

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 13-0605.01 Christy Chase x2008

SENATE BILL 13-222

SENATE SPONSORSHIP

Aguilar, Newell, Nicholson

HOUSE SPONSORSHIP

Pabon, Kraft-Tharp, Levy, May, Melton, Peniston, Rosenthal, Salazar, Singer, Tyler

Senate Committees
Health & Human Services
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING IMPROVING ACCESS TO CHILDHOOD IMMUNIZATIONS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Current law prohibits the department of public health and environment (department) from establishing a universal purchasing system for procuring vaccines for insured individuals in the state.

Section 2 of the bill removes the barrier to establishing a vaccine purchasing system. **Section 4** authorizes the department, for purposes of increasing access to immunizations, to examine mechanisms for statewide

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

purchase of vaccines, including childhood immunizations, and options for the state to more effectively purchase and distribute vaccines for insured individuals in the state. Additionally, the department is to explore authorizing the department of health care policy and financing to purchase vaccines recommended by the federal advisory committee on immunization practices (ACIP). Section 3 also:

! Requires the department to convene a stakeholder task force to make recommendations regarding the financing and delivery of childhood immunizations, including through a vaccine purchasing system; and

! Authorizes the state board of health to adopt rules to implement the task force's recommendations.

Section 3 of the bill authorizes the department to expend moneys in the immunization fund to purchase vaccines through a vaccine purchasing system, if developed.

Section 5 of the bill permits the department of health care policy and financing to purchase vaccines recommended by the ACIP through a vaccine purchasing system, if developed, for children enrolled in the children's basic health plan.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds that:

4 (a) Colorado's current system of financing and delivering
5 childhood immunizations is complicated and presents barriers for
6 providers, patients, and payers;

7 (b) The current fragmented system creates access issues because
8 some small and rural providers are unable to afford to stock and deliver
9 vaccine, thus forcing the patient to seek immunizations elsewhere and
10 eroding the medical home;

11 (c) Many of Colorado's primary care providers report that, in a
12 private office setting, the cost to purchase and deliver childhood
13 immunizations is second only to the cost of personnel, resulting in many
14 providers being unable to offer immunizations;

1 (d) Colorado's primary care providers are required to keep
2 different inventory and accounting systems for vaccine stock, based on
3 the insurance status of patients, resulting in a "two drawer" system;

4 (e) Recent changes in federal law prohibit local public health
5 agencies from providing federally funded immunizations to patients with
6 private insurance, including situations in which a primary care provider
7 is unable to offer immunizations and refers a patient to the local public
8 health agency;

9 (f) In the future, local public health agencies will only be able to
10 provide immunizations to insured children if the family is able to pay for
11 the cost of the vaccine or the agency implements a sophisticated billing
12 procedure with each private payer;

13 (g) Vaccines for children enrolled in the state's medicaid program
14 are received from the vaccines for children program, taking advantages
15 of economies of scale and bulk purchasing power;

16 (h) Vaccines for the children's basic health plan are purchased in
17 the commercial market, creating a fragmented funding system for the
18 state's public health programs;

19 (i) The current patchwork of conflicting vaccine financing and
20 requirement system makes it difficult to respond to disease outbreaks with
21 a statewide, systematic plan and response;

22 (j) In order to ease the administrative and financial burdens on the
23 state's primary care providers and thus expand access to vaccines for
24 Colorado children, the state needs to take a comprehensive look at the
25 current system of vaccine financing and delivery; ==

26 (k) Allowing provider choice in any purchasing system aids in the
27 most effective and efficient management of a patient's care and supports

1 stable vaccine supply for the community; and

2 (1) Colorado is in a unique position to examine existing models,
3 as well as proposed models, for vaccine financing and delivery in order
4 to create an efficient solution designed with cost savings and effective
5 administration in mind.

6 **SECTION 2.** In Colorado Revised Statutes, 25-4-1705, **amend**
7 (9) (b) as follows:

8 **25-4-1705. Department of public health and environment -**
9 **powers and duties - rules.** (9) (b) The department or any person who
10 contracts with the department pursuant to subsection (7) of this section
11 ~~shall not~~ MAY establish a ~~universal~~ purchase system AS DESCRIBED IN
12 SECTION 25-4-2403 for the procurement of vaccines for privately insured
13 persons under federal government contracts.

