

## **BILL ANALYSIS**

Senate Research Center

H.B. 448  
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Health & Human Services  
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Engrossed

### **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.

H.B. 448 extends the method of purchasing flu vaccines implemented by S.B. 811 to all vaccinations recommended by the Department of State Health Services (DSHS) under VFC and the adult safety-net program. H.B. 448 provides for a one year implementation schedule, and requires DSHS to develop an implementation plan working with the Texas Immunization Stakeholder Working Group, an existing stakeholder group made up of public health and industry participants.

[**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 161.0109, as follows:

Sec. 161.0109. 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 program.

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

(c) Requires TDH, if equivalent vaccines are available which meet the requirements of Subsection (b), and the cost of one or more of those equivalent vaccines exceeds 115 percent of the lowest-price equivalent vaccine, to distribute the lowest-price equivalent vaccine or vaccines.

(d) Provides that equivalent vaccines, for the purposes of this section, means two or more vaccines, excluding the influenza vaccine, that meet certain qualifications.

(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 pursuant to Section 161.0095 (Provider Education Programs), Health and Safety Code, to develop a plan for the implementation of the provider choice system under this section. Requires that the plan include education of participating health care providers about United States Centers for Disease Control and Prevention procedures and distribution systems; and education of participating providers about vaccine options, the enrollment process, ordering, accountability, and reporting procedures.

(g) Requires TDH to implement all or part of the provider choice system as soon as is determined to be feasible but is required to complete implementation no later than August 31, 2010.

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

SECTION 2. Effective date: September 1, 2009.