

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 448
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Health & Human Services
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There are two vaccine programs that are funded by state and federal funds—the Vaccines for Children program (VFC) and the adult safety-net program. Before 2007, the state procured vaccines from manufacturers and distributed them to health care providers that participated in these programs. During the 80th Legislature, Regular Session, 2007, S.B. 811 was passed, which amended Section 161.0102 (Vaccines for Children Program; Influenza Vaccines), Health and Safety Code, and created a new method of purchasing influenza vaccines for VFC. Under the provisions of S.B. 811, providers participating in VFC, rather than the state, select and purchase flu vaccines from a list of all flu vaccines available. For all remaining vaccines, S.B. 811 requires the state to purchase equal amounts of equivalent vaccines available, if the price is within 10 percent.

C.S.H.B. 448 relates to requiring the Department of State Health Services to implement a provider choice system for certain vaccines.

[**Note:** While the statutory reference in this bill is to the Texas Department of Health (TDH), the following amendments affect the Department of State Health Services, as the successor agency to TDH.]

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 161, Health and Safety Code, by adding Section 161.01035, as follows:

Sec. 161.01035. PROVIDER CHOICE SYSTEM. (a) Requires the Texas Department of Health (TDH) to implement a provider choice system for the vaccines for children program operated by TDH under authority of 42 U.S.C. Section 1396s, as amended, and the adult safety net vaccination program.

(b) Requires TDH to ensure that eligible health care providers participating in the vaccines for children program or adult safety net vaccination program are authorized to select any licensed vaccine, including combination vaccines and any dosage forms that are recommended by the federal Advisory Committee on Immunization Practices; are made available to TDH by the Centers for Disease Control and Prevention of the United States Public Health Service; and for adult vaccines, are on the TDH-approved list of vaccines offered by the adult safety net vaccination program.

(c) Defines "equivalent vaccines."

(d) Requires TDH to provide a vaccine selected by a health care provider under Subsection (b) only if the cost to TDH of providing the vaccine is not more than 115 percent of the lowest-priced equivalent vaccine.

(e) Provides that this section does not apply in the event of a disaster or public health emergency, terrorist attack, hostile military or paramilitary action, or extraordinary law enforcement emergency.

(f) Requires TDH to convene the immunization work group established under Section 161.0095 (Provider Education Programs), Health and Safety Code, and solicit its recommendations regarding development of a plan for the implementation of the provider choice system under this section. Requires that the plan include the education of participating health care providers about procedures and distribution systems of the Centers for Disease Control and Prevention of the United States Public Health Service and vaccine options, the enrollment process, ordering, accountability, and reporting procedures.

SECTION 2. Repealer, effective September 1, 2010: Section 161.0103 (Vaccines for Children Program; Equivalent Vaccines), Health and Safety Code.

SECTION 3. Requires the Department of State Health Services (DSHS) to implement all or part of the provider choice system under Section 161.01035, Health and Safety Code, as added by this Act, as soon as it is determined to be feasible, provided, however, that DSHS complete implementation of the system not later than August 31, 2010.

SECTION 4. Effective date, except as provided by this Act: September 1, 2009.