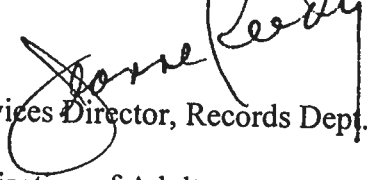


MEMORANDUM

City of Philadelphia  
Date: 9/22/09

TO: Shelly Smith, City Solicitor

FROM: Jeanne Reedy, Administrative Services Director, Records Dept. 

SUBJECT: Regulations Governing the Immunization of Adults

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The above Regulations promulgated by the Department of Public Health were received in the Department of Records on 8/21/09 for filing and advertising.

Inasmuch as there were no requests for hearings, these Regulations became effective midnight 9/21/09.

Cc: Donald F. Schwartz, MD, MPH, Health Commissioner  
Caroline Johnson, MD, Director, Division of Disease Control

Memorandum

City of Philadelphia

Date: 8/21/09

To: Donald F. Schwartz, MD, MPH, Health Commissioner  
From: Jeanne Reedy, Administrative Services Director, Records Dept.  
Subject: Regulations Governing the Immunization of Adults

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The above Regulations promulgated by the Department of Public Health were received in the Department of Records on 8/21/09 for filing and advertising.

If there are no requests for hearings these Regulations will become effective midnight 9/21/09.

Cc: Caroline Johnson, MD, Director, Division of Disease Control

NOTICE IS HEREBY GIVEN, under Philadelphia Home Rule Charter Section Number 8-407 and 7-400 that on August 21, 2009 Regulations Governing the Immunization of Adults

promulgated by the Department of Public Health were filed with the Department of Records, Room 158, City Hall. Anyone affected thereby may file written request for hearing with the Department of Records within thirty (30) days from the above date.

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Joan T. Decker  
*Commissioner of Records*

Cc: THE INQUIRER  
THE DAILY NEWS  
THE LEGAL INTELLIGENCER

Memorandum

City of Philadelphia

Date: 8/21/09

To: Toni Martinez, Advertising Supervisor  
From: Jeanne Reedy, Administrative Services Director  
Subject: Regulations Governing the Immunization of Adults

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The attached forms provide an exact copy of the subject for insertion in the three Philadelphia newspapers with the largest paid circulation as required under Section 8-497 of the Philadelphia Home Rule Charter.

We request that the insertion appear as soon as possible.

It will be necessary to inform the three newspapers to furnish us with a notarized original affidavit of proof of this publication within a week after it has been published.

Please acknowledge receipt of this advertisement by signing the enclosed copy of this memorandum and returning it to us.

Thank you.

Received In Procurement By:

Jane Mechin

Date:

8-24-09

CITY OF PHILADELPHIA  
DEPARTMENT OF PUBLIC HEALTH  
OFFICE OF THE COMMISSIONER

MEMORANDUM

DATE: August 14, 2009

TO: Joan T. Decker, Commissioner, Department of Records  
FROM: Donald F. Schwarz, MD, MPH, Health Commissioner *DF*  
SUBJECT: **PROPOSED PDPH REGULATION  
GOVERNING THE IMMUNIZATION OF ADULTS**

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In accordance with Section 8-407(a) of the Philadelphia Home Rule Charter, I enclose herewith the public hearing documents in regard to proposed Regulations Governing the Immunization of Adults.

The following procedural actions were taken.

Approved by Board of Health  
Approved by Law Department

August 13, 2009  
July 22, 2009

It is requested that the attached Department of Public Health Regulations Governing the Immunization of Adults be filed for final action by the Department of Records.

Should you require anything additional in this matter, please contact Caroline Johnson, MD, Director of the Division of Disease Control at 5-6741.

DFS/kg

attachments

cc: Caroline Johnson, MD, Director, Division of Disease Control

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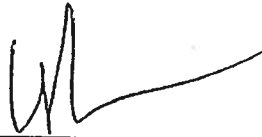
DEPARTMENT OF RECORDS  
2009 AUG 21 PM 1:07

## Memorandum

**TO:** Dr. Donald F. Schwarz, Health Commissioner  
**FROM:** Lewis Rosman, Senior Attorney  
**DATE:** July 22, 2009  
**SUBJECT:** Regulations Governing the Immunization of Adults

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I have reviewed the attached proposed "Regulations Governing the Immunization of Adults" that was submitted today to the Law Department and find the proposed Regulations to be legal and in proper form. I am advised that these Regulations will be considered by the Board of Health at an upcoming meeting. If they are approved by the Board of Health, then in accordance with Section 8-407(a) of The Philadelphia Home Rule Charter, you may forward these amendments to the Department of Records where they will be made available for public inspection.



