

Regular Session, 2013

HOUSE BILL NO. 451

BY REPRESENTATIVE BARROW AND SENATOR BROOME

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HOSPITALS: Requires hospitals to offer pertussis (whooping cough) vaccinations to parents of newborns

1 AN ACT

2 To amend and reenact R.S. 40:2022, relative to duties of licensed hospitals; to provide for
3 legislative intent relative to the health of newborns; to require hospitals to offer the
4 pertussis vaccine to parents of newborns; to provide for exceptions; to require
5 provision of certain health care information under specified conditions; to provide
6 for construction of provisions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:2022 is hereby amended and reenacted to read as follows:

9 §2022. ~~Health care information; pertussis~~ Pertussis; offer of vaccine required;
10 exceptions

11 A. The legislature hereby finds that it is in the best interest of the children
12 born in this state that certain health care information be provided to parents of
13 newborns concerning the pertussis disease, and that hospitals offer the pertussis
14 vaccine to parents of newborns in every instance practicable. Pertussis (whooping
15 cough) is a very contagious disease caused by a type of bacteria called Bordetella
16 pertussis and is one of the most commonly occurring vaccine-preventable diseases
17 in the United States.

1 B.(1) Except as provided in Subsection C of this Section, on ~~Or~~ and after
2 January 1, ~~2012, every~~ 2014, each licensed hospital in ~~the~~ this state of Louisiana
3 shall, prior to discharge, ~~provide parents of newborns~~ offer the pertussis vaccine to
4 each parent of a newborn infant.

5 (2) If a person who is offered the pertussis vaccine as required in Paragraph
6 (1) of this Subsection wishes to be vaccinated, then the hospital shall administer the
7 vaccine to the person.

8 (3)(a) If a person who is offered the pertussis vaccine as required in
9 Paragraph (1) of this Subsection declines the offer of the vaccine or indicates intent
10 to defer vaccination, then the hospital shall provide to the person educational
11 information ~~provided~~ issued by the Department of Health and Hospitals on the
12 pertussis disease and the availability of a vaccine to protect against contracting the
13 disease.

14 (b) The ~~Such~~ information required by this Paragraph shall include; but not
15 be limited to; information on the recommendation of the Centers for Disease Control
16 and Prevention that parents receive the Tetanus Toxoid, Reduced Diphtheria Toxoid
17 and Acellular Pertussis Vaccine Adsorbed (Tdap) vaccination during the postpartum
18 period to help protect their newborns from the transmission of pertussis.

19 C. A hospital shall not be required to offer the vaccine as provided in
20 Subsection A of this Section to any person who has already received the vaccine or
21 for whom such vaccination is medically inappropriate.

22 D. The Department of Health and Hospitals ~~shall, by January 1, 2012, is~~
23 hereby authorized to develop and disseminate to every each licensed hospital in the
24 state information consistent with the provisions of this Section.

25 ~~D. Nothing in this Section shall require any hospital or the office of public~~
26 ~~health within the Department of Health and Hospital to provide or pay for any~~
27 ~~vaccination against pertussis.~~

28 E. Nothing in this Section shall be construed to require any of the following:

1 (1) Administration of the pertussis vaccine, contingent upon its availability,
2 by a hospital if the hospital cannot be compensated for administration of the vaccine
3 at the normal or prevailing rate which is at least equal to the product cost plus any
4 administrative costs for delivering the immunization over and above the
5 reimbursement level for inpatient care.

6 (2) Provision of the pertussis vaccine to any person or health care provider
7 by the Department of Health and Hospitals.

8 (3) Financing of pertussis vaccine administration by the Department of
9 Health and Hospitals through any program or service of the department other than
10 one which may presently cover such vaccination.

11 (4) Obligation for payment by a person or his insurer for pertussis
12 vaccination.

13 Section 2. This Act shall become effective upon signature by the governor or, if not
14 signed by the governor, upon expiration of the time for bills to become law without signature
15 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
16 vetoed by the governor and subsequently approved by the legislature, this Act shall become
17 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Barrow

HB No. 451

Abstract: Requires hospitals to offer pertussis (whooping cough) vaccinations to parents of newborns.

Present law requires each hospital in the state to provide parents of newborns educational information on pertussis (whooping cough) and the availability of a vaccine to protect against contracting the disease.

Proposed law revises present law to add requirement that each hospital in the state offer the pertussis vaccine to each parent of a newborn. Proposed law provides that if the person to whom the vaccine is offered declines to be vaccinated, the hospital shall provide information on the vaccine to the person in accordance with present law.

Proposed law stipulates that a hospital shall not be required to offer the vaccine, as provided in proposed law, to any person who has already received the vaccine or for whom such vaccination is medically inappropriate.

Proposed law provides that nothing in proposed law shall be construed to require any of the following:

- (1) Administration of the pertussis vaccine, contingent upon its availability, by a hospital if the hospital cannot be compensated for administration of the vaccine at the normal or prevailing rate which is at least equal to the product cost plus any administrative costs for delivering the immunization over and above the reimbursement level for inpatient care.
- (2) Provision of the pertussis vaccine to any person or health care provider by the Department of Health and Hospitals.
- (3) Financing of pertussis vaccine administration by the Dept. of Health and Hospitals through any program or service of the department other than one which may presently cover such vaccination.
- (4) Obligation for payment by a person or his insurer for pertussis vaccination.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 40:2022)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Health and Welfare to the original bill.

1. Changed the provision that proposed law shall be not be construed to require uncompensated administration of the pertussis vaccine by a hospital to a provision that proposed law shall be not be construed to require the administration of the pertussis vaccine by a hospital if the hospital cannot be compensated for administration of the vaccine at the normal or prevailing rate which is at least equal to the product cost plus any administrative costs for delivering the immunization over and above the reimbursement level for inpatient care.