

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Human Services to which was referred House Bill No.
3 545 entitled “An act relating to issuing immunization recommendations”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

7 * * * Immunization Recommendations in Effect on Passage through July 1,

8 2031 * * *

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

10 § 1130. IMMUNIZATION FUNDING

11 (a) As used in this section:

12 * * *

13 (4) “Immunizations Recommended immunization” means vaccines a
14 vaccine or other immunizing agent that provides protection against a particular
15 disease or pathogen and the application of the vaccines immunization as
16 recommended by the practice guidelines for children and adults established by
17 the Advisory Committee on Immunization Practices (ACIP) to the Centers for
18 Disease Control and Prevention (CDC) Commissioner pursuant to section
19 1130a of this title.

20 * * *

1 (b)(1) The Department **of Health** shall administer an immunization
2 program with the goals of ensuring universal access to ~~vaccines~~ recommended
3 immunizations **for all** ~~Vermonters~~ at no charge to the individual and reducing
4 the cost at which the State may purchase ~~vaccines~~ recommended
5 immunizations. The Department shall purchase, provide for the distribution of,
6 and monitor the use of ~~vaccines~~ recommended immunizations as provided for
7 in this subsection and subsection (c) of this section. The cost of the ~~vaccines~~
8 recommended immunizations and an administrative surcharge shall be
9 reimbursed by health insurers as provided for in subsections (e) and (f) of this
10 section.

20 (c) The Department shall determine which recommended immunizations
21 shall be purchased under the program. The immunization program shall

1 purchase ~~vaccine~~ recommended immunizations consistent with the goals of
2 the program from the federal Centers for Disease Control and Prevention or
3 another vendor at the lowest available cost. ~~The Department shall determine~~
4 ~~annually which vaccines for adults shall be purchased under the program.~~

5 (d) The immunization program shall provide for distribution of the
6 ~~vaccine~~ recommended immunizations to health care professionals and health
7 care facilities for administration to patients.

8 (e) Health insurers shall remit to the Department the cost of ~~vaccine~~
9 recommended immunizations, as established by the Commissioner of ~~Health~~
10 based on the recommendation of the Immunization Funding Advisory
11 Committee established in subsection (g) of this section.

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

16 (g)(1) The Immunization Funding Advisory Committee is established to
17 provide the Commissioner ~~of Health~~ with an annual per-member per-month
18 cost for ~~vaccine~~ recommended immunizations for the pediatric population, an
19 annual per-member per-month cost for ~~vaccine~~ recommended immunizations
20 for the adult population, and a recommendation for the amount of the yearly

1 vaccine immunization assessment. The Committee shall comprise the
2 following nine members:

3 (A) the Executive Officer of the Board of Pharmacy or designee;

4 (B) the Executive Director of the Green Mountain Care Board or
5 designee;

6 (C) a representative, appointed by the Director of the Vermont
7 Blueprint for Health, ominated by the Director of the Blueprint and appointed
8 by the Commissioner of Health;

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

12 (E) a representative, appointed by the Vermont chapter of the
13 American Academy of Pediatrics, Vermont chapter, appointed by the
14 Commissioner of Health;

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

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

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

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

19 § 1130a. RECOMMENDED IMMUNIZATIONS

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

1 (1) which immunizations children and adults are recommended to

2 receive;

3 (2) the age at which each immunization is recommended to be given;

4 (3) the number of immunization doses that are recommended to be
5 administered;

6 (4) the recommended amount of time between doses of an
7 immunization; and

8 (5) any other recommendations regarding immunizations necessary to
9 promote the maintenance of public health and disease prevention in the State.

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

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

14 (2) consider recommendations for immunizations issued by the Centers
15 for Disease Control and Prevention's Advisory Committee on Immunization
16 Practices (ACIP), the American Academy of Pediatrics (AAP), the American
17 Academy of Family Physicians (AAFP), the American College of
18 Obstetricians and Gynecologists (ACOG), the American College of Physicians
19 (ACP), and any other organizations the Commissioner may deem necessary.

20 (c) A health care professional who prescribes, dispenses, or administers an
21 immunization in accordance with the recommendations issued pursuant to

1 subsection (a) of this section shall be immune from civil and administrative
2 liability for immunization-caused adverse events, unless the health care
3 professional's actions regarding prescribing, dispensing, or administering an
4 immunization constituted gross negligence, recklessness, or intentional
5 misconduct.

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

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

14 (2) Any documents produced by the Department about the
15 recommended immunizations shall include a disclosure if the recommended
16 immunizations differ from the recommendations of the Vermont Immunization
17 Advisory Council.

