

**I MINA 'TRENTAI DOS NA LIHESLATURAN GUÅHAN**  
**2013 (FIRST) Regular Session**

Bill No. 98 -32 (LS)

Introduced by:

D. G. Rodriguez, Jr. 

**AN ACT TO MANDATE THE ESTABLISHMENT OF A  
GUAM IMMUNIZATION REGISTRY, AND TO  
PROVIDE FOR THE COORDINATED SUBMISSION  
OF OTHER STATISTICAL DATA FOR  
COMPILATION AND REPORTING BY THE OFFICE  
OF VITAL STATISTICS, BY ADDING A NEW §3210.1  
AND AMENDING §3218, ALL OF ARTICLE 2 OF  
CHAPTER 3, 10 GCA.**

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**BE IT ENACTED BY THE PEOPLE OF GUAM:**

**Section 1. Legislative findings and intent. Section 1. Legislative findings and intent.** *I Mina'Trentai Dos Na Liheslaturan Guåhan* finds that there is a significant need for the coordinated collection of immunization records as a means of improving and ensuring proper preventative health care and the protection of the public's safety from contracting communicable diseases. The compilation and tracking of immunization records from birth to adulthood is crucial towards facilitating the Department of Public Health & Social Services (the "Department") mandate to ensure that those required to have mandatory vaccinations are in fact up to date, and that they have been properly administered. Currently, the Department is working under a process, not supported by law, whereby the voluntary signed consent of the patient, or in the case of a minor, the parent or guardian, is required to allow the physician or health care provider to report any vaccination information for input in a Guam Immunization Information System. This "Opt-in" system creates an administrative burden for health care providers. By mandating the submission of immunization information, and changing the process of obtaining

1 records to an “opt-out” process, there will no longer be a need to obtain the signed  
2 consent of the patient or the patient’s parent or guardian, in order to be entered into  
3 a registry.

4 It is the intent of *I Liheslaturan Guåhan* to establish and maintain a single  
5 island-wide repository of immunization records needed to aid, coordinate, and help  
6 promote efficient and cost-effective disease screening, prevention and control  
7 measures from early age to adulthood. It shall be known as the “*Guam*  
8 *Immunization Information System*”. The information to be compiled will allow the  
9 Department to assess immunization status, and identify any areas of concern or  
10 deficiency that need to be addressed. An efficient mandatory process will also  
11 ensure the accuracy of data collected.

12 *I Liheslaturan Guåhan* finds that the compilation and reporting of a partial  
13 birth abortion or an abortion is currently the responsibility of the Guam Memorial  
14 Hospital Authority. The Guam Memorial Hospital Authority does not, however,  
15 generally perform abortions as a generally available health care service under  
16 normal circumstances. Further, this responsibility places an unnecessary burden  
17 upon GMHA. The responsibility of data collection and compilation would be  
18 better coordinated if the responsibility is transferred to the Office of Vital Statistics  
19 under the Department of Public Health and Social Services. It is the intent of *I*  
20 *Liheslaturan Guåhan* to transfer this responsibility to the Department of Public  
21 Health and Social Services, provided, however, all mandatory reporting content  
22 required, aside from the department to which the reporting shall be reported, shall  
23 remain the same.

24 **Section 2:** A new § 3210.1 is added to Article 2, Chapter 3, Title 10, Guam  
25 Code Annotated, to read:

26 **“§3210.1. Guam Immunization Information System.**

27 (a) All health care providers performing immunizations to children and  
28 adults shall submit immunization reports to the Department of Public Health and

1 Social Services (“Department”) in a manner compliant with guidelines for  
2 submissions issued by the Department which *shall*, at a minimum, indicate the  
3 name, date, age, and gender, and specific immunization received by the patient.

