

NJ Child Care Influenza Legislation

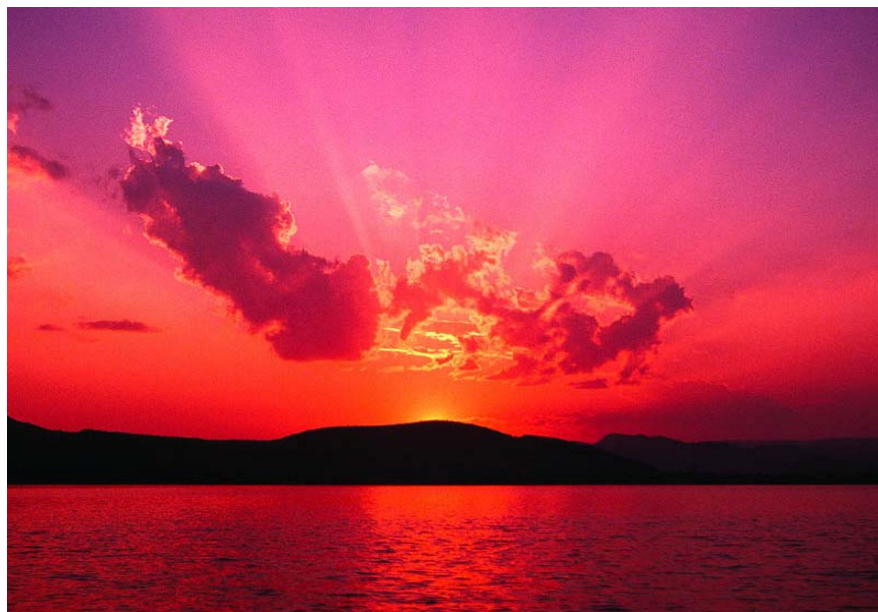
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NJ Vaccine Preventable Disease Program
Program Manager
July 1, 2009



Overview

- Bold Step
- NJ's Rulemaking Process
- Influenza Vaccination Mandate
- Public Comments
- VPD Program Response
- Religious Exemption
- 2009 – 2010 Influenza Season
- Is Everybody Vaccinated?
- Lessons Learned





A SOOTHING SUNSET

BOLD STEP

- Rules update required
- Review the rules
- NJ Office of Legal and Regulatory Affairs
- Rewrite needed
- What vaccines to add/why
- A decision is made

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HOW HIGH IS YOUR MOUNTAIN

The Process

- Notice of the public hearing appeared in the *New Jersey Register* at 38 N.J.R. 5284(a) (December 18, 2006)
- The New Jersey Department of Health and Senior Services held a public hearing on the proposed amendments and new rules at N.J.A.C. 8:57-4 on January 26, 2007
- The Immunization of Pupils in Schools rules were adopted and published in the 40 N.J.R. 151(a) (January 7, 2008)
- Influenza

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N.J.A.C. 8:57-4 Immunization of Pupils in Schools rules

- 8:57-4.19 Influenza vaccine
 “Children six months through 59 months of age attending any licensed child-care center or licensed preschool facility on or after September 1, 2008 shall annually receive at least one dose of influenza vaccine between September 1 and December 31 of each year.”



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Public Comments

- 17 persons made verbal comments at the public hearing
- 3 in support of the rules changes
- 14 persons spoke in opposition
- 60-day public comment period
- 9 supported and 55 opposed the proposed new vaccines, especially the influenza vaccine
- 26 form letters opposing due to the presence of the preservative thimerosal in vaccines
- 13 form letters oppose any new mandated vaccines for children



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More Public Responses

- Assembly Bills for Conscientious, Philosophical or Moral exemptions resurfaced
- The calls for Parental Choice, Parents Rights & Vaccine Choice
- Inquiries from public, school and public health nurses about increasing religious exemption requests
- Dierdre Imus held a panel discussion with Lawrence Rosen, MD, Margaret Fisher, MD, Commissioner Heather Howard, JD to discuss vaccines, the immunization rule mandates and vaccine safety



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NY TIMES REPORTS

Law on Flu Vaccinations May Be Tested



PROTEST Hundreds objected to the mandated flu vaccinations.

Mel Evans/Associated Press

Various Anti-vaccine Organizations Assembled in Protest in Trenton

Editorial (NY Times)
Flu Vaccine for Preschoolers

“that all children in preschools or licensed child-care centers must be vaccinated against influenza has generated intense opposition from parents who fear the vaccines will harm their children. Hundreds of protesters rallied at the State House in Trenton in support of a bill that would allow parents to opt out of the mandate and all vaccine requirements.
 New Jersey is on the right track. Vaccinations for infectious diseases are most effective when coverage is near universal.”

PROTEST OVER MANDATORY FLU SHOTS FOR PRESCHOOLERS (Associated Press)

"This is not an anti-vaccine rally — it's a freedom of choice rally," said one of the organizers, Louise Habakus. "This one-size-fits-all approach is really very anti-American."

