

1-1 By: Carona S.B. No. 479
1-2 (In the Senate - Filed January 14, 2009; February 17, 2009,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; March 17, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 March 17, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 479 By: Deuell

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to requiring the Department of State Health Services to
1-11 implement a provider choice system.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter A, Chapter 161, Health and Safety
1-14 Code, is amended by adding Section 161.0109 to read as follows:

1-15 Sec. 161.0109. PROVIDER CHOICE SYSTEM. (a) The department
1-16 shall implement a provider choice system for the vaccines for
1-17 children program operated by the department under authority of 42
1-18 U.S.C. Section 1396s and the adult safety net vaccination program.

1-19 (b) The department shall ensure that eligible health care
1-20 providers participating in the vaccines for children program or the
1-21 adult safety net vaccination program may select any licensed
1-22 vaccine, including combination vaccines and any dosage forms that:

1-23 (1) are recommended by the federal Advisory Committee
1-24 on Immunization Practices;

1-25 (2) are made available to the department by the United
1-26 States Centers for Disease Control and Prevention; and

1-27 (3) for adult vaccines, are on the department-approved
1-28 list of vaccines offered by the adult safety net vaccination
1-29 program.

1-30 (c) For the purposes of this section, "equivalent vaccines"
1-31 means two or more vaccines, excluding the influenza vaccine, that
1-32 meet all of the following:

1-33 (1) protect a recipient of a vaccine against the same
1-34 infection or infections;

1-35 (2) require the same number of doses;

1-36 (3) have similar safety and efficacy profiles; and

1-37 (4) are recommended for comparable populations by the
1-38 United States Centers for Disease Control and Prevention.

1-39 (d) If equivalent vaccines that meet the requirements of
1-40 Subsection (c) are available and the cost of one or more of those
1-41 equivalent vaccines exceeds 115 percent of the lowest-priced
1-42 equivalent vaccine, the department shall distribute the
1-43 lowest-priced equivalent vaccine or vaccines.

1-44 (e) This section does not apply in the event of a disaster or
1-45 public health emergency, terrorist attack, hostile military or
1-46 paramilitary action, or extraordinary law enforcement emergency.

1-47 (f) The department shall convene the immunization work
1-48 group established under Section 161.0095 and solicit its
1-49 recommendations regarding development of a plan for the
1-50 implementation of the provider choice system under this section.
1-51 The plan shall include the education of:

1-52 (1) participating health care providers about United
1-53 States Centers for Disease Control and Prevention procedures and
1-54 distribution systems; and

1-55 (2) participating providers about vaccine options,
1-56 the enrollment process, ordering, accountability, and reporting
1-57 procedures.

1-58 SECTION 2. The Department of State Health Services shall
1-59 implement all or part of the provider choice system under Section
1-60 161.0109, Health and Safety Code, as added by this Act, as soon as
1-61 it is determined to be feasible, provided, however, that the
1-62 department shall complete implementation of the system not later
1-63 than August 31, 2010.

2-1 SECTION 3. Effective September 1, 2010, Section 161.0103,
2-2 Health and Safety Code, is repealed.
2-3 SECTION 4. This Act takes effect September 1, 2009.

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