

## CHAPTER 350

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**HEALTH AND ENVIRONMENT**

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## SENATE BILL 13-222

BY SENATOR(S) Aguilar, Newell, Nicholson, Crowder, Giron, Guzman, Heath, Hudak, Kefalas, Roberts, Schwartz, Ulibarri, Morse;  
also REPRESENTATIVE(S) Pabon, Kraft-Tharp, Levy, May, Melton, Peniston, Rosenthal, Salazar, Singer, Tyler, Buckner, Court, Exum, Fields, Fischer, Ginal, Hamner, Hullinghorst, Labuda, Lee, Moreno, Primavera, Schafer, Young.

**AN ACT**

**CONCERNING IMPROVING ACCESS TO CHILDHOOD IMMUNIZATIONS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

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

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

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

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

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

(e) Recent changes in federal law prohibit local public health agencies from providing federally funded immunizations to patients with private insurance,

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

including situations in which a primary care provider is unable to offer immunizations and refers a patient to the local public health agency;

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

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

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

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

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

(k) Allowing provider choice in any purchasing system aids in the most effective and efficient management of a patient's care and supports stable vaccine supply for the community; and

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

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

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

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

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

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

INSURED INDIVIDUALS;

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

(III) Utilizing the reminder and recall process of the immunization tracking system; and

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

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

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

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

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

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

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

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

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

(a) Mechanisms for:

(I) Maximizing federal funds to purchase, distribute, and deliver vaccines for individuals in Colorado; ~~including, but not limited to, participation in a state purchasing and distribution cooperative and the mechanisms for~~

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

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

(f) ~~Methods for implementing the findings addressed in paragraphs (a) to (d) of~~

THE ABILITY OF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING TO PURCHASE VACCINES RECOMMENDED BY ACIP THROUGH A PURCHASING SYSTEM, IF DEVELOPED PURSUANT TO **this subsection (1)** AND SUBSECTION (1.3) OF THIS SECTION, FOR CHILDREN WHO ARE ENROLLED IN THE CHILDREN'S BASIC HEALTH PLAN CREATED IN ARTICLE 8 OF TITLE 25.5, C.R.S.

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

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

(II) PHARMACISTS FROM BOTH INDEPENDENT AND CHAIN PHARMACIES;

(III) LOCAL PUBLIC HEALTH PROVIDERS;

(IV) CHILD HEALTH ADVOCATES;

(V) HEALTH INSURERS AND OTHER PERSONS WHO PAY FOR HEALTH CARE SERVICES;

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

(VII) PHARMACEUTICAL MANUFACTURERS; AND

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

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

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

(II) JUST-IN-TIME DELIVERY;

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

(IV) OUTBREAK RESPONSE;

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

(VI) VACCINE SHORTAGE RESPONSE;

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

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

(IX) CONTINUATION AND PRESERVATION OF CURRENT MODELS OF VACCINE PURCHASE, FINANCING, AND DELIVERY AND THE ABILITY OF HEALTH CARE PROVIDERS TO USE THOSE CURRENT MODELS OR ANY NEW MODELS THAT MAY BE DEVELOPED PURSUANT TO THIS SUBSECTION (1.3) AND SUBSECTION (1) OF THIS SECTION.

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

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

(13) AS USED IN THIS SECTION:

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

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

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

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

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

(II) HAVE SIMILAR SAFETY AND EFFICACY PROFILES; AND

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

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

**25.5-8-107. Duties of the department - schedule of services - premiums - copayments - subsidies - purchase of childhood immunizations.** (5) THE DEPARTMENT MAY PURCHASE VACCINES RECOMMENDED BY THE ADVISORY COMMITTEE ON IMMUNIZATION PRACTICES TO THE CENTERS FOR DISEASE CONTROL AND PREVENTION IN THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES, OR ITS SUCCESSOR ENTITY, THROUGH A VACCINE PURCHASING SYSTEM, IF SUCH A SYSTEM IS DEVELOPED PURSUANT TO SECTION 25-4-2403 (1), C.R.S., FOR CHILDREN ENROLLED IN THE CHILDREN'S BASIC HEALTH PLAN.

**SECTION 6. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund, not otherwise appropriated, to the department of public health and environment, for the fiscal year beginning July 1, 2013, the sum of \$68,054 and 1.0 FTE, or so much thereof as may

be necessary, to be allocated to the disease control and environmental epidemiology division for the implementation of this act as follows:

Immunization Personal Services	\$62,401 and 1.0 FTE
Immunization Operating Expenses	\$5,653.

**SECTION 7. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 28, 2013