

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1408

H.P. 984

House of Representatives, April 6, 2009

An Act To Establish the Universal Childhood Immunization Program

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative CONNOR of Kennebunk.
Cosponsored by Senator MARRACHÉ of Kennebec and
Representatives: BERRY of Bowdoinham, EVES of North Berwick, MILLER of Somerville,
PERRY of Calais, Speaker PINGREE of North Haven, STRANG BURGESS of Cumberland,
Senators: BRYANT of Oxford, MILLS of Somerset, President MITCHELL of Kennebec.

1 Be it enacted by the People of the State of Maine as follows:

2 Sec. 1. 5 MRSA §12004-G, sub-§15-B is enacted to read:

3 **15-B.**

4 Human Services: Maine Vaccine Expenses Only 22 MRSA §1066
5 Immunization Board

6 Sec. 2. 22 MRSA §1066 is enacted to read:

7 **§1066. Universal Childhood Immunization Program**

8 **1. Program established.** The Universal Childhood Immunization Program,
9 administered by the board, is established to provide universal immunization coverage to
10 children in the State.

11 **2. Definitions.** As used in this section, unless the context otherwise indicates, the
12 following terms have the following meanings.

13 A. "Advisory committee" means the Advisory Committee on Immunization Practices
14 of the United States Department of Health and Human Services, Centers for Disease
15 Control and Prevention, or successor organization.

16 B. "Board" means the Maine Vaccine Board under subsection 3.

17 C. "Covered life months" means the number of months during a calendar year that a
18 person is covered under a health insurance plan provided by a health insurer.

19 D. "Fund" means the Childhood Immunization Fund established in subsection 10.

20 E. "Health insurer" means a health insurance carrier, 3rd-party administrator and
21 employee benefit excess insurance carrier subject to the provisions of Title 24-A,
22 section 6913, subsection 3.

23 F. "Program" means the Universal Childhood Immunization Program established in
24 subsection 1.

25 G. "Superintendent" means the Superintendent of Insurance.

26 **3. Maine Vaccine Board.** The Maine Vaccine Board is established pursuant to Title
27 5, section 12004-G, subsection 15-B and is organized as follows.

28 A. The board must have 9 members, 7 of whom are appointed by the Governor,
29 including 3 representatives of the health insurers who insure the 3 most covered life
30 months in the State, 3 representatives of health care providers in the State and a
31 member of the general public. The commissioner and the superintendent serve as ex
32 officio members of the board. The term of an appointed member to the board is 3
33 years. The board shall elect a chair from among its members.

34 B. The board shall administer the program, the provisions of this section and the
35 fund. The board may assess a fine pursuant to subsection 8.

36 C. The department shall staff and provide administrative support for the board.

1 **4. Program requirements.** The program shall purchase and make available to a
2 health care provider every vaccine for childhood immunization that is recommended by
3 the advisory committee, approved by the United States Food and Drug Administration
4 and available under contract with the United States Department of Health and Human
5 Services, Centers for Disease Control and Prevention and that is not funded by the
6 Vaccines for Children Program of the United States Department of Health and Human
7 Services, Centers for Disease Control and Prevention, or successor program. A health
8 care provider who provides a childhood vaccine under this subsection must participate in
9 the Maine Center for Disease Control and Prevention's immunization program. Upon
10 request, the department shall make available to a health insurer information about the
11 program and the costs associated with the program.

12 **5. Funding.** Program costs must be funded from the fund each year in an amount
13 equal to the dollar amount necessary to purchase, store, distribute and provide quality
14 assurance for every vaccine under subsections 4 and 7 for routine immunization of all
15 children in the State in accordance with the application recommended by the advisory
16 committee minus the dollar amount necessary to cover all children in the State for every
17 vaccine recommended under the Vaccines for Children Program of the United States
18 Department of Health and Human Services, Centers for Disease Control and Prevention
19 and any amount in the fund assessed but not needed to cover program costs for the prior
20 year. The board shall determine the amount of the program costs required by this
21 subsection for a vaccine under subsection 4 no later than October 1st of every year.

