

SENATE, No. 887

STATE OF NEW JERSEY
221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:
Senator ANTHONY M. BUCCO
District 25 (Morris and Passaic)

SYNOPSIS

Prohibits reporting medical information of children without consent of parent or legal guardian.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the medical information of children and
2 amending and supplementing various parts of Title 26 of the
3 Revised Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) a. As used in this section, "health care
9 provider" means a health care facility licensed pursuant to
10 P.L.1971, c.136 (C.26:2H-1 et seq.) or a health care professional
11 whose practice is regulated pursuant to Title 45 of the Revised
12 Statutes.

13 b. Notwithstanding the provision of any law, rule, order,
14 regulation, or statute to the contrary, no information of a child shall
15 be reported by a health care provider to, or otherwise shared with,
16 the Department of Health, or any other local or State governmental
17 employee or entity, without first obtaining the express, informed,
18 and written consent of the child's parent or legal guardian.

19 c. The provisions of this section shall not prohibit reporting or
20 sharing a child's information if a health care provider has
21 reasonable cause to believe that the child has been subjected to
22 child abuse, including sexual abuse.

23
24 2. Section 6 of P.L.2001, c.373 (C.26:2-103.6) is amended to
25 read as follows:

26 6. a. The commissioner shall establish a central registry of
27 newborns identified as having or being at risk of developing a
28 hearing loss. The information in the central registry shall be used
29 for the purposes of compiling statistical information and providing
30 follow-up counseling, intervention and educational services to the
31 parents of the newborns listed in the registry.

32 b. A hospital, birthing center or health care professional who
33 performs testing required by this act shall report the results of such
34 testing when a hearing loss is indicated to the department in a
35 manner and on forms prescribed by the commissioner.

36 c. No information shall be reported to, or otherwise shared
37 with, the department pursuant to this section, without first obtaining
38 the express, informed, and written consent of the child's parent or
39 legal guardian.

40 (cf: P.L.2001, c.373, s.6)

41
42 3. Section 4 of P.L.1995, c.328 (C.26:2-137.5) is amended to
43 read as follows:

44 4. a. All lead screening blood samples collected by a physician,
45 registered professional nurse or a health care facility pursuant to

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 this act shall be sent to a laboratory licensed by the Department of
2 Health, pursuant to the "New Jersey Clinical Laboratory
3 Improvement Act," P.L.1975, c.166 (C.45:9-42.26 et seq.), for
4 analysis of blood lead levels.

5 b. A laboratory which performs a lead screening test pursuant
6 to this act shall report the test results to the department, the local
7 health department in the municipality in which the child who is the
8 subject of the test resides, and the physician, registered professional
9 nurse or health care facility, agency or program that submitted the
10 specimen, within five business days of obtaining the test result.

11 c. No information shall be reported to, or otherwise shared
12 with, the Department of Health pursuant to this section, without
13 first obtaining the express, informed, and written consent of the
14 child's parent or legal guardian.

15 (cf: P.L.1995, c.328, s.4)

16
17 4. Section 2 of P.L.2007, c.170 (C.26:2-186) is amended to read
18 as follows:

19 2. a. A physician, psychologist, and any other health care
20 professional licensed pursuant to Title 45 of the Revised Statutes
21 who is qualified by training to make the diagnosis and who then
22 makes the diagnosis that a child has an autism spectrum disorder
23 shall report this diagnosis to the Department of Health in a form and
24 manner prescribed by the Commissioner of Health.

25 b. The report shall be in writing and shall include the name and
26 address of the person submitting the report, the name, age, place of
27 birth, and address of the child diagnosed as having an autism
28 spectrum disorder, and other pertinent information as may be
29 required by the commissioner **】**; except that, if the child's parent or
30 guardian objects to the reporting of the child's diagnosis for any
31 reason, the report shall not include any information that could be
32 used to identify the child**】**.

33 c. The commissioner shall specify procedures for the health
34 care professional to inform the child's parent or guardian of the
35 requirements of subsections a. and b. of this section and the purpose
36 served by including this information in the registry established
37 pursuant to section 3 of P.L.2007, c.170 (C.26:2-187) **】**, as well as
38 the parent's or guardian's right to refuse to permit the reporting of
39 any information that could be used to identify the child**】**.

