1	H.438
2	Introduced by Representatives Cina of Burlington, Burke of Brattleboro,
3	Connor of Fairfield, Dunn of Essex, McCullough of Williston,
4	O'Sullivan of Burlington, and Weed of Enosburgh
5	Referred to Committee on
6	Date:
7	Subject: Health; education; health insurance; health promotion
8	Statement of purpose of bill as introduced: This bill proposes to require health
9	insurance coverage for services promoting healthy behaviors and to direct
10	Vermont schools to include aspects of health promotion throughout their
11	curriculum and facilities.
12	An act relating to health promotion
13	It is hereby enacted by the General Assembly of the State of Vermont:
14	Sec. 1. 8 V.S.A. § 4088k is added to read:
15	§ 4088k. SERVICES PROMOTING HEALTHY BEHAVIORS
16	(a) As used in this section:
17	(1) "Health insurance plan" means any individual or group health
18	insurance policy, any hospital or medical service corporation or health
19	maintenance organization subscriber contract, or any other health benefit plan
20	offered, issued, or renewed for any person in this State by a health insurer.

1	The term shall include the health benefit plan offered by the State of Vermont
2	to its employees and any health benefit plan offered by any agency or
3	instrumentality of the State to its employees. The term shall not include
4	benefit plans providing coverage for specific disease or other limited benefit
5	coverage.
6	(2) "Health insurer" means any health insurance company, nonprofit
7	hospital and medical service corporation, managed care organization, and, to
8	the extent permitted under federal law, any administrator of an insured, self-
9	insured, or publicly funded health care benefit plan offered by a public or
10	private entity.
11	(b) A health insurance plan shall promote health and prevent disease
12	among its members by providing coverage for three or more of the following
13	services and activities:
14	(1) discounted gym memberships;
15	(2) yoga classes taught by a yoga instructor who has completed a Yoga
16	Alliance-approved 200-hour yoga teacher training program;
17	(3) acupuncture services performed by a physician licensed pursuant to
18	26 V.S.A. chapter 23 or 33, an acupuncturist licensed pursuant to 26 V.S.A.
19	chapter 75, or a naturopathic physician licensed pursuant to 26 V.S.A.
20	chapter 81;

1	(4) massage therapy services delivered by a massage therapist who is
2	board certified in therapeutic massage and bodywork;
3	(5) personal training services delivered by a certified personal trainer; or
4	(6) additional services and activities that promote health or prevent
5	disease, or both, identified by the Department of Financial Regulation by rule.
6	(c) A health insurance plan may impose reasonable deductibles, co-
7	payment and coinsurance amounts, and fee or benefit limits for the services
8	provided under this section. A health insurance plan may require that the
9	activities and services described in subsection (b) of this section be delivered
10	by a provider under contract with the insurer or else they shall be covered in a
11	manner consistent with out-of-network provider reimbursement practices;
12	however, this shall not relieve a health insurance plan from compliance with
13	network adequacy requirements for the services and activities covered under
14	the plan.
15	Sec. 2. 16 V.S.A. § 136 is amended to read:
16	§ 136. WELLNESS PROGRAM; ADVISORY COUNCIL ON WELLNESS
17	AND COMPREHENSIVE HEALTH
18	(a) As used in this section:
19	***

1	(5) "Wellness program" means a program that includes fitness and
2	nutrition and that is designed to promote healthy behaviors in children and
3	prevent the development of unhealthy habits and disease.

(b) The Secretary with the approval of the State Board shall establish an the Advisory Council on Wellness and Comprehensive Health that shall include at least three members associated with the health services field. The members shall serve without compensation but shall receive their actual expenses incurred in connection with their duties relating to wellness and comprehensive health programs. The Council shall assist the Agency to plan, coordinate, and encourage wellness and comprehensive health programs in the public schools, as well as to develop a model wellness plan to assist schools in developing their own wellness plans.

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(d)(1) Each school shall develop a wellness plan that incorporates a holistic approach to health promotion and disease prevention throughout the school's curricular and facilities planning. Using the model plan developed by the Secretary and the Advisory Council on Wellness and Comprehensive Health as a basis, schools shall identify and implement methods for integrating health promotion and disease prevention activities into each school day through evidence-based and evidence-informed approaches to fitness, nutrition, mindfulness, lighting, architecture, and reduced exposure to toxins.

1	(2) The Agency shall offer assistance to school districts and supervisory
2	unions to provide teacher instruction in wellness programs.
3	* * *
4	Sec. 3. SCHOOL WELLNESS PLANS
5	(a) The Secretary of Education or designee, with the assistance of the
6	Advisory Council on Wellness and Comprehensive Health, shall develop a
7	model wellness plan as described in 16 V.S.A. § 136. On or before
8	January 15, 2018, the Secretary shall present the draft model wellness plan to
9	the House Committees on Education and on Health Care and to the Senate
10	Committees on Education and on Health and Welfare for their feedback. On
11	or before February 15, 2018, the Secretary shall finalize the model wellness
12	plan and make copies available to each school in this State, along with
13	guidance regarding development of a school wellness plan.
14	(b) Each school shall develop a school wellness plan as described in
15	16 V.S.A. § 136 and submit it to the Secretary of Education on or before
16	June 1, 2018. The Secretary shall approve or modify each plan on or before
17	September 1, 2018. Once a school's wellness plan has been approved, the
18	school shall begin implementing components of the plan as feasible, with a
19	goal of having all wellness plans fully operational by the 2019-2020 school
20	<u>year.</u>

1	Sec. 4. EFFECTIVE DATES
2	(a) Sec. 1 (health insurance) shall take effect on October 1, 2017 and shall
3	apply to health insurance plans on or after October 1, 2017 on such date as a
4	health insurer issues, offers, or renews the health insurance plan, but in no
5	event later than October 1, 2018.
6	(b) Secs. 2 and 3 (school wellness plans) and this section shall take effect
7	on passage