

Act 15 (S.37)

An act relating to access to legally protected health care activity and regulation of health care providers

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- ▶ **Definitions** - Adds definitions into statute for the terms “gender-affirming health care services,” “legally protected health care activity,” and “reproductive health care services”
 - ▶ Identical to the definitions added by Act 14 (H.89)
- ▶ **Medical Malpractice Insurance** - Prohibits a medical malpractice insurer from adjusting a health care provider’s risk classification or premium charges related to the health provider providing legally protected health care activity
 - ▶ Specifically, providing care that is unlawful in another state, another state’s laws create liability for providing that care, there is abusive litigation against the provider concerning the care, or the provider has been disciplined by another state solely for providing the care
 - ▶ The protections of this section do not apply if the care would be unlawful in Vermont or if the care was not provided competently (for example, the provider was negligent)

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- ▶ **Health Insurance/Medicaid** - Requires (in statute) that health insurance plans and Medicaid cover gender-affirming health care services and abortion-related services
 - ▶ Individual and small group insurance plans already have this coverage as it is required under Vermont's Essential Health Benefits benchmark plan and Medicaid already provides this coverage
 - ▶ This statutory requirement only applies to those insurance plans that are within the State's regulatory authority; the requirement does not apply to any federal insurance plan (like TRICARE), Medicare, or employer-sponsored health coverage (ERISA plans)
- ▶ **Pregnancy Service Centers** - Establishes a new “unfair and deceptive act” regarding limited-services pregnancy centers to prohibit false and misleading advertising about services
 - ▶ Creates a consumer protection mechanism for entities that provide free pregnancy-related services; organizations that currently offer pregnancy-related services for a fee (including payment through insurance) are already covered by the Consumer Protection Act
 - ▶ This statute gives the Attorney General's Office investigatory/enforcement authority regarding consumer protection violations at these centers and specifies the Office of Professional Regulation's and Board of Medical Practice's authority to enforce any violations of professional standards by licensed health care providers at the centers

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- ▶ **Ongoing Access/Analysis** - Requires the Green Mountain Care Board and the Agency of Human Services to include access to reproductive and gender-affirming health care services as part of ongoing projects and analyses
 - ▶ Specifically, the Health Resource Allocation Plan (HRAP) administered by the GMCB and the State Health Assessment and Community Profiles community engagement process administered by the Agency of Human Services
- ▶ **Interstate Compacts** - Requires the Office of Professional Regulation to submit a report regarding the State's participation in interstate compacts (current and future) and directs Vermont compact delegates to support protections for health care providers in compacts
 - ▶ The report shall contain any findings/recommendations for legislative action to address concerns regarding the State's participation or contemplated participation in interstate licensure compacts as a result of Act 15
 - ▶ The direction to Vermont's compact delegates specifies that the delegates shall seek an amendment (if necessary) to compact language, rules, directives or bylaws to preserve Vermont's authority to decide whether to discipline a Vermont licensed provider.

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- ▶ **Emergency contraception** –
 - ▶ Allows pharmacists to prescribe prescription and OTC emergency contraception
 - ▶ Permits pharmacies and colleges and universities to make nonprescription emergency contraception and other contraceptives available by vending machine
- ▶ **Higher Education** - Requires Vermont's public institutions of higher education to report annually on students' access to reproductive and gender-affirming health care services
- ▶ **Health Care Information** - Limits the circumstances under which covered entities and business associates may disclose information regarding legally protected health care activity, unless:
 - ▶ The patient authorizes the disclosure
 - ▶ The disclosure is required by federal law, Vermont law, or Vermont Supreme Court rules
 - ▶ The disclosure is ordered by a court of competent jurisdiction pursuant to federal law, Vermont law, or Vermont Supreme Court rules
 - ▶ The disclosure will be used to defend the covered entity/business associate against a legal claim or in a legislative or administrative proceeding
 - ▶ The disclosure is to OPR/BMP in connection with an investigation of unauthorized practice
 - ▶ The disclosure is to VDH or DAIL in connection with investigation of Vermont facility