

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Health Care to which was referred House Bill No. 210
3 entitled “An act relating to addressing disparities and promoting equity in the
4 health care system” respectfully reports that it has considered the same and
5 recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

7 Sec. 1. FINDINGS

8 The General Assembly finds that:

9 (1) The Department of Health’s 2018 State Health Assessment indicates
10 that Vermont residents experience barriers to the equal enjoyment of good
11 health based on race and ethnicity, sexual orientation, gender identity, and
12 disability status.

13 (2) According to the 2018 Department of Health’s Behavioral Risk
14 Factor Surveillance System report, non-White Vermonters are:

15 (A) statistically less likely to have a personal doctor;

16 (B) statistically more likely to report poor mental health;

17 (C) more than twice as likely to report rarely or never getting the
18 necessary emotional support;

19 (D) significantly more likely to have depression;

20 (E) significantly more likely to have been worried about having
21 enough food in the past year; and

1 (F) significantly more likely to report no physical activity during
2 leisure time.

3 (3) According to the Department of Mental Health’s analysis entitled
4 “Race Data VPCH Admissions,” which reviewed patients admitted from May
5 1, 2019 to April 30, 2020, Non-White Vermonters are disproportionately
6 represented in the highest level of involuntary hospitalization. At the Vermont
7 Psychiatric Care Hospital, 15 percent of the patients are non-White.

8 (4)(A) Non-White Vermonters have also been disproportionately
9 affected by COVID-19. According to a data brief published on the Department
10 of Health’s website in December 2020, entitled “COVID-19 among
11 Vermonters who are Black, Indigenous, and People of Color (BIPOC),” nearly
12 one in every five COVID-19 cases in Vermont are among Black, Indigenous,
13 and Persons of Color even though these Vermonters make up approximately
14 six percent of Vermont’s population. According to that same data brief, the
15 incidence rate for non-White Vermonters is 74.2 versus 26.2 for White
16 Vermonters. The incidence rate for Black Vermonters is 225.7; the incidence
17 rate for Asian Vermonters is 61; the incidence rate for Hispanic Vermonters
18 is 41.7; and the incidence rate for other races is 20.5. Non-White Vermonters
19 are also at a higher risk for more serious outcomes, such as hospitalization.

20 (B) According to the Department of Health’s December 2020 data
21 brief, COVID-19 cases among non-White Vermonters tend to be younger than

1 for White Vermonters. The average age of persons testing positive for
2 COVID-19 is 33 among non-White Vermonters, whereas the average age is 46
3 among White Vermonters.

4 (C) While, according to the Department of Health’s 2018 Behavior
5 Risk Factor Surveillance System, there are not statistically significant
6 differences in the rates of preexisting conditions, such as diabetes, lung
7 disease, and cardiovascular disease, among White and non-White Vermonters,
8 the Vermont Department of Health’s December 2020 data brief indicates that
9 there are disparities in the rates of preexisting conditions among Vermonters
10 testing positive for COVID-19. As stated in that data brief, the preexisting
11 conditions rate among COVID-19 cases is 19.4 percent for non-White
12 Vermonters and 12.1 percent for White Vermonters. According to the same
13 December 2020 data brief, this suggests that non-White Vermonters are at
14 higher risk of exposure to COVID-19 due to their type of employment and
15 living arrangements. Thirty-six percent of non-White Vermonters had
16 household contact with a confirmed case of COVID-19, as compared to only
17 20 percent of White Vermonters as stated in the Department of Health’s
18 December 2020 data brief.

