

HB 604-FN - AS INTRODUCED

2021 SESSION

21-0158

05/11

HOUSE BILL ***604-FN***

AN ACT expanding the New Hampshire vaccine association to include adult vaccines.

SPONSORS: Rep. Knirk, Carr. 3; Rep. Woods, Merr. 23; Rep. Weston, Graf. 8; Rep. Fargo, Straf. 14; Rep. Schapiro, Ches. 16; Sen. Hennessey, Dist 1; Sen. Rosenwald, Dist 13

COMMITTEE: Health, Human Services and Elderly Affairs

ANALYSIS

This bill expands the New Hampshire vaccine association to include adult vaccines.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT expanding the New Hampshire vaccine association to include adult vaccines.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Hampshire Vaccine Association; Definitions. Amend RSA 126-Q:1, III and IV to read as
2 follows:

3 III. "Assessable lives" means:

4 (a) All children under 19 years of age residing in the state who have assessable coverage
5 written or administered by an assessable entity, with the exception of children whose vaccines are
6 paid for under the federal Vaccines for Children program, established under 42 U.S.C. section 1396s.

7 (b) **All adults, age 19 through 64, excluding Medicare beneficiaries, residing in**
8 **the state who have assessable coverage written or administered by an assessable entity.**

9 IV. "Assessment" means the assessable entity's liability with respect to ~~childhood~~ vaccines
10 determined in accordance with this chapter. **Unless preempted by federal law**, for purposes of
11 rate setting and medical loss ratio calculations, all association assessments are considered
12 pharmaceutical or medical benefit costs and not regulatory costs. In the event of any insolvency or
13 similar proceeding affecting any payer, assessments shall be included in the highest priority of
14 obligations to be paid by or on behalf of such payer.

15 2 New Hampshire Vaccine Association; Definitions. Amend RSA 126-Q:1, VIII to read as
16 follows:

17 VIII. "Estimated vaccine cost" means the estimated cost to the state over the course of a
18 state fiscal year of the **ordering**, purchase, distribution, and ~~administration~~ **administrative**
19 **oversight** of vaccines purchased at the federal discount rate by the department of health and human
20 services.

21 3 New Hampshire Vaccine Association; Definitions. Amend RSA 126-Q:1, XI to read as follows:

22 XI. "Vaccine" means any preparations of killed microorganisms, living attenuated
23 organisms, or living fully virulent organisms that are approved by the federal Food and Drug
24 Administration and recommended by the Advisory Committee on Immunization Practices of the
25 Centers for Disease Control and Prevention and have been authorized by the commissioner of the
26 department of health and human services for administration to children **and adults** of the state of
27 New Hampshire ~~[under the age of 19 years]~~ for the purposes of producing or artificially increasing
28 immunity to particular life-threatening and disabling diseases.

29 4 New Hampshire Vaccine Association; Creation of Association. Amend RSA 126-Q:2 to read as
30 follows:

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1 126-Q:2 Creation of Association. There is hereby created a nonprofit corporation to be known as
2 the New Hampshire vaccine association. The association is formed to assess assessable entities for
3 the cost of vaccines provided to certain children **and adults** in New Hampshire.

4 5 New Hampshire Vaccine Association; Membership, Powers, and Duties of the New Hampshire
5 Association. Amend RSA 126-Q:3, V(m)-(o) to read as follows:

6 (m) Collect assessments from assessable entities as calculated under RSA 126-Q:4 and
7 deposit said assessments less the association's administrative costs annually and reserves with the
8 state treasurer to the credit of the vaccine purchase fund established pursuant to RSA 141-C:17-a.
9 At the written request of the association following a majority vote of the board of directors, any funds
10 forwarded to the state treasurer for the vaccine purchase fund remaining unexpended for ~~childhood~~
11 vaccines, shall promptly be returned to the association.

12 (n) Be authorized to enter into one or more agreements with other applicable authorities
13 in surrounding states to reduce the risk of duplicate assessments and to assure availability of
14 vaccines for children **and adults** who are residents of this state but who receive vaccination services
15 in other states. Any costs relating to any such agreement shall be considered additional vaccine
16 costs of the program for purposes of determining the association's assessments.

17 (o) Adopt procedures by which affiliated assessable entities calculate their assessment
18 on an aggregate basis and procedures to ensure that no assessable life is counted more than once.
19 Unless otherwise determined by the board, the assessable entity responsible for the payment of the
20 provider's administrative costs for ~~childhood~~ vaccines shall be the entity responsible for reporting
21 assessable lives and payment of the corresponding assessment.

