

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 13, 2023
Date

Committee on Health & Human Services.

After consideration on the merits, the Committee recommends the following:

SB23-260 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the consent calendar:

- 1 Amend printed bill, page 2, after line 5, insert:
- 2 "(a) "INDEPENDENT PHARMACY" MEANS A PRESCRIPTION DRUG
- 3 OUTLET PRIVATELY OWNED BY AT LEAST ONE LICENSED PHARMACIST WITH
- 4 NO OWNERSHIP INTEREST BY OR AFFILIATION WITH A CHAIN OR PUBLICLY
- 5 OWNED PHARMACY."
- 6 Reletter succeeding paragraphs accordingly.
- 7 Page 2, strike lines 16 through 23.
- 8 Page 3, strike lines 1 through 11 and substitute:
- 9 "(2) (a) A PRACTITIONER MAY ASK AN INDIVIDUAL WHO SEEKS TO
- 10 RECEIVE A PUBLICLY FUNDED VACCINE TO PRESENT PROOF OF HEALTH
- 11 INSURANCE OR A GOVERNMENT-ISSUED IDENTIFICATION CARD, SOCIAL
- 12 SECURITY CARD, OR SOCIAL SECURITY NUMBER BUT SHALL NOT CONDITION
- 13 AN INDIVIDUAL'S RECEIPT OF A PUBLICLY FUNDED VACCINE ON THE
- 14 PRESENTATION OF THE REQUESTED DOCUMENTATION.
- 15 (b) (I) A PRACTITIONER WHO ADMINISTERS A PUBLICLY FUNDED
- 16 VACCINE SHALL POST AND KEEP POSTED A NOTICE PROVIDED BY THE
- 17 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, IN MULTIPLE
- 18 LANGUAGES IF REQUESTED, THAT CONFIRMS THAT THE PUBLICLY FUNDED
- 19 VACCINE WILL BE PROVIDED REGARDLESS OF THE INDIVIDUAL'S PROVISION
- 20 OF THE REQUESTED DOCUMENTATION.
- 21 (II) A PRACTITIONER, EXCEPT FOR AN INDEPENDENT PHARMACY,
- 22 AS DEFINED IN SUBSECTION (1)(a) OF THIS SECTION, WHO ADMINISTERS A
- 23 PUBLICLY FUNDED VACCINE SHALL POST AND KEEP POSTED A NOTICE

1 PROVIDED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT,
2 IN MULTIPLE LANGUAGES IF REQUESTED, THAT CONFIRMS THAT THE
3 PUBLICLY FUNDED VACCINE WILL BE PROVIDED REGARDLESS OF THE
4 INDIVIDUAL'S ABILITY TO PAY A VACCINE ADMINISTRATION FEE.

5 (III) A NOTICE REQUIRED BY THIS SUBSECTION (2) MUST BE POSTED
6 BY THE PRACTITIONER IN A LOCATION CONSPICUOUS TO THE INDIVIDUAL,
7 OR A PARENT OR LEGAL GUARDIAN CONSENTING TO THE VACCINATION OF
8 AN INDIVIDUAL WHO IS UNDER EIGHTEEN YEARS OF AGE, AT THE LOCATION
9 OF THE INDIVIDUAL'S APPOINTMENT. EACH PRACTITIONER SHALL TAKE
10 STEPS TO ENSURE THAT THE NOTICE IS NOT ALTERED, DEFACED, OR
11 COVERED BY OTHER MATERIAL.

12 (c) A PRACTITIONER, EXCEPT FOR AN INDEPENDENT PHARMACY AS
13 DEFINED IN SUBSECTION (1)(a) OF THIS SECTION, SHALL PROVIDE THE
14 INDIVIDUAL, OR A PARENT OR LEGAL GUARDIAN CONSENTING TO THE
15 VACCINATION OF THE INDIVIDUAL WHO IS UNDER EIGHTEEN YEARS OF AGE,
16 WITH A DISCLOSURE STATEMENT IN THE LANGUAGE UNDERSTOOD BY THE
17 INDIVIDUAL RECEIVING THE VACCINE OR THE PARENT OR LEGAL GUARDIAN
18 CONSENTING TO THE VACCINATION OF AN INDIVIDUAL UNDER EIGHTEEN
19 YEARS OF AGE, THAT CONFIRMS THAT THE PUBLICLY FUNDED VACCINE
20 WILL BE PROVIDED REGARDLESS OF THE INDIVIDUAL'S PROVISION OF THE
21 REQUESTED DOCUMENTATION OR OF PAYMENT OF A VACCINE
22 ADMINISTRATION FEE.

23 (d) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
24 SHALL CREATE THE DISCLOSURE STATEMENT REQUIRED BY THIS
25 SUBSECTION (2) AND SHALL MAKE IT AVAILABLE ELECTRONICALLY TO
26 PRACTITIONERS. A PRACTITIONER MAY REQUEST THAT THE DEPARTMENT
27 PROVIDE THE PRACTITIONER WITH THE DISCLOSURE STATEMENT IN A
28 LANGUAGE OTHER THAN ENGLISH TO MEET THE NEEDS OF AN
29 INDIVIDUAL."

