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CS FOR SENATE BILL NO. 169()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

Sponsor(s): SENATORS GIESSEL, French

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing in the Department of Health and Social Services a statewide**
2 **immunization program and the State Vaccine Assessment Council; creating a vaccine**
3 **assessment account; requiring a vaccine assessment from assessable entities and other**
4 **program participants for statewide immunization purchases; repealing the temporary**
5 **child and adult immunization program; and providing for an effective date."**

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 *** Section 1.** AS 18.09 is amended by adding new sections to read:

8 **Article 1A. Statewide Immunization Program.**

9 **Sec. 18.09.200. Statewide immunization program established;**
10 **commissioner's duties.** (a) In addition to health promotion and vaccine registration
11 activities of the department, a statewide immunization program is established in the
12 department for the purpose of monitoring, purchasing, and distributing recommended
13 vaccines to providers approved by the department who agree to provide the

1 recommended vaccines to state residents under terms consistent with the program and
2 state and federal law.

3 (b) The commissioner shall

4 (1) maintain a list of recommended vaccines for inclusion in the
5 program;

6 (2) for each recommended vaccine, establish the initial vaccine
7 assessment for the first year of the program and thereafter make annual assessments
8 based on the determinations made by the council established under AS 18.09.210;

9 (3) notify assessable entities and other program participants of the
10 annual vaccine assessment for each vaccine included in the program;

11 (4) devise a method for crediting to assessable entities and other
12 program participants overpayments of vaccine assessments made for reasons related to
13 administrative error, program termination, or lower than anticipated actual usage of
14 the program by covered individuals;

15 (5) coordinate collective purchases of recommended vaccines;

16 (6) establish a procedure for statewide distributions of vaccines
17 purchased under the program; and

18 (7) review vaccine assessment appeals for error.

19 **Sec. 18.09.210. State Vaccine Assessment Council; members; duties.** (a)

20 The State Vaccine Assessment Council is established in the department for the
21 purpose of determining the amount of vaccine assessments made by the commissioner
22 to be paid by assessable entities and other program participants in the state under
23 procedures established by the council.

24 (b) The council consists of eight members appointed by the commissioner as
25 follows:

26 (1) the department's chief medical officer for public health, who shall
27 serve as chair;

28 (2) two health care providers licensed in the state;

29 (3) three members representing health care insurers licensed in the
30 state under AS 21.54, one of whom must be a plan administrator; each insurer must
31 represent a different organization in the state;

1 (4) a representative of a tribal or public health insurance plan;

2 (5) the director of the division of insurance or the director's designee.

3 (c) A member appointed to the council under (b)(2) - (4) of this section serves
4 without compensation and reimbursement of expenses for a term of three years or until
5 a successor is appointed. A member may not serve more than two consecutive terms.

6 (d) The council shall meet at the call of the chair and conduct business by
7 majority vote.

8 (e) The department shall provide staff and other assistance to the council.

9 (f) The council shall

10 (1) establish and implement a plan of operation to

11 (A) determine the amount of the annual vaccine assessment,
12 subject to review by the commissioner, for each recommended vaccine for
13 each covered individual following the initial vaccine assessment amounts
14 determined by the commissioner;

15 (B) use a method for determining the vaccine assessment
16 amount that attributes to each assessable entity and other program participant
17 the proportionate costs of recommended vaccines for covered individuals;

18 (C) establish procedures for the collection and deposit of the
19 vaccine assessment;

20 (D) establish procedures for collecting and updating data from
21 assessable entities and other program participants as necessary for the
22 operation of the program and the determination of the annual vaccine
23 assessment; the data collected must include the number of covered individuals
24 by each assessable entity and other program participant and the annual vaccine
25 program usage by each covered individual;

26 (E) devise a system for reducing surplus payments made by an
27 assessable entity and other program participant by crediting past overpayments
28 to current year vaccine assessments;

29 (2) submit to the commissioner, not later than July 1 of each year, an
30 annual financial report, including assessment determinations, in a form acceptable to
31 the commissioner;

1 (3) monitor compliance with the program requirements and vaccine
 2 assessments and submit a periodic noncompliance report to the commissioner and the
 3 director of insurance that lists assessable entities and other program participants that
 4 failed to

5 (A) remit vaccine assessments as determined by the council
 6 and approved by the commissioner; or

7 (B) comply with a reporting or auditing requirement under the
 8 program after notice from the council.

9 **Sec. 18.09.220. Vaccine assessment and reporting requirements.** (a) An
 10 assessable entity and other program participant shall

11 (1) pay to the department the annual combined vaccine assessments as
 12 determined under the program for the recommended vaccines covered by the
 13 assessable entity or other program participant for each covered individual on a
 14 schedule adopted by the council;

15 (2) provide information requested by the council to determine the
 16 number of covered individuals, actual vaccine usage under the program, and other data
 17 necessary to calculate and monitor compliance with the vaccine assessment; and

18 (3) provide audited financial statements upon request of the council.

