

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 130

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO IMMUNIZATION ASSESSMENTS; AMENDING SECTION 41-6005, IDAHO
2 CODE, TO PROVIDE THE IDAHO IMMUNIZATION ASSESSMENT BOARD WITH ADDI-
3 TIONAL POWERS; AMENDING SECTION 41-6006, IDAHO CODE, TO REVISE AND TO
4 PROVIDE ADDITIONAL PROVISIONS RELATING TO CERTAIN ANNUAL IMMUNIZATION
5 ASSESSMENTS; AND AMENDING SECTION 41-6007, IDAHO CODE, TO REVISE AND TO
6 PROVIDE ADDITIONAL PROVISIONS RELATING TO THE IDAHO IMMUNIZATION DEDI-
7 CATED VACCINE FUND.
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Section 41-6005, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 41-6005. POWER AND LIABILITY OF THE BOARD. (1) The board shall have the
13 power to:

14 (a) Enter into contracts as are necessary or proper to carry out the
15 provisions and purposes of this chapter, including contracts for admin-
16 istrative services;

17 (b) Determine the method of assessment and assess carriers in accor-
18 dance with the provisions of section 41-6006, Idaho Code;

19 (c) Require carriers to provide to the board such statements and re-
20 ports the board deems necessary to fulfill its duties under this chap-
21 ter; and

22 (d) Establish policies and procedures as may be necessary or convenient
23 for the implementation of this chapter and the operation of the assess-
24 ments authorized by this chapter; and

25 (e) Consult with the Idaho department of health and welfare and other
26 experts as the board may deem appropriate as necessary or proper to
27 carry out the provisions and purposes of this chapter.

28 (2) Neither the board nor its members shall be liable for any obliga-
29 tions of the vaccine assessments. No member or employee of the board shall
30 be liable, and no cause of action of any nature may arise against them, for
31 any act or omission related to the performance of their powers and duties un-
32 der this chapter, unless such act or omission constitutes willful or wan-
33 ton misconduct. Participation by a carrier in the assessments authorized
34 by this chapter or on the board under the provisions of this chapter shall
35 not be grounds for any legal action, criminal or civil liability, or penalty
36 against the fund or any of its carriers or board members, either jointly or
37 separately.

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

1 41-6006. ASSESSMENTS. (1) The department of health and welfare shall
2 report to the board ~~on or before March 1, 2010, and~~ on or before January
3 1 thereafter, the total number of program eligible children in the Idaho
4 immunization reminder information system registry who received vaccines,
5 the doses and the total nonvaccine-for-children funds expended for vac-
6 cines purchased and administered through the Idaho immunization program
7 for the previous state fiscal year and any other information appropriate or
8 necessary to enable the board to properly determine assessments under the
9 provisions of this chapter.

10 (2) The assessments to fund vaccine purchases for program eligible
11 children shall be made annually by the board. Each carrier's proportion of
12 the assessment and the dates upon which the carrier must pay the assessment
13 into the fund shall be determined by the board based on annual statements
14 and other reports deemed necessary by the board. In making the assessment
15 determination, the board shall also consider such factors as any surplus
16 funds remaining from a prior assessment, the number and cost of vaccine doses
17 expected to be administered in the pertinent time period and the number of
18 program eligible children in the pertinent time period, as well as any nec-
19 essary costs and expenses to administer the fund and discharge the duties
20 of the board. The annual assessment shall be calculated to provide funding
21 that, at a minimum, is expected to be sufficient to cover the administrative
22 costs of the board and fund the purchase of vaccines for program eligible
23 children that have in effect a recommendation from the advisory committee on
24 immunization practices of the centers for disease control and prevention on
25 the date the board makes its assessment determination.

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

30 (4) Except as otherwise provided in this subsection, a carrier shall
31 pay an assessment made by the board within sixty (60) days of the notice of
32 assessment being sent to the carrier. For good cause, a carrier may seek
33 from the director a deferment from all or part of an assessment imposed by the
34 board. The director may defer all or part of the assessment if the director
35 determines that the payment of the assessment would place the carrier in a
36 financially impaired condition, as provided in title 41, Idaho Code. If all
37 or part of an assessment against a carrier is deferred, the amount deferred
38 shall be assessed against the other carriers in a manner consistent with the
39 basis for assessment set forth in this section. The carrier receiving the
40 deferment shall remain liable to the fund for the amount deferred and shall
41 be prohibited from insuring any new individuals in the state of Idaho until
42 such time as it pays the assessments.

43 ~~(5) The initial assessments as determined by the board shall be paid~~
44 ~~into the fund on or before April 1, 2010.~~

45 ~~(6)~~ The moneys raised by the assessment authorized in this section
46 shall be used solely for the purposes expressly authorized by this chapter.

47 SECTION 3. That Section 41-6007, Idaho Code, be, and the same is hereby
48 amended to read as follows:

1 41-6007. IDAHO IMMUNIZATION DEDICATED VACCINE FUND. There is hereby
2 created in the state treasury the Idaho immunization dedicated vaccine fund.
3 Moneys in the fund shall be appropriated solely for purposes established by
4 this chapter. All funds in excess to the cost required to ~~develop and amend~~
5 ~~a plan of operation as permitted in section 41-6004, Idaho Code,~~ perform the
6 administrative functions required under this chapter shall be paid to the
7 Idaho department of health and welfare for the sole purposes of purchasing
8 vaccine for use in the Idaho immunization program. Any moneys in excess of
9 the amount needed to fund the Idaho immunization program for a given period
10 shall be retained by the Idaho department of health and welfare to be used to
11 fund the program in subsequent periods, including a subsequent period after
12 the date this chapter is no longer in effect. The fund and any assessments
13 imposed or collected pursuant to the operation of the fund shall at all times
14 be free from taxation of every kind.