**POMA Bill Analysis**

**House Bill 286, PN 286**

**April 30, 2019**

**HB 286**

House Bill 286 establishes the Informed Consent Protection Act. The policy intent is to protect individuals who refuse to obtain vaccinations for themselves or their child.

**Vaccine Nondiscrimination**

The Act prohibits physicians, healthcare providers and healthcare facilities from discriminating against patients, or parents of patients, who refuse to be vaccinated. The Act affords those who refuse vaccinations with the right to express “informed consent,” defined in the Act as the right of all people to be fully informed about the risks and benefits of a medical intervention, like vaccines, and be free to make voluntary decisions on that intervention without being “coerced, threatened, or punished for the decision.”

The Act prohibits physicians and healthcare facilities from harassing, coercing, scolding or threatening a patient or parent exercising the right to delay or decline vaccinations. The Act also prohibits health insurers from denying or adjust premiums based on an individual’s choice to delay or decline vaccinations.

**Prohibited Activities**

The Act prohibits:

* Insurance or pharmaceutical companies from monetarily incentivized physicians or healthcare facilities for patient vaccinations rates.
* Physicians and healthcare facilities from requiring a liability waiver as a condition of receiving medical care.
* Investigations from child protective services investigations for the sole reason of not being vaccinated.
* An insurer from denying a physician or healthcare provider from its plan, decreasing payments or levying fines because of low vaccination rates.

**Penalties**

First violation, $1,000, and a second or subsequent violation is revocation or suspension of a license.

**Rights of Patients**

The Department of Health is required to establish a summary of patient rights relative to the Act and develop a complaint process. Healthcare practitioners and facilities are required to develop policies and procedures on patient rights established by the Act and the Department of Health.

The Act appears to levy fines for healthcare facilities not honoring patient rights of not more than $5,000 for an unintentional violation and $25,000 for an intentional violation. For individual providers, the penalty is up to $500.