

By: Van de Putte

S.B. No. 424

Substitute the following for S.B. No. 424:

By: Kolkhorst

C.S.S.B. No. 424

A BILL TO BE ENTITLED

AN ACT

relating to a school-based influenza vaccination pilot program and study.

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

SECTION 1. ADMINISTRATION OF PILOT PROGRAM AND STUDY. (a)

The Department of State Health Services and the Texas Education Agency shall jointly implement a school-based influenza vaccination pilot program and conduct a joint study of school-based influenza vaccination programs in accordance with this Act.

(b) For purposes of the pilot program and study, the Texas Immunization Stakeholder Working Group shall establish within the working group a subcommittee composed of representatives from:

(1) the Texas Pediatric Society;

(2) the Texas Academy of Family Physicians;

(3) the Texas Medical Association;

(4) the Texas Association of School Administrators;

(5) the Texas Association of School Boards;

(6) the Texas School Nurses Organization;

(7) an entity with knowledge of best practices for the effective use of state and local public health resources based on information from other states that have implemented school-based influenza vaccination programs;

(8) each school district in which the pilot program will operate, after the selection of those districts under Section

1 2(a) of this Act;

2 (9) the state Medicaid medical director; and

3 (10) each local health department that serves the  
4 geographic area in which a participating school district is  
5 located.

6 (c) Members of the Texas Immunization Stakeholder Working  
7 Group that do not serve on the subcommittee shall serve in an  
8 advisory role for the planning and implementation of the  
9 school-based influenza vaccination pilot program and study.

10 SECTION 2. PILOT PROGRAM. (a) The Department of State  
11 Health Services and the Texas Education Agency shall jointly  
12 establish and implement for the 2009-2010 school year a  
13 school-based influenza vaccination pilot program using both killed  
14 vaccine and live attenuated vaccine in:

15 (1) a school district with a student population of  
16 50,000 or more that is at least 85 percent economically  
17 disadvantaged and located in a home-rule municipality with a  
18 population of more than 1.1 million;

19 (2) a school district with a student population that  
20 is less than five percent economically disadvantaged and located in  
21 a municipality with a population of more than 600,000 and less than  
22 one million; and

23 (3) two school districts selected by the Texas  
24 Immunization Stakeholder Working Group including:

25 (A) one school district with a student population  
26 that is at least 90 percent economically disadvantaged and located  
27 in a county with a population of 50,000 or less; and

1           (B) one school district with a student population  
2 that is at least 90 percent economically disadvantaged and located  
3 in a county on the international border.

4           (b) The Department of State Health Services, the Texas  
5 Education Agency, and the Texas Immunization Stakeholder Working  
6 Group subcommittee shall plan the school-based influenza  
7 vaccination pilot program established and implemented under this  
8 section.

9           (c) The Department of State Health Services, the Texas  
10 Education Agency, and the Texas Immunization Stakeholder Working  
11 Group subcommittee shall:

12                 (1) implement the school-based influenza vaccination  
13 pilot program in the school districts selected under Subsection (a)  
14 of this section for the 2009-2010 school year; and

15                 (2) collect all relevant data related to the program  
16 during the 2009-2010 school year.

17           (d) The Department of State Health Services and the Texas  
18 Education Agency may seek, receive, and spend money received  
19 through an appropriation, grant, donation, or reimbursement from  
20 any public or private source to implement the school-based  
21 influenza vaccination pilot program.

22           (e) The Department of State Health Services, the Texas  
23 Education Agency, and the Texas Immunization Stakeholder Working  
24 Group subcommittee may not, during the period a declaration of a  
25 state of disaster is in effect or the period of school closure,  
26 initiate or continue to administer the school-based influenza  
27 vaccination pilot program in any school district selected under

1 Subsection (a) of this section if:

2 (1) the governor declares a state of disaster related  
3 to a communicable disease, public health emergency, or public  
4 health disaster that applies to an area in which one of the school  
5 districts is located; or

6 (2) all schools in one of the school districts are  
7 closed in compliance with an order issued because of a communicable  
8 disease under Chapter 81, Health and Safety Code, or other law.

9 (f) If the presiding officer of the governing body of a  
10 political subdivision declares a local state of disaster related to  
11 a communicable disease, public health emergency, or public health  
12 disaster that applies to an area in which one of the school  
13 districts selected under Subsection (a) of this section is located,  
14 the Department of State Health Services, the Texas Education  
15 Agency, and the Texas Immunization Stakeholder Working Group  
16 subcommittee may not, during the period of the state of disaster,  
17 initiate or continue to administer the school-based influenza  
18 vaccination pilot program in that school district.