18 (f) As used in this section, “health care professional” and “recommended
19 immunization” have the same meanings as in section 1130 of this title.

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

21 § 1131. VERMONT IMMUNIZATION ADVISORY COUNCIL

16 (8) a practicing pediatrician, appointed by the Governor;

17 (9) a health care professional as defined in section 1130 of this title who

18 is not otherwise represented on the Council, appointed by the Governor;

19 (10) two individuals who are professors, researchers, or physicians, or

20 any combination these individuals, with expertise in infectious disease and

21 human immunizations, appointed by the Governor;

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

2 (5)(12) a representative of both public and independent schools,

3 appointed by the Governor; and

4 (6)(13) any other persons deemed necessary by the Commissioner.

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

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

13 (e) Meetings.

14 (1) The Council shall convene at the call of the Commissioner, but **no**

15 **not** less than once each year.

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.

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

1 § 4042. GROUP INSURANCE POLICIES; REQUIRED POLICY

2 PROVISIONS

3 * * *

4 (b) Protections for covered individuals.

5 * * *

6 (4) No cost sharing for preventive services.

7 (A) A group insurance policy shall not impose any co-payment,

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

17 § 1811. HEALTH BENEFIT PLANS FOR INDIVIDUALS AND SMALL

18 EMPLOYERS

19 * * *

20 (d)(1) Guaranteed issue.

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

3 * * *

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

9 * * *

10 * * * Pharmacist and Pharmacy Technician Authority in Effect on Passage

11 through July 1, 2031 * * *

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

13 § 2023. CLINICAL PHARMACY; PRESCRIBING

14 * * *

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

16 * * *

17 (2) State protocol.

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

19 consistent with valid State protocols that are approved by the Commissioner of
20 Health after consultation with the Director of Professional Regulation and the
21 Board and the ability for public comment:

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

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

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

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

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

(1) are recommended by the Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices (ACIP); and

(2) licensed pharmacists are permitted to administer under the State clinical pharmacy protocol, as established in subdivision 2023(b)(2) of this title.

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

(1) when a licensed pharmacist who is trained to perform COVID-19 tests is present and able to assist with the test, as needed;

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

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

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

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

6 technicians.

7 * * * Restoring Current Immunization Recommendations on July 1, 2031 * * *

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

9 **§ 1130. IMMUNIZATION FUNDING**

10 (a) As used in this section:

* * *

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

* * *

20 (b)(1) The Department of Health shall administer an immunization

21 program with the goals of ensuring universal access to recommended

1 immunizations vaccines for all Vermonters at no charge to the individual and
2 reducing the cost at which the State may purchase recommended
3 immunizations vaccines. The Department shall purchase, provide for the
4 distribution of, and monitor the use of recommended immunizations vaccines
5 as provided for in this subsection and subsection (c) of this section. The cost
6 of the recommended immunizations vaccines and an administrative surcharge
7 shall be reimbursed by health insurers as provided for in subsections (e) and (f)
8 of this section.

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

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

18 (c) The Department shall determine which recommended immunizations
19 shall be purchased under the program. The immunization program shall
20 purchase recommended immunizations consistent with the goals of the
21 program vaccines from the federal Centers for Disease Control and Prevention

1 at the lowest available cost. The Department shall determine annually which
2 vaccines for adults shall be purchased under the program.

3 (d) The immunization program shall provide for distribution of the
4 recommended immunizations vaccines to health care professionals and health
5 care facilities for administration to patients.

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

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

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

21 (A) the Executive Officer of the Board of Pharmacy or designee;

1 (B) the Executive Director of the Green Mountain Care Board;
2 (C) a representative, appointed by the Director of the Vermont
3 Blueprint for Health, nominated by the Director of the Blueprint and appointed
4 by the Commissioner of Health;
5 (D) three representatives of health insurers, one each appointed by
6 from each of the State's largest three private health insurers, as determined by
7 the number of covered lives, appointed by the Commissioner of Health;
8 (E) a representative, appointed by the Vermont chapter of the
9 American Academy of Pediatrics, Vermont chapter, appointed by the
10 Commissioner of Health;
11 (F) a representative, appointed by the Vermont chapter of the
12 American Academy of Family Medicine, Vermont chapter, appointed by the
13 Commissioner of Health; and
14 (G) a representative of employers that self-insure for health coverage,
15 appointed by the Commissioner of Health.