4 (1) All immunization records and reports made for the purposes of  
5 compliance with this Section that directly or indirectly identify a person  
6 *shall* be kept confidential and shall not be disclosed, *except* under the  
7 following conditions:

8 (A) The person identified, the person’s legal guardian, or in the case  
9 of a minor, the minor’s parent or legal guardian consents;

10 (B) Disclosure is deemed necessary by the Director of the  
11 Department to carry out purposes and intent of this chapter;

12 (C) A court directs upon its determination that disclosure is necessary  
13 for the conduct of proceedings before it;

14 (D) The disclosure is made between the person’s healthcare provider  
15 and payer to obtain reimbursement for services rendered to the person;  
16 provided that disclosure shall be made only if the provider informs the  
17 person that a reimbursement claim will be made to the person’s payer,  
18 the person is afforded an opportunity to pay the reimbursement  
19 directly, and the person does not pay; or

20 (E) The Department of Public Health and Social Services releases  
21 aggregate immunization information that does not disclose any  
22 identifying information of persons whose information is maintained in  
23 the registry.

24 (2) Registry information shall be limited to patient name,  
25 demographic information, and contact information; information specific to  
26 immunizations or medication received by the patient, including types,  
27 manufacturers, lots numbers, expiration dates, anatomical sites of  
28 administration, routes of administration, vaccine information statement

1 publication dates, doses, dates administered, the patient's history of vaccine,  
2 preventable diseases, and contraindications, precautions, adverse reactions  
3 to, or comments regarding immunization or medications; and the name and  
4 contact information of the vaccination administrator or medication provider  
5 and the patient's healthcare provider.

6 (3) The Department of Public Health and Social Services shall adopt  
7 administrative, physical, and technical measures to ensure the security of the  
8 registry; protect the confidentiality, integrity, and availability of registry  
9 data; and prevent unauthorized access to registry information.

10 (b) Purpose for access to registry information; access not disclosure.

11 (1) Notwithstanding (a)(1), it shall not be a disclosure for the persons  
12 listed in Paragraphs (2), (3), (4) and (5) of this Subsection to have limited  
13 access to registry information for the purposes specified in each subsection.

14 (2) Registry information regarding specific individuals in the registry  
15 may be accessed by authorized healthcare providers who are treating, have  
16 treated, or have been assigned to treat those individuals; by authorized  
17 employees of these healthcare providers; and, by authorized DPHSS health  
18 personnel assigned to monitor the immunization or health status of those  
19 individuals for the purposes of:

20 (A) Recording the administration of any vaccination, including  
21 pandemic influenza vaccine;

22 (B) Determining the immunization history of a patient to  
23 deliver healthcare treatment accordingly;

24 (C) Notifying individuals or parents or legal guardians of the  
25 need to schedule a visit for an immunization;

26 (D) Generating official immunization records;

27 (E) Ensuring compliance with mandatory immunization  
28 requirements;

1 (F) Recording the distribution of the prophylactic and  
2 treatment medications administered or dispensed in preparation  
3 for and in response to a potentially catastrophic disease threat;  
4 or,

5 (G) Complying with Guam Immunization Program.

6 (3) Registry information regarding specific individuals in the registry  
7 may be accessed by school and post-secondary school personnel authorized  
8 by the director of Public Health and Social Services, superintendent of the  
9 Guam Department of Education, or the administrator of a private or post-  
10 secondary school for the purpose of ensuring compliance with mandatory  
11 student immunization requirements.

12 (4) Registry information regarding specific individuals in the registry  
13 may be accessed by authorized health organizations that have been  
14 contracted to provide health insurance or health plan coverage for those  
15 individuals; provided that access is limited to only the enrollees, members,  
16 subscribers, and insured of the authorized health organization, and for the  
17 purpose of producing an immunization assessment report by the authorized  
18 health organization.

19 (5) Registry information regarding specific individuals in the registry  
20 may be accessed by the Department or agents of the Department for  
21 purposes of:

22 (A) Ensuring compliance with mandatory immunization  
23 requirements;

24 (B) Performing immunization related quality improvement or  
25 quality assessment activities;

26 (C) Complying with Guam Vaccines for Children and/or other  
27 provided vaccine programs, vaccine ordering and accountability  
28 policies and procedures;

1 (D) Producing aggregate immunization assessment reports to  
2 monitor and improve public health;

3 (E) Supporting efforts to prevent and manage outbreaks of  
4 vaccine-preventable diseases, including pandemic influenza;

5 (F) Assisting the Department in the event of a public health  
6 emergency; or

7 (G) Managing and maintaining the Guam Immunization  
8 Registry system.

