

“New” MCIR Rules in effect immediately as of August 7, 2012.

In order to include the optional reporting of height and weight in the BMI module in MCIR, the MCIR rules required revision.

The old version of the rules required all providers administering immunizations to report the immunizations that were required for school and childcare. We took this opportunity to update the rule for what vaccines are required to report in the MCIR. The revision to the rules removed the language limiting the vaccines that health care providers are required to report. Providers are now required to report ALL immunizations administered to every child born after December 31, 1993 and less than 20 years of age. This ruling includes the reporting of flu, HPV, HepA, MCV4, rotavirus, etc., within 72 hours of administration.

DEPARTMENT OF COMMUNITY HEALTH
COMMUNITY PUBLIC HEALTH AGENCY
MICHIGAN CARE IMPROVEMENT REGISTRY

Filed with the Secretary of State on August 7, 2012

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the department of community health by section 9227 of 1978 PA 368, and Executive Reorganization Order No. 1996-1, MCL 333.9227 and 30.3101)

R 325.161, R 325.162, R 325.163 and R 325.166 are amended and R 325.163a is added to the Michigan Administrative Code as follows:

R 325.161 Definitions.

Rule 1. As used in these rules:

(a) "Act" means 1978 PA 368, MCL 333.1001 to 333.35211.

(b) "Body mass index" or "BMI" means a calculation from a person's height and weight used as a screening tool for identifying overweight and obese individuals who may be at risk for weight related health problems. It is commonly expressed in percentiles to control for differences in children's body sizes due to gender and age.

(c) "Department" means the Michigan department of community health or its authorized agent.

(d) "Health care provider" has the same meaning as defined in section 9206(5) of the act.

(e) "MCIR" means the Michigan care improvement registry which is a registry of health information, including but not limited to; children's immunizations; immunization history; height, weight, and other reportable information; and, identification information on children, adolescents, and adults.

(f) "User" means any of the following entities:

(i) A health care provider.

(ii) Michigan schools.

(iii) Michigan day-care providers.

(iv) Healthcare organizations.

(v) Department personnel.

(vi) A person or organization otherwise authorized by the department.

June 1, 2012

R 325.162 Users; access authorization; revocation of access privilege.

Rule 2. The department shall maintain a registry of all users. Users may apply to the department to be authorized for MCIR access. The department may grant access and issue an authorization code only upon receipt and acceptance of a written agreement between the user and the department that stipulates the terms and conditions of obtaining information, including the data elements that may be obtained and how the user will maintain the confidentiality of the information. The department may revoke a user's access privileges if the user violates the agreement.

R 325.163 Reportable information.

Rule 3. (1) A person who administers an immunization, as defined in section 5101(e) of the act after the effective date of these rules to a child who was born after December 31, 1993, shall report the immunization to the department in a manner consistent with the rules and under either of the following circumstances, unless the immunization need not be reported under section 9206(2) and (3):

(a) The individual was born after December 31, 1993.

(b) The individual is less than 20 years of age.

(2) A person who administers an immunization may report any immunization administered to an individual if the individual was born before January 1, 1994.

(3) Only a health care provider who is authorized to administer an immunizing agent under section 9204 of the act shall report an immunization.

(4) A health care provider shall submit all of the information required by the department.

(5) A health care provider who receives written notification from a person requesting that his or her (or his or her child's) immunization data not be reported to the registry shall forward the request to the department in a form provided by the department. The department shall not add any immunization information to that individual's or child's record after receipt of the request. This subrule does not apply to drugs, medications, chemicals, vaccines, or biological products being used in response to a public health emergency.

(6) A health care provider who is required to report an immunization shall submit the report within 72 hours of administering an immunization. The report shall be on a form provided by the department, except for a report that is submitted by electronic transmission or on electronic media.

(7) A health care provider who submits an immunization report by electronic transmission or on electronic media shall submit the report in the format provided by the department.

(8) If a public health emergency, and at the discretion of the director of the department in consultation with the chief medical executive, health care providers and other persons as defined by the director shall report to the department information regarding administration or dispensing of certain drugs, medications, chemicals, vaccines, or biological products used in response to the public health emergency. The department shall add functionality to the MCIR so that such information can be reported using the MCIR.

R 325.163a Reportable information regarding height and weight.

Rule 3a (1) A health care provider that provides health care services to a child ages birth to 18 may report to MCIR the child's height and weight measured during a patient encounter after obtaining the consent of the child's parent(s) and/or guardian(s). The health care

provider must provide the child's parent(s) and/or guardian(s) with a written consent that explains that the reporting of the child's height and weight information is optional, and that the parent(s) and/or guardian(s) may opt-out of the reporting.

(2) A health care provider who receives written notification from an adult requesting that his or her (or his or her child's) data not be reported to the registry shall forward the request to the department. The department shall not add any information about the child's height and weight to that individual's or child's record after receipt of the request.

