

1 AN ACT

2 relating to requiring the Department of State Health Services to
3 implement a provider choice system for certain vaccines.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter A, Chapter 161, Health and Safety
6 Code, is amended by adding Section 161.01035 to read as follows:

7 Sec. 161.01035. PROVIDER CHOICE SYSTEM. (a) The
8 department shall implement a provider choice system for the
9 vaccines for children program operated by the department under
10 authority of 42 U.S.C. Section 1396s and the adult safety net
11 vaccination program.

12 (b) The department shall ensure that eligible health care
13 providers participating in the vaccines for children program or the
14 adult safety net vaccination program may select any licensed
15 vaccine, including combination vaccines and any dosage forms that:

16 (1) are recommended by the federal Advisory Committee
17 on Immunization Practices;

18 (2) are made available to the department by the
19 Centers for Disease Control and Prevention of the United States
20 Public Health Service; and

21 (3) for adult vaccines, are on the department-approved
22 list of vaccines offered by the adult safety net vaccination
23 program.

24 (c) For the purposes of this section, "equivalent vaccines"

1 means two or more vaccines, excluding the influenza vaccine, that
2 meet all of the following:

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

5 (2) require the same number of doses;

6 (3) have similar safety and efficacy profiles; and

7 (4) are recommended for comparable populations by the
8 Centers for Disease Control and Prevention of the United States
9 Public Health Service.

10 (d) The department shall provide a vaccine selected by a
11 health care provider under Subsection (b) only if the cost to the
12 department of providing the vaccine is not more than 115 percent of
13 the lowest-priced equivalent vaccine.

14 (e) This section does not apply in the event of a disaster or
15 public health emergency, terrorist attack, hostile military or
16 paramilitary action, or extraordinary law enforcement emergency.

17 (f) The department shall convene the immunization work
18 group established under Section 161.0095 and solicit its
19 recommendations regarding development of a plan for the
20 implementation of the provider choice system under this section.
21 The plan shall include the education of participating health care
22 providers about:

23 (1) procedures and distribution systems of the Centers
24 for Disease Control and Prevention of the United States Public
25 Health Service; and

26 (2) vaccine options, the enrollment process,
27 ordering, accountability, and reporting procedures.

1 SECTION 2. Effective September 1, 2010, Section 161.0103,
2 Health and Safety Code, is repealed.

3 SECTION 3. The Department of State Health Services shall
4 implement all or part of the provider choice system under Section
5 161.01035, Health and Safety Code, as added by this Act, as soon as
6 it is determined to be feasible, provided, however, that the
7 department shall complete implementation of the system not later
8 than August 31, 2010.

9 SECTION 4. Except as provided by this Act, this Act takes
10 effect September 1, 2009.

David Suu UWT

President of the Senate

John Strawn

Speaker of the House

I certify that H.B. No. 448 was passed by the House on March 26, 2009, by the following vote: Yeas 146, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 448 on May 18, 2009, by the following vote: Yeas 143, Nays 0, 2 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 448 was passed by the Senate, with amendments, on May 14, 2009, by the following vote: Yeas 31, Nays 0.

Fatsy Spaw

Secretary of the Senate

APPROVED: 30 MAY '09

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4 PM O'CLOCK

Boye M. Davis
Secretary of State