9 (6) The use of the registry information accessed pursuant to this  
10 Section shall be limited to authorized vendor for registry development,  
11 maintenance and support.

12 (c) Registry record requirements.

13 (1) The establishment of an individual's record in the registry *shall*  
14 *not* require the prior consent of a patient, the consent of a patient, or the consent of  
15 a patient's parent or legal guardian in the case of a minor or dependent. The  
16 Department shall make available to the patient or patient's parent or legal guardian  
17 in the case of a minor or dependent, via the patient's health care provider or  
18 birthing hospital, a written description of the purpose and benefits of the Guam  
19 Immunization Information System, as well as the procedure for refusing inclusion  
20 in the registry."

21 **Section 3.** §3218 of Article 2, Chapter 3, 10 GCA, is amended, to read:

22 **“§ 3218. Partial-Birth Abortion and Abortion Report.**

23 (a) An individual abortion report for each abortion shall be completed by  
24 the mother's attending physician, and shall be transmitted directly to the Office of  
25 Vital Statistics of the Department of Public Health & Social Services. The report

1 shall be confidential and it shall not contain the name of the mother involved. This  
2 report shall include:

- 3 (1) Patient number;
- 4 (2) Name and address of the abortion facility or hospital;
- 5 (3) Date of the abortion;
- 6 (4) Zip code or other residential identification of the pregnant  
7 woman;
- 8 (5) Age of the pregnant woman;
- 9 (6) Ethnic origin of the pregnant woman;
- 10 (7) Marital status of the pregnant woman;
- 11 (8) Number of previous pregnancies;
- 12 (9) Number of years of education of the pregnant woman;
- 13 (10) Number of living children;
- 14 (11) Number of previous induced abortions;
- 15 (12) Date of the last induced abortion;
- 16 (13) Date of the last live birth;
- 17 (14) Method of contraception used, if any, at the time of conception;
- 18 (15) Date of the beginning of the last menstrual period;
- 19 (16) Medical condition of the pregnant woman at the time of abortion;
- 20 (17) RH type of the pregnant woman;
- 21 (18) Type of abortion procedure used;
- 22 (19) Complications, if any;
- 23 (20) Type of procedure done after the abortion;
- 24 (21) Type of family planning recommended;
- 25 (22) Type of additional counseling given, if any;
- 26 (23) Signature of attending physician; and
- 27 (24) Certification provided for in this section.

1 (b) An individual complication report for any post-abortion care performed  
2 upon a woman shall be completed by the physician providing such post-abortion  
3 care. This report shall include:

4 (1) Date of the abortion;

5 (2) Name and the address of the medical facility, abortion facility or  
6 hospital where the abortion was performed; and

7 (3) Nature of the abortion complication diagnosed or treated.

8 (c) All abortion reports shall be signed by the attending physician and shall  
9 be submitted to the Office of Vital Statistics ~~Guam Memorial Hospital Medical~~  
10 ~~Records Section~~ within thirty (30) days from the date of the abortion. All  
11 complication reports shall be signed by the physician providing the post abortion  
12 care and submitted to the Office of Vital Statistics ~~Guam Memorial Hospital~~  
13 ~~Medical Records Section~~ within thirty (30) days from the date of the post-abortion  
14 care.

15 (d) A copy of the abortion report shall be made a part of the medical record  
16 of the patient in the facility or hospital in which the abortion was performed.

17 (e) The Office of Vital Statistics ~~Guam Memorial Hospital Medical Records~~  
18 ~~Section~~ shall be responsible for collecting all abortion reports and complication  
19 reports, and collating and evaluating all data gathered therefrom, and shall annually  
20 publish a statistical report based on such data from abortions performed in the  
21 previous calendar year.

