

1 H.545

2 An act relating to issuing immunization recommendations

3 It is hereby enacted by the General Assembly of the State of Vermont:

4 \* \* \* Effective on Passage until July 1, 2031: Commissioner of Health's

5 Immunization Recommendations \* \* \*

6 Sec. 1. 18 V.S.A. § 1130 is amended to read:

7 § 1130. IMMUNIZATION FUNDING

8 (a) As used in this section:

9 \* \* \*

10 (4) “Immunizations Recommended immunization” means vaccines a  
11 vaccine or other immunizing agent that provides protection against a particular  
12 disease or pathogen and the application of the vaccines immunization as  
13 recommended by the practice guidelines for children and adults established by  
14 the Advisory Committee on Immunization Practices (ACIP) to the Centers for  
15 Disease Control and Prevention (CDC) Commissioner pursuant to section  
16 1130a of this title.

17 \* \* \*

18 (b)(1) The Department of Health shall administer an immunization  
19 program with the goals of ensuring universal access to vaccines recommended  
20 immunizations for all Vermonters at no charge to the individual and reducing  
21 the cost at which the State may purchase vaccines recommended

1        immunizations. The Department shall purchase, provide for the distribution of,  
2        and monitor the use of ~~vaccines~~ recommended immunizations as provided for  
3        in this subsection and subsection (c) of this section. The cost of the ~~vaccines~~  
4        recommended immunizations and an administrative surcharge shall be  
5        reimbursed by health insurers as provided for in subsections (e) and (f) of this  
6        section.

7                (2) The Department shall solicit, facilitate, and supervise the  
8        participation of health care professionals, health care facilities, and health  
9        insurers in the immunization program in order to accomplish the State's goal  
10        of universal access to recommended immunizations at the lowest practicable  
11        cost to individuals, insurers, and State health care programs.

12                (3) The Department shall gather and analyze data regarding the  
13        immunization program for the purpose of ensuring its quality and maximizing  
14        protection of Vermonters against diseases preventable by ~~vaccination~~  
15        immunization.

16                (c) The Department shall determine which recommended immunizations  
17        shall be purchased under the program. The immunization program shall  
18        purchase ~~vaccines~~ recommended immunizations consistent with the goals of  
19        the program from the federal Centers for Disease Control and Prevention or  
20        another vendor at the lowest available cost. ~~The Department shall determine~~  
21        ~~annually which vaccines for adults shall be purchased under the program~~.

4 (e) Health insurers shall remit to the Department the cost of ~~vaccines~~  
5 recommended immunizations, as established by the Commissioner of Health  
6 based on the recommendation of the Immunization Funding Advisory  
7 Committee established in subsection (g) of this section.

12 (g)(1) The Immunization Funding Advisory Committee is established to  
13 provide the Commissioner ~~of Health~~ with an annual per-member per-month  
14 cost for ~~vaccines~~ recommended immunizations for the pediatric population, an  
15 annual per-member per-month cost for ~~vaccines~~ recommended immunizations  
16 for the adult population, and a recommendation for the amount of the yearly  
17 vaccine immunization assessment. The Committee shall comprise the  
18 following nine members:

19 (A) the Executive Officer of the Board of Pharmacy or designee;  
20 (B) the Executive Director of the Green Mountain Care Board or  
21 designee:

1 (C) a representative, appointed by the Director of the Vermont  
2 Blueprint for Health, ~~nominated by the Director of the Blueprint and appointed~~  
3 ~~by the Commissioner of Health;~~

4 (D) three representatives of health insurers, one ~~from each of~~ each  
5 appointed by the State's largest three private health insurers, as determined by  
6 the number of covered lives, ~~appointed by the Commissioner of Health~~;

7 (E) a representative, appointed by the Vermont chapter of the  
8 American Academy of Pediatrics, Vermont chapter, appointed by the  
9 Commissioner of Health:

10 (F) a representative, appointed by the Vermont chapter of the  
11 American Academy of Family Medicine, Vermont chapter, appointed by the  
12 Commissioner of Health; and

13 (G) a representative of employers that self-insure for health coverage,  
14 appointed by the Commissioner of Health.

