

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 393

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO THE IDAHO IMMUNIZATION ASSESSMENT BOARD; AMENDING SECTION  
2 41-6003, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE IDAHO IMMUNIZATION ASSESSMENT BOARD; AMENDING SECTION 41-6006, IDAHO CODE, TO  
3 REVISE PROVISIONS REGARDING LATE OR NONPAYMENT OF ASSESSMENTS AND TO  
4 MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 1, CHAPTER 97, LAWS OF  
5 2017, TO EXTEND A SUNSET DATE.  
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8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Section 41-6003, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 41-6003. IDAHO IMMUNIZATION ASSESSMENT BOARD. (1) There is hereby  
12 created in the Idaho department of insurance the Idaho immunization assess-  
13 ment board. The board will perform an essential governmental function in the  
14 exercise of powers conferred upon it by this chapter and shall be a govern-  
15 mental entity within the meaning of chapter 9, title 6, Idaho Code.

16 (2) The board shall consist of ~~nine~~ ten (910) members and one (1) ex of-  
17 ficio member:

18 (a) ~~Six~~ Seven (67) members shall be appointed by the director and serve  
19 at the pleasure of the director. In selecting the members of the board,  
20 the director shall appoint:

21 (i) Three (3) members representing carriers, one (1) of whom  
22 shall represent administrators or third-party administrators;

23 (ii) One (1) primary care physician licensed and practicing in  
24 Idaho; and

25 (iii) ~~Two~~ Three (23) members representing the Idaho business com-  
26 munity, one (1) of whom shall represent a private self-funded in-  
27 surance plan;

28 (b) One (1) member appointed by the director of the department of health  
29 and welfare;

30 (c) One (1) member shall be a member of the senate, appointed by the  
31 president pro tempore of the senate;

32 (d) One (1) member shall be a member of the house of representatives,  
33 appointed by the speaker of the house of representatives; and

34 (e) The director or ~~his~~ the director's designated representative shall  
35 serve as an ex officio ~~tenth~~ eleventh member of the board.

36 (3) The initial board members appointed by the director pursuant to  
37 subsection (2)(a) of this section shall be appointed as follows: Legisla-  
38 tive members of the board shall serve for a term of two (2) years.

39 (a) Two (2) members, as determined by the director, shall serve an ini-  
40 tial term of two (2) years;

41 (b) Two (2) members, as determined by the director, shall serve an ini-  
42 tial term of three (3) years; and

1 (c) One (1) member, as determined by the director, shall serve an ini-  
2 tial term of four (4) years.

3 Subsequent board members appointed by the director pursuant to subsection  
4 (2) (a) of this section shall serve for terms of three (3) years.

5 (4) A vacancy on the board appointed by the director pursuant to subsec-  
6 tion (2) (a) of this section shall be filled by the director. A vacancy in a  
7 legislative member's position on the board shall be filled in the same manner  
8 as the original appointment.

9 (5) Except for employees of the state of Idaho, members of the board  
10 shall not receive compensation or reimbursement for expenses for their ser-  
11 vice on the board. Employees of the state of Idaho serving on the board shall  
12 be reimbursed for their vouched expenses associated with their service on  
13 the board in a manner consistent with policy for other state employees.

14 SECTION 2. That Section 41-6006, Idaho Code, be, and the same is hereby  
15 amended to read as follows:

16 41-6006. ASSESSMENTS. (1) The department of health and welfare shall  
17 report to the board on or before January 1 the total number of program\_eli-  
18 gible children in the Idaho immunization reminder information system registry  
19 who received vaccines, the doses and the total nonvaccine-for-children  
20 funds expended for vaccines purchased and administered through the Idaho  
21 immunization program for the previous state fiscal year and any other infor-  
22 mation appropriate or necessary to enable the board to properly determine  
23 assessments under the provisions of this chapter.

24 (2) The assessments to fund vaccine purchases for program-eligible  
25 children shall be made annually by the board. Each carrier's proportion of  
26 the assessment and the dates upon which the carrier must pay the assessment  
27 into the fund shall be determined by the board based on annual statements  
28 and other reports deemed necessary by the board. In making the assessment  
29 determination, the board shall consider such factors as any surplus funds  
30 remaining from a prior assessment, the number and cost of vaccine doses  
31 expected to be administered in the pertinent time period and the number of  
32 program-eligible children in the pertinent time period, as well as any nec-  
33 essary costs and expenses to administer the fund and discharge the duties  
34 of the board. The annual assessment shall be calculated to provide funding  
35 that, at a minimum, is expected to be sufficient to cover the administrative  
36 costs of the board and fund the purchase of vaccines for program-eligible  
37 children that have in effect a recommendation from the advisory committee on  
38 immunization practices of the centers for disease control and prevention on  
39 the date the board makes its assessment determination.

40 (3) For late or nonpayment of assessments by a carrier, the director  
41 ~~shall impose interest at the rate provided by section 28-22-104(1), Idaho~~  
42 ~~Code, and may impose such other penalties as provided in title 41, Idaho~~  
43 ~~Code.~~

44 (4) Except as otherwise provided in this subsection, a carrier shall  
45 pay an assessment made by the board within sixty (60) days of the notice of  
46 assessment being sent to the carrier. For good cause, a carrier may seek  
47 from the director a deferment from all or part of an assessment imposed by the  
48 board. The director may defer all or part of the assessment if the director  
49 determines that the payment of the assessment would place the carrier in a

1 financially impaired condition, as provided in title 41, Idaho Code. If all  
2 or part of an assessment against a carrier is deferred, the amount deferred  
3 shall be assessed against the other carriers in a manner consistent with the  
4 basis for assessment set forth in this section. The carrier receiving the  
5 deferment shall remain liable to the fund for the amount deferred and shall  
6 be prohibited from insuring any new individuals in the state of Idaho until  
7 such time as it pays the assessments.

8 (5) The moneys raised by the assessment authorized in this section  
9 shall be used solely for the purposes expressly authorized by this chapter.

10 SECTION 3. That Section 1, Chapter 97, Laws of 2017, be, and the same is  
11 hereby amended to read as follows:

12 SECTION 4. The provisions of this Chapter 60, Title 41 shall be  
13 null, void and of no force and effect on and after July 1, 2019~~24~~.