HOUSE DOCKET, NO. 978 FILED ON: 1/19/2011

HOUSE . . . . . No. 348

The Commonwealth of Massachusetts

PRESENTED BY:

Alice K. Wolf

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 establishing the Massachusetts childhood vaccine program.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Alice K. Wolf	*25th Middlesex*
Jason M. Lewis	*31st Middlesex*
Sheila C. Harrington	*1st Middlesex*
Jeffrey Sánchez	*15th Suffolk*
Denise Andrews	*2nd Franklin*
Jonathan Hecht	*29th Middlesex*
Cory Atkins	*14th Middlesex*
Gloria L. Fox	*7th Suffolk*
Carl M. Sciortino, Jr.	*34th Middlesex*
Tom Sannicandro	*7th Middlesex*
Christine E. Canavan	*10th Plymouth*
Frank I. Smizik	*15th Norfolk*
Cheryl A. Coakley-Rivera	*10th Hampden*
Timothy J. Toomey, Jr.	*26th Middlesex*
Anne M. Gobi	*5th Worcester*
Kay Khan	*11th Middlesex*
Denise Provost	*27th Middlesex*
Peter J. Koutoujian	*10th Middlesex*

Martha M. Walz	*8th Suffolk*
MA Department of Public Health	*250 Washington Street* *Boston, MA 02108*
MA Ch., American Academy of Pediatrics	*860 Winter St.* *Waltham, MA 02454*
Massachusetts Medical Society	*860 Winter Street* *Waltham, MA 02451*

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By Ms. Wolf of Cambridge, a petition (accompanied by bill, House, No. 348) of Alice K. Wolf and others relative to establishing a childhood vaccine program and immunization registry. Health Care Financing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *3453* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act establishing the Massachusetts childhood vaccine program.

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

The General Laws are hereby amended by inserting after chapter 118H the following chapter:-

CHAPTER 118I

Section 1: Definitions. The following words, as used in this section, unless a different meaning is required by the context or is specifically prescribed, shall have the following meanings:

"Health care provider", a clinician, a facility or a physician group practice.

"Surcharge payors", those entities defined as surcharge payors under section 34 of chapter 118G of the General Laws, whose assessment may be collected in a manner consistent with said chapter 118G.

"Routine childhood immunizations", immunizations for children until their nineteenth birthday, including, but not limited to, the immunizations recommended by the federal Vaccines for Children Program and any immunizations recommended by the Advisory Committee on Immunization Practices of the United States Department of Health and Human Services.

15 "Total non-federal program cost", the estimated annual cost of the purchase, storage
16 and distribution of vaccines needed for routine childhood immunizations for all children in the
17 commonwealth less the amount of federal revenue available to the commonwealth for purchase,
18 storage, distribution and administration of such vaccines, as well as the costs of administering the
19 Vaccine Purchase Trust Fund and the Massachusetts immunization registry established pursuant
20 to section 24M of chapter 111.

21 Section 2: (a) A separate trust fund to be known as the Vaccine Purchase Trust Fund, in
22 this section called the "Fund," is hereby established to support a universal purchase system for
23 childhood vaccines in the commonwealth. The specific purpose of the Fund shall be to cover
24 total non-federal program costs for childhood immunizations. The Fund shall consist of all
25 monies paid to the commonwealth under subsection (c) and any interest earnings on such
26 monies. The Fund shall be maintained by the commissioner of the division of health care
27 finance and policy or the commissioner's designee. The monies shall be expended under the
28 direction of the department of public health, without prior appropriation, solely for the purposes
29 described in this section. Any balance in the Fund at the close of a fiscal year shall be available
30 for expenditure in subsequent fiscal years and shall not be transferred to any other fund or revert
31 to the General Fund. The commissioner of the division of health care finance and policy or the
32 commissioner's designee shall report annually to the house and senate committees on ways and
33 means the amount of funds collected and all expenditures made from the Fund.

34 (b) There shall be a vaccine purchase advisory council consisting of the commissioner
35 of public health or the commissioner's designee; the medical director of the Massachusetts
36 Immunization Program of the department of public health; the commissioner of the division of
37 health care finance and policy or the commissioner's designee; the executive director of the
38 Commonwealth Health Insurance Connector Authority or the executive director's designee; the
39 medical directors of the three health insurance companies having the most covered lives in the
40 commonwealth; and eight health care provider representatives appointed by the commissioner of
41 public health, two of whom shall be members of the Massachusetts Academy of Family
42 Physicians, two of whom shall be members of the Massachusetts Chapter of the American
43 Academy of Pediatrics, two of whom shall be nurses or other clinicians licensed in the
44 commonwealth who have expertise in the area of childhood vaccines, one of whom shall be a
45 member of the Massachusetts Medical Society, and one of whom shall be a physician licensed to
46 practice in the commonwealth who has expertise in the areas of childhood vaccines. The
47 commissioner of public health, or the commissioner's designee, shall be the chair of the council.
48 The council shall recommend the types of vaccines to be purchased based on a list of routine
49 childhood immunizations and shall take into account provider preference, cost, availability, and
50 other factors as determined by the council. The council shall recommend the amount of funding
51 needed each fiscal year by calculating the total non-federal program cost. The council shall have
52 independent authority to make recommendations required by this subsection. The commissioner
53 of the department of public health shall determine the final vaccines to be purchased. The

54 commissioner of the division of health care finance and policy shall determine the final amount
55 required to be included in the Vaccine Purchase Trust Fund for the next fiscal year to cover
56 vaccines required for purchase, storage and distribution pursuant to this subsection, as well as the
57 costs of administering the Vaccine Purchase Trust Fund and the Massachusetts Immunization
58 Registry.

59 (c) Pursuant to regulations to be promulgated by the commissioner of the division of
60 health care finance and policy, each surcharge payor in the commonwealth shall pay to the
61 commissioner of the division of health care finance and policy, for deposit in the Vaccine
62 Purchase Trust Fund, a routine childhood immunizations fee for the total non-federal program
63 costs assessed by the commissioner of the division of health care finance and policy. The
64 regulations shall establish dates for assessing and contributing such fee and shall permit and
65 enable expenditure of funds by the department of public health. The annual contribution into the
66 trust fund initially shall be deposited by July 1, 2011 and annually thereafter. Such fee shall be a
67 percentage of the final amount determined by the commissioner of the division of health care
68 finance and policy pursuant to subsection (b).

69 (d) The department of public health may promulgate rules and regulations as
70 necessary to implement the universal purchase and distribution system, in accordance with this
71 section and other applicable state and federal laws.