

# Senate Health and Human Services Committee

*Cameron Lapine 271-2104*

**HB 1669-FN**, relative to restricting data sharing through the state immunization registry.

**Hearing Date:** May 1, 2024

**Time Opened:** 10:07 a.m.

**Time Closed:** 10:19 a.m.

**Members of the Committee Present:** Senators Birdsell, Avard, Bradley, Whitley and Prentiss

**Members of the Committee Absent:** None

**Bill Analysis:** The bill prohibits the department of health and human services from sharing data from the state immunization registry with other organizations unless the department can assure withdrawals from the registry will be honored by the organization. The bill also establishes a position in the department of health and human services to assist in implementation and makes appropriations to the department therefor.

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**Sponsors:**  
Rep. Layon

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**Who supports the bill:** In total, 114 individuals signed in in support of HB 1669-FN. The full sign in sheets are available upon request to the Legislative Aide, Cameron Lapine (cameron.lapine@leg.state.nh.us).

**Who opposes the bill:** In total, 1 individual signed in as opposed to HB 1669-FN. The full sign in sheets are available upon request to the Legislative Aide, Cameron Lapine (cameron.lapine@leg.state.nh.us).

**Who is neutral on the bill:** In total, 1 individual signed in as neutral on HB 1669-FN. The full sign in sheets are available upon request to the Legislative Aide, Cameron Lapine (cameron.lapine@leg.state.nh.us).

**Summary of testimony presented in support:**

**Representative Erica Layon**

**Hillsborough – District 13**

- Representative Layon said HB 1669-FN deals with the fact that when a withdrawal system was added for the State Immunization Information System (IIS), the General Court never gave the Department of Health and Human Services (DHHS) the money to

make sure that they'd be able to ensure that the information was withdrawn if it had been shared with any other interfaces. The initial bill was not appropriately funded.

- Rep. Layon said HB 1669-FN makes it clear that prior to entering an agreement to share personally identifiable information, DHHS has to be able to ensure that withdrawals will be honored. This doesn't touch provider information; it is about other databases.
- Rep. Layon said HB 1669-FN creates a position to make sure the systems are compliant.
- Senator Avard asked if there were two amendments.
  - Rep. Layon said two amendments were adopted by the House. The first removed the \$3,000,000 cost. The second added the position to DHHS.

**Summary of testimony presented in opposition:** None.

### **Neutral Information Presented:**

**John Williams and Anne Marie Mercuri**

**Director, Legislative Affairs, and Chief, Immunization Section, DHHS**

- Mr. Williams said the fiscal note for HB 1669-FN was outdated. It was close to being correct, but not 100%.
- Ms. Mercuri said the IIS is secure and compliant with the Health Insurance Portability and Accountability Act of 1996. It is an important effort to start sharing IIS data with other states in order to ensure a continuity of care for people who move into or out of the state. DHHS does not currently share IIS data with any other state.
- Ms. Mercuri said HB 1669-FN would require DHHS to make sure the memorandum of understanding with another state included language about withdrawals. They would also need to enhance the IIS system to have transactional logs to know where data went in order to be able to fulfill a withdrawal request.
- Ms. Mercuri said DHHS needs funds and resources in order to do this. The IIS is a voluntary system and only for people who voluntarily shared their information.
- Senator Bradley said the IIS is a voluntary, opt-in system. He asked why there would be a cost to upgrade the platform or why there would need to be more personnel.
  - Ms. Mercuri said DHHS would have additional tasks because of HB 1669-FN. If the IIS has the information, DHHS is able to withdraw it because right now it is only in the DHHS system. If other states are connected, there needs to be a reporting system to know where a record was sent.
  - Mr. Williams said IIS data is currently self-contained within New Hampshire and is not currently being shared.
- Sen. Bradley asked why DHHS would potentially be sharing IIS data with other states.
  - Ms. Mercuri said it would improve continuity of care. It would also be helpful for regional health care networks, where currently a provider might potentially be unable to review data for their own patient if they're located in a different state.

- Mr. Williams said HB 1669-FN was not a request of the Department. It was Rep. Layon's idea in order to create some safeguards.
- Sen. Bradley asked, if the IIS is already a voluntary, opt-in system, if what was being proposed was asking for taxpayer dollars to prevent opted in data from going to other states.
  - Ms. Mercuri said it would allow them to change their mind once they've already opted in.
  - Sen. Bradley said he thought they already could.
  - Ms. Mercuri said they can in New Hampshire, but it would not currently be withdrawn from other states.
- Sen. Bradley asked if it would be a problem for the Department if HB 1669-FN died. He said it was a ridiculous expenditure.
  - Ms. Mercuri said it would not impact the Department.
- Sen. Bradley said if someone doesn't want to opt-in, they won't opt-in. If they want to opt-out, they can opt-out.
  - Ms. Mercuri said that was correct.
- Sen. Bradley said it made sense to share IIS data if a patient was, for example, going to the Dana-Farber Cancer Institute in Boston.
  - Mr. Williams said HB 1669-FN was not a Department request. DHHS hears Sen. Bradley's concerns.
- Senator Prentiss asked if this was a downstream problem because New Hampshire changed its laws, because New Hampshire doesn't participate in immunization information in the same way.
  - Ms. Mercuri said this is a New Hampshire-specific problem.
- Sen. Bradley asked if parents know the information could be shared with out-of-state vendors if they opted in.
  - Ms. Mercuri said that was true. The Department is working on their administrative rules about what information providers should be sharing about the IIS.
  - Mr. Williams said the IIS is not just for children.
- Sen. Bradley asked if the IIS was just for vaccines.
  - Mr. Williams said it was.

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Date Hearing Report completed: May 3, 2024