22 6 New Hampshire Vaccine Association; Assessment Determination. Amend RSA 126-Q:4, I to
23 read as follows:

24 I. The board shall determine an assessment for each assessable entity in accordance with
25 this section, except that no assessment shall be made based on children excluded from assessable
26 lives whose vaccines are paid for under the federal Vaccines for Children program, established under
27 42 U.S.C. section 1396s **or adults whose vaccines are paid for under Medicare. Unless**
28 **preempted by federal law**, an assessment determination made pursuant to this section is a
29 pharmaceutical cost and not a regulatory cost for purposes of calculating the carrier's medical loss
30 ratio

31 7 New Hampshire Vaccine Association; Assessment Determination. Amend RSA 126-Q:4, V to
32 read as follows:

33 V. The board may determine an interim assessment for new vaccines or unanticipated
34 shortfalls in the association's ability to meet ~~childhood~~ vaccine funding needs. The board shall
35 calculate the interim assessment in accordance with paragraph II, and the interim assessment is
36 payable the calendar quarter that begins no less than 30 days following the establishment of the

1 federal contract price. The board shall not impose more than one interim assessment per year,
2 except in the case of a public health emergency declared in accordance with state or federal law.

3 8 New Hampshire Vaccine Association; Immunity from Liability. Amend RSA 126-Q:8 to read
4 as follows:

5 126-Q:8 Immunity From Liability.

6 ***I.*** There shall be no liability on the part of and no cause of action of any nature shall arise
7 against any association member or its agents or employees, the association or its agents or
8 employees, members of the board of directors, or the commissioner or the commissioner's
9 representatives, for any action or omission by them in the performance of their powers and duties
10 under this chapter.

11 ***II.*** *There shall be no liability on the part of and no cause of action of any nature*
12 *shall arise against the state of New Hampshire, including the department of health and*
13 *human services or its agents or employees, for any action or omission by the state in the*
14 *performance of its powers and duties under this chapter.*

15 9 New Hampshire Vaccine Association; Vaccine Purchase Fund. Amend RSA 141-C:17-a to read
16 as follows:

17 141-C:17-a Vaccine Purchase Fund. There is hereby established a vaccine purchase fund for the
18 ***ordering, purchase, distribution, and administrative oversight*** of antitoxins, serums, vaccines,
19 and immunizing agents, which are to be provided to the public at no cost except for the actual cost of
20 administering such agents, under RSA 141-C:17. Any funds provided to the department for this
21 purpose and deposited in the fund shall not be used for any other purpose. Moneys in the fund shall
22 be continually appropriated to the commissioner of the department of health and human services.

23 10 Effective Date. This act shall take effect July 1, 2022.

HB 604-FN- FISCAL NOTE
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AN ACT expanding the New Hampshire vaccine association to include adult vaccines.

FISCAL IMPACT: ☒ **State** ☐ **County** ☐ **Local** ☐ **None**

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	Indeterminable	Indeterminable
Expenditures	\$0	\$0	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Insurance assessments paid to the vaccine purchase fund under RSA 141-C:17-a.			

METHODOLOGY:

This bill expands the NH Vaccine Association, which currently purchases vaccines for children under the age of 19, to all adults within the State. As with the existing children's program, insurance companies would be required to contribute to a vaccine purchasing pool, and would contribute to the program based on the number of assessable lives covered. Funds raised would be used to support the cost of ordering, purchasing, and distributing vaccines purchased at the federal discount rate by the state Department of Health and Human Services. For the children's vaccine program currently in place, the Department provides oversight to approximately 250 provider offices throughout the State. The Department anticipates an additional 350-400 provider offices will be enrolled to handle the additional vaccines provided to adults.

The Department anticipates the bill will result in several million dollars of revenue to the State's dedicated non-lapsing vaccine purchasing fund for the specific purpose of purchasing vaccines and overseeing the program. The cost of the program will depend on the specific vaccines covered and the take up rate by the adult population. The Department notes that similar universal adult purchase programs exist in the states of Alaska, Rhode Island, and Vermont, and annual costs in those states range from \$2,286,366 (Alaska) to \$16,343,632 (Rhode Island).

In order to implement the program, the Department assumes it would require four new positions, with costs as follows:

	FY 2023	FY 2024
Program Specialist III (LG 23)		

Salary	\$47,000	\$49,000
Benefits	\$29,000	\$31,000
Other	\$16,000	\$11,000
Position Total	\$92,000	\$91,000
Program Specialist IV (LG 25)		
Salary	\$51,000	\$53,000
Benefits	\$30,000	\$32,000
Other	\$9,000	\$4,000
Position Total	\$90,000	\$89,000
Technical Support Specialist (LG 23)		
Salary	\$47,000	\$49,000
Benefits	\$29,000	\$31,000
Other	\$9,000	\$4,000
Position Total	\$85,000	\$84,000
Nurse Specialist (LG 25)		
Salary	\$51,000	\$53,000
Benefits	\$30,000	\$32,000
Other	\$16,000	\$11,000
Position Total	\$97,000	\$96,000
Total Position Costs:	\$364,000	\$360,000

This bill does not contain an appropriation or authorization for the positions.

The Insurance Department states that to the extent insurer costs increase above what they are paying for vaccine assessments, premium rates and/or benefit designs may change. To the extent that premium rates change, the bill will have an indeterminable impact on insurance premium tax revenue.

This bill takes effect July 1, 2022.

AGENCIES CONTACTED:

Department of Health and Human Services and Insurance Department