

Addressing Law to Share IIS Data Among States

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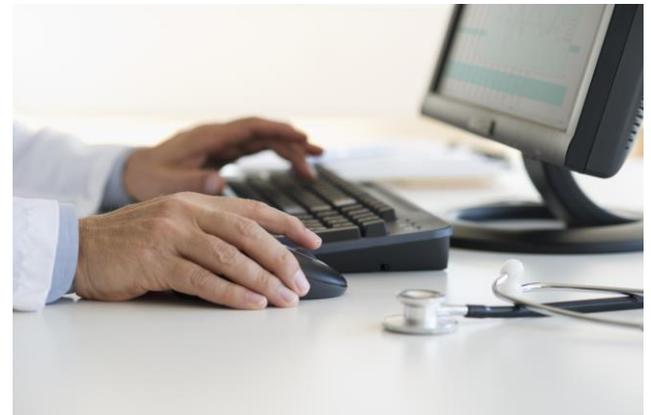
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Who we are and what we do

- **Launched 2010**
- **Primary funding Robert Wood Johnson Foundation**
- **Provide public health legal support:**
 - **Technical assistance**
 - **Resources**
 - **Opportunities to build connections**
- **National Coordinating Center and five regional centers provide nationwide coverage**

Using law to increase immunization

- **Health officer authority**
- **Exemption requirements**
- **School exclusion of unvaccinated children during outbreaks**
- **Collection, sharing, and protection of data**
- **Immunization information systems**



Legal memorandum cross-jurisdictional exchange IIS data

- **Assist public health to determine its legal authority to exchange IIS information with other jurisdictions**
- **Provide practical guidance to resolve legal issues and create data sharing agreements**
- **Identify approaches to facilitate nationwide exchange**

General barriers to exchange

- **State law applies – variation among states**
- **General vs. specific authority to exchange data**
- **Scope of sharing: prerequisites, conditions & limits**
- **Within a state – applicability of multiple laws, need to harmonize**
- **Variety and changing systems, manner of exchange, technological capability**
- -- Growing complexity, multiple points of data transfer, HIE laws

National solutions to facilitate exchange?

- **National IIS**
- 1993: Congress rejected national IIS provisions in Child Immunization Act
- 1999: NVAC report outlines policy directions and major steps needed to establish nationwide network of community/state population-based registries
- **Model or uniform state law**
- 2005: Model Interstate Immunization Information Sharing Statute
- **Master data sharing agreement (e.g. vital records; cancer registries)**
- **Piecemeal exchange among groups of states**

Specific barriers to exchange among five states convened by ASTHO

- **One state: no authority to disclose information to other jurisdictions**
- **Limits on scope of authority to disclose information to other IIS**
- **Restrictions on data elements that can be shared**
- **Limits on use and disclosure of information by receiving state**
- **Sending IIS' responsibility for information once sent**
- **Deleting data when right to opt-out exercised in sending state (applicability to information previously sent)**

Data sharing agreement to exchange IIS information

- **Some laws require DSA**
- **Necessary, even if not explicitly required**
- **Sets out legal authority, terms for sharing, provides for monitoring and accountability for compliance with terms**
- **IIS memorandum provides components to consider for DSA (Appendix C)**

Data sharing agreement provisions

- **Parties**
- **Purpose**
- **Definitions**
- **Data to be provided (elements, frequency, method of exchange)**
- **Incorporation, use and disclosure of data**
- **Privacy, confidentiality, security, breach notification**
- **Termination**
- **Contract boilerplate** (e.g. authority, entire agreement, severability, warranties, limitation on liability, compliance with law, etc.)

Thank you!

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