18 (3) By January 1 of each year, the Committee shall provide to the  
19 Commissioner the annual fiscal assessment and the per-member per-month  
20 cost for pediatric ~~vaccines~~ recommended immunizations based on the total  
21 number of pediatric covered lives reported by health insurers and the per-

1 member per-month cost for adult ~~vaccine~~ recommended immunizations based  
2 on the total number of adult covered lives reported by health insurers.

3 (h) If ~~federal~~ purchase requirements do not further the goal of ensuring  
4 universal access to ~~vaccine~~ recommended immunizations for all, the  
5 Commissioner may, following consultation with the Immunization Funding  
6 Advisory Committee, discontinue the program with six months' advance  
7 notice to all health care professionals and to all health insurers with Vermont  
8 covered lives.

9 (i) The Department may adopt rules under 3 V.S.A. chapter 25 to  
10 implement this section.

11 Sec. 2. 18 V.S.A. § 1130a is added to read:

12 § 1130a. RECOMMENDED IMMUNIZATIONS

13 (a) The Commissioner shall periodically issue recommendations regarding:  
14 (1) which immunizations children and adults are recommended to  
15 receive;  
16 (2) the age at which each immunization is recommended to be given;  
17 (3) the number of immunization doses that are recommended to be  
18 administered;  
19 (4) the recommended amount of time between doses of an  
20 immunization; and

20        (d) The Commissioner may issue a standing order authorizing health care  
21        professionals, including pharmacists, to prescribe, dispense, or administer

1       recommended immunizations, or any combination thereof, to the extent that  
2       prescribing, dispensing, or administering recommended immunizations is  
3       within the scope of the health care professional's practice.

4       (e)(1) The Department shall prominently display information pertaining to  
5       recommended immunizations and other relevant information on its website,  
6       including how to access recommended immunizations.

7       (2) Any documents produced by the Department about the  
8       recommended immunizations shall include a disclosure if the recommended  
9       immunizations differ from the recommendations of the Vermont Immunization  
10      Advisory Council.

11      (f) As used in this section, "health care professional" and "recommended  
12      immunization" have the same meanings as in section 1130 of this title.

13      Sec. 3. 18 V.S.A. § 1131 is amended to read:

14      § 1131. VERMONT IMMUNIZATION ADVISORY COUNCIL

15      (a) Creation. There is created the Vermont Immunization Advisory  
16      Council for the purpose of providing education policy, medical, and  
17      epidemiological expertise and advice to the Department with regard to the  
18      safety of immunizations and immunization schedules.

19      (b) Membership. The Council shall be composed of the following  
20      members:

(1) a representative the executive officer of the Vermont Board of Medical Practice, appointed by the Governor or designee;

(2) the executive officer of the Vermont Board of Nursing or designee;

(3) the executive officer of the Vermont Board of Pharmacy or designee;

(4) the Secretaries Secretary of Human Services and of or designee;

(5) the Secretary of Education or their designees designee;

(3)(6) a representative of public schools, appointed by the Governor;

(4)(7) the State epidemiologist Epidemiologist or designee;

(8) the Department of Health's Immunization Program Manager or designee;

(9) a practicing pediatrician, appointed by the Governor;

(10) two individuals who are professors, researchers, or physicians, or any combination of these individuals, with expertise in infectious disease and human immunizations, appointed by the Governor;

(11) a family or internal medicine physician, appointed by the Governor;

(5)(12) a representative of both public and independent schools, appointed by the Governor; and practicing advanced practice registered nurse licensed pursuant to 26 V.S.A. chapter 28, appointed by the Governor;

(13) a practicing pharmacist licensed pursuant 26 V.S.A. chapter 36, appointed by the Governor; and

(6)(14) any other persons deemed necessary by the Commissioner.

1 (c) ~~Powers and duties~~ Duties.

2 (1) The Council shall:

3                   (1)(A) review and make recommendations regarding the State's  
4                   immunization schedule for attendance in schools and child care facilities; and

5 (2)(B) provide any other advice and expertise requested by the

6       Commissioner, including advice regarding recommended immunizations as  
7       defined in section 1130 of this title.

11 (d) Assistance. The Council shall have the administrative, and technical,  
12 ~~and legal~~ assistance of the Department.

13 (e) Meetings.

