

ACT 362

S.B. NO. 1905

A Bill for an Act Relating to Vaccination and Immunization.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the effectiveness of childhood vaccinations in saving lives and preventing debilitating diseases has been well documented. Vaccination is among the most cost-effective components of preventive medical care, and for every dollar spent on childhood immunization, ten dollars are saved in later medical costs.

The purpose of this Act is to: (1) require the department of health to allow for the immunization and vaccination of additional persons, and expand the scope of the immunization and vaccination program to specifically include measles, mumps, rubella, haemophilus influenza (systemic), hepatitis B, influenza, and pneumococcal disease; (2) exempt certain immunizations from copayment provisions; and (3) define "prevailing medical standards" to clarify what childhood vaccinations are to be covered by insurance.

SECTION 2. Section 325-38, Hawaii Revised Statutes, is amended to read as follows:

"§325-38 Immunization of indigent [and], medically indigent[.], and other persons. (a) The department of health shall provide for the free immunization and vaccination [for the] of indigent and medically indigent persons and may provide such immunizations for others, especially children, of high risk and susceptibility as may be defined by the director through rules adopted pursuant to chapter 91, for their protection against the types of diseases [which] that, in the discretion of the director [of health], would be inimical to the health and lives of [those] persons who may contract [the] these diseases, including but not limited to [small-pox,] diphtheria, pertussis, tetanus, polio, typhoid, measles, mumps, rubella,

haemophilus influenza (systemic), hepatitis B, influenza, and pneumococcal disease, and against [such] other diseases for which vaccines have and will have been developed in the future. [For the purpose of this section the term "indigent"]

(b) As used in this section:

"Indigent person" means a person without adequate and proper means of subsistence[, for the support of] to whom the department of human services is liable or responsible[. The term "medically indigent"] for support.

"Medically indigent person" means a person otherwise able to subsist [himself,] but who, in the emergency of sickness, is not able to care for the extra expenses necessary to maintain or restore health.

(c) The director, through rules adopted in accordance with chapter 91, may define terms necessary to carry out the purposes of this section."

SECTION 3. Section 431:10A-115.5, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) All health insurance policies issued in this State which provide coverage for the children of the insured shall provide coverage for child health supervision services from the moment of birth through age five years. These services shall be exempt from any deductible provisions, and immunizations shall be exempt from any copayment provisions, which may be in force in these policies or contracts.

(b) Child health supervision services shall include twelve visits at approximately the following intervals: birth; two months; four months; six months; nine months; twelve months; fifteen months; eighteen months; two years; three years; four years; and five years. Services to be covered at each visit shall include a history, physical examination, developmental assessment, anticipatory guidance, [and appropriate] immunizations, and laboratory tests, in keeping with prevailing medical standards. For purposes of this subsection, the term "prevailing medical standards" means the recommendations of the Immunizations Practices Advisory Committee of the U.S. Department of Health and Human Services and the American Academy of Pediatrics; provided that in the event that the recommendations of the committee and the academy differ, the department of health shall determine which recommendations shall apply."

SECTION 4. Section 431:10A-206.5, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) All health insurance policies issued in this State, which provide coverage for the children of the insured shall provide coverage for child health supervision services from the moment of birth through age five years. These services shall be exempt from any deductible provisions, and immunizations shall be exempt from any copayment provisions, which may be in force in these policies or contracts.

(b) Child health supervision services shall include twelve visits at approximately the following intervals: birth; two months; four months; six months; nine months; twelve months; fifteen months; eighteen months; two years; three years; four years; and five years. Services to be covered at each visit shall include a history, physical examination, developmental assessment, anticipatory guidance, [and appropriate] immunizations, and laboratory tests, in keeping with prevailing medical standards. For purposes of this subsection, the term "prevailing medical standards" means the recommendations of the Immunizations Practices Advisory Committee of the U.S. Department of Health and Human Services and the American Academy of Pediatrics; provided that in the event that the recommendations of

the committee and the academy differ, the department of health shall determine which recommendations shall apply.”

SECTION 5. Section 432:1-602.5, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) All individual and group hospital and medical service corporation contracts which provide coverage for the children of the subscriber shall provide coverage for child health supervision services from the moment of birth through age five years. These services shall be exempt from any deductible provisions, and immunizations shall be exempt from any copayment provisions, which may be in force in these policies or contracts.

(b) Child health supervision services shall include twelve visits at approximately the following intervals: birth; two months; four months; six months; nine months; twelve months; fifteen months; eighteen months; two years; three years; four years; and five years. Services to be covered at each visit shall include a history, physical examination, developmental assessment, anticipatory guidance, [and appropriate] immunizations, and laboratory tests, in keeping with prevailing medical standards. For purposes of this subsection, the term “prevailing medical standards” means the recommendations of the Immunizations Practices Advisory Committee of the U.S. Department of Health and Human Services and the American Academy of Pediatrics; provided that in the event that the recommendations of the committee and the academy differ, the department of health shall determine which recommendations shall apply.”

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 7. This Act shall take effect on July 1, 1993.

(Approved July 1, 1993.)

Note

1. “Policies or” should be underscored.