7 (b) Observing, recording and reporting the condition of patients.
- 8 (c) Performing nursing procedures recognized by the board.
- 9 (d) Assisting with the rehabilitation of patients according to the
10 patient's care plan.
- 11 (e) Assisting with maintenance of health.

12 7. "Professional nursing" means the performance for compensation of
13 any act requiring substantial specialized knowledge, judgment and nursing
14 skill based upon the principles of the biological, physical and social
15 sciences in:

- 16 (a) The maintenance of health or prevention of illness.
- 17 (b) The nursing assessment, the evaluation of the patient and the
18 administration of care to the ill, injured or infirm.
- 19 (c) The administration of medications and treatment as prescribed or
20 authorized by a person licensed in this state to prescribe such medications
21 and treatments or as authorized pursuant to section 15-344.
- 22 (d) The supervision and teaching of other personnel in the performance
23 of any of the foregoing.
- 24 (e) The performance of such additional acts requiring education and
25 training as prescribed by the board and which are recognized by the nursing
26 profession as proper to be performed by a professional nurse and which are
27 authorized by the board of nursing in consultation with the allopathic board
28 of medical examiners and the board of osteopathic examiners in medicine and
29 surgery through the rules of the board of nursing.

30 8. "Registered nurse", "graduate nurse" or "professional nurse" means
31 a person who practices professional nursing as defined in this section.

32 9. "Registered nurse practitioner" means a professional nurse who is
33 certified by the board in those areas authorized by the board through its
34 rules for extended nursing practice and who has completed a nurse
35 practitioner education program approved or recognized by the board.

36 10. "Unprofessional conduct" includes the following whether occurring
37 in this state or elsewhere:

- 38 (a) Committing fraud or deceit in obtaining, attempting to obtain or
39 renewing a license.
- 40 (b) Committing a felony, whether or not involving moral turpitude, or
41 a misdemeanor involving moral turpitude. In either case, conviction by a
42 court of competent jurisdiction or a plea of no contest is conclusive
43 evidence of the commission.

1 (c) Aiding or abetting in a criminal abortion or attempting, agreeing
2 or offering to procure or assist in a criminal abortion.

3 (d) Any conduct or practice that is or might be harmful or dangerous
4 to the health of a patient or the public.

5 (e) Addiction to alcohol or other drugs.

6 (f) Being mentally incompetent or physically unsafe to a degree that
7 is or might be harmful or dangerous to the health of a patient or the public.

8 (g) Having a license to practice practical or professional nursing
9 denied, suspended or revoked in another jurisdiction and not reinstated by
10 that jurisdiction.

11 (h) Wilfully or repeatedly violating a provision of this chapter or
12 a rule adopted pursuant to this chapter.

13 (i) Committing fraud or deceit in obtaining or attempting to obtain
14 a registered nurse practitioner certificate.

15 (j) Committing an act that deceives, defrauds or harms the public.

16 (k) Failing to comply with a stipulated agreement, consent agreement
17 or board order.

18 (l) Violating a rule that is adopted by the board and that relates to
19 the practice of nursing.

20 (m) FAILS TO REPORT AN IMMUNIZATION TO THE DEPARTMENT OF HEALTH
21 SERVICES REQUIRED UNDER SECTION 36-135.

APPROVED BY THE GOVERNOR APRIL 20, 1996

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 22, 1996