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Lewis Rosman  
Senior Attorney

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DEPARTMENT OF RECORDS  
2009 AUG 21 PM 1:07



CITY OF PHILADELPHIA  
DEPARTMENT OF PUBLIC HEALTH

PASSED:

BOARD OF HEALTH: August 13, 2009  
LAW DEPARTMENT: July 22, 2009  
RECORDS DEPARTMENT:

## REGULATIONS GOVERNING THE IMMUNIZATION OF ADULTS

**WHEREAS**, The Board of Health recognizes the need to protect adults from preventable diseases; and

**WHEREAS**, Immunizations are an effective method of reducing morbidity and mortality caused by vaccine-preventable diseases; and

**WHEREAS**, Title 6 of The Philadelphia Code, entitled "Health Code," authorizes the Board to require the immunization of any person against any communicable disease for which immunization is effective; and

**WHEREAS**, as of this date, three-fourths of existing state and regional immunization registries in the United States contain immunizations administered throughout the lifespan, and more than half of the aforementioned registries require the reporting of immunizations by health care providers through legislation, rule, or Regulation; and

**WHEREAS**, implementing an adult immunization registry requirement is an important and effective strategy for health care providers to manage their patients' care and help ensure continuity of health services; and

**WHEREAS**, requiring the reporting of immunizations administered to adults is a logical extension of the existing requirement for health care providers in Philadelphia to report immunizations administered to individuals under 19 years of age; and

**WHEREAS**, the ability to document immunizations administered to individuals of all ages in an Immunization Registry accessible to authorized health care providers and public health authorities is an essential tool for managing public health emergencies as well as routine health services; and

**WHEREAS**, the ability to monitor federal and local assets distributed in the form of vaccine is important for good public stewardship of and accountability for such resources; and

**WHEREAS**, the epidemiology of disease from the novel Influenza A (H1N1) virus first detected in April 2009 is being closely monitored by public health officials, and candidate

vaccines are being developed in anticipation of the need for widespread vaccination against this virus in the fall of 2009; and

**WHEREAS**, the Department of Health and Human Services' Pandemic Influenza Plan declares that state and local health departments "should be prepared to collect data on vaccine effectiveness, vaccine supply and distribution, vaccine coverage, and vaccine safety" to ensure optimal and appropriate use of a new pandemic influenza vaccine; and

**WHEREAS**, any information system that would be used in pandemic response would ideally be integrated with existing systems regularly utilized by the Department's immunization program for general public health practice, being of sufficient capacity to manage the volume of data generated in a pandemic mass vaccination setting;

**NOW, THEREFORE**, the Board of Health promulgates the following *Regulations Governing The Immunization of Adults*:

## 1. DEFINITIONS

In these Regulations, the following definitions apply:

- (a) *Adult*. An individual 19 years of age and older.
- (b) *Authorized user*. Any person or entity authorized to provide or receive information from an Immunization Registry, which may include health care providers, parents and guardians, schools and childcare facilities, managed care organizations, and local government health departments and their agents.
- (c) *Coverage rate*. The percent of a given population immune to a specific communicable disease, or combination of diseases, as a result of vaccination or disease history.
- (d) *Department*. The Department of Public Health of the City of Philadelphia, the Health Commissioner, or any designated representative thereof.
- (e) *Health care facility*. A facility providing health services, including, but not limited to, a general, chronic disease, or other type of hospital; a private medical practice; a home health care agency; a hospice; a long-term care nursing facility, a cancer treatment center; an ambulatory surgical facility; a birth center; and an inpatient drug and alcohol treatment facility, regardless of whether such health care facility is operated for profit, nonprofit or by an agency of the government.
- (f) *Health care provider*. An individual who is authorized to practice some component of the healing arts by a license, permit, certificate or registration issued by a



Commonwealth of Pennsylvania licensing agency or board.