16 (2) The Council shall select a chair from among its members at the first  
17 meeting who shall not be the Commissioner.

18 (3) A majority of the membership shall constitute a quorum.

3 Sec. 4. 8 V.S.A. § 4042 is amended to read:

4        § 4042. GROUP INSURANCE POLICIES; REQUIRED POLICY

## 5 PROVISIONS

6 \* \* \*

7 (b) Protections for covered individuals.

9 (4) No cost sharing for preventive services.

10 (A) A group insurance policy shall not impose any co-payment,  
11 coinsurance, or deductible requirements for:

12 \* \* \*

18 \* \* \*

1 Sec. 5. 33 V.S.A. § 1811 is amended to read:

2 § 1811. HEALTH BENEFIT PLANS FOR INDIVIDUALS AND SMALL  
3 EMPLOYERS

4 \* \* \*

5 (d)(1) Guaranteed issue.

6 \* \* \*

7 (5)(A) No cost sharing for preventive services. A health benefit plan  
8 shall not impose any co-payment, coinsurance, or deductible requirements for:

9 \* \* \*

10 (ii) recommended immunizations for routine use in children,  
11 ~~adolescents, and adults that have in effect a recommendation from the~~  
12 ~~Advisory Committee on Immunization Practices of the Centers for Disease~~  
13 ~~Control and Prevention with respect to the individual involved as defined in 18~~  
14 V.S.A. § 1130;

15 \* \* \*

16 \* \* \* Effective on Passage until July 1, 2031: Pharmacist and Pharmacy  
17 Technician Authority under the Commissioner of Health's Immunization  
18 Recommendations \* \* \*

19 Sec. 6. 26 V.S.A. § 2023 is amended to read:

20 § 2023. CLINICAL PHARMACY; PRESCRIBING

21 \* \* \*

1 (b) A pharmacist may prescribe in the following contexts:

2 \* \* \*

### 3 (2) State protocol.

4 (A) A pharmacist may prescribe, order, or administer in a manner

5 consistent with valid State protocols that are approved by the Commissioner of

## 6 Health after consultation with the Director of Professional Regulation and the

## 7 Board and the ability for public comment:

8 (i) opioid antagonists;

9 (ii) epinephrine auto-injectors;

10 (iii) tobacco cessation products;

11 (iv) tuberculin purified protein derivative products;

12 (v) self-administered hormonal contraceptives, including

13 subcutaneous depot medroxyprogesterone acetate;

14 (vi) dietary fluoride supplements;

15 (vii) recommended immunizations as defined in 18 V.S.A. § 1130

16 for patients 18 years of age or older, vaccinations recommended by the Centers

17 for Disease Control and Prevention's Advisory Committee on Immunization

18 Practices (ACIP) and administered consistently with the ACIP approved

19 immunization schedules, as may be amended from time to time;

20 (viii) for patients five years of age or older, influenza vaccine

21 immunization, COVID-19 vaccine immunization, and subsequent formulations

1 or combination products thereof consistent with the recommendations  
2 established in accordance with 18 V.S.A. § 1130a;

3 \* \* \*

4 Sec. 7. 26 V.S.A. § 2042a is amended to read:

5 § 2042a. PHARMACY TECHNICIANS; QUALIFICATIONS FOR

6 REGISTRATION

7 \* \* \*

8 (c) Pharmacy technicians shall only administer immunizations:

9 (1) to patients 18 years of age or older, as established in subdivision  
10 2023(b)(2)(A)(vii) of this title and the resulting State protocol;

11 (2) to patients five years of age or older, influenza ~~vaccine~~  
12 immunization, COVID-19 ~~vaccine~~ immunization, and subsequent formulations  
13 or combination products thereof, in accordance with subdivision  
14 2023(b)(2)(A)(viii) of this title and the resulting State protocol; and

15 (3) ~~pursuant to the schedules and recommendations of the Advisory~~  
16 ~~Committee on Immunization Practices' recommendations for the~~  
17 ~~administration of immunizations, as those recommendations may be updated~~  
18 ~~from time to time; and~~

19 (4) when a licensed pharmacist who is trained to immunize is present  
20 and able to assist with the immunization, as needed.