19 (5) According to the 2018 Vermont Behavioral Risk Factor Surveillance
20 System Report, adults with a disability are:

1 (A) five times as likely to consider suicide than adults with no
2 disability;

3 (B) eight times more likely to report fair or poor health than adults
4 with no disability;

5 (C) statistically more likely to delay care due to cost than adults with
6 no disability;

7 (D) seven times more likely to report poor physical health than adults
8 with no disability;

9 (E) statistically more likely to report poor mental health in the past
10 month than adults with no disability;

11 (F) more than twice as likely to report rarely or never getting the
12 necessary emotional support as compared to White adults with no disability;

13 (G) statistically more likely to report having arthritis than adults with
14 no disability;

15 (H) statistically more likely to have asthma than adults with no
16 disability;

17 (I) nearly twice as likely to have ever had cancer than adults without
18 a disability;

19 (J) statistically more likely to have had skin cancer than adults with
20 no disability;

1 (K) three times more likely to report having cardiovascular disease
2 than adults with no disability;

3 (L) five times more likely to report having chronic obstructive
4 pulmonary disease than Vermonters with no disability;

5 (M) significantly more likely to have depression than adults with no
6 disability;

7 (N) three times as likely to report having diabetes than those with no
8 disability;

9 (O) significantly more likely to report having hypertension than those
10 with no disability;

11 (P) statistically more likely to report having kidney disease than
12 adults with no disability;

13 (Q) significantly more likely to have been worried about having
14 enough food in the past year when compared to adults with no disability;

15 (R) more than three times as likely to report housing insecurity in the
16 past year than adults with no disability; and

17 (S) significantly more likely to report no physical activity during
18 leisure time than adults with no disability.

19 (6) According to the 2018 Vermont Behavior Risk Factor Surveillance
20 System Report, adults who are LGBTQ are:

1 (A) three times as likely to report seriously considering suicide
2 compared to non-LGBTQ adults;

3 (B) statistically more likely to delay care due to cost than non-
4 LGBTQ adults;

5 (C) statistically more likely to report poor mental health in the past
6 month than non-LGBTQ adults;

7 (D) statistically more likely to report a disability than non-LGBTQ
8 adults;

9 (E) statistically more likely to have asthma than non-LGBTQ adults;

10 (F) significantly more likely to have depression than non-LGBTQ
11 adults; and

12 (G) significantly more likely to have been worried about having
13 enough food in the past year when compared to non-LGBTQ adults.

14 (7) LGBTQ youths, according to Vermont’s 2019 Youth Risk Behavior
15 Survey, are:

16 (A) four times more likely to purposefully hurt themselves in the
17 preceding 12 months and four times more likely to make a suicide plan in the
18 preceding 12 months than cisgender, heterosexual peers;

19 (B) five times more likely to have attempted suicide in the preceding
20 12 months than cisgender, heterosexual peers;

1 (C) over three times more likely to experience unwanted sexual
2 contact as compared to cisgender, heterosexual peers;

3 (D) twice as likely to experience bullying during the preceding month
4 and significantly more likely to skip school due to safety concerns at or on
5 their way to or from school as compared to cisgender, heterosexual peers;

6 (E) nearly three times more likely to experience housing insecurity as
7 compared to cisgender, heterosexual peers;

8 (F) twice as likely to face food insecurity as compared to cisgender,
9 heterosexual peers; and

10 (G) twice as likely to report having a physical disability, long-term
11 health problem, emotional problem, or learning disability as compared to
12 cisgender, heterosexual peers.

13 (8) According to Preliminary Data from the 2018 State Health
14 Assessment presented to the House Committee on Health Care by the
15 Department of Health in January 2018, Vermonters who experience health
16 inequities report that they:

17 (A) face discrimination, prejudice, and racism that is often invisible
18 to others;

19 (B) do not trust and feel misunderstood by “the system”;

20 (C) do not feel valued, included, or safe;

21 (D) feel like services are not designed to support them;

1 (E) feel a lack of agency over their health and their own lives; and

2 (F) believe this takes place because our society has been structured to
3 maintain a status quo that provides them with unequal opportunities.

4 (9) Vermont’s 2018 State Health Assessment indicates that social
5 determinants of health are underlying, contributing factors of the foregoing
6 health inequities. That is, disparities in social determinants of health contribute
7 to health inequities. Disparities in the social determinants of health exist in
8 Vermont. For example:

9 (A) According to the Vermont Housing Finance Agency, just 21
10 percent of Black Vermonters own their own homes, whereas 72 percent of
11 White Vermonters own their own home. Nationally, 41 percent of Black
12 Americans own their own home.

