

BILL ANALYSIS

C.S.S.B. 424
By: Van de Putte
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Many studies have indicated that increasing influenza vaccination rates among school-aged children helps protect the overall health of the community. Children are much more likely than adults to get sick with influenza and to spread the virus within their households, negatively impacting high-risk groups, such as the elderly. In February 2008, the federal Advisory Committee on Immunization Practices recommended that an annual influenza vaccination be given to all healthy children ages six months to 18 years. Since that recommendation was made, the Texas Department of State Health Services (DSHS) has been working to develop an effective strategy for implementing the recommendation.

C.S.S.B. 424 requires DSHS and the Texas Education Agency (TEA) to conduct a joint study of school-based influenza vaccination programs and to jointly establish and implement for the 2009-2010 school year a school-based influenza vaccination pilot program in certain school districts. This bill requires the Texas Immunization Stakeholder Working Group to establish a subcommittee composed of certain societies, associations, organizations, and entities, in order to make recommendations to DSHS and TEA regarding certain information relating to the study and pilot program. The bill requires DSHS and TEA to jointly generate a written report based on the study and pilot program that evaluates the feasibility of implementing an annual statewide school-based influenza vaccination program.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 424 enacts a temporary provision, set to expire September 1, 2011, requiring the Department of State Health Services (DSHS) and the Texas Education Agency (TEA) jointly to implement a school-based influenza vaccination pilot program and conduct a study of school-based influenza vaccination programs in accordance with the bill's provisions. The bill requires the Texas Immunization Stakeholder Working Group, for purposes of the pilot program and study, to establish within the working group a subcommittee, and sets forth the composition of that subcommittee. The bill requires members of the working group that do not serve on the subcommittee to serve in an advisory role for the planning and implementation of the school-based influenza vaccination pilot program and study.

C.S.S.B. 424 requires DSHS and TEA jointly to establish and implement for the 2009-2010 school year a school-based influenza vaccination pilot program using both killed vaccine and live attenuated vaccine in:

- a school district with a student population of 50,000 or more that is at least 85 percent economically disadvantaged and located in a home-rule municipality with a population of more than 1.1 million;

- a school district with a student population that is less than five percent economically disadvantaged and located in a municipality with a population of more than 600,000 and less than one million; and
- two school districts selected by the working group including one school district with a student population that is at least 90 percent economically disadvantaged and located in a county with a population of 50,000 or less, and one school district with a student population that is at least 90 percent economically disadvantaged and located in a county on the international border.

The bill requires DSHS, TEA, and the working group subcommittee to plan the school-based influenza vaccination pilot program established and implemented under the bill's provisions.

C.S.S.B. 424 requires DSHS, TEA, and the working group subcommittee to implement the pilot program in the selected school districts for the 2009-2010 school year and collect all relevant data related to the program during that school year. The bill authorizes DSHS and TEA to seek, receive, and spend money received through an appropriation, grant, donation, or reimbursement from any public or private source to implement the pilot program. The bill prohibits DSHS, TEA, and the working group subcommittee from, during the period a declaration of a state of disaster is in effect or a period of school closure, from initiating or continuing to administer the pilot program in any selected school district if the governor declares a state of disaster related to a communicable disease, public health emergency, or public health disaster that applies to an area in which one of the school districts is located, or if all schools in one of the school districts are closed in compliance with an order issued because of a communicable disease under the Communicable Disease Prevention and Control Act or other law. The bill prohibits DSHS, TEA, or the working group subcommittee, if the presiding officer of the governing body of a political subdivision declares a local state of disaster related to a communicable disease, public health emergency, or public health disaster that applies to an area in which one of the school districts selected under the bill is located, from initiating or continuing to administer the pilot program in that school district during the period of the state of disaster.

C.S.S.B. 424 requires DSHS and TEA to conduct a joint study of school-based influenza vaccination programs. The bill requires members of the working group subcommittee to make recommendations to DSHS and TEA regarding the design of the survey instrument used to collect data from schools with an influenza vaccination program under the bill's provisions, and the content of the report required by the bill's provisions. The bill requires DSHS and TEA to:

- identify school districts in Texas in which a school-based influenza vaccination program has been conducted on or after September 1, 2006;
- collect prescribed data related to the programs;
- identify best practices of a school district that implemented a school-based influenza vaccination program; and
- identify barriers encountered by a school district that implemented a school-based influenza vaccination program and how the barriers were overcome.

C.S.S.B. 424 requires DSHS and TEA to submit to the governor, legislative leadership, and presiding officer of each standing committee of the legislature with jurisdiction over DSHS and TEA, not later than December 1, 2010, a jointly written report, based on the implementation and results of the pilot program and the study of school-based influenza vaccination programs, that evaluates the feasibility of implementing an annual statewide school-based influenza vaccination program. The bill requires the report to include an analysis of the costs and benefits of implementing a school-based influenza vaccination pilot program in each selected school district; an analysis of the costs and benefits of implementing school-based influenza vaccination programs statewide; identification of barriers to implementing the pilot program and other similar programs statewide and recommendations for removing those barriers; a projection of the fiscal impact of implementing a statewide program; an analysis of the impact of the pilot

program and the other programs studied on private practice physicians and health care providers who administer influenza vaccinations in Texas, based on the programs studied; a similar analysis of the impact of a statewide program on those physicians and providers and recommendations for how to overcome any barriers; and the role of public health departments and community resources in the administration of school-based influenza vaccination programs.

C.S.S.B. 424 clarifies that its provisions do not make an appropriation, and that a provision in the bill creating a new governmental program, creating a new entitlement, or imposing a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.S.B. 424 adds a provision not in the original requiring the Department of State Health Services (DSHS) and the Texas Education Agency (TEA) to jointly implement a school-based influenza vaccination pilot program and makes related conforming changes. The substitute differs from the original by adding to the representatives required to be included on the Texas Immunization Stakeholder Working Group subcommittee representatives from each school district in which the pilot program will operate, after the selection of those districts under the bill's provisions; the state Medicaid medical director; and each local health department serving the geographic area in which a participating school district is located. The substitute adds a provision not in the original requiring members of the working group that do not serve on the subcommittee to serve in an advisory role for the planning and implementation of the pilot program and study.

C.S.S.B. 424 differs from the original by clarifying that the report to be submitted to the governor, legislative leadership, and presiding officer of each standing committee of the legislature with jurisdiction over DSHS and TEA is to be based on the implementation and results of the pilot program in addition to the study of school-based influenza vaccination programs, rather than based solely on the study as in the original. The substitute makes nonsubstantive conforming changes relating to the results of the pilot program being incorporated into the report.

C.S.S.B. 424 adds a provision not in the original clarifying that the bill does not make an appropriation and that a provision in the bill creating a new governmental program, creating a new entitlement, or imposing a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision.

C.S.S.B. 424 makes changes conforming to the addition of the pilot program and makes clarifying changes.