

1 TO THE HONORABLE SENATE:

2 The Committee on Health and Welfare to which was referred House Bill
3 No. 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 * * * Effective on Passage until July 1, 2031: Commissioner of Health’s
8 Immunization Recommendations * * *

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.

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

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

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

1 purchase ~~vaccines~~ 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 ~~vaccines~~ 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 ~~vaccines~~
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 ~~vaccines~~ recommended immunizations for the pediatric population, an
19 annual per-member per-month cost for ~~vaccines~~ 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, ~~nominated 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, ~~appointed 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.

1 (2) The Committee shall select a chair from among its members at the
2 first meeting of each calendar year. The Committee shall receive
3 administrative and technical support from the Department of Health.

4 (3) ~~By~~ On or before January 1 of each year, the Committee shall provide
5 to the Commissioner the annual fiscal assessment and the per-member per-
6 month cost for pediatric ~~vaccines~~ recommended immunizations based on the
7 total number of pediatric covered lives reported by health insurers and the per-
8 member per-month cost for adult ~~vaccines~~ recommended immunizations based
9 on the total number of adult covered lives reported by health insurers.

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.

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

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

19 § 1130a. RECOMMENDED IMMUNIZATIONS

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

2 (1) which immunizations children and adults are recommended to
3 receive;

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

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

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

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

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

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

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

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

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

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

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

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

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

2 § 1131. VERMONT IMMUNIZATION ADVISORY COUNCIL

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

7 (b) Membership. The Council shall be composed of the following
8 members:

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

11 (2) the ~~Secretaries~~ Secretary of Human Services ~~and of~~ or designee;

12 (3) the Secretary of Education or their designees designee;

13 ~~(3)~~ (4) a representative of public schools, appointed by the Governor;

14 ~~(4)~~ (5) the State epidemiologist Epidemiologist or designee;

15 (6) the Department of Health's Immunization Program Manager or
16 designee;

17 (7) a practicing pediatrician, appointed by the Governor;

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

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

2 ~~(5)(10) a representative of both public and independent schools,~~

3 ~~appointed by the Governor; and practicing advanced practice registered nurse~~

4 licensed pursuant to 26 V.S.A. chapter 28, appointed by the Governor;

5 (11) a practicing pharmacist licensed pursuant 26 V.S.A. chapter 36,

6 appointed by the Governor; and

7 ~~(6)(12)~~ any other persons deemed necessary by the Commissioner.

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

9 (1) The Council shall:

10 ~~(1)(A)~~ review and make recommendations regarding the State's

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

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

13 Commissioner, including advice regarding recommended immunizations as

14 defined in section 1130 of this title.

15 (2) The Secretary of Education or designee and representative of public

16 schools shall not vote on advice regarding recommended immunizations as

17 defined in section 1130 of this title.

18 (d) Assistance. The Council shall have the administrative, and technical,

19 ~~and legal~~ assistance of the Department.

1 (e) Meetings.

2 (1) The Council shall convene at the call of the Commissioner, but ~~ne~~
3 not less than once each year.

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 Passage until July 1, 2031: Insurance Coverage for
8 Commissioner of Health's Recommended Immunizations * * *

9 Sec. 4. 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 services.

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

18 * * *

19 (ii) recommended immunizations ~~for routine use in children,~~
20 ~~adolescents, and adults that have in effect a recommendation from the~~
21 ~~Advisory Committee on Immunization Practices of the Centers for Disease~~

~~Control and Prevention with respect to the individual involved~~ as defined in
18 V.S.A. § 1130;

* * *

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

§ 1811. HEALTH BENEFIT PLANS FOR INDIVIDUALS AND SMALL
EMPLOYERS

* * *

(d)(1) Guaranteed issue.

* * *

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

* * *

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

* * *

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

Recommendations * * *

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

§ 2023. CLINICAL PHARMACY; PRESCRIBING

* * *

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

* * *

(2) State protocol.

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

(i) opioid antagonists;

(ii) epinephrine auto-injectors;

(iii) tobacco cessation products;

(iv) tuberculin purified protein derivative products;

(v) self-administered hormonal contraceptives, including
subcutaneous depot medroxyprogesterone acetate;

1 (C) a protocol approved by the Commissioner of Health under
2 subdivision 2023(b)(2)(A) of this title; and

3 (3) to patients;

4 (A) 18 years of age or older, as established in subdivision
5 2023(b)(2)(A)(vii) and the resulting State protocol; and

6 (2)(B) to patients five years of age or older; seeking an influenza
7 vaccine immunization, COVID-19 vaccine immunization, and subsequent
8 formulations or combination products thereof; in accordance with subdivision
9 2023(b)(2)(A)(viii) and the resulting State protocol;

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

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

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

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

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

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

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

4 (2) in accordance with a State protocol adopted under subdivision
5 2023(b)(2)(A)(x) of this title; and

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

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

10 * * * Effective on July 1, 2031: Restoring Certain Immunization

11 Recommendation Processes * * *

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

13 § 1130. IMMUNIZATION FUNDING

14 (a) As used in this section:

15 * * *

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

* * *

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

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

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

(c) ~~The Department shall determine which recommended immunizations shall be purchased under the program.~~ The immunization program shall purchase ~~recommended~~ immunizations ~~consistent with the goals of the~~

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

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

8 (e) Health insurers shall remit to the Department the cost of ~~recommended~~
9 immunizations, as established by the Commissioner based on the
10 recommendation of the Immunization Funding Advisory Committee
11 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 with an annual per-member per-month cost for
18 ~~recommended~~ immunizations for the pediatric population, an annual per-
19 member per-month cost for ~~recommended~~ immunizations for the adult
20 population, and a recommendation for the amount of the yearly immunization
21 assessment. The Committee shall comprise the following nine members:

* * *

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

(3) On or before January 1 of each year, the Committee shall provide to the Commissioner the annual fiscal assessment and the per-member per-month cost for pediatric ~~recommended~~ immunizations based on the total number of pediatric covered lives reported by health insurers and the per-member per-month cost for adult ~~recommended~~ immunizations based on the total number of adult covered lives reported by health insurers.

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

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

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

§ 1131. VERMONT IMMUNIZATION ADVISORY COUNCIL

(a) Creation. There is created the Vermont Immunization Advisory 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 * * *

4 (c) Duties.

5 ~~(1)~~ The Council shall:

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

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

14 * * *

15 (e) Meetings.

16 (1) The Council shall convene at the call of the Commissioner, but not
17 less than once each year.

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

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

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

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

§ 4042. GROUP INSURANCE POLICIES; REQUIRED POLICY
PROVISIONS

(b) Protections for covered individuals.

(4) No cost sharing for preventive services.

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

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

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

§ 1811. HEALTH BENEFIT PLANS FOR INDIVIDUALS AND SMALL
EMPLOYERS

* * *

(d)(1) Guaranteed issue.

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

* * *

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

* * *

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

* * *

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

Technician Authority in Effect Prior to Passage * * *

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

§ 2023. CLINICAL PHARMACY; PRESCRIBING

* * *

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

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

* * *

Sec. 13. [Deleted.]

* * * Effective on July 1, 2031: Repeal of Immunization Recommendations

* * *

Sec. 14. REPEAL; IMMUNIZATION RECOMMENDATIONS

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

* * * Effective Dates * * *

Sec. 15. EFFECTIVE DATES

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

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

(Committee vote: _____)

Senator _____

FOR THE COMMITTEE