13 (B) According to the Vermont Housing Finance Agency, the median
14 household income of Black Vermonters is \$41,533.00, while the median
15 household income of White Vermonters is \$58,244.00.

16 (C) According to the U.S. Census Bureau, in 2018, 23.8 percent of
17 Black Vermonters were living in poverty, while 10.7 percent of White
18 Vermonters lived in poverty. In addition, according to the Vermont Housing
19 Finance Agency, 57 percent of Black Vermonters earned less than 80 percent
20 of Vermont’s median income, while 43 percent of White Vermonters earned
21 less than 80 percent of Vermont’s median income.

1 (D) According to the Vermont Housing Finance Agency, about one
2 in two non-White Vermonters experience “housing problems,” which is
3 defined by the U.S. Department of Housing and Urban Development as homes
4 that lack complete kitchen facilities or plumbing; overcrowded homes; or
5 households paying more than 30 percent of income towards rent, mortgage
6 payments, and utilities. One in three Vermonters experience “housing
7 problems.”

8 (E) According to the Vermont Coalition to End Homelessness and
9 Chittenden County Homeless Alliance’s 2020 Point-in-Time Count, Black
10 Vermonters are overrepresented among Vermonters experiencing
11 homelessness. While Black Vermonters make up about one percent of
12 Vermont’s population, they make up six percent of Vermonters experiencing
13 homelessness.

14 (10) Vermont’s role in the eugenics movement, including the State’s
15 1931 sterilization law, and its impacts on individuals who are Black,
16 Indigenous, and Persons of Color; individuals who are LGBTQ; and
17 individuals with disabilities is an example of past injustice in the health care
18 system that continues to impact members of these communities in the present
19 day.

1 Sec. 2. LEGISLATIVE INTENT AND PURPOSE

2 (a) It is the intent of the General Assembly to promote health and achieve
3 health equity by eliminating avoidable and unjust disparities in health through
4 a systemic and comprehensive approach that addresses social, economic, and
5 environmental factors that influence health. To this end, the General Assembly
6 believes that:

7 (1) Equal opportunity is a fundamental principle of American
8 democracy.

9 (2) Equal enjoyment of the highest attainable standard of health is a
10 human right and a priority of the State.

11 (3) Structural racism, defined as the laws, policies, institutional
12 practices, cultural representations, and other societal norms that often work
13 together to deny equal opportunity, has resulted in health disparities among
14 Vermonters. Great social costs arise from these inequities, including threats to
15 economic development, democracy, and the social health of the State of
16 Vermont.

17 (4) Health disparities are a function of not only access to health care, but
18 also social determinants of health, including the environment, the physical
19 structure of communities, nutrition and food options, educational attainment,
20 employment, race, ethnicity, sex, geography, language preferences, immigrant
21 or citizen status, sexual orientation, gender identity, and socioeconomic status,

1 that directly and indirectly affect the health, health care, and wellness of
2 individuals and communities.

3 (5) Efforts to improve health in the United States have traditionally
4 looked to the health care system as the key driver of health and health
5 outcomes. However, there has been increased recognition that improving
6 health and achieving health equity will require broader approaches that address
7 factors that influence health.

8 (6) Health equity is the attainment of the highest level of health for all
9 people. Health equity can be achieved only by eliminating the preventable
10 differences in the health of one group over another as the result of factors such
11 as race, sexual orientation, gender, disability, age, socioeconomic status, or
12 geographic location.

13 (b) The purpose of this act is to eliminate disparities in health status based
14 on race, ethnicity, disability, and LGBTQ status by:

15 (1) establishing better and more consistent collection and access to data;

16 (2) enhancing the full range of available and accessible culturally
17 appropriate health care and public services across Vermont;

18 (3) ensuring the early and equitable inclusion of Vermonters who
19 experience health inequities because of race, ethnicity, disability, and LGBTQ
20 status in efforts to eliminate such inequities; and

1 potential that can be measured by differences in incidence, prevalence,
2 mortality, burden of disease, and other adverse health conditions.