14 **SECTION 3.** In Colorado Revised Statutes, 25-4-1708, **amend**
15 (1) as follows:

16 **25-4-1708. Fund created.** (1) (a) There is hereby established in
17 the state treasury a fund to be known as the immunization fund, which
18 fund ~~shall be~~ IS subject to annual appropriation BY THE GENERAL
19 ASSEMBLY to the department of public health and environment ~~by the~~
20 ~~general assembly~~ for the purposes of:

21 (I) Purchasing vaccines, INCLUDING PURCHASING VACCINES
22 THROUGH A VACCINE PURCHASING SYSTEM, IF SUCH A SYSTEM IS
23 DEVELOPED PURSUANT TO SECTION 25-4-2403 (1) AND (1.3), WHICH
24 SYSTEM MAY INCLUDE VACCINES FOR PRIVATELY INSURED INDIVIDUALS;

25 (II) Assisting users of the immunization tracking system
26 established in section 25-4-2403 to connect to the system;

27 (III) Utilizing the reminder and recall process of the immunization

1 tracking system; and

2 (IV) Implementing, developing, and operating immunization
3 programs.

4 (b) The fund ~~shall be credited with such appropriations as~~
5 CONSISTS OF:

6 (I) MONEYS APPROPRIATED BY the general assembly ~~may make~~
7 from the general fund for immunization programs;

8 (II) Any gifts, grants, or awards received pursuant to sections
9 25-4-1705 (6) and 25-4-2403 (9) (c) OR FOR PURPOSES OF EXPANDING
10 ACCESS TO CHILDHOOD IMMUNIZATIONS; and

11 (III) Moneys received from the state department of health care
12 policy and financing as reimbursement pursuant to section 25-4-1707.

13 (c) THE STATE TREASURER SHALL CREDIT TO THE FUND all income
14 from the investment of moneys in the fund. ~~shall be credited to the fund.~~

15 (d) THE DEPARTMENT SHALL USE THE MONEYS IN THE
16 IMMUNIZATION FUND TO PAY THE DEPARTMENT'S DIRECT AND INDIRECT
17 COSTS OF ADMINISTERING THE PROGRAMS DESCRIBED IN PARAGRAPH (a)
18 OF THIS SUBSECTION (1).

19 **SECTION 4.** In Colorado Revised Statutes, 25-4-2403, **amend**
20 (1) introductory portion, (1) (a), (1) (c), and (1) (f); and **add** (1.3) and
21 (13) as follows:

22 **25-4-2403. Department of public health and environment -**
23 **powers and duties - immunization tracking system.** (1) In order to
24 expand the immunization registry and increase access to immunizations,
25 the department of ~~public health and environment~~ may address:

26 (a) Mechanisms for:

27 (I) Maximizing federal funds to purchase, distribute, and deliver

1 vaccines for individuals in Colorado; ~~including, but not limited to,~~
2 ~~participation in a state purchasing and distribution cooperative and the~~
3 ~~mechanisms for~~

4 (II) Statewide purchase, distribution, and prioritization ~~to include,~~
5 ~~but not be limited to~~ OF VACCINES, INCLUDING CHILDHOOD
6 IMMUNIZATIONS AND the seasonal influenza vaccine;

7 (c) Options for Colorado to more effectively purchase, distribute,
8 and deliver vaccines to INSURED, underinsured, and uninsured individuals;

9 ~~(f) Methods for implementing the findings addressed in~~
10 ~~paragraphs (a) to (d) of~~ THE ABILITY OF THE DEPARTMENT OF HEALTH
11 CARE POLICY AND FINANCING TO PURCHASE VACCINES RECOMMENDED BY
12 ACIP THROUGH A PURCHASING SYSTEM, IF DEVELOPED PURSUANT TO this
13 subsection (1) AND SUBSECTION (1.3) OF THIS SECTION, FOR CHILDREN
14 WHO ARE ENROLLED IN THE CHILDREN'S BASIC HEALTH PLAN CREATED IN
15 ARTICLE 8 OF TITLE 25.5, C.R.S.

16 (1.3) (a) THE DEPARTMENT SHALL CONVENE A TASK FORCE OF
17 INTERESTED STAKEHOLDERS TO CONSIDER THE ISSUES IDENTIFIED IN
18 SUBSECTION (1) OF THIS SECTION. THE TASK FORCE MUST CONSIST OF AT
19 LEAST THE FOLLOWING PERSONS OR GROUPS:

20 (I) PRIMARY CARE PROVIDERS, INCLUDING ESSENTIAL COMMUNITY
21 PROVIDERS, PEDIATRICIANS, FAMILY PHYSICIANS, MID-LEVEL PROVIDERS,
22 AND PRACTICE MANAGERS;

23 (II) PHARMACISTS FROM BOTH INDEPENDENT AND CHAIN
24 PHARMACIES;

25 (III) LOCAL PUBLIC HEALTH PROVIDERS;

26 (IV) CHILD HEALTH ADVOCATES;

27 (V) HEALTH INSURERS AND OTHER PERSONS WHO PAY FOR HEALTH

1 CARE SERVICES;

2 (VI) A REPRESENTATIVE FROM A COLORADO-BASED INNOVATIVE
3 VACCINE COMPANY;

4 (VII) PHARMACEUTICAL MANUFACTURERS; AND

5 (VIII) REPRESENTATIVES FROM THE DEPARTMENTS OF PUBLIC
6 HEALTH AND ENVIRONMENT AND HEALTH CARE POLICY AND FINANCING.

