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An Act To Establish the Universal Childhood Immunization Program

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

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

15-B.

Maine Vaccine Board Expenses Only

22 MRSA §1066

Human Services:
Immunization

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

§ 1066. Universal Childhood Immunization Program

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

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

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

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

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

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

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

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

G. "Superintendent" means the Superintendent of Insurance.

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

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

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

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

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

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

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

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

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

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

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

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

B. Within 90 days after calculating the program cost under paragraph A, after an opportunity for a hearing conducted pursuant to Title 5, chapter 375, subchapter 4, the board shall determine an assessment amount equal to the ratio of the program cost calculated under paragraph A divided by the total number of covered life months of nonelderly residents in the State for the calendar quarter under paragraph A and send notice of an assessment to a health insurer in the amount equal to the assessment amount multiplied by the total number of covered months of nonelderly residents in the State covered by the health insurer for that calendar quarter.

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

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

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

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

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

SUMMARY

This bill creates the Universal Childhood Immunization Program to provide immunizations and cover the costs of recommended vaccines for children in the State not covered by the federal Vaccines for Children Program. The bill creates the Maine Vaccine Board to determine the costs of purchasing and administering the vaccines and directs the board to assess these costs to appropriate health insurers in the State based on each insurer's share of nonelderly insureds in the State.