- (g) *Immunization status.* The number of dosages of specific vaccine antigens and their respective dates of administration.
- (h) *Medical record.* An account compiled by physicians and other health professionals including a patient's medical history; present illness; findings on physical examination; details of treatment; reports of diagnostic tests; findings and conclusions from special examinations; findings and diagnoses of consultants; diagnoses of the responsible physician; notes on treatment, including medication, surgical operations, radiation, and physical therapy; and progress notes by physicians, nurses and other health professionals.
- (i) *Record of immunization.* A written document, such as a physician record or other document of similar reliability, reflecting the date and type of immunization.
- (j) *Recommended Immunization.* An immunization included in the current *Recommended Adult Immunization Schedule* approved by the Center for Disease Control's Advisory Committee on Immunization Practices, the American Academy of Family Physicians, the American College of Obstetricians and Gynecologists, and the American College of Physicians (ACIP/AAFP/ACOG/ACP) that is routinely administered to adults.

## 2. RESPONSIBILITY AND AUTHORITY FOR REPORTING ADULT IMMUNIZATION INFORMATION

- (a) *Responsibility for Reporting Immunization Information.* Any health care provider who treats, examines, or otherwise administers immunizations to adults, and any head, superintendent or other person in charge of a health care facility that treats such persons, shall report the following to the Department, in a content and manner as specified below and in accordance with additional parameters as may be established by the Department:
  - (1) administration of any Recommended Immunization;
  - (2) administration of a vaccine as part of pandemic or other public health emergency response.
- (b) *Reporting of Pre-Regulation Immunizations.* A provider may report to the Department, in such form as specified by the Department, the records of the immunizations administered to any adult before the date of the passage of this Regulation, if such information was not previously reported, and immunizations administered that are not required to be reported pursuant to subsection (a). The Department may also request that a provider submit such records to the Registry in such form as specified by the Department.
- (c) *Timing and Method of Reporting.* Reports of immunizations shall be made within 30 days of vaccine administration to the Department's Division of Disease Control, by mail to: Immunization Program, Division of Disease Control, Department of Public Health, 500 S. Broad Street, Philadelphia, PA 19146; or through secure transfer of electronic data in a manner as established by the Department.

(d) *Content of Reports.* All reports shall include the following information:

- a. Individual's name (first, middle and last);
- b. Individual's date of birth;
- c. Individual's sex;
- d. Individual's address;
- e. Type of immunization;
- f. Date of vaccine administration (month, day, year);
- g. Name of the immunization provider;
- h. Any additional information as the Department may require in connection with a particular type of immunization or case.

### 3. EXPANSION OF EXISTING CITYWIDE IMMUNIZATION REGISTRY

- (a) *KIDS Immunization Registry.* Reported data on adults shall be housed in the KIDS Immunization Registry at the Department, which shall serve as the City's central repository for data on immunizations administered to individuals from birth through death.
- (b) *Other Authorized Immunization Registry Uses.* The Registry may be used to manage and track vaccine administration and distribution, vaccine adverse events, immunization coverage rates and efficacy, as well as distribution of other select medications used in the prevention and control of communicable diseases, as the Department determines necessary to protect the health of the public.
- (c) The Department may choose, at its discretion, to maintain immunization data on newborns, children, and adolescents beyond their nineteenth birthday. Such records will be maintained for purpose of documenting prior immunization status and for assisting medical management of individuals in adulthood.

### 4. IMMUNIZATION REGISTRY PROVISIONS

- (a) *Authority to Obtain Medical Information on Immunizations.* The Health Commissioner, or designated representative, has the authority to obtain and store medical information, including photocopies of medical records and medical summaries, regarding immunizations governed by this Regulation without a signed authorization release from the patient or patient's representative.
- (b) *Access to the Immunization Registry.* Access to immunization information reported to the Department and maintained in the Immunization Registry shall be limited to authorized users as defined in this Regulation.
  - (1) Authorized users of the Immunization Registry must be approved by the Department and shall be authorized only as permitted by law.
  - (2) Authorized users of the Immunization Registry must agree to and sign the KIDS Registry Security and Confidentiality Agreement.

- (3) Patient information in the Immunization Registry shall be accessed by an authorized user only to ascertain and monitor immunization status of individuals for which the authorized user has professional responsibility and in accordance with the data use and confidentiality policies of the KIDS Registry.
- (4) Immunization information shall be made inaccessible for records marked to indicate a request by an adult, or their legal representative, not to participate in the KIDS Registry. The request shall be made in a form prescribed or otherwise authorized by the Department.

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