19 SECTION 3. STUDY. (a) The Department of State Health  
20 Services and the Texas Education Agency shall conduct a joint study  
21 of school-based influenza vaccination programs.

22 (b) Members of the Texas Immunization Stakeholder Working  
23 Group subcommittee shall make recommendations to the Department of  
24 State Health Services and the Texas Education Agency regarding:

25 (1) the design of the survey instrument used to  
26 collect data from schools with an influenza vaccination program  
27 under Subsection (c)(2) of this section; and

1           (2) the content of the report required under Section 4  
2 of this Act.

3           (c) The Department of State Health Services and the Texas  
4 Education Agency shall:

5           (1) identify school districts in this state in which a  
6 school-based influenza vaccination program has been conducted on or  
7 after September 1, 2006;

8           (2) collect relevant data related to the programs,  
9 including, when available:

10           (A) how an influenza vaccine was purchased or  
11 obtained;

12           (B) a comparison of how insured and uninsured  
13 students were managed under the program;

14           (C) the costs associated with administering the  
15 program;

16           (D) for each school year that the program was  
17 administered, the number of students, by grade level, that:

18           (i) were vaccinated, refused the vaccine,  
19 or were not vaccinated; and

20           (ii) were enrolled in the school district;

21           (E) the number of school faculty and staff  
22 vaccinated;

23           (F) student absentee rates during a school year  
24 that the school district:

25           (i) administered a program; and

26           (ii) did not administer a program;

27           (G) the number of schools that closed due to

1 influenza or influenza-like illness and the number of days that  
2 each school was closed;

3 (H) the nature and degree of involvement in the  
4 implementation of a program of:

5 (i) a public health department;

6 (ii) other community resources; or

7 (iii) private health care providers; and

8 (I) whether the vaccinations were reported to the  
9 immunization registry maintained by the Department of State Health  
10 Services under Section 161.007, Health and Safety Code;

11 (3) identify best practices of a school district that  
12 implemented a school-based influenza vaccination program; and

13 (4) identify barriers encountered by a school district  
14 that implemented a school-based influenza vaccination program and  
15 how the barriers were overcome.

16 SECTION 4. REPORT. Not later than December 1, 2010, the  
17 Department of State Health Services and the Texas Education Agency  
18 shall submit to the governor, lieutenant governor, speaker of the  
19 house of representatives, and presiding officer of each standing  
20 committee of the legislature with jurisdiction over the department  
21 and the agency a jointly written report, based on the  
22 implementation and results of the school-based influenza  
23 vaccination pilot program and the study of school-based influenza  
24 vaccination programs, that evaluates the feasibility of  
25 implementing an annual statewide school-based influenza  
26 vaccination program. The report must include:

27 (1) an analysis of the costs and benefits of

1 implementing the school-based influenza vaccination pilot program  
2 in each school district listed by Section 2(a) of this Act;

3 (2) an analysis of the costs and benefits of  
4 implementing school-based influenza vaccination programs  
5 throughout this state;

6 (3) identification of barriers to implementing the  
7 school-based influenza vaccination pilot program and other similar  
8 programs throughout this state and recommendations for removing  
9 those barriers;

10 (4) a projection of the fiscal impact of implementing  
11 a statewide school-based influenza vaccination program;

12 (5) an analysis of the impact of the pilot program and  
13 the other programs studied on private practice physicians and  
14 health care providers who administer influenza vaccinations in this  
15 state, based on the programs studied;

16 (6) an analysis of the impact of a statewide  
17 school-based influenza vaccination program on private practice  
18 physicians and health care providers who administer influenza  
19 vaccinations in this state and recommendations for how to overcome  
20 any barriers; and

21 (7) the role of public health departments and  
22 community resources in the administration of school-based  
23 influenza vaccination programs.

24 SECTION 5. EXPIRATION. This Act expires September 1, 2011.

25 SECTION 6. FISCAL IMPACT. This Act does not make an  
26 appropriation. A provision in this Act that creates a new  
27 governmental program, creates a new entitlement, or imposes a new

1 duty on a governmental entity is not mandatory during a fiscal  
2 period for which the legislature has not made a specific  
3 appropriation to implement the provision.

4 SECTION 7. EFFECTIVE DATE. This Act takes effect  
5 immediately if it receives a vote of two-thirds of all the members  
6 elected to each house, as provided by Section 39, Article III, Texas  
7 Constitution. If this Act does not receive the vote necessary for  
8 immediate effect, this Act takes effect September 1, 2009.