22 **6. Assessment.** A health insurer shall pay an annual assessment as set out in this
23 subsection. In administering a health insurer assessment under the program, the board
24 shall:

25 **A.** After an opportunity for a hearing conducted pursuant to Title 5, chapter 375,
26 subchapter 4, determine an assessment amount equal to the ratio of the program costs
27 calculated under subsection 5 to the total number of covered life months of
28 nonelderly residents in the State of all health insurers for the prior year; and

29 **B.** By January 1st, send notice of an assessment to a health insurer in an amount
30 equal to the assessment amount under paragraph A multiplied by the total number of
31 covered life months of nonelderly residents in the State covered by the health insurer
32 for the prior year. The assessment must be paid to the board by the health insurer by
33 April 1st.

34 An assessment received by the board under paragraph B must be credited to the fund.

35 **7. New vaccine assessment.** For a new vaccine recommended by the advisory
36 committee for which an initial federal contract price is established between October 1st
37 and July 1st of a fiscal year:

38 **A.** The board shall calculate the program cost for the vaccine under subsection 4 by
39 the first day of the calendar quarter following the establishment of the federal
40 contract price; and

41 **B.** Within 90 days after calculating the program cost under paragraph A, after an
42 opportunity for a hearing conducted pursuant to Title 5, chapter 375, subchapter 4,
43 the board shall determine an assessment amount equal to the ratio of the program cost

1 calculated under paragraph A divided by the total number of covered life months of
2 nonelderly residents in the State for the calendar quarter under paragraph A and send
3 notice of an assessment to a health insurer in the amount equal to the assessment
4 amount multiplied by the total number of covered months of nonelderly residents in
5 the State covered by the health insurer for that calendar quarter.

6 An assessment under this subsection must be paid by a health insurer to the board within
7 90 days after receipt of the notice under paragraph B. The assessment must be credited to
8 the fund.

9 **8. Failure to pay assessment.** After April 1st for an assessment under subsection 6
10 and after 90 days after notice of an assessment under subsection 7, paragraph B, the board
11 shall submit a report to the superintendent listing every health insurer that failed to remit
12 an assessment. The board shall notify each health insurer in the report that the health
13 insurer has 90 days to either remit the assessment due or enter into an assessment
14 payment plan approved by the board. If a health insurer has not paid an assessment under
15 subsection 6 or 7 within 6 months of notification, the board may assess a fine of up to
16 125% of the amount of the delinquent assessment. A fine paid under this subsection must
17 be deposited into the fund. The superintendent may suspend or revoke, after notice and
18 hearing, the certificate of authority to transact insurance in this State of any health insurer
19 to operate in this State that fails to pay an assessment under subsection 6 or 7 and may
20 assess a fine other than the fine required by this subsection against any health insurer that
21 fails to pay an assessment under subsection 6 or 7 or may take any other enforcement
22 action authorized under Title 24-A, section 12-A to collect any unpaid assessment under
23 subsection 6 or 7.

24 **9. Reporting.** The board may require a health insurer to report the number of
25 covered life months covered by the health insurer for a calendar period on a form and a
26 schedule determined by the board.

27 **10. Fund.** The Childhood Immunization Fund is established to fund the purposes of
28 the program under subsection 4 and the costs of administration of the program and the
29 board. The fund is administered by the board. All assessments collected pursuant to this
30 section must be deposited into the fund as well as income from any other source directed
31 to the fund. All interest earned by the fund becomes part of the fund. Any balance
32 remaining in the fund at the end of the fiscal year does not lapse but is carried forward
33 into subsequent fiscal years.

34 **11. Rules.** The board may adopt rules to carry out the purposes of this section. Rules
35 adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter
36 375, subchapter 2-A.

37 SUMMARY

38 This bill creates the Universal Childhood Immunization Program to provide
39 immunizations and cover the costs of recommended vaccines for children in the State not
40 covered by the federal Vaccines for Children Program. The bill creates the Maine
41 Vaccine Board to determine the costs of purchasing and administering the vaccines and

1 directs the board to assess these costs to appropriate health insurers in the State based on
2 each insurer's share of nonelderly insureds in the State.