HOUSE DOCKET, NO. 2911 FILED ON: 1/21/2011

HOUSE . . . . . No. 2386

The Commonwealth of Massachusetts

PRESENTED BY:

Steven M. 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:

An Act requiring the Department of Public Health to implement a provider choice system for certain vaccines.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Steven M. Walsh	*11th Essex*

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HOUSE . . . . . No. 2386

By Mr. Walsh of Lynn, a petition (accompanied by bill, House, No. 2386) of Steven M. Walsh relative to requiring the Department of Public Health to implement a provider choice system for certain vaccines. Public Health.

The Commonwealth of Massachusetts

An Act requiring the Department of Public Health to implement a provider choice system for certain vaccines.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide the Commonwealth with a vaccine provider choice system, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health.

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

Section 5A, of Chapter 111 of the General Laws as appearing in the 2008 Official Edition is hereby amended by adding the following at the end thereof:

PROVIDER CHOICE SYSTEM.

(1) The department shall implement a provider choice system for the vaccines for children program operated by the department under authority of 42 U.S.C. Section 1396s.

(2) The department shall ensure that eligible health care providers participating in the vaccines for children program, or any other program that supplements the vaccine for children program using state funds, may select any licensed vaccine, including combination vaccines and any dosage forms that:

a. are recommended by the federal Advisory Committee on Immunization Practices; and

b. are made available to the department by the Centers for Disease Control and Prevention of the United States Public Health Service.

(3) For the purposes of this section, "equivalent vaccines" means two or more vaccines that meet all of the following:

(1) protect a recipient of a vaccine against the same infection or infections;

16 (2) have similar safety and efficacy profiles; and

17 (3) are recommended for comparable populations by the Centers for Disease Control and
18 Prevention of the United States Public Health Service.

19 (4) The department shall provide a vaccine selected by a health care provider under this
20 subsection only if the cost to the department of providing the vaccine is not more than 115
21 percent of the lowest-priced equivalent vaccine.

22 (5) This section does not apply in the event of a disaster or public health emergency,
23 terrorist attack, hostile military or paramilitary action, or extraordinary law enforcement
24 emergency.

25 The Department of Public Health shall implement all or part of the provider choice
26 system as soon as it is determined to be feasible, provided, however, that the department shall
27 complete full implementation of the system not later than July 1, 2011.