30 Page 3, line 13, strike "HEALTH INSURANCE CARRIER" and substitute
31 "INSURANCE PROVIDER OR PLAN".

32 Page 3, lines 18 and 19 strike "HEALTH INSURANCE CARRIER" and
33 substitute "INSURANCE PROVIDER OR PLAN".

34 Page 3, line 21, strike "OR UNDERINSURED".

35 Page 3, line 23, strike "SHALL NOT" and substitute "WHO CHOOSES TO".

36 Page 3, line 24, strike "COLLECTION OF" and substitute "PAYMENT FOR".

37 Page 3, line 26, strike "ADMINISTERED." and substitute "ADMINISTERED

1 MAY ISSUE ONLY A SINGLE BILL TO THE INDIVIDUAL WITHIN A NINETY
2 DAYS AFTER THE VACCINE IS ADMINISTERED. THE PRACTITIONER SHALL
3 NOT SEND AN UNPAID VACCINE ADMINISTRATION BILL TO A COLLECTION
4 AGENCY."

5 Page 4, after line 5, insert:

6 "(e) NOTWITHSTANDING SUBSECTION (3)(b) OF THIS SECTION, AN
7 INDEPENDENT PHARMACY MAY CONDITION RECEIPT OF A PUBLICLY
8 FUNDED VACCINE ON THE INDIVIDUAL'S ABILITY TO PAY. THE VACCINE
9 ADMINISTRATION FEE CHARGED BY THE INDEPENDENT PHARMACY MUST
10 BE EQUAL TO OR LESS THAN THE PRACTITIONER'S VACCINE
11 ADMINISTRATION COSTS OR THE VACCINE ADMINISTRATION
12 REIMBURSEMENT RATE SET PURSUANT TO THE "COLORADO MEDICAL
13 ASSISTANCE ACT", ARTICLES 4, 5, AND 6 OF TITLE 25.5, WHICHEVER IS
14 LESS. IF AN INDEPENDENT PHARMACY DENIES AN INDIVIDUAL A PUBLICLY
15 FUNDED VACCINE DUE TO AN INABILITY TO PAY THE VACCINE
16 ADMINISTRATION FEE, THE INDEPENDENT PHARMACY MUST PROVIDE THE
17 INDIVIDUAL WITH A LIST OF PRACTITIONERS PROVIDED BY THE
18 DEPARTMENT WHO WILL NOT CONDITION AN INDIVIDUAL'S RECEIPT OF A
19 PUBLICLY FUNDED VACCINE ON THE INDIVIDUAL'S ABILITY TO PAY A
20 VACCINE ADMINISTRATION FEE. NOTHING IN THIS SECTION EXEMPTS
21 INDEPENDENT PHARMACIES FROM MEETING ALL OF THE REQUIREMENTS OF
22 FEDERAL VACCINE PROGRAMS, SHOULD INDEPENDENT PHARMACIES
23 CHOOSE TO ENROLL AND BE APPROVED FOR SUCH PROGRAMS.

24 (f) IF FEDERAL OR STATE MONEY IS MADE AVAILABLE TO PAY FOR
25 THE ADMINISTRATION COSTS OF A PUBLICLY FUNDED VACCINE, A
26 PRACTITIONER WHO ADMINISTERS THE VACCINE MAY REQUEST PAYMENT
27 FROM THE FEDERAL OR STATE SOURCE."

28 Page 4, strike lines 10 through 13 and substitute:

29 "(5) A PRACTITIONER SHALL PROVIDE A PUBLICLY FUNDED
30 VACCINE TO ANY AGE-APPROPRIATE INDIVIDUAL WHO REGISTERS FOR AN
31 APPOINTMENT WITH THE PRACTITIONER TO RECEIVE THE PUBLICLY FUNDED
32 VACCINE WITHIN THE PRACTITIONER'S SCOPE OF PRACTICE.

33 (6) EACH PRACTITIONER IS ENCOURAGED TO ESTABLISH AN
34 ELECTRONIC LINK AND A TELEPHONE NUMBER FOR INDIVIDUALS TO USE TO
35 SCHEDULE AN APPOINTMENT FOR A PUBLICLY FUNDED VACCINE. TO BE
36 ACCESSIBLE, THE LINK SHOULD BE SEPARATE FROM ANY REGULAR PATIENT
37 PORTAL WITH RESTRICTED ACCESS AND THE SCHEDULING SERVICES
38 SHOULD BE ACCESSIBLE TO INDIVIDUALS WITH DISABILITIES.

39 (7) THIS SECTION DOES NOT MODIFY THE REQUIREMENTS FOR
40 PRACTITIONERS, INCLUDING INDEPENDENT PHARMACIES, SERVING CLIENTS

1 PURSUANT TO THE "COLORADO MEDICAL ASSISTANCE ACT", ARTICLES 4,
2 5, AND 6 OF TITLE 25.5, OR FEDERALLY QUALIFIED HEALTH CENTERS TO
3 MEET THE FEDERAL REQUIREMENTS FOR THESE PROGRAMS FOR THE
4 ADMINISTRATION OF PUBLICLY FUNDED VACCINES."

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