

House File 2449 - Introduced

HOUSE FILE 2449

BY KAUFMANN and SHIPLEY

A BILL FOR

1 An Act relating to information to be provided, recorded,
2 and reported by health care providers relative to certain
3 vaccinations, and providing penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 135.39E Vaccinations — health care
2 provider requirements — penalties.

3 1. For the purposes of this section:

4 a. "*Adverse event*" means any unfavorable or unintended
5 medical occurrence, including any sign, laboratory finding,
6 symptom, or disease that a child experiences within eight weeks
7 following the administration of a vaccine.

8 b. "*Health care provider*" means any licensed health care
9 professional, organization, or institution, whether public
10 or private, including federal, state, and local departments,
11 agencies, and instrumentalities, under whose authority a
12 vaccine set forth in the vaccine injury table is administered.

13 c. "*Health profession board*" means a profession board
14 designated pursuant to section 147.13.

15 d. "*Vaccine injury table*" means the vaccine injury table
16 created and revised pursuant to 42 U.S.C. §300aa-14.

17 2. The department shall collaborate with each health
18 profession board to ensure that a health care provider under
19 the purview of the department or a health profession board
20 is aware of and complies with the requirements of 42 U.S.C.
21 §300aa-25 and 42 U.S.C. §300aa-26, and state law including all
22 of the following:

23 a. That the health care provider provides an adult patient,
24 or the parent or legal representative of a minor patient, with
25 a copy of the relevant federal vaccine information statement
26 for the vaccine the patient is to receive and verbally informs
27 the adult patient, or the parent or legal representative of a
28 minor patient, of the existence of the vaccine adverse events
29 reporting system and the vaccine injury compensation program
30 referenced in the statement, prior to the patient receiving the
31 vaccine.

32 b. That the health care provider records certain required
33 information about the vaccine administered in the patient's
34 medical record or a permanent office log or file.

35 c. That the health care provider documents any adverse

1 event that the patient experiences within eight weeks following
2 administration of the vaccine and that becomes known to the
3 health care provider, submits the report to the federal vaccine
4 adverse events reporting system, and provides the adult patient
5 or the parent or legal representative of a minor patient with a
6 copy of the report.

7 d. That the health care provider provides information to
8 the adult patient or to the parent or legal representative of
9 a minor patient regarding the process to report a health care
10 provider who fails to comply with the requirements of this
11 section for licensee discipline.

12 3. The health profession board for a health care provider
13 may deny an applicant a license or suspend, revoke, or refuse
14 to renew a license, and may take other disciplinary action
15 against a licensee based on the applicant or licensee having
16 three or more verified failures to comply in one calendar year
17 with the applicable health care provider requirements pursuant
18 to 42 U.S.C. §300aa-25 and 42 U.S.C. §300aa-26.

19 4. In addition to licensee disciplinary action pursuant to
20 subsection 3, a health care provider who violates a provision
21 of 42 U.S.C. §300aa-25 or 42 U.S.C. §300aa-26, shall be subject
22 to a civil penalty in the amount of one thousand dollars,
23 at a minimum, per violation, as established by rule of the
24 department or the respective health profession board, as
25 applicable.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with
28 the explanation's substance by the members of the general assembly.

29 This bill relates to the requirements established under
30 state and federal law for health care providers administering
31 certain vaccines. The bill provides definitions used in the
32 bill including "adverse event", "health care provider" which is
33 the definition used under federal law (42 U.S.C. §300aa-33(1)),
34 "health profession board", and "vaccine injury table".

35 The bill requires the department of public health (DPH) to

1 collaborate with each health profession board to ensure that a
2 health care provider under the purview of the department or a
3 health profession board is aware of and complies with the state
4 and federal requirements applicable to health care providers
5 who administer vaccines on the federal vaccine injury table
6 under the federal National Childhood Vaccine Injury Act of 1986
7 (42 U.S.C. §§300aa-1 to 300aa-34), including provision of the
8 relevant federal vaccine information statement for the vaccine
9 the patient is to receive and verbal information regarding
10 the vaccine adverse events reporting system and the vaccine
11 injury compensation program, prior to the patient receiving the
12 vaccine; the recording of certain required information about
13 the vaccine administered in the patient's medical record or a
14 permanent office log or file; the documenting and reporting of
15 any adverse event following the vaccination that the patient
16 experiences within eight weeks of administration of the vaccine
17 and that becomes known to the health care provider to the
18 federal vaccine adverse events reporting system; the provision
19 of a copy of the adverse event report to the adult patient or
20 parent or legal representative of a minor patient; and the
21 provision of information by a health care provider to an adult
22 patient or to the parent or legal representative of a minor
23 patient regarding the process to report a health care provider
24 who fails to comply with the requirements of the bill for
25 licensee discipline.

26 The bill provides for disciplinary action by DPH or the
27 respective health profession board and a minimum civil
28 penalty of \$1,000 for each violation of the federal health
29 care provider requirements relative to the administration of
30 vaccines specified under the bill.