ABC says they've heard from parents that we (NJ) require more shots than any other state –for under 5 and/or over 5”

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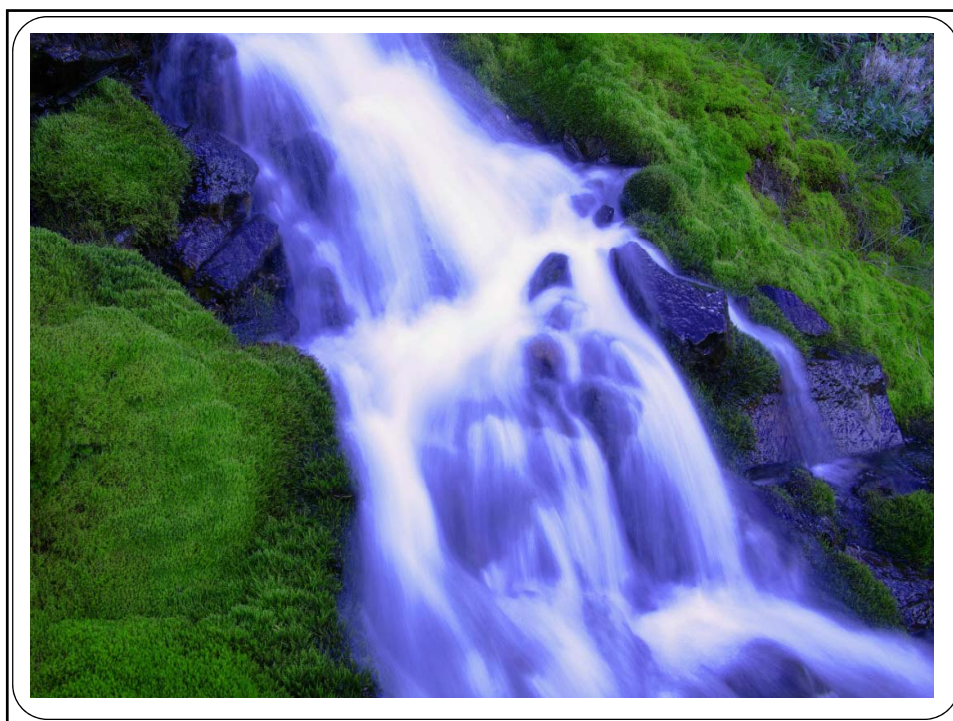


VPD Program Response

- Over 50 in-services held throughout the state with school nurses, parent organizations and day-care center staff
- Extensive Q & A's developed and posted on web
- Webinars and conference calls held to educate nurses and medical professionals
- NJDHSS outreached to professional organizations for their expressions of support
- Collaboration with NJDOE to attain positive outcome
- Religious Exemption

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Current Religious Exemption Rule

- N.J.A.C. 8:57-4
“ A child shall be exempted from mandatory immunization...in a written statement submitted to the school, preschool, or child care center...explaining how the administration of immunizing agents conflicts with the pupil’s exercise of bona fide religious tenets or practices.”



Religious Exemption Statute

- NJ Deputy Attorney General assigned to DHSS consulted
- N.J.S.A. 26-1:4A:
 - “A parent may object to mandatory immunization if the parent or guardian objects thereto in a written statement signed by the parent or guardian upon the grounds that the proposed immunization interferes with the free exercise of the pupil’s religious rights.”
- The Coup De Gras
- Exception to accepting the religious exemption request
- Next Steps



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Is Everybody Vaccinated?

- December 31st arrived very quickly
- VPDP ordered over 300,000 doses of influenza vaccine in preparation for demand
- VFC providers ordered over 240,000 doses to administer
- Daycare/Preschools requested more time for parental compliance
- NJDHSS & NJDOE agree on a “grace period”



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Departments Unite

- Parents report can't find influenza vaccine especially thimerosal free
- Department of Health and Senior Services, Department of Education, Department of Children and Families, and Department of Human Services
- Go the extra mile to January 12, 2009
- Health Officers and Local Health Departments step up to help
- Still more time needed to January 31, 2009



BACK STEP

- The 1/31/09 deadline came and went
- High-Level Officials intervene
- Public Relations impact
- Action Taken
- Correspondence is quickly prepared
- Health Officers further engage their local health departments
- Federally Qualified Health Centers join in
- 3rd extension to end of Flu season



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A BRIGHT SUNNY DAY

Local Health Departments Do More

- >20 clinics are scheduled and held statewide
- Order more flu vaccine
- Use of privately purchased vaccine that will be wasted
- Administer more under section 317
- Hold Saturday clinics
- Result