40 d. No information shall be reported to, or otherwise shared
41 with, the Department of Health pursuant to this section, without
42 first obtaining the express, informed, and written consent of the
43 child's parent or legal guardian.

44 (cf: P.L.2012, c.17, s.139)

45
46 5. Section 4 of P.L.2013, c.143 (C.26:2H-144) is amended to
47 read as follows:

1 4. a. A health care professional who makes the diagnosis of a
2 sudden cardiac event in a child, or who makes the actual
3 determination and pronouncement of death for a child, as
4 applicable, shall report the sudden cardiac event to the department
5 on a form and in a manner prescribed by the commissioner.

6 b. The report shall be in writing and shall include the name and
7 address of the health care professional submitting the report, the
8 name, age, and address of the child, and other pertinent information
9 as may be required by the commissioner **【**; except that, if the child's
10 parent or guardian objects to the reporting of the child's condition
11 for any reason, the report shall not include any information that
12 could be used to identify the child**】**.

13 c. The commissioner shall specify procedures for the health
14 care professional to inform the child's parent or guardian of the
15 requirements of subsections a. and b. of this section and the purpose
16 served by including this information in the registry **【**, as well as the
17 parent's or guardian's right to refuse to permit the reporting of any
18 information that could be used to identify the child**】**.

19 d. No information shall be reported to, or otherwise shared with,
20 the Department of Health pursuant to this section, without first
21 obtaining the express, informed, and written consent of the child's
22 parent or legal guardian.

23 (cf: P.L.2013, c.143, s.4)
24

25 6. Section 4 of P.L.2004, c.138 (C.26:4-134) is amended to read
26 as follows:

27 4. a. There is established a Statewide automated and electronic
28 immunization registry, to be designated as the New Jersey
29 Immunization Information System, in the Department of Health.
30 The registry shall be designed to serve as a single repository of
31 immunization records to aid, coordinate, and help promote effective
32 and cost-efficient disease screening, prevention, and control efforts
33 in the State.

34 b. A newborn infant in New Jersey, who is born on or after
35 January 1, 1998, shall be enrolled in the registry **【**immediately
36 following birth unless the parent or legal guardian of the infant
37 provides a written request to not participate in the registry**】** only if
38 the express, informed, and written consent to enrollment in the
39 registry is first obtained from the child's parent or legal guardian.

40 A child born prior to January 1, 1998 may be enrolled in the
41 registry at the parent's or legal guardian's written request.

42 c. Access to the information in the registry shall be limited to:
43 health care providers, schools, colleges, licensed child care centers,
44 and public agencies, and private organizations as determined by
45 regulation of the commissioner. A registrant, or the registrant's
46 parent or legal guardian if the registrant is a minor, shall have

1 access to the registrant's immunization and other preventive health
2 screening information in the registry.

3 d. The information contained in the registry shall be used for
4 the following purposes:

5 (1) to help ensure that registrants receive all recommended
6 immunizations in a timely manner by providing access to the
7 registrants' immunization records;

8 (2) to help improve immunization rates by providing notice to
9 registrants of overdue or upcoming immunizations; and

10 (3) to help control communicable diseases by assisting in the
11 identification of persons who require immediate immunization in
12 the event of a vaccine-preventable disease outbreak.

13 e. The authentic immunization and other preventive health
14 screening record of a child, which shall consist of a paper or
15 electronic copy of the registry entry that is a true and accurate
16 representation of the information contained therein, obtained from
17 the registry shall be accepted as a valid immunization and
18 preventive health screening record of the registrant for the purpose
19 of meeting immunization and preventive health screening
20 documentation requirements for admission to a school, college, or
21 licensed child care center.

22 f. A health care provider shall not discriminate in any way
23 against a person solely because the person elects not to participate
24 in the registry.

25 g. An authorized user granted access as provided in subsection
26 c. of this section shall only access information in the registry on a
27 specific patient or client who is presently receiving services, is
28 under the user's care or is within the applicable governmental health
29 authority's jurisdiction.

30 h. An agency, organization, or other entity authorized to access
31 information in the registry shall not use any report made by a health
32 care provider pursuant to this act in any punitive manner against the
33 provider.