19 (b) A vaccine assessment must include a reasonable contribution toward
 20 support of the program and appropriate reserve funds, as determined by the council. A
 21 vaccine assessment may not include a provider fee for the administration of the
 22 vaccine.

23 (c) A vaccine assessment shall be construed as a medical expense of the
 24 assessable entity or other program participant.

25 (d) An assessable entity or other program participant may appeal a
 26 determination of a vaccine assessment made by the council to the commissioner
 27 within 10 days after receiving notification of the assessment. The commissioner shall
 28 review the appeal and all materials relevant to the assessment that is the subject of the
 29 appeal and shall modify the assessment if the commissioner finds substantial evidence
 30 of an error.

31 **Sec. 18.09.225. Other program participants.** A health care provider or group

1 of providers may opt into the program if approved by the commissioner under
2 regulations adopted by the department.

3 **Sec. 18.09.230. Vaccine assessment account; creation.** (a) The vaccine
4 assessment account is created as an account in the general fund for the purpose of
5 receiving vaccine assessments and purchasing recommended vaccines under the
6 program. The account consists of money appropriated, including income from the
7 account and money deposited into the account from program receipts. Appropriations
8 to the account do not lapse.

9 (b) The legislature may make appropriations from the vaccine assessment
10 account for the purchase of recommended vaccines for the benefit of state residents in
11 an amount requested by the department and for other purposes of the program.

12 **Sec. 18.09.240. Penalties.** An assessable entity or other program participant
13 that fails to pay a required annual vaccine assessment after notification of the
14 assessment or fails to comply with a request for information necessary for
15 determination of the assessment may be assessed an additional noncompliance fee as
16 determined by the commissioner under regulations adopted by the department.

17 * **Sec. 2.** AS 18.09.990 is amended by adding new paragraphs to read:

18 (3) "assessable entity" means

19 (A) a health care insurer as defined in AS 21.54.500; ^{OK}

20 (B) an entity that provides the state health care plan described
21 in AS 39.30.090 and 39.30.091; ^{OK}

22 (C) a public or private entity that offers a publicly funded plan ^{added}
23 in the state, to the extent participation in the program is authorized by law; and

24 (D) a third-party administrator as defined in AS 21.97.900;

25 (4) "commissioner" means the commissioner of health and social
26 services;

27 (5) "council" means the State Vaccine Assessment Council;

28 (6) "covered individual" means an adult or child who resides in the
29 state and who is provided insurance coverage for a recommended vaccine by an
30 assessable entity or who is a patient of another program participant;

31 (7) "other program participant" and "another program participant"

1 mean a health care provider or group of providers who have opted into the program
2 under AS 18.09.225 to both purchase vaccines for and administer vaccinations to
3 residents of the state;

4 (8) "program" means the statewide immunization program;

5 (9) "provider" means a person licensed or certified by the state to
6 administer vaccines or provide health care services or a partnership, corporation, or
7 other entity made up of persons licensed or certified to administer vaccines or provide
8 health care services;

9 (10) "recommended vaccine" means a vaccine recommended by the
10 Advisory Committee on Immunization Practices of the Centers for Disease Control
11 and Prevention, United States Department of Health and Human Services, and
12 included on a list maintained by the commissioner for inclusion in the program;

13 (11) "vaccine" means a preparation of killed microorganisms, living
14 attenuated organisms, living fully virulent organisms, or other substances that are
15 administered to humans for the purpose of producing or artificially increasing specific
16 immunity to life-threatening and disabling diseases.

17 * **Sec. 3.** AS 21.09.242 is amended by adding a new subsection to read:

18 (b) An assessable entity, as defined in AS 18.09.990, shall provide
19 information and assessments to the Department of Health and Social Services and the
20 State Vaccine Assessment Council established under AS 18.09.210 as necessary for
21 the statewide immunization program established under AS 18.09.200.

22 * **Sec. 4.** AS 37.05.146(c) is amended by adding a new paragraph to read:

23 (87) the vaccine assessment account under AS 18.09.230.

24 * **Sec. 5.** Chapter 24, SLA 2012, is repealed.

25 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
26 read:

27 TRANSITION; DEPOSIT OF FUNDS REMAINING FROM CHILD AND ADULT
28 IMMUNIZATION PROGRAM. All unobligated funds remaining in the program established
29 under sec. 2, ch. 24, SLA 2012, shall be deposited into the account created in AS 18.09.230,
30 added by sec. 1 of this Act.

31 * **Sec. 7.** This Act takes effect July 1, 2014.