3 (3) “Health equity” means all people have a fair and just opportunity to
4 be healthy, especially those who have experienced socioeconomic
5 disadvantage, historical injustice, and other avoidable systemic inequalities
6 that are often associated with the social categories of race, gender, ethnicity,
7 social position, sexual orientation, and disability.

8 (4) “Health equity data” means demographic data, including, but not
9 limited to, race, ethnicity, primary language, age, gender, socioeconomic
10 position, sexual orientation, disability, homelessness, or geographic data that
11 can be used to track health equity.

12 (5) “LGBTQ” means Vermonters who identify as lesbian, gay, bisexual,
13 transgender, queer, or questioning.

14 (6) “Non-White” means Black, Indigenous, and Persons of Color. It is
15 not intended to reflect self-identity, but rather how people are categorized in
16 the racial system on which discrimination has been historically based in the
17 United States and how Vermont typically disaggregates data solely by White
18 and non-White.

19 (7) “Race and ethnicity” mean the categories for classifying individuals
20 that have been created by prevailing social perceptions, historical policies, and

1 practices. Race and ethnicity include how individuals perceive themselves and
2 how individuals are perceived by others.

3 (8) “Social determinants of health” are the conditions in the
4 environments where people are born, live, learn, work, play, worship, and age,
5 such as poverty, income and wealth inequality, racism, and sex discrimination,
6 that affect a wide range of health, functioning, and quality-of-life outcomes
7 and risks. They can be grouped into five domains: economic stability;
8 education access and quality; health care access and quality; neighborhood and
9 built environment; and social and community context. Social determinants of
10 health are systematic, interconnected, cumulative, and intergenerational
11 conditions that are associated with lower capacity to fully participate in
12 society.

13 § 252. HEALTH EQUITY ADVISORY COMMISSION

14 (a) Creation. There is created the Health Equity Advisory Commission to
15 promote health equity and eradicate health disparities among Vermonters,
16 including particularly those who are Black, Indigenous, and Persons of Color;
17 individuals who are LGBTQ; and individuals with disabilities. The Advisory
18 Commission shall amplify the voices of impacted communities regarding
19 decisions made by the State that impact health equity, whether in the provision
20 of health care services or as the result of social determinants of health. The
21 Advisory Commission shall also provide strategic guidance on the

1 development of an Office of Health Equity, including recommendations on the
2 structure, responsibilities, and jurisdiction of such an office.

3 (b)(1) Membership. The Advisory Commission shall be composed of the
4 following members:

5 (A) the Executive Director of Racial Equity established pursuant to
6 3 V.S.A. § 5001 or designee, who shall serve as chair;

7 (B) the Commissioner of Health or designee;

8 (C) the Commissioner of Mental Health or designee;

9 (D) the Commissioner of Disabilities, Aging, and Independent Living
10 or designee;

11 (E) the Commissioner of Vermont Health Access or designee;

12 (F) the Commissioner for Children and Families or designee;

13 (G) the Commissioner of Housing and Community Development or
14 designee;

15 (H) the Commissioner of Economic Development or designee;

16 (I) the Chief Performance Officer or designee;

17 (J) a member, appointed by the Racial Justice Alliance;

18 (K) a member, appointed by the Rutland Area NAACP;

19 (L) a member, appointed by the Association of Africans Living in
20 Vermont;

1 (M) a member, appointed by the Windham County Vermont

2 NAACP;

3 (N) a member, appointed by the Pride Center of Vermont;

4 (O) a member, appointed by Outright Vermont;

5 (P) a member, appointed by Migrant Justice;

6 (Q) a member, appointed by Out in the Open;

7 (R) a member, appointed by Another Way Community Center;

8 (S) a member, appointed by Vermont Psychiatric Survivors;

9 (T) a member, appointed by the Vermont Center for Independent

10 Living;

11 (U) a member, appointed by the Elnu Abenaki Tribe;

12 (V) a member, appointed by the Nulhegan Abenaki Tribe;

