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HOUSE BILL NO. 305

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare and Institutions
on January 14, 2014)

(Patron Prior to Substitute—Delegate O'Bannon)

A BILL to amend and reenact § 32.1-46 of the Code of Virginia, relating to payment for certain immunizations.

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-46 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-46. Immunization of patients against certain diseases.

A. The parent, guardian or person standing in loco parentis of each child within this Commonwealth shall cause such child to be immunized in accordance with the Immunization Schedule developed and published by the Centers for Disease Control and Prevention (CDC), Advisory Committee on Immunization Practices (ACIP), the American Academy of Pediatrics (AAP), and the American Academy of Family Physicians (AAFP). The required immunizations for attendance at a public or private elementary, middle or secondary school, child care center, nursery school, family day care home or developmental center shall be those set forth in the State Board of Health Regulations for the Immunization of School Children. The Board's regulations shall at a minimum require:

1. A minimum of three properly spaced doses of hepatitis B vaccine (HepB).

2. A minimum of three or more properly spaced doses of diphtheria toxoid. One dose shall be administered on or after the fourth birthday. A booster dose shall be administered prior to entering the sixth grade if at least five years have passed since the last dose of diphtheria toxoid.

3. A minimum of three or more properly spaced doses of tetanus toxoid. One dose shall be administered on or after the fourth birthday. A booster dose of Tdap vaccine shall be administered prior to entering the sixth grade if at least five years have passed since the last dose of tetanus toxoid.

4. A minimum of three or more properly spaced doses of acellular pertussis vaccine. One dose shall be administered on or after the fourth birthday. A booster dose shall be administered prior to entry into the sixth grade if at least five years have passed since the last dose of pertussis vaccine.

5. Two or three primary doses of Haemophilus influenzae type b (Hib) vaccine, depending on the manufacturer, for children up to 60 months of age.

6. Two properly spaced doses of live attenuated measles (rubeola) vaccine. The first dose shall be administered at age 12 months or older.

7. One dose of live attenuated rubella vaccine shall be administered at age 12 months or older.

8. One dose of live attenuated mumps vaccine shall be administered at age 12 months or older.

9. All susceptible children born on and after January 1, 1997, shall be required to have one dose of varicella vaccine on or after 12 months.

10. Three or more properly spaced doses of oral polio vaccine (OPV) or inactivated polio vaccine (IPV). One dose shall be administered on or after the fourth birthday. A fourth dose shall be required if the three dose primary series consisted of a combination of OPV and IPV.

11. Two to four doses, dependent on age at first dose, of properly spaced pneumococcal 7-valent conjugate (PVC) vaccine for children less than two years of age.

12. Three doses of properly spaced human papillomavirus (HPV) vaccine for females. The first dose shall be administered before the child enters the sixth grade.

The parent, guardian or person standing in loco parentis may have such child immunized by a physician or registered nurse or may present the child to the appropriate local health department, which shall administer the vaccines required by the State Board of Health Regulations for the Immunization of School Children without charge to the parent of or person standing in loco parentis to the child if (i) the child is eligible for the Vaccines for Children Program or (ii) the child is eligible for coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid), Title XXI of the Social Security Act, 42 U.S.C. § 1397aa et seq. (CHIP), or 10 U.S.C. § 1071 et seq. (CHAMPUS). In all cases in which a child is covered by a health carrier, Medicare, Medicaid, CHIP, or CHAMPUS, the Department shall seek reimbursement from the health carrier, Medicare, Medicaid, CHIP, or CHAMPUS for all allowable costs associated with the provision of the vaccine. For the purposes of this section, the Department shall be deemed a participating provider with a managed care health insurance plan as defined in § 32.1-137.1.

B. A physician, registered nurse or local health department administering a vaccine required by this section shall provide to the person who presents the child for immunizations a certificate that shall state the diseases for which the child has been immunized, the numbers of doses given, the dates when

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60 administered and any further immunizations indicated.

61 C. The vaccines required by this section shall meet the standards prescribed in, and be administered
62 in accordance with, regulations of the Board.

63 D. The provisions of this section shall not apply if:

64 1. The parent or guardian of the child objects thereto on the grounds that the administration of
65 immunizing agents conflicts with his religious tenets or practices, unless an emergency or epidemic of
66 disease has been declared by the Board;

67 2. The parent or guardian presents a statement from a physician licensed to practice medicine in
68 Virginia, a licensed nurse practitioner, or a local health department that states that the physical condition
69 of the child is such that the administration of one or more of the required immunizing agents would be
70 detrimental to the health of the child; or

71 3. Because the human papillomavirus is not communicable in a school setting, a parent or guardian,
72 at the parent's or guardian's sole discretion, may elect for the parent's or guardian's child not to receive
73 the human papillomavirus vaccine, after having reviewed materials describing the link between the
74 human papillomavirus and cervical cancer approved for such use by the Board.

75 E. For the purpose of protecting the public health by ensuring that each child receives
76 age-appropriate immunizations, any physician, physician assistant, nurse practitioner, licensed
77 institutional health care provider, local or district health department, the Virginia Immunization
78 Information System, and the Department of Health may share immunization and patient locator
79 information without parental authorization, including, but not limited to, the month, day, and year of
80 each administered immunization; the patient's name, address, telephone number, birth date, and social
81 security number; and the parents' names. The immunization information; the patient's name, address,
82 telephone number, birth date, and social security number; and the parents' names shall be confidential
83 and shall only be shared for the purposes set out in this subsection.

84 F. The State Board of Health shall review this section annually and make recommendations for
85 revision by September 1 to the Governor, the General Assembly, and the Joint Commission on Health
86 Care.