7 (b) THE TASK FORCE SHALL MAKE RECOMMENDATIONS TO THE
8 DEPARTMENT AND THE BOARD ON THE FINANCING, ORDERING, AND
9 DELIVERY OF CHILDHOOD IMMUNIZATIONS, INCLUDING THROUGH ANY OF
10 THE FOLLOWING METHODS:

11 (I) A PUBLIC-PRIVATE MODEL OF VACCINE PURCHASE AND
12 DELIVERY;

13 (II) JUST-IN-TIME DELIVERY;

14 (III) INVENTORY MANAGEMENT, INCLUDING VACCINE CHOICES,
15 COMBINATION VACCINES, AND EQUIVALENT VACCINES;

16 (IV) OUTBREAK RESPONSE;

17 (V) LINKAGE BETWEEN THE IMMUNIZATION TRACKING SYSTEM
18 ESTABLISHED PURSUANT TO SUBSECTION (2) OF THIS SECTION AND
19 VACCINE INVENTORY;

20 (VI) VACCINE SHORTAGE RESPONSE;

21 (VII) PRESERVATION OF VACCINE DELIVERY IN A MEDICAL HOME
22 MODEL OF CARE;

23 (VIII) MECHANISMS FOR LOCAL PUBLIC HEALTH ENTITIES TO BILL
24 HEALTH INSURANCE CARRIERS; AND

25 (IX) CONTINUATION AND PRESERVATION OF CURRENT MODELS OF
26 VACCINE PURCHASE, FINANCING, AND DELIVERY AND THE ABILITY OF
27 HEALTH CARE PROVIDERS TO USE THOSE CURRENT MODELS OR ANY NEW

1 MODELS THAT MAY BE DEVELOPED PURSUANT TO THIS SUBSECTION (1.3)
2 AND SUBSECTION (1) OF THIS SECTION.

3 (c) THE BOARD MAY ADOPT RULES AS NECESSARY TO IMPLEMENT
4 THE RECOMMENDATIONS OF THE TASK FORCE.

5 (d) NO HEALTH CARE PROVIDER IS COMPELLED TO PARTICIPATE IN
6 A VACCINE PURCHASING SYSTEM, IF SUCH SYSTEM IS DEVELOPED
7 PURSUANT TO THIS SECTION.

8 (13) AS USED IN THIS SECTION:

9 (a) "ACIP" MEANS THE ADVISORY COMMITTEE ON IMMUNIZATION
10 PRACTICES TO THE CENTERS FOR DISEASE CONTROL AND PREVENTION IN
11 THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES, OR ITS
12 SUCCESSOR ENTITY.

13 (b) "BOARD" MEANS THE STATE BOARD OF HEALTH CREATED IN
14 SECTION 25-1-103.

15 (c) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
16 AND ENVIRONMENT CREATED IN SECTION 25-1-102.

17 (d) "EQUIVALENT VACCINES" MEANS TWO OR MORE VACCINES
18 THAT:

19 (I) PROTECT A RECIPIENT OF THE VACCINE AGAINST THE SAME
20 INFECTION;

21 (II) HAVE SIMILAR SAFETY AND EFFICACY PROFILES; AND

22 (III) ARE RECOMMENDED FOR COMPARABLE POPULATIONS BY THE
23 FEDERAL CENTERS FOR DISEASE CONTROL AND PREVENTION.

24 **SECTION 5.** In Colorado Revised Statutes, 25.5-8-107, **add** (5)
25 as follows:

26 **25.5-8-107. Duties of the department - schedule of services -**
27 **premiums - copayments - subsidies - purchase of childhood**

1 **immunizations.** (5) THE DEPARTMENT MAY PURCHASE VACCINES
2 RECOMMENDED BY THE ADVISORY COMMITTEE ON IMMUNIZATION
3 PRACTICES TO THE CENTERS FOR DISEASE CONTROL AND PREVENTION IN
4 THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES, OR ITS
5 SUCCESSOR ENTITY, THROUGH A VACCINE PURCHASING SYSTEM, IF SUCH
6 A SYSTEM IS DEVELOPED PURSUANT TO SECTION 25-4-2403 (1), C.R.S.,
7 FOR CHILDREN ENROLLED IN THE CHILDREN'S BASIC HEALTH PLAN.

8 **SECTION 6. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, and safety.