

INTERIM RULEMAKING NOTICE FORM

Proposed Interim Rule Number _____ Rule Number He-P 301.13 and He-P 307.07

<p>1. Agency Name & Address:</p> <p>Dept. of Health & Human Services Division of Public Health Services 29 Hazen Drive Concord, NH 03301</p> <p>5. Filing Date: August 10, 2022</p>	<p>2. RSA Authority: RSA 141-C:6, II and XVIII; and RSA 141-C:20-f, VI(e)</p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p>Adoption _____</p> <p>Amendment <u> X </u></p> <p>Repeal _____</p> <p>Readoption _____</p> <p>Readoption w/amendment <u> X </u></p>
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6. Short Title: **Immunization Registry Rules**

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: Allyson Raadmae (<i>formerly Zinno</i>)	Title: Administrator- Administrative Rules Unit
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TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

The proposed rules may be viewed and downloaded at:
<https://www.dhhs.nh.gov/doing-business-dhhs/legal-services/administrative-rules/nh-administrative-rules-public-comment>

8. Summary explaining the effect of the rule:
He-P 300 sets forth the rules for communicable diseases pursuant to RSA 141-C.

HB 1035 from the 2022 legislative session (Chapter 55 of the Laws of 2022, effective 7-19-22) removes the requirement set forth in RSA 141-C:20-c, II that a parent’s request for a religious exemption to immunizations required for school attendance be notarized.

He-P 301.13 specifies the requirements for documentation of immunization. The Department of Health and Human Services (Department) is proposing to amend He-P 301.13(e) as an interim rule pursuant to RSA 541-A:19, I(a) to conform with a new or amended codified state statute or chaptered session law.

The amendments to He-P 301.13(e) include:

- Deleting the requirement for notarization of religious exemptions; and
- Incorporating the use of a new form entitled “New Hampshire Childcare/School Immunization Religious Exemption Certificate”.

In addition, HB 1487 from the 2022 legislative session (Chapter 307 of the Laws of 2022, effective 8-30-22) provides in RSA 141-C:20-f, III-a that an individual’s request to withdraw from the state immunization registry shall be signed by a current or former health care provider or be notarized by an authorized government official.

The Department is proposing to readopt with amendment He-P 307.07 as an interim rule pursuant to RSA 541-A:19, I(a) to conform with a new or amended codified state statute or chaptered session law.

He-P 307.07 specifies the procedures for patients to withdraw from participation in the registry. Amendments to He-P 307.07 include removing reference to the “Withdraw and Remove Information from the New Hampshire Immunization/Vaccination Registry” form and incorporating the use of a new form entitled “New Hampshire Immunization Information System (NHIIS) Withdrawal Form” to include the option for signature of a medical provider or notary and including a section for notary seal and signature.

9. Listing of people, enterprises, and government agencies affected by the rule:

This interim rule affects immunization/vaccination providers, patients who receive immunizations/vaccinations or wish to be exempt from immunizations/vaccinations, authorized users of the immunization registry, and any individual or entity who requests data from the immunization/vaccination registry.

10. Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement.

RULE	Specific State Statute which the Rule Implements
He-P 301.13(e)	RSA 141-C:20-c
He-P 307.07	RSA 141-C:20-f, III; RSA 141-C:20-f, IIII-a

11. Summary of the effect upon the state if the rule were not adopted:

If this interim rule were not adopted, He-P 301.13 and He-P 307.07 would be out of compliance with current state law.

12. Proposed date of review by the Joint Legislative Committee on Administrative Rules:

September 15, 2022

13. The fiscal impact statement prepared by the Legislative Budget Assistant:

FIS # 22:153 , dated August 9, 2022

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

When compared to the existing rules, the proposed interim rules may benefit state citizens and independently owned businesses by indeterminable amounts.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

State citizens may benefit from no longer needing to obtain a notary signature and seal to complete the form for religious exemption required by He-P 301.13.

C. To independently owned businesses:

Independently owned businesses may benefit from additional demand for notary services created by He-P 307.07, which allows, but does not require, individuals to substitute a public notary’s signature for that of a health care provider on the form for withdrawal from participation in the immunization registry.

CHAPTER He-P 300 DISEASES

PART He-P 301 COMMUNICABLE DISEASES

Amend He-P 301.13(e), effective 11-3-16 (Document # 12033), cited and to read as follows:

He-P 301.13 Documentation of Immunization.