1 (d) ~~Pharmacy technicians shall administer only those immunizations that:~~

2 ~~(1) are recommended by the Centers for Disease Control and~~

3 ~~Prevention's Advisory Committee on Immunization Practices (ACIP); and~~

4 ~~(2) licensed pharmacists are permitted to administer under the State~~

5 ~~clinical pharmacy protocol, as established in subdivision 2023(b)(2) of this~~

6 ~~title.~~

7 (e) Pharmacy technicians performing COVID-19 tests shall do so only:

8 (1) when a licensed pharmacist who is trained to perform COVID-19

9 tests is present and able to assist with the test, as needed;

10 (2) in accordance with a State protocol adopted under subdivision

11 2023(b)(2)(A)(x) of this title; and

12 (3) in accordance with rules adopted by the Board.

13 (f) The Board may adopt rules regarding the administration of

14 immunizations and the performance of COVID-19 tests by pharmacy

15 technicians.

16 \* \* \* Effective on July 1, 2031: Restoring Certain Immunization

17 Recommendation Processes \* \* \*

18 Sec. 8. 18 V.S.A. § 1130 is amended to read:

19 § 1130. IMMUNIZATION FUNDING

20 (a) As used in this section:

21 \* \* \*

7 \* \* \*

8 (b)(1) The Department of Health shall administer an immunization  
9 program with the goals of ensuring universal access to ~~recommended~~  
10 immunizations at no charge to the individual and reducing the cost at which the  
11 State may purchase ~~recommended~~ immunizations. The Department shall  
12 purchase, provide for the distribution of, and monitor the use of ~~recommended~~  
13 immunizations as provided for in this subsection and subsection (c) of this  
14 section. The cost of the ~~recommended~~ immunizations and an administrative  
15 surcharge shall be reimbursed by health insurers as provided for in subsections  
16 (e) and (f) of this section.

4 (c) The Department shall determine which recommended immunizations  
5 shall be purchased under the program. The immunization program shall  
6 purchase recommended immunizations consistent with the goals of the  
7 program from the federal Centers for Disease Control and Prevention at the  
8 lowest available cost. The Department shall determine annually which  
9 immunizations for adults shall be purchased under the program.

10 (d) The immunization program shall provide for distribution of the  
11 recommended immunizations to health care professionals and health care  
12 facilities for administration to patients.

13 (e) Health insurers shall remit to the Department the cost of recommended  
14 immunizations, as established by the Commissioner based on the  
15 recommendation of the Immunization Funding Advisory Committee  
16 established in subsection (g) of this section.

17 (f) The Department shall charge each health insurer a surcharge for the  
18 costs and administration of the immunization program. The surcharge shall be  
19 deposited into an existing special fund and used solely for the purpose of  
20 administering the program.

1 (g)(1) The Immunization Funding Advisory Committee is established to  
2 provide the Commissioner with an annual per-member per-month cost for  
3 ~~recommended~~ immunizations for the pediatric population, an annual per-  
4 member per-month cost for ~~recommended~~ immunizations for the adult  
5 population, and a recommendation for the amount of the yearly immunization  
6 assessment. The Committee shall comprise the following nine members:

7 \* \* \*

17 (h) If federal purchase requirements do not further the goal of ensuring  
18 universal access to ~~recommended~~ immunizations for all, the Commissioner  
19 may, following consultation with the Immunization Funding Advisory  
20 Committee, discontinue the program with six months' advance notice to all  
21 health care professionals and to all health insurers with Vermont covered lives.

3 Sec. 9. 18 V.S.A. § 1131 is amended to read:

4        § 1131. VERMONT IMMUNIZATION ADVISORY COUNCIL

5 (a) Creation. There is created the Vermont Immunization Advisory  
6 Council for the purpose of providing education policy, medical, and  
7 epidemiological expertise and advice to the Department with regard to the  
8 safety of immunizations and immunization schedules.

9 \* \* \*

10 (c) Duties.

11 (1) The Council shall:

12                   (A)(1) review and make recommendations regarding the State's  
13 immunization schedule for attendance in schools and child care facilities; and  
14                   (B)(2) provide any other advice and expertise requested by the  
15 Commissioner, including advice regarding recommended immunizations as  
16 defined in section 1130 of this title.