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

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

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

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

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

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

13 § 1131. VERMONT IMMUNIZATION ADVISORY COUNCIL

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

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

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

(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 Secretary Secretaries of Human Services and of Education or
their designee;

(5) the Secretary of Education or designee;

(6)(3) the State epidemiologist or designee;

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

(8)(4) a practicing pediatrician, appointed by the Governor;

(9) a health care professional as defined in section 1130 of this title who
is not otherwise represented on the Council, appointed by the Governor;

(10) two individuals who are professors, researchers, or physicians, or
any combination 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;

(12)(5) a representative of both public and independent schools,
appointed by the Governor; and

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

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

20 (1) review and make recommendations regarding the State's

21 immunization schedule for attendance in schools and child care facilities; and

(2) provide any other advice and expertise requested by the
Commissioner including advice regarding recommended immunizations as
defined in section 1130 of this title.

4 (d) Assistance. The Council shall have the administrative and, technical,
5 and legal assistance of the Department.

6 (e) Meetings.

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

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

12 * * * Restoring Current Insurance Coverage for Immunizations on July 1, 2031

13 ***

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

15 **§ 4042. GROUP INSURANCE POLICIES; REQUIRED POLICY**

16 PROVISIONS

17 * * *

18 (b) Protections for covered individuals.

19 * * *

20 (4) No cost sharing for preventive services.

3 * * *

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

9 * * *

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

11 **§ 1811. HEALTH BENEFIT PLANS FOR INDIVIDUALS AND SMALL**

12 **EMPLOYERS**

13 * * *

14 (d)(1) Guaranteed issue.

15 (A) A registered carrier shall guarantee acceptance of all individuals
16 and their dependents for any health benefit plan offered by the carrier in the
17 individual market, regardless of any outstanding premium amount a subscriber
18 may owe to the carrier for coverage provided during the previous plan year.

19 * * *

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

1

* * *

2

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

3

for routine use in children, adolescents, and adults that have in effect a

4

recommendation from the Advisory Committee on Immunization Practices of

5

the Centers for Disease Control and Prevention with respect to the individual

6

involved;

7

* * *

8

* * * Restoring Current Pharmacist and Pharmacy Technician Authority on

9

July 1, 2031 * * *

10

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

11

§ 2023. CLINICAL PHARMACY; PRESCRIBING

12

* * *

13

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

14

* * *

15

(2) State protocol.

16

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

17

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

18

Health after consultation with the Director of Professional Regulation and the

19

Board and the ability for public comment:

20

(i) opioid antagonists;

21

(ii) epinephrine auto-injectors;

1 (iii) tobacco cessation products;

2 (iv) tuberculin purified protein derivative products;

3 (v) self-administered hormonal contraceptives, including

4 subcutaneous depot medroxyprogesterone acetate;

5 (vi) dietary fluoride supplements;

6 (vii) immunizations for patients 18 years of age or older,

7 vaccinations recommended by the Centers for Disease Control and

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

9 administered consistently with the ACIP-approved immunization schedules, as

10 may be amended from time to time;

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

12 **immunization vaccine, COVID-19 immunization vaccine, and subsequent**

13 formulations or combination products thereof;

* * *

15 Sec. 13. 26 V.S.A. § 2042a is amended to read:

16 § 2042a. PHARMACY TECHNICIANS; QUALIFICATIONS FOR

17 REGISTRATION

* * *

19 (c) Pharmacy technicians shall only administer immunizations:

20 (1) to patients 18 years of age or older, as established in subdivision

21 2023(b)(2)(A)(vii) of this title and the resulting State protocol;

1 (2) to patients five years of age or older, influenza immunization
2 vaccine, COVID-19 immunization vaccine, and subsequent formulations or
3 combination products thereof, in accordance with subdivision
4 2023(b)(2)(A)(viii) of this title and the resulting State protocol; and

5 (3) pursuant to the schedules and recommendations of the Advisory
6 Committee on Immunization Practices' recommendations for the
7 administration of immunizations, as those recommendations may be updated
8 from time to time; and

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

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

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

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

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

16 title.

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

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

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

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

21 2023(b)(2)(A)(x) of this title; and

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

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

6 Sec. 14. REPEAL; IMMUNIZATION RECOMMENDATIONS

7 18 V.S.A. § 1130a (recommended immunizations) is repealed on July 1,
8 2031.

9 * * * Effective Dates * * *

10 Sec. 15. EFFECTIVE DATES

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

12 (b) Secs. 8–13 shall take effect on July 1, 2031.

13

14

15

16

17

18

1 (Committee vote: _____)

2 _____

3 Representative _____

4 FOR THE COMMITTEE