13 (W) a member, appointed by the Koasek Traditional Nation of

14 Missiquoi;

15 (X) a member, appointed by the Abenaki Nation of Missiquoi;

16 (Y) a member, appointed by the Vermont Commission on Native

17 American Affairs;

18 (Z) a member, appointed by Green Mountain Self-Advocates;

19 (AA) a member, appointed by Vermont Federation of Families for

20 Children’s Mental Health; and

1 (BB) any other members at large that the Advisory Commission
2 deems necessary to appoint to carry out the functions of this section, including
3 ensuring equitable representation and a balance between impacted
4 communities, and that health care provider perspectives are represented, based
5 on a majority vote of the members.

6 (2) The term of office of each appointed member shall be three years,
7 with the exception that members at large shall each have a term of one year. Of
8 the members first appointed, who are not designated as at-large members, four
9 shall be appointed for a term of one year, four shall be appointed for a term of
10 two years, and 10 shall be appointed for a term of three years. Members shall
11 hold office for the term of their appointments and until their successors have
12 been appointed. All vacancies shall be filled for the balance of the unexpired
13 term in the same manner as the original appointment. Members are eligible for
14 reappointment.

15 (c) Powers and duties. The Advisory Commission shall:

16 (1) provide preliminary guidance on the development of an Office of
17 Health Equity and make recommendations on the structure, responsibilities,
18 and jurisdiction of such an office, including:

19 (A) whether the Office shall be independent, and if not, in which
20 State agency or department is shall be situated;

21 (B) how the Office shall be staffed;

1 (C) the populations served and specific issues addressed by the
2 Office;

3 (D) the duties of the Office, including how grant funds shall be
4 managed and distributed; and

5 (E) the time frame and necessary steps to establish the Office;

6 (2) provide advice and make recommendations to the Office of Health
7 Equity once established, including input on:

8 (A) any rules or policies proposed by the Office;

9 (B) the awarding of grants and the development of programs and
10 services;

11 (C) the needs, priorities, programs, and policies relating to the health
12 of individuals who are Black, Indigenous, and Persons of Color; individuals
13 who are LGBTQ; and individuals with disabilities; and

14 (D) any other issue on which the Office of Health Equity requests
15 assistance from the Advisory Commission;

16 (3) review, monitor, and advise all State agencies regarding the impact
17 of current and emerging State policies, procedures, practices, laws, and rules
18 on the health of individuals who are Black, Indigenous, and Persons of Color;
19 individuals who are LGBTQ; and individuals with disabilities; and

20 (4) identify and examine the limitations and problems associated with
21 existing laws, rules, programs, and services related to the health status of

1 individuals who are Black, Indigenous, and Persons of Color; individuals who
2 are LGBTQ; and individuals with disabilities; and

3 (5) advise the General Assembly on efforts to improve cultural
4 competency and antiracism in the health care system through training and
5 continuing education requirements for health care providers and other clinical
6 professionals.

7 (d) Assistance. The Advisory Commission shall have the administrative,
8 legal, and technical assistance of the Agency of Administration at the request
9 of the Executive Director of Racial Equity.

10 (e) Report. Annually, on or before January 15, the Advisory Commission
11 shall submit a written report to the Senate Committee on Health and Welfare
12 and to the House Committees on Health Care and on Human Services with its
13 findings and any recommendations for legislative action. The Advisory
14 Commission is encouraged to base recommendations on the data collected and
15 analysis completed pursuant to section 253 of this title.

16 (f) Meetings.

17 (1) The Executive Director of Racial Equity or designee shall call the
18 first meeting of the Advisory Commission to occur on or before September 1,
19 2021.

20 (2) The Advisory Commission shall meet at least bimonthly and when
21 requested by either the Chair or by any eight appointed members.

1 (3) Nine public members of the Advisory Commission shall constitute a
2 quorum for the transaction of business.

3 (4) All meetings of the Advisory Commission and any subcommittees of
4 the Advisory Commission shall be open to the public with opportunities for
5 public comment provided on a regular basis.

