

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing

Vaccines for Children Program



The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has adopted the following rule in the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to the Social Security Act. This rule is in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Omnibus Budget Reconciliation Act of 1993, Public Law 103-66 Section 13631 created the Pediatric Vaccine Distribution Program (known as the Vaccines for Children Program) which became effective October 1, 1994, but was not mandated until October, 1995. OBRA 1993 added a new Section 1928 to the Social Security Act which requires that states establish a program for the purchase and distribution of pediatric vaccines to providers qualified under and registered with the program for the purpose of immunizing children eligible under the act. One of the federally mandated groups of children who are entitled to receive immunizations without charge for the cost of vaccines to their parents/guardians are Medicaid eligible children. Therefore, the Medicaid Program is required to reimburse qualified and registered providers for the administration of the immunization to Medicaid eligible children. The U. S. Health and Human Services' Center for Disease Control and the Office of Public Health within the Department of Health and Hospitals are responsible for the distribution of these vaccines to private providers who are registered and qualified under the federal requirements to receive and administer these vaccines. At this time the Office of Public Health is able to distribute these vaccines to their public health units and the federally qualified health centers, as well as to private providers.

Adoption of this as an emergency rule on January 20, 1995 (*Louisiana Register*, Volume 21, Number 1) and redeclaration in May and September (*Louisiana Register*, Volume 21, Numbers 5 and 9) was necessary to implement this Vaccines for Children Program under the Medicaid Program in order for the state to conform with federal law and thereby avoid possible sanctions or penalties by the federal government. It is estimated that implementation of this rule will result in an aggregate cost savings of \$3,848,598 for state fiscal year 1995-96 for the public sector only. As private providers are still enrolling, the department is unable to project at this time when this distribution system will be in place for the private providers and therefore is unable to project the cost savings related to the private sector. The following emergency rule provides for the continuation of the program and the implementing regulations.

Emergency Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing establishes the Medicaid Vaccines for Children Program whereby the bureau will reimburse qualified and registered providers only for the administration of the pediatric vaccines. This program has been instituted through a phase-in process to allow for the distribution of these vaccines on a statewide basis to both public and private providers. Initial distribution was only to the Office of Public Health Units and Federally Qualified Health Centers and private providers have been phased in now. The following provisions govern the reimbursement of pediatric vaccines under the Medicaid Vaccines for Children Program.

1. A qualified and registered provider must:

A. be a licensed health care provider who has authority under Louisiana state law to administer pediatric vaccines;

B. be an enrolled Medicaid provider and an enrolled Vaccines for Children Program provider; and

C. not have been found by the Health Care Financing Administration or Louisiana to have violated a provider agreement or other applicable requirements.

2. Medicaid reimbursement for the administration cost of the pediatric vaccines is \$9.45 for the first year and this rate will be inflated by the "Medical - All Items line" of the Consumer Price Index (CPI) for each of the succeeding two years; and

A. is provided only for Medicaid eligible children; and

B. shall be made only for the administration of vaccines in accordance with the immunization schedule adopted by the National Academy of Pediatrics as required by the KIDMED Program under the Medicaid Program.

3. Medicaid reimbursement for the cost of the pediatric vaccines administered to Medicaid-eligible children that may be obtained through the Vaccines for Children Program will remain at the current Medicaid payment rates through a date to be determined by the bureau and the Health Care Financing Administration. Subsequent to the time when the Office of Public Health has fully implemented the

distribution system for VFC immunizations to private providers, the Medicaid Program will begin to reimburse only the \$9.45 for the administration cost.

4. The pediatric vaccines included under the Medicaid Vaccines for Children's Program include the following:

- A. DTaP–Diphtheria, Tetanus and acellular Pertussis;
- B. DTP–Diphtheria, Tetanus, Pertussis;
- C. MMR–Measles, Mumps and Rubella;
- D. Poliovirus;
- E. Hep B - Hepatitis B;
- F. HIB - Hemophilus Influenza B.
- G. Td - Tetanus diphtheria;
- H. DTP - HIB combination vaccine.

Bobby P. Jindal
Secretary

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