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Pre-survey Results

- Tracking the influenza vaccination mandate uptake
- Dominant theme – lack of parental awareness
- 25% of schools met the January 31st deadline
- All but one school reported their vaccination records contained the compliance date
- One Pre-K also reported two parents claiming philosophical exemptions, “keeping their kids home until their birthday passed”
- General cooperation in this pilot

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School Record Keeping

- Attendance sheet
- Master roster
- Yellow cards (official State immunization record card)
- Track sheet
- Medical records



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Anticipated Evaluation Plan

- Influenza Requirement Implementation Survey
- Assess Requirement Compliance
- Stratified how - urban/non-urban; private/public; large/small capacity
- Representative Random Sample
- Best way to distribute



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SECTION B: KINDERGARTEN/GRADE 1

1. Kindergarten/Grade 1: All Vaccine Requirements (Only enter those First Grade Students who did not attend Kindergarten in NJ and is entering school for the first time into Grade 1)

Grade Section	DTP/DTaP/DTaP/DTaP (4-5 doses)	Polio (3-4 doses)	MMR** (2 doses)	Hib B (3 doses)	Varicella* (1 dose)	A # of Pupils Enrolled	B # of Pupils Fully Vaccinated	C # of Medical Exemptions (Include Disease Ex., Serology)**	D # of Religious Exemptions	E # of Provisional Status	F # of Status Unknown***
Kindergarten											
Grade 1											

Note:

* 2 doses of Measles, 1 Mumps, and 1 Rubella are required but vaccine is commonly given as the combination MMR vaccine.

** All vaccines except the ones medically contraindicated by physicians or medically exempt due to previous disease history (varicella only) or by laboratory evidence of immunity should be recorded under the respective vaccine requirement.

*** Record all students who do not have an immunization record, or has an incomplete immunization record with no exemption on file and is not considered provisional.

SECTION C: GRADE 6

1. Grade 6: All vaccine requirements

Grade Section	DTP/DTaP/DTaP/DTaP (3 doses)	Tdap booster* (1 dose)	Polio (3 doses)	MMR** (2 doses)	Hib B*** (2-3 doses)	Meningococcal (1 dose)	Varicella**** (1 dose)	A # of Pupils Enrolled	B # of Pupils Fully Vaccinated	C # of Medical Exemptions (Include Disease Ex., Serology)*****	D # of Religious Exemptions	E # of Provisional Status	F # of Status Unknown*****
6 th Grade													

Note:

* Required provided 5 years have elapsed since last diphtheria and tetanus containing vaccine. If a 5 year period has not elapsed or a Td vaccine was given instead of Tdap, count pupil in the medical exemption category.

** 2 doses of Measles, 1 Mumps, and 1 Rubella are required but vaccine is commonly given as the combination MMR vaccine.

*** 3 doses required unless the pupil received 2 doses of Merck's Adult Recombivax™ 2 dose formulation given on or after 11 years of age through 15 years of age, which also meets the requirement.

**** Report Grade 6 pupils meeting varicella requirement beginning with 2010-2011 school year and thereafter.

***** All vaccines except the ones medically contraindicated by physicians or medically exempt due to previous disease history (varicella only) or by laboratory evidence of immunity should be recorded under the respective vaccine requirement.

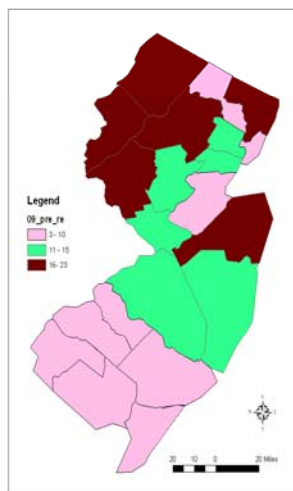
***** Record all students who do not have an immunization record, or has an incomplete immunization record with no exemption on file and is not considered provisional.

Other Considerations

- Health Impact on the Community
- Use of the Religious Exemption
- What about MMR, Polio, Varicella, Hib, HepB, Pneumococcal conjugate, Tdap, Meningococcal conjugate
- Surveillance



Religious Exemptions in Preschools and Head Starts, New Jersey, 2008-2009 School Year



What's in Store For 2009-2010 Influenza Season?

- After December 31st, unvaccinated students must be excluded from school for the duration of influenza season (through March 31st) or until they receive at least one dose of the influenza vaccine.
- With the exception of the first year of implementation, no additional grace period will be allowed.
- Students enrolling after December 31st are still required to receive flu vaccine through the end of flu season.



Preparations

- NJVFC Program > 350,000 doses of influenza vaccine for the upcoming season.
- American Recovery and Reinvestment Act (ARRA) Funding
- Broader dissemination of influenza vaccine mandate
- Expand the number of locations that will have influenza vaccine available for administration
- H1N1 virus vaccine



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The Rest of the Story

- Lessons Learned
- Lions and Tigers -Opponents
- Bears – Everyone Else



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