(e) In accordance with RSA 141-C:20-c, the admitting official shall exempt a child from immunization requirements only if:

(1) ~~¶~~The parent or guardian provides a ~~notarized religious exemption~~ completed “New Hampshire Childcare/School Immunization Religious Exemption Certificate” (September 2022) with the acknowledgement that they understand:

“The risks of choosing not to vaccinate based on my religious beliefs. I know that I may change my decision, complete the required vaccinations, and submit evidence of vaccination to the childcare/school at any time.

The risk of contracting the disease(s) that the vaccine(s) prevent.

The risk of transmitting the disease(s) to others.

In the event of an outbreak of vaccine-preventable disease, an exempt student may be excluded from school attendance in accordance with RSA 141-C:20-d” ; or

(2) ~~Or~~ a licensed health care provider provides a letter, on letterhead, certifying that immunization against a particular disease may be detrimental to the child’s health.

PART He-P 307 IMMUNIZATION/VACCINATION REGISTRY

Readopt with amendment He-P 307.07, effective 5-1-17 (Document #12163), to read as follows:

He-P 307.07 Procedures for Patients to Withdraw from Participation in the Registry.

(a) A patient, or the patient’s parent or guardian if the patient is a minor, may withdraw from participation in the registry at any time, including the removal of information contained in the registry, as follows:

(1) The patient, or the patient’s parent or guardian if the patient is a minor, shall complete the ~~vaccine recipient~~patient information section of the “New Hampshire Immunization Information System (NHIIS) Withdrawal Form” (September) and acknowledging that:

“I understand that this withdrawal from participation in the registry will not prevent me or my child from receiving immunizations/vaccinations.

I understand withdrawing will delete all existing vaccine information within the NHIIS for myself or for my child. This is a permanent deletion that cannot be undone.

I understand that I may reverse my decision by completing a “Reverse Previous Decision not to Participate in the New Hampshire Immunization/Vaccination Registry” form with my current healthcare provider.

I understand that it is my responsibility to inform my other health care providers of my decision to withdraw from the registry so that no future immunization/vaccination information is reported to the NHIIS.

Patients who choose to withdraw from participation in the registry are not relieved from the obligation to comply with current immunization requirements set forth in RSA 141-C:20-a and He-P 301.14.” “Withdraw and Remove Information from the New Hampshire Immunization/Vaccination Registry” (3/16 edition);

(2) The patient, or the patient’s parent or guardian if the patient is a minor, shall obtain signature of a ~~current~~ health care provider or a public notary on the who is participating in the registry shall complete the provider information section of “New Hampshire Immunization Information System (NHIIS) Withdrawal Form” (September 2022) ~~Withdraw and Remove Information from the New Hampshire Immunization/Vaccination Registry” (3/16 edition);~~

(3) The patient, or the patient’s parent or guardian if the patient is a minor, or ~~current~~ health care provider in (2) above shall fax or mail the completed “New Hampshire Immunization Information System (NHIIS) Withdrawal Form” (July 2022) ~~Withdraw and Remove Information from the New Hampshire Immunization/Vaccination Registry” (3/16 edition) to the department; and~~

(4) The department shall remove all patient information from the registry.

~~—— (b) If the patient does not have a current health care provider, a former health care provider who is participating in the registry may complete and submit “Withdraw and Remove Information from the New Hampshire Immunization/Vaccination Registry” (3/16 edition) in accordance with (a) above.~~

~~(e)(b)~~ If a patient, or the patient’s parent or guardian if the patient is a minor, requests withdrawal from participation in accordance with (a) or (b) above, then no information relating to the patient shall remain in the registry, and no record of the transaction, including the request itself, shall be kept by either the department or the health care provider.

~~(d)(c)~~ It shall be the responsibility of the patient, or the patient’s parent or guardian if the patient is a minor, to inform his or her other health care providers of his or her decision to withdraw from participation in the registry. In order to ensure that no future immunization/vaccination information is reported to the registry, such patient, or the patient’s parent or guardian if the patient is a minor, shall complete a “Choose not to Participate in the New Hampshire Immunization/Vaccination Registry” form (3/16 edition) with each of the patient’s current and administering health care providers who are participating in the registry.

~~(e)(d)~~ Nothing in this rule shall relieve the patient, or the patient’s parent or guardian if the patient is a minor, who chooses to remove his or her information from the registry, from the obligation to comply with current immunization/vaccination requirements set forth in RSA 141-C:20-a or He-P 301.14.

APPENDIX

RULE	Specific State Statute which the Rule Implements
He-P 301.13(e)	RSA 141-C:20-c
He-P 307.07	RSA 141-C:20-f, III; RSA 141-C:20-f, IIII-a