

1 H.321

2 Introduced by Representative Till of Jericho

3 Referred to Committee on

4 Date:

5 Subject: Health; public health; preventive services; immunizations; adults

6 Statement of purpose: This bill proposes to ensure adult Vermonters have
7 access to several recommended vaccines at a lower cost by establishing a
8 purchasing pool through the department of health.

9 An act relating to improving access to and lowering cost of vaccines

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

11 Sec. 1. INTENT

12 It is the intent of the general assembly to establish an immunization
13 program for Vermonters in order to ensure universal access to immunizations
14 for children and adults and to ensure that vaccines are purchased on a statewide
15 basis at the lowest practicable cost to individuals, insurers, and the state. The
16 intent of this act is to ensure that vaccines for adults may be purchased in bulk
17 and distributed throughout the state in the same manner as the pediatric
18 vaccine distribution program established under 42 U.S.C. section 1396s [Social
19 Security Act]. It is also the intent of this act to ensure sufficient state

1 involvement and action to comply with federal anti-trust provisions by
2 replacing competition with state regulation and supervision.

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

4 § 1130. IMMUNIZATIONS; PROVISION

5 (a) As used in this section:

6 (1) “Health care facility” shall have the same meaning as in section
7 9402 of this title.

8 (2) “Health insurer” shall have the same meaning as in section 9402 of
9 this title.

10 (3) “Health care professional” means an individual, partnership,
11 corporation, facility, or institution licensed or certified or authorized by law to
12 provide professional health care services.

13 (4) “~~immunizations~~ Immunizations” means vaccines and the application
14 of the vaccines as recommended by the practice guidelines for children and
15 adults established by the Advisory Committee on Immunization Practices
16 (ACIP) to the Centers for Disease Control and Prevention (CDC).

17 (5) “State health care programs” shall include Medicaid, the Vermont
18 health access plan, Dr. Dynasaur, and any other health care program providing
19 immunizations with funds through the Global Commitment for Health waiver
20 approved by the Centers for Medicare and Medicaid Services under Section
21 1115 of the Social Security Act.

1 ~~(b) To the extent allowed by the appropriation, the department shall~~
2 ~~provide payment for any Vermont resident to receive immunizations without~~
3 ~~cost to the individual, except that individuals enrolled in Medicaid, the~~
4 ~~Vermont health access plan, Dr. Dynasaur, Medicare, or any federal health~~
5 ~~insurance or federal program covering immunizations shall receive coverage~~
6 ~~under those programs.~~

7 (b)(1) The department shall establish an immunization program for all
8 Vermonters to ensure universal access to immunizations and to reduce the cost
9 of vaccines in Vermont. The department shall purchase, distribute, and
10 monitor the use of vaccines for immunizations provided under the
11 immunization program as provided for in this subsection and subsection (c) of
12 this section. The cost of the vaccines and an administrative surcharge shall be
13 reimbursed by health insurers as provided for in subsections (d) and (e) of this
14 section.

15 (2) The department shall solicit, facilitate, and supervise the
16 participation of health care professionals, health care facilities, and insurers in
17 the immunization program in order to accomplish the state's goal of universal
18 access to immunizations at the lowest practicable cost to individuals, insurers,
19 and state health care programs.

1 (3) The department shall gather and analyze data regarding the
2 immunization program for the purpose of assuring its quality and maximizing
3 protection of Vermonters against diseases preventable by vaccination.

4 (c) The immunization program shall include a bulk purchasing pool to
5 maximize the discounts, rebates, or negotiated price of all vaccines for children
6 and certain recommended vaccines for adults. The department shall determine
7 which vaccines for adults shall be purchased under the program. The
8 department may join a multi-state purchasing pool or contract with a wholesale
9 distributor to negotiate prices for the vaccines provided through the program.

10 (d) The immunization program shall distribute the vaccines directly to
11 health care professionals and health care facilities for administration to
12 patients.

13 (e) Health insurers shall reimburse the department for the actual cost of
14 vaccines provided to their subscribers and for the administration surcharge
15 established in subdivision (f) of this section.

16 (f) The department shall charge each health insurer a surcharge for the
17 costs and administration of the immunization program. The initial surcharge
18 shall be 12 percent of the cost of each vaccine provided to a subscriber of that
19 health insurer and may be adjusted by rule to reflect the actual operating cost
20 of the program. Each insurer shall pay the surcharge semi-annually to the
21 department on a schedule established by the department. The surcharge will be

1 deposited into an existing special fund and used solely for the purpose of
2 administering the vaccine program.

3 (g) The department may establish rules under chapter 26 of Title 3 if
4 necessary to implement this section.