17 (2) The Secretary of Education or designee and representative of public  
18 schools shall not vote on advice regarding recommended immunizations as  
19 defined in section 1130 of this title.

20 \* \* \*

### 1 (e) Meetings.

4 (2) The Council shall select a chair from among its members at the first  
5 meeting ~~who shall not be the Commissioner~~.

6 (3) A majority of the membership shall constitute a quorum.

7                   \* \* \* Effective on July 1, 2031: Restoring the Current Insurance Coverage for  
8                   Immunizations in Effect Prior to Passage \* \* \*

9 Sec. 10. 8 V.S.A. § 4042 is amended to read:

10        § 4042. GROUP INSURANCE POLICIES; REQUIRED POLICY

## 11 PROVISIONS

12 \* \* \*

13 (b) Protections for covered individuals.

14 \* \* \*

15 (4) No cost sharing for preventive s

18 \* \* \*

1       the Centers for Disease Control and Prevention with respect to the individual  
2       involved;

3 \* \* \*

4 Sec. 11. 33 V.S.A. § 1811 is amended to read:

5       § 1811. HEALTH BENEFIT PLANS FOR INDIVIDUALS AND SMALL

## 6 EMPLOYERS

7 \* \* \*

13 \* \* \*

14 (5)(A) No cost sharing for preventive services. A health benefit plan  
15 shall not impose any co-payment, coinsurance, or deductible requirements for:

16 \* \* \*

1

\* \* \*

2 \* \* \* Effective on July 1, 2031: Restoring Current Pharmacist and Pharmacy

3 Technician Authority in Effect Prior to Passage \* \* \*

4 Sec. 12. 26 V.S.A. § 2023 is amended to read:

5 § 2023. CLINICAL PHARMACY; PRESCRIBING

6

\* \* \*

7 (b) A pharmacist may prescribe in the following contexts:

8 \* \* \*

9 (2) State protocol.

10 (A) A pharmacist may prescribe, order, or administer in a manner  
11 consistent with valid State protocols that are approved by the Commissioner of  
12 Health after consultation with the Director of Professional Regulation and the  
13 Board and the ability for public comment:

14 (i) opioid antagonists;

15 (ii) epinephrine auto-injectors;

16 (iii) tobacco cessation products;

17 (iv) tuberculin purified protein derivative products;

18 (v) self-administered hormonal contraceptives, including

19 subcutaneous depot medroxyprogesterone acetate;

20 (vi) dietary fluoride supplements;

6 (viii) for patients five years of age or older, influenza  
7 ~~immunization vaccine~~, COVID-19 ~~immunization vaccine~~, and subsequent  
8 formulations or combination products thereof ~~consistent with the~~  
9 recommendations established in accordance with 18 V.S.A. § 1130a;

5                   (4) when a licensed pharmacist who is trained to immunize is present  
6                   and able to assist with the immunization, as needed.

7 (d) Pharmacy technicians shall administer only those immunizations that

8       (1) are recommended by the Centers for Disease Control and

9       Prevention's Advisory Committee on Immunization Practices (ACIP); and

10      (2) licensed pharmacists are permitted to administer under the State

11      clinical pharmacy protocol, as established in subdivision 2023(b)(2) of this

12      title.

13           (e) Pharmacy technicians performing COVID-19 tests shall do so only:

14            (1) when a licensed pharmacist who is trained to perform COVID-19

15            tests is present and able to assist with the test, as needed;

16            (2) in accordance with a State protocol adopted under subdivision

17            2023(b)(2)(A)(x) of this title; and

18            (3) in accordance with rules adopted by the Board.

19           ~~(e)(f)~~ The Board may adopt rules regarding the administration of  
20           immunizations and the performance of COVID-19 tests by pharmacy  
21           technicians.

1 \* \* \* Effective on July 1, 2031:

## 2 Repeal of Immunization Recommendations \* \* \*

### 3 Sec. 14. REPEAL; IMMUNIZATION RECOMMENDATIONS

4                   18 V.S.A. § 1130a (recommended immunizations) is repealed on July 1,  
5                   2031.

6 \* \* \* Effective Dates \* \* \*

## 7 Sec. 15. EFFECTIVE DATES

8                   (a) This section, Secs. 1–7, and Sec. 14 shall take effect on passage.