34 i. The commissioner, in consultation with the Public Health
35 Council, shall adopt rules and regulations, pursuant to the
36 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
37 seq.), to effectuate the purposes of this act, including, but not
38 limited to:

39 (1) the establishment and maintenance of the registry;

40 (2) the methods for submitting, and the content of, reports of
41 immunizations to the registry, for which purpose the commissioner
42 shall provide, to the maximum extent practicable, for reporting
43 options to facilitate compliance with the requirements of subsection
44 b. of this section;

45 (3) procedures for the birth hospital of a newborn infant or
46 health care provider, as applicable, to inform the parent or legal
47 guardian of a newborn infant or minor of the purpose of the registry

1 and its potential uses by parties having authorized access to registry
2 information, and the content of that information;

3 (4) procedures for a registrant, or the registrant's parent or legal
4 guardian if the registrant is a minor, to review and correct
5 information contained in the registry;

6 (5) procedures for the parent or legal guardian of a newborn
7 infant or minor, or a person over 18 years of age, to request [to not
8 participate in the registry at any time and] to remove or inactivate
9 information from the registry;

10 (6) limits on, and methods of, access to the registry by those
11 authorized pursuant to subsection c. of this section;

12 (7) procedures for health insurers to obtain immunization
13 information from the registry concerning only their covered
14 persons, as well as summary statistics, which information or
15 statistics shall not be used or disclosed for any other purpose than
16 to:

17 (a) improve patient care;

18 (b) provide quality assurance to employers purchasing group
19 coverage and to health care providers;

20 (c) improve outreach and education efforts with respect to their
21 covered persons and health care providers; and

22 (d) monitor and improve quality of care standards as developed
23 by professional organizations, accreditation agencies and
24 government agencies in collaboration with the department; and

25 (8) procedures for the department to disseminate statistical
26 information and supporting commentary.

27 (cf: P.L.2012, c.17, s.340)

28

29 7. Section 3 of P.L.1983, c.291 (C.26:8-40.22) is amended to
30 read as follows:

31 3. a. The Commissioner of Health, in consultation with the
32 Public Health Council, shall require the confidential reporting to the
33 Department of Health of all cases where an infant is diagnosed with
34 severe hyperbilirubinemia, and where a pregnancy results in a
35 naturally aborted fetus or infant affected by a birth defect, and an
36 electively aborted fetus that exhibits or is known to have a birth
37 defect after 15 weeks of gestation. The reporting requirement shall
38 apply to all infants from birth through five years of age.

39 b. The Commissioner of Health shall determine the health care
40 providers and facilities which shall be required to report all birth
41 defects and all cases of severe hyperbilirubinemia, the types of
42 conditions or defects that shall be reported, the type of information
43 that shall be contained in the confidential report and the method for
44 making the report. In reports concerning all fetuses with anomalies,
45 the name of the mother shall not be submitted.

46 c. No information shall be reported to, or otherwise shared with,
47 the Department of Health pursuant to this section, without first

1 obtaining the express, informed, and written consent of the child's
2 parent or legal guardian.
3 (cf: P.L.2012, c.17, s.352)
4

5 8. This act shall take effect immediately.
6
7

8 STATEMENT
9

10 This bill prohibits reporting medical information of children
11 without the consent of a parent or legal guardian.

12 The bill supplements Title 26 of the Revised Statutes to provide
13 that no information of a child is to be reported by a health care
14 provider to, or otherwise shared with, the Department of Health, or
15 any other local or State governmental employee or entity, without
16 first obtaining the express, informed, and written consent of the
17 child's parent or legal guardian. However, the bill's provisions do
18 not prohibit reporting or sharing a child's information if a health
19 care provider has reasonable cause to believe that a child has been
20 subjected to child abuse, including sexual abuse.

21 Further, the bill amends various statutes within Title 26 of the
22 Revised Statutes regarding registries for autism, lead screening, birth
23 defects, hearing loss, severe neonatal jaundice, sudden cardiac
24 events, and vaccines, to provide that no information is to be
25 reported to the Department of Health without first obtaining the
26 express, informed, and written consent of the child's parent or legal
27 guardian.