

DECLARATION OF EMERGENCY

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

Vaccines for Children

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, has adopted the following emergency rule in the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to the Social Security Act. This emergency rule is in accordance with the Administrative Procedure Act, R.S. 49:950 et seq. It shall remain in effect for the maximum period allowed by the Act or until adoption of the rule, whichever occurs first.

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. 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 immunizations 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 to distribute these vaccines to its public health units, federally qualified health centers as well as to private providers.

Initial adoption of this Emergency Rule on January 20, 1995 (*Louisiana Register*) and subsequent redeclarations in the *Louisiana Register* were necessary to implement this Vaccines for Children Program under the Medicaid Program. The following emergency rule is necessary to provide for the continuation of the program and the implementing regulations and thereby maintain conformity with federal law and avoid possible federal sanctions or penalties. This Emergency Rule shall be in effect until adoption of the rule subsequent to the Notice of Intent published in the June 20, 1996 issue of the *Louisiana Register*, Volume 22, Number 6.

Emergency Rule

Effective September 10, 1996 the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing continues to administer the Medicaid Vaccines for Children Program whereby the bureau reimburses qualified and registered providers only for the administration of the pediatric vaccines. This program has been instituted through a phase-in statewide basis to both public and private providers. Distribution of vaccines includes the health units of the Office of Public Health, Federally Qualified Health Centers and private providers. 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 the State of 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 may be inflated by the Medical—All Items line of the Consumer Price Index 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. There is no Medicaid reimbursement for the vaccines obtained through the Vaccines for Children Program.

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. DT—Diphtheria and Tetanus;
- h. DTP—HIB combination vaccine.

Bobby Jindal
Secretary

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