(3) For each report of height and weight, the department shall calculate and include in MCIR the BMI for the child. The department may make this information accessible to health care providers that provide health care services to a child ages birth to 18.

(4) To promote clinical quality and provider and patient education, the department shall identify evidence-based resource materials and reference information concerning BMI to be made available to health care providers. Provider oriented resource materials shall be consistent with clinical guidelines established by professional medical associations and quality improvement guidelines recognized by the department. Patient and family oriented resource materials shall be consistent with public education materials published by either federal public health agencies or the department. These materials are to be intended for informational purposes only and shall include a disclaimer that the department does not provide clinical guidance or assume responsibility for health care provided to a patient.

(5) The department may convene an expert advisory panel to review and advise the department on resource materials and reference information described in subsection (4) of this rule.

R 325.166 Confidentiality of reports.

Rule 6. (1) The department shall maintain the confidentiality of all health information submitted to the department and shall not release the reports, immunization assessments, BMI screening data, or any information that, because of name, identifying number, mark, or description, can be readily associated with a particular individual, except in accordance with subrules (2), (3), (4), (5), and (6) of this rule. The department shall not release any information that would indicate whether or not the name of a particular person is listed in the registry, except in accordance with subrules (2), (3), (4), (5), and (6) of this rule.

(2) An immunization, height and weight, or any other report submitted to the MCIR concerning a particular individual, and any other information maintained in the MCIR that, because of name, identifying number, mark, or description, can be readily associated with a particular individual, shall be released by the department only as follows:

(a) To the particular individual upon compliance with both of the following provisions:

(i) Receipt of a written request which is signed by the particular individual and which is witnessed or notarized as required by subrule (3) of this rule.

(ii) Presentation by the particular individual of suitable identification as required by subrule (4) of this rule.

(b) If the particular individual is a minor, to a parent of the particular individual upon compliance with all of the following provisions:

(i) Receipt of a written request which is signed by the parent and which is witnessed or notarized as required by subrule (3) of this rule.

(ii) Receipt of a certified copy of the birth certificate of the particular individual.

(iii) Presentation by the parent of suitable identification as required by subrule (4) of this rule.

(c) If the particular individual has a court-appointed guardian or if the particular individual is deceased, to the court-appointed guardian or to the executor or administrator of the particular individual's estate upon compliance with all the following provisions:

(i) Receipt of a written request which is signed by the particular individual's executor, administrator, or court-appointed guardian, and which is witnessed or notarized as required by subrule (3) of this rule.

(ii) Receipt of a certified copy of the order or decree that appoints the guardian, executor, or administrator.

(iii) Presentation by the guardian, executor, or administrator of suitable identification as required by subrule (4) of this rule.

(d) To an attorney or other person designated by the particular individual upon compliance with both of the following provisions:

(i) Receipt of a written request which is signed by the particular individual, which is witnessed or notarized as required by subrule (3) of this rule, and which requests release of the information to the attorney or other person.

(ii) Presentation by the attorney or other person of suitable identification as required by subrule (4) of this rule.

(e) To an attorney or other person designated by the court appointed guardian of the particular individual or designated by the executor or administrator of the estate of the particular individual upon compliance with all of the following provisions:

(i) Receipt of a written request which is signed by the court appointed guardian, executor, or administrator, which is witnessed or notarized as required by subrule (3) of this rule, and which requests release of the information to the attorney or other person.

(ii) Receipt of a certified copy of the order or decree that appoints the guardian, executor, or administrator.

(iii) Presentation by the attorney or other person of suitable identification as required by subrule (4) of this rule.

(f) If the particular individual is a minor, to an attorney or other person designated by the parent of the particular individual upon compliance with all of the following provisions:

(i) Receipt of a written request which is signed by the parent, is witnessed or notarized as required by subrule (3) of this rule, and which requests release of the information to the attorney or other person.

(ii) Receipt of a certified copy of the birth certificate of the particular individual.

(iii) Presentation by the attorney or other person of suitable identification as required by subrule (4) of this rule.

(3) Every written request for the release of information submitted under subrule (2) of this rule shall be signed by the person making the written request. The signature shall either be witnessed by an employee or authorized agent of the department who has been designated to witness requests and to whom the person making the request presents suitable identification as required by subrule (4) of this rule or shall be notarized by a notary public or magistrate.

(4) A person who is required by subrules (2) or (3) of this rule to present suitable identification shall present an identification document, such as a driver's license, or other document that contains both a picture of the person and the signature or mark of the person.

(5) Information in the MCIR may be provided to any registered user of the MCIR upon presentation of a written, oral, or electronic request containing the minimum information necessary to identify the record requested and the user's authorization code.

(6) As specified in R 325.167, the director of the department may release information from the MCIR to an authorized representative of a study or research project reviewed by the scientific advisory panel and approved by the director. The department shall not release any part of a patient's medical record obtained under R 325.164.