22 (f) The Office of Vital Statistics ~~Guam Memorial Hospital Medical Records~~  
23 ~~Section~~ shall make available to physicians performing abortions in Guam, forms  
24 for both abortion reports and post-abortion care reports, as provided in subsections  
25 (a) and (b) of this section.

26 (g) All information in abortion reports and post-abortion care reports and  
27 the reports themselves shall be confidential. Information and records may be  
28 disclosed only in communications between qualified professional persons in the



1 provision of services or in statistical form for research purposes as required by  
2 subsection (e) of this section.

3 (h) Any person who releases confidential information in violation of  
4 subsection (g) of this section shall be guilty of a misdemeanor.

5 (i) Any person may bring an action against an individual who has willfully  
6 and knowingly released confidential information about such person in violation of  
7 subsection (g) of this section for the greater of the following amounts:

8 (1) Five Hundred Dollars (\$500); or

9 (2) Three (3) times the amount of actual damages, if any, sustained by the  
10 plaintiff, reasonable attorney's fees and the costs of the action. It is not a  
11 prerequisite to an action under this subsection that the plaintiff suffer or be  
12 threatened with actual damages.

13 (j) *If* a physician performs a partial-birth abortion on the woman, the  
14 physician *shall* report such determination and the reasons for such determination in  
15 writing to the medical care facility in which the abortion is performed for inclusion  
16 in the report of the medical care facility to the Office of Vital Statistics ~~Guam~~  
17 ~~Memorial Hospital Medical Records Section~~ and to the Guam Board of Medical  
18 Examiners, *or if* the abortion is *not* performed in a medical care facility, the  
19 physician *shall* report the reasons for such determination in writing to the Office of  
20 Vital Statistics ~~Guam Memorial Hospital Medical Records Section~~ and to the  
21 Guam Board of Medical Examiners as part of the written report made by the  
22 physician to the Office of Vital Statistics ~~Guam Memorial Hospital Medical~~  
23 ~~Records Section~~ and to the Guam Board of Medical Examiners. The physician  
24 *shall* retain a copy of the written reports required under this Section for *not less*  
25 *than* five (5) years.

26 (k) Failure to report under this Section will subject physicians to a fine of *no*  
27 *less than* Ten Thousand Dollars (\$10,000), but *no more than* One Hundred  
28 Thousand Dollars (\$100,000) per offense.

1 (l) Subsection (k) does *not* preclude sanctions *or* disciplinary action *or* any  
2 other appropriate action by the Guam Board of Medical Examiners.

3 (m) The Office of Vital Statistics ~~Guam Memorial Hospital Medical~~  
4 ~~Records Section~~ *shall* compile and retain all partial-birth abortion reports it  
5 receives under this Section and collate and evaluate all data gathered therefrom,  
6 and *shall* annually publish a statistical report based on such data from partial-birth  
7 abortions performed in the previous calendar year *no later than* January 31st of the  
8 following  
9 calendar year.

10 (n) The Office of Vital Statistics ~~Guam Memorial Hospital Medical Records~~  
11 ~~Section~~ *shall* make available to physicians performing partial-birth abortions in  
12 Guam and the Guam Board of Medical Examiners forms for partial-birth abortion  
13 reports.

14 (o) All information in partial-birth abortion reports the Office of Vital  
15 Statistics ~~Guam Memorial Hospital Medical Records Section~~ receives *shall* be  
16 confidential. Information and reports may be disclosed only in communications  
17 between qualified professional persons in the provisions of services *or* in statistical  
18 form for research purposes.

19 (p) Any person who releases confidential information in violation of  
20 subsection (o) of this Section *shall* be guilty of a misdemeanor.”

21 **Section 4: Severability.** *If* any provision of this Law or its application to  
22 any person or circumstance is found to be invalid or contrary to law, such  
23 invalidity shall *not* affect other provisions or applications of this Law which can be  
24 given effect without the invalid provisions or applications, and to this end the  
25 provisions of this Law are severable.

26 **Section 5: Effective Date.** This act *shall* be immediately effective upon  
27 enactment.