

HOUSE No. 2108

The Commonwealth of Massachusetts

PRESENTED BY:

Martin J. Walsh

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to school-located influenza vaccination programs.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Martin J. Walsh</i>	<i>13th Suffolk</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Christine E. Canavan</i>	<i>10th Plymouth</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>

HOUSE No. 2108

By Mr. Walsh of Boston, a petition (accompanied by bill, House, No. 2108) of Martin J. Walsh and others for legislation to establish school-located influenza vaccination programs . Public Health.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to school-located influenza vaccination programs.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. The General Laws, as appearing in the 2008 Official Edition, shall be
- 2 amended by adding after section chapter 118H the following new chapter:
- 3 Chapter 1118J:
- 4
- 5 Section 1. Definitions. The following words, as used in this section, unless a different meaning
- 6 is required by the context or is specifically prescribed, shall have the following meanings:
- 7 “Child or Children” individuals less than nineteen years of age.
- 8 “Childhood immunizations,” immunizations for children until their nineteenth birthday,
- 9 including the immunizations recommended by the federal Vaccines for Children Program.
- 10 “Participating provider”, a provider who, under a contract with a health insurer or with its
- 11 contractors or subcontractors, has agreed to provide health care services to insured with an
- 12 expectation of receiving payment, other than coinsurance, co-payments or deductive, directly or
- 13 indirectly.
- 14
- 15 Section 2. The Department of Public Health in consultation with the Division of Insurance and
- 16 the Department of Education shall establish school-located influenza vaccination programs in
- 17 elementary and secondary schools to vaccinate children against influenza.
- 18
- 19 The program under this section shall be designed to administer influenza vaccines consistent
- 20 with the recommendations of the U.S. Centers for Disease Control and Prevention’s Advisory
- 21 Committee on Immunization Practices (ACIP) for the annual vaccination of all eligible school-
- 22 aged children. The Department of Public Health may implement these programs through

23 coordination with local health departments, school nurses, school healthcare programs or other
24 local entities. The Department of Public Health may contract with vaccination access companies
25 to administer influenza vaccine in schools. In doing so, the Department of Public Health shall
26 work with the state Medicaid program to determine whether and how such companies may
27 register to receive vaccine from the Federal Vaccines for Children Program for eligible children
28 and reimbursement from the Medical Assistance program for administration.

29 Participation in the programs by a school district or an individual shall be voluntary. The
30 vaccine shall be administered with the consent of a student's parent or legal guardian. In
31 implementing the programs, the Department of Public Health shall maximize the use of influenza
32 vaccine available through existing public entitlement and discretionary resources and private
33 immunization coverage in the following manner:

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35 For children who are eligible for the Federal Vaccines for Children Program, the Department
36 of Public Health shall provide influenza vaccine for these children through existing entitlement
37 and discretionary funding for vaccine and work with the state Medicaid program to ensure
38 reimbursement for the administration fee.

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40 For children who have private insurance that covers influenza vaccination, and health
41 insurance plans who are licensed within the state and who provide coverage for influenza
42 immunization under existing policy, shall provide reimbursement for influenza vaccine and its
43 administration at the insurers' established rate when such vaccine is administered outside of the
44 physician's office in a school or pharmacy setting.

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46 The Department of Public Health shall make information regarding federal grants and
47 appropriation opportunities available to local government agencies, local public health
48 departments, school districts, and state and local nonprofit organizations via the agency's
49 website.

50 The programs under this section shall not restrict the discretion of a health care provider to
51 administer any seasonal influenza vaccine approved by the Federal Food and Drug

52 Administration for use in pediatric populations. Influenza vaccine should be offered to all
53 children as soon as a vaccine becomes available and before the start of the flu season and
54 should continue to be offered throughout the entire influenza season.

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56 Section 2. Notwithstanding any general or special law to the contrary, health insurers, as
57 defined in section 34 of chapter 118T of the General Laws, shall pay to health care providers
58 100% of the reasonable and customary charges for routine childhood immunizations for
59 Massachusetts residents and immunizations for Massachusetts residents who are less than 19
60 years of age according to the most recent schedules recommended by the advisory Committee
61 on Immunization Practices of the U.S. Department of Health and Human Services, excluding
62 those costs covered by the Commonwealth or the federal government, and any reasonable and

63 customary costs associated with the administration of the vaccines. Said health insurer shall
64 provide such reimbursement to any health care provider who administers covered immunizations
65 in any facility, health care provider's office or any other setting in the Commonwealth and shall
66 not limit such reimbursement to providers that are participating providers.

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68 Section 4. Not later than 90 days following the completion of the programs, the Department of
69 Public Health shall submit a written report on the results of the program to the House Speaker,
70 The Senate President, the Chairs of the Health Care Finance Committee and the House and
71 Senate Chairs of the Ways & Means Committees. The report shall include the following: - .

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73 a) An assessment of the seasonal influenza vaccination rates of school-aged children in
74 localities where the program is implemented compared to the national average influenza
75 vaccination rates for school-aged children, including whether school-based vaccination assists in
76 achieving the recommendations of the Advisory Committee on Immunization Practices for
77 annual influenza vaccination of school-aged children; .

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79 b) An assessment of the utility of employing elementary schools and secondary schools as a
80 part of a multi-state, community-based pandemic response program that is consistent with
81 existing Federal and State pandemic response plans;

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83 c) An assessment of the feasibility of using existing state, federal and private insurance in
84 establishing a multi-state, school-based vaccination program for seasonal influenza vaccination;

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86 d) An assessment of the number of education days gained by students as a result of seasonal
87 vaccinations based on absenteeism rates;

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89 e) If feasible, an assessment of other indirect benefits such as the impact on hospital visits,
90 physician visits and medication use;.

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92 f) A recommendation of whether the program under this section should be expanded.

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