

1 S.166

2 Introduced by Senator Lyons

3 Referred to Committee on

4 Date:

5 Subject: Health; public health; immunizations; recommendations; standing

6 orders; liability; purchasing authority; insurance coverage

7 Statement of purpose of bill as introduced: This bill proposes to authorize the
8 Commissioner of Health to issue immunization recommendations for children
9 and adults as part of the Department's immunization program. This bill further
10 proposes to allow the Commissioner of Health to issue standing orders for
11 recommended immunizations and provides immunity from civil and
12 administrative liability for health care professionals acting in accordance with
13 the standing orders. It proposes to allow the Commissioner of Health to
14 purchase immunizations from either the Centers for Disease Control and
15 Prevention or another vendor. It also proposes to require health insurers to
16 cover immunizations recommended by the Commissioner of Health without
17 any co-payment, coinsurance, or deductible requirements. Lastly, this bill
18 proposes to amend the membership of the Vermont Immunization Advisory
19 Council.

20 An act relating to issuing immunization recommendations

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

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

3 § 1130. IMMUNIZATION FUNDING

4 (a) As used in this section:

5 * * *

6 (4) “~~Immunizations~~ Recommended immunization” means ~~vaccines an~~
7 immunization and the application of the ~~vaccines~~ immunization as
8 recommended by the practice guidelines for children and adults established by
9 the ~~Advisory Committee on Immunization Practices (ACIP) to the Centers for~~
10 Disease Control and Prevention (CDC) Commissioner pursuant to section
11 1130a of this title.

12 * * *

13 (b)(1) The Department of Health shall administer an immunization
14 program with the goals of ensuring universal access to ~~vaccines~~ recommended
15 immunizations for all ~~Vermonters~~ individuals domiciled in the State at no
16 charge to the individual and reducing the cost at which the State may purchase
17 ~~vaccines~~ recommended immunizations. The Department shall purchase,
18 provide for the distribution of, and monitor the use of ~~vaccines~~ recommended
19 immunizations as provided for in this subsection and subsection (c) of this
20 section. The cost of the ~~vaccines~~ recommended immunizations and an

1 administrative surcharge shall be reimbursed by health insurers as provided for
2 in subsections (e) and (f) of this section.

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

8 (3) The Department shall gather and analyze data regarding the
9 immunization program for the purpose of ensuring its quality and maximizing
10 protection of Vermonters against diseases preventable by ~~vaccination~~
11 immunization.

12 (c) The Department shall determine which recommended immunizations
13 shall be purchased under the program. The immunization program shall
14 purchase ~~vaccines~~ recommended immunizations from the federal Centers for
15 Disease Control and Prevention or another vendor at the lowest available cost
16 identified by the Department. ~~The Department shall determine annually which~~
17 ~~vaccines for adults shall be purchased under the program.~~

18 (d) The immunization program shall provide for distribution of the
19 ~~vaccines~~ recommended immunizations to health care professionals and health
20 care facilities for administration to patients.

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

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

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

- 16 (A) the Executive Officer of the Board of Pharmacy;
- 17 (B) the Executive Director of the Green Mountain Care Board;
- 18 (C) a representative of the Vermont Blueprint for Health, nominated
19 by the Director of the Blueprint and appointed by the Commissioner of Health;

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

4 (E) a representative of the American Academy of Pediatrics,
5 Vermont chapter, appointed by the Commissioner of Health;

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

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

10 (2) The Committee shall select a chair from among its members at the
11 first meeting of each calendar year. The Committee shall receive
12 administrative support from the Department of Health.

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

19 (h) If ~~federal~~ purchase requirements do not further the goal of ensuring
20 universal access to ~~vaccines~~ recommended immunizations for all, the
21 Commissioner may, following consultation with the Immunization Funding

1 Advisory Committee, discontinue the program with six months' advance
2 notice to all health care professionals and to all health insurers with Vermont
3 covered lives.

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

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

7 § 1130a. RECOMMENDED IMMUNIZATIONS

8 (a) The Commissioner shall periodically issue recommendations regarding:

9 (1) which immunizations children and adults should receive;

10 (2) the recommended age at which each immunization should be given;

11 (3) the number of immunization doses that should be administered;

12 (4) the amount of time between doses of an immunization; and

13 (5) any other recommendations regarding immunizations necessary to
14 ensure the maintenance of public health and disease prevention in the State.

15 (b) Prior to issuing recommendations under subsection (a) of this section,
16 the Commissioner shall:

17 (1) consult with the Vermont Immunization Advisory Council,
18 established under section 1131 of this title; and

19 (2) consider recommendations for immunizations issued by the Centers
20 for Disease Control and Prevention's Advisory Committee on Immunization
21 Practices (ACIP), the American Academy of Pediatrics (AAP), the American

1 Academy of Family Physicians (AAFP), the American College of
2 Obstetricians and Gynecologists (ACOG), the American College of Physicians
3 (ACP), and any other organizations the Commissioner may deem necessary.

4 (c) A health care professional who prescribes, dispenses, or administers an
5 immunization in accordance with the recommendations issued pursuant to
6 subsection (a) of this section shall be immune from civil and administrative
7 liability for immunization-caused adverse events, unless the health care
8 professional's actions regarding prescribing, dispensing, or administering an
9 immunization constituted gross negligence, recklessness, or intentional
10 misconduct.

11 (d) The Commissioner may issue a standing order authorizing health care
12 professionals, including pharmacists, to prescribe, dispense, or administer
13 recommended immunizations, or any combination thereof, to the extent that
14 prescribing, dispensing, or administering recommended immunizations is
15 within the scope of the health care professional's scope of practice.

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

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

19 § 1131. VERMONT IMMUNIZATION ADVISORY COUNCIL

20 (a) Creation. There is created the Vermont Immunization Advisory
21 Council for the purpose of providing education policy, medical, and

1 epidemiological expertise and advice to the Department with regard to the
2 safety of immunizations and immunization schedules.

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

5 (1) a representative of the Vermont Board of Medical Practice,
6 appointed by the Governor;

7 (2) the Secretaries of Human Services and of Education or their
8 designees;

9 (3) the State epidemiologist or designee;

10 (4) the Department of Health's Immunization Program Manager or
11 designee;

12 (5) a practicing pediatrician licensed pursuant to 26 V.S.A. chapter 23 or
13 33, appointed by the Governor;

14 (6) two individuals who are professors, researchers, or physicians
15 licensed pursuant to 26 V.S.A. chapter 23 or 33, or any combination these
16 individuals, with expertise in infectious disease and human immunizations,
17 appointed by the Governor;

18 (7) a family or internal medicine physician licensed pursuant to 26
19 V.S.A. chapter 23 or 33, appointed by the Governor;

20 ~~(5)~~(8) a representative of both public and independent schools,
21 appointed by the Governor; and

1 ~~(6)(9)~~ any other persons deemed necessary by the Commissioner.

2 (c) ~~Powers and duties~~ Duties. The Council shall:

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

5 (2) provide any other advice and expertise requested by the
6 Commissioner, including advice regarding immunization recommendations
7 issued by the Commissioner pursuant to subsection 1130a(a) of this title.

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

10 (e) Meetings.

11 (1) The Council shall convene at the call of the Commissioner, ~~but no~~
12 ~~less than once each year.~~

13 (2) The Council shall select a chair from among its members at the first
14 meeting.

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

16 Sec. 4. EFFECTIVE DATE

17 This act shall take effect on July 1, 2026.