

Senate File 2269 - Introduced

SENATE FILE 2269
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO SF 2156)

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. 135.39F 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 licensed or emergency use vaccine is administered.

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

11 c. "*Reportable events table*" means the VAERS table of
12 reportable events following vaccination specifying the events
13 reportable to the VAERS pursuant to 42 U.S.C. §300aa-25.

14 d. "*Vaccine adverse event reporting system*" or "*VAERS*" means
15 the national vaccine safety surveillance program overseen
16 by the United States food and drug administration and the
17 centers for disease control and prevention of the United States
18 department of health and human services that collects and
19 analyzes reports of adverse events following administration of
20 vaccinations.

21 e. "*Vaccine injury table*" means the vaccine injury table
22 created and revised pursuant to 42 U.S.C. §300aa-14.

23 2. The department shall collaborate with each health
24 profession board to ensure that a health care provider under
25 the purview of the department or a health profession board
26 is aware of and complies with the requirements of 42 U.S.C.
27 §300aa-25 and 42 U.S.C. §300aa-26, including all of the
28 following:

29 a. That, prior to the patient receiving the vaccine, the
30 health care provider provides an adult patient, or the parent
31 or legal representative of a minor patient, with a copy of
32 the relevant federal vaccine information statement for the
33 vaccine the patient is to receive and verbally informs the
34 adult patient, or the parent or legal representative of a
35 minor patient, of the existence of the vaccine adverse event

1 reporting system and the national vaccine injury compensation
2 program referenced in the statement, if the vaccine is included
3 in the vaccine injury table.

4 *b.* That the health care provider records certain required
5 information about the vaccine administered in the patient's
6 medical record or a permanent office log or file.

7 3. The department shall collaborate with each health
8 profession board to ensure that a health care provider under
9 the purview of the department or a health profession board
10 reports to the vaccine adverse event reporting system following
11 a vaccination, any adverse event listed in the reportable
12 events table that occurs within the specified interval
13 following a vaccination and any adverse event listed by the
14 manufacturer as a contraindication to further doses of the
15 vaccine. A health care provider shall be strongly encouraged
16 to report to the vaccine adverse event reporting system any
17 clinically significant or unexpected event that occurs after
18 the administration of any vaccine licensed in the United States
19 whether or not the vaccine is listed in the reportable events
20 table and even if the health care provider is not certain the
21 vaccine caused the event, to report any vaccine administration
22 errors, and to provide to an adult patient, or the parent or
23 legal representative of a minor patient, a vaccine adverse
24 event reporting system identification number within seventy-two
25 hours of reporting the adverse event.

26 4. The health profession board for a health care provider
27 may deny an applicant a license or suspend, revoke, or refuse
28 to renew a license, and may take other disciplinary action
29 against a licensee based on the applicant or licensee having
30 three or more verified failures to comply with the applicable
31 health care provider requirements pursuant to 42 U.S.C.
32 §300aa-25 and 42 U.S.C. §300aa-26, or based on the applicant or
33 licensee violating subsection 3.

34 5. A health care provider who violates a provision of 42
35 U.S.C. §300aa-25, 42 U.S.C. §300aa-26, or subsection 3, in

1 addition to licensee disciplinary action pursuant to subsection
2 4, shall be subject to a fine, per violation, of a minimum
3 amount of one thousand dollars, established by rule of the
4 department or the respective health profession board, as
5 applicable.

6 EXPLANATION

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

9 This bill relates to the requirements established under
10 federal law for health care providers administering certain
11 vaccines. The bill provides definitions used in the bill.
12 The bill requires the department of public health (DPH) to
13 collaborate with each health profession board to ensure that
14 a health care provider under the purview of DPH or a health
15 profession board is aware of and complies with the requirements
16 applicable to health care providers who administer vaccines,
17 including providing to the adult patient, or to the parent
18 or legal representative of a minor patient, a copy of the
19 relevant federal vaccine information statement for the vaccine
20 the patient is to receive and verbal information regarding the
21 existence of the vaccine adverse event reporting system (VAERS)
22 and the national vaccine injury compensation program, for those
23 vaccines included in the vaccine injury table, prior to the
24 patient receiving the vaccine; and recording certain required
25 information about the vaccine administered in the patient's
26 medical record or a permanent office log or file.

27 The bill also requires DPH to collaborate with each health
28 profession board to ensure that a health care provider reports
29 to the VAERS following a vaccination, any adverse event listed
30 in the reportable events table that occurs within the specified
31 interval following a vaccination and any adverse event listed
32 by the manufacturer as a contraindication to further doses
33 of the vaccine. Additionally, a health care provider shall
34 be strongly encouraged to report to the VAERS any clinically
35 significant or unexpected event that occurs after the

1 administration of any vaccine licensed in the United States
2 whether or not the vaccine is listed in the reportable events
3 table and even if the health care provider is not certain the
4 vaccine caused the event, to report any vaccine administration
5 errors, and to provide to an adult patient, or to the parent
6 or legal representative of a minor patient, a vaccine adverse
7 event reporting system identification number within 72 hours
8 of reporting the adverse event.

9 The bill provides for disciplinary action by DPH or the
10 respective health profession board and for fines in a minimum
11 amount of \$1,000, established by DPH or the respective board,
12 for noncompliance with the federal requirements or the bill.