

Senate File 2170 - Introduced

SENATE FILE 2170

BY GUTH, CARLIN, and SCHULTZ

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

9 b. "*Health profession board*" means a profession board
10 designated pursuant to section 147.13.

11 c. "*Vaccine injury table*" means the vaccine injury table
12 created and revised pursuant to 42 U.S.C. §300aa-14.

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

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

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

31 c. That the health care provider documents any adverse
32 event following the vaccination that the patient experiences
33 and that becomes known to the health care provider, submits
34 the report to the federal vaccine adverse events reporting
35 system, and provides the adult patient or the parent or legal

1 representative of a minor patient with a copy of the report.

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

9 4. A health care provider who violates a provision of
10 42 U.S.C. §300aa-25 or 42 U.S.C. §300aa-26, in addition to
11 licensee disciplinary action pursuant to subsection 3, shall
12 be subject to a fine, per violation, in an amount established
13 by rule of the department or the respective health profession
14 board, as applicable.

15

EXPLANATION

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

18 This bill relates to the requirements established under
19 federal law for health care providers administering certain
20 vaccines. The bill provides definitions used in the bill
21 including "health care provider" which is the definition used
22 under federal law (42 U.S.C. §300aa-33(1)); "health profession
23 board"; and "vaccine injury table".

24 The bill requires the department of public health (DPH) to
25 collaborate with each health profession board to ensure that
26 a health care provider under the purview of the department
27 or a health profession board is aware of and complies with
28 the requirements applicable to health care providers who
29 administer vaccines on the federal vaccine injury table under
30 the federal National Childhood Vaccine Injury Act of 1986 (42
31 U.S.C. §§300aa-1 to 300aa-34), including provision of the
32 relevant federal vaccine information statement for the vaccine
33 the patient is to receive and verbal information regarding
34 the vaccine adverse events reporting system and the vaccine
35 injury compensation program, prior to the patient receiving the

1 vaccine; the recording of certain required information about
2 the vaccine administered in the patient's medical record or a
3 permanent office log or file; the documenting and reporting of
4 any adverse event following the vaccination that the patient
5 experiences and that becomes known to the health care provider
6 to the federal vaccine adverse events reporting system; and the
7 provision of a copy of the adverse event report to the adult
8 patient or parent or legal representative of a minor patient.

9 The bill provides for disciplinary action by DPH or the
10 respective health profession board and fines established by
11 DPH or the respective board for noncompliance with the federal
12 requirements.