NJ Child Care Influenza Legislation

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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
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
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
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.”

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
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

NY TIMES REPORTS

Law on Flu Vaccinations May Be Tested

PROTEST Hundreds objected to the mandated flu vaccinations.
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"

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
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

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”
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
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

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

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
School Record Keeping

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

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
New Jersey Department of Health and Senior Services
Vaccine Preventable Disease Program
Influenza Requirement Implementation Survey

** DRAFT **

School Information
School ID: __________________________
School Name: __________________________
School Address: __________________________
City: __________________________
Zip: __________________________

Contact Information
Name of Person Completing the Form: __________________________ Date Completed: __________________________
Phone #: __________________________ Email of Person Completing the Form: __________________________
Name of Principal/Person in Charge: __________________________ School Phone #: __________________________

Influenza Vaccine Requirement
Effective September 1, 2008, children six months through 59 months of age attending any child care center or preschool facility, shall annually receive at least one dose of influenza vaccine between September 1 and December 31 of each year. Additionally, the facility remains responsible for assuring that all pupils are in compliance with the other New Jersey immunization requirements.

In the table below, enter the influenza status of pupils in your child care center or preschool facility who meet the following criteria:
- Those who are 6 months of age or on or after September 1, 2008 (i.e., children with dates of birth on or before March 1, 2008), and
- Those who are 6 months of age on or after December 31, 2008 (i.e., children with dates of birth on or before December 31, 2008).

Childcare/Preschool:

<table>
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<tr>
<th>Total # of Enrollments</th>
<th>Total # of Students Receiving Vaccine</th>
<th>Total # of Students Receiving Vaccine by January 1, 2009</th>
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Please complete this survey by [date]. It is available online for completion at [URL]. If you do not have internet access you can fax this survey to the Vaccine Preventable Disease Program at [phone number].

We prefer that the survey be returned electronically or via fax, but you may also mail completed surveys to the New Jersey Vaccine Preventable Disease Program, PO Box 369, Trenton, NJ 08625-0369.

**DRAFT ONLY**

Annual Immunization Status Report (For School Use Only)

School ID: __________________________
School Name: __________________________
School Address: __________________________
City: __________________________
Zip: __________________________
Total School/Childcare Enrollment (Do not include before/school programs) __________________________

Grade levels in school (check all that apply): Preschool, Kindergarten, Grade 1, Grade 2, Grade 3, Grade 4, Grade 5, Grade 6, Grade 7, Grade 8, Grade 9, Grade 10, Grade 11, Grade 12. (Note: Ungraded special education pupils would be included in the appropriate age cohort class)

Contact Information
Name of Person Completing the Form: __________________________ Phone #: __________________________
Email of Person Completing the Form: __________________________
Name of Principal/Person in Charge: __________________________ School Phone #: __________________________

Immunization Requirements Information

This school, childcare center, or preschool facility is responsible for assuring that all pupils are in compliance with the New Jersey Immunization Requirements. In the event that a pupil is enrolled in multiple child care centers or preschool facilities, the facility to which the pupil is enrolled first shall be held responsible. Pupil Immunization Records are maintained in accordance with the New Jersey Department of Education and the New Jersey Department of Health and Senior Services. Such records are maintained for each child enrolled in this school. The facility must maintain these records for at least seven years after the child’s last enrollment. These forms do not include children in before-school programs as they will be counted in their respective schools. Refer to NJPSC 0-57-4 or the state-wide student immunization requirements. Table II for age appropriate requirements.

SECTION A: CHILD CARE CENTERS/PRESCHOOLS/PRE-KINDERGARTEN

1. Childcare Centers Preschool/Pre-Kindergarten: All Vaccines Required

2. Childcare Centers Preschool/Pre-Kindergarten: Influenza Vaccine Requirement Only

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Note: 1. Measles, Mumps, and Rubella are required but vaccine is commonly given as the combination MMR vaccine.
2. All vaccines except those medically contraindicated by physicians or medically except due to previous disease history (vaccine only) or laboratory evidence of immunity should be recorded under the respective vaccine requirement.
3. If a pupil does not have a completed 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
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

The Rest of the Story

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