6 (g) Acceptance of grants and other contributions. The Advisory
7 Commission may accept from any governmental department or agency, public
8 or private body, or any other source grants or contributions to be used in
9 carrying out its responsibilities under this chapter.

10 (h) Compensation and reimbursement. Appointed members of the
11 Advisory Commission shall be entitled to per diem compensation and
12 reimbursement of expenses as permitted under 32 V.S.A. § 1010 for meetings
13 as deemed appropriate by the Advisory Commission within the appropriation
14 provided. These payments shall be made from monies appropriated to the
15 Agency of Administration.

16 § 253. DATA RESPONSIVE TO HEALTH EQUITY INQUIRIES

17 (a) Each State agency, department, board, or commission that collects
18 health-related, individual data shall include in its data collection health equity
19 data disaggregated by race, ethnicity, gender identity, age, primary language,
20 socioeconomic status, disability, and sexual orientation. Data related to race
21 and ethnicity shall use separate collection categories and tabulations,

1 disaggregated beyond non-White and White, in accordance with the
2 recommendation made by the Executive Director of Racial Equity, in
3 consultation with the Advisory Commission.

4 (b)(1) The Department of Health shall systematically analyze such health
5 equity data using the smallest appropriate units of analysis feasible to detect
6 racial and ethnic disparities, as well as disparities along the lines of primary
7 language, sex, disability status, sexual orientation, gender identity,
8 socioeconomic status, and report the results of such analysis on the
9 Department’s website periodically, but not less than biannually. The
10 Department’s analysis shall be used to measure over time the impact of actions
11 taken to reduce health disparities in Vermont. The data informing the
12 Department’s analysis shall be made available to the public in accordance with
13 State and federal law.

14 (2) Annually, on or before January 15, the Department shall submit a
15 report containing the results of the analysis conducted pursuant to
16 subdivision (1) of this subsection to the Senate Committee on Health and
17 Welfare and to the House Committees on Health Care and on Human Services.

18 Sec. 4. 3 V.S.A. § 5003 is amended to read:

19 § 5003. DUTIES OF EXECUTIVE DIRECTOR OF RACIAL EQUITY

20 (a) The Executive Director of Racial Equity (Director) shall work with the
21 agencies and departments to implement a program of continuing coordination

1 and improvement of activities in State government in order to combat systemic
2 racial disparities and measure progress toward fair and impartial governance,
3 including:

4 (1) overseeing a comprehensive organizational review to identify
5 systemic racism in each of the three branches of State government and
6 inventory systems in place that engender racial disparities;

7 (2) managing and overseeing the statewide collection of race-based data
8 to determine the nature and scope of racial discrimination within all systems of
9 State government; ~~and~~

10 (3) developing a model fairness and diversity policy and reviewing and
11 making recommendations regarding the fairness and diversity policies held by
12 all State government systems; and

13 (4) temporarily overseeing and chairing the Health Equity Advisory
14 Commission established pursuant to 18 V.S.A. § 252 until an Office of Health
15 Equity is established.

16 * * *

17 Sec. 5. REPORT; CONTINUING EDUCATION

18 On or before October 1, 2022, the Health Equity Advisory Commission
19 established pursuant to 18 V.S.A. § 252, in consultation with licensing boards,
20 professional organizations, and providers of all health care and clinical
21 professions, shall submit a written report to the House Committee on Health

1 Care and to the Senate Committee on Health and Welfare with its
2 recommendations for improving cultural competency and antiracism in
3 Vermont’s health care system through initial training, continuing education
4 requirements, and investments.

5 Sec. 6. APPROPRIATION

6 (a) In fiscal year 2022, \$180,000.00 is appropriated to the Agency of
7 Administration from the General Fund for use by the Executive Director of
8 Racial Equity in carrying out the provisions of this act.

9 (b) It is the intent of the General Assembly that similar appropriations be
10 made in future fiscal years until an Office of Healthy Equity is established.

11 Sec. 7. EFFECTIVE DATE

12 This act shall take effect on July 1, 2021.

13

14 (Committee vote: _____)

15

16

Representative _____

17

FOR THE COMMITTEE