

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 adoption of the accompanying bill:

An Act relative to school-located influenza vaccination programs.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|-----------------------------|-----------------------|------------------|
| <i>Martin J. Walsh</i> | <i>13th Suffolk</i> | <i>1/15/2013</i> |
| <i>Paul McMurtry</i> | <i>11th Norfolk</i> | <i>1/15/2013</i> |
| <i>Christine E. Canavan</i> | <i>10th Plymouth</i> | <i>1/15/2013</i> |
| <i>Kay Khan</i> | <i>11th Middlesex</i> | <i>1/15/2013</i> |
| <i>Stephen L. DiNatale</i> | <i>3rd Worcester</i> | <i>1/15/2013</i> |
| <i>Edward F. Coppinger</i> | <i>10th Suffolk</i> | <i>1/15/2013</i> |
| <i>Patricia A. Haddad</i> | <i>5th Bristol</i> | <i>1/15/2013</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 Section 1. Definitions. The following words, as used in this section, unless a different
5 meaning is required by the context or is specifically prescribed, shall have the following
6 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 of 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 Section 2. The Department of Public Health in consultation with the Division of
15 Insurance and the Department of Education shall establish school-located influenza vaccination
16 programs in elementary and secondary schools to vaccinate children against influenza.

17 The program under this section shall be designed to administer influenza vaccines
18 consistent with the recommendations of the U.S. Centers for Disease Control and Prevention’s
19 Advisory Committee on Immunization Practices (ACIP) for the annual vaccination of all eligible

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

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

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

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

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

47 The programs under this section shall not restrict the discretion of a health care provider
48 to administer any seasonal influenza vaccine approved by the Federal Food and Drug
49 Administration for use in pediatric populations. Influenza vaccine should be offered to all

50 children as soon as a vaccine becomes available and before the start of the flu season and
51 should continue to be offered throughout the entire influenza season.

52 Section 2. Notwithstanding any general or special law to the contrary, health insurers, as
53 defined in section 34 of chapter 118T of the General Laws, shall pay to health care providers

54 100% of the reasonable and customary charges for routine childhood immunizations for
55 Massachusetts residents and immunizations for Massachusetts residents who are less than 19
56 years of age according to the most recent schedules recommended by the advisory Committee
57 on Immunization Practices of the U.S. Department of Health and Human Services, excluding
58 those costs covered by the Commonwealth or the federal government, and any reasonable and
59 customary costs associated with the administration of the vaccines. Said health insurer shall
60 provide such reimbursement to any health care provider who administers covered immunizations
61 in any facility, health care provider's office or any other setting in the Commonwealth and shall
62 not limit such reimbursement to providers that are participating providers.

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

68

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

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

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

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

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

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