

DEPARTMENT OF HEALTH & SOCIAL SERVICES



PROPOSED CHANGES TO REGULATIONS

7 AAC 27. STATEWIDE IMMUNIZATION PROGRAM.

PUBLIC REVIEW DRAFT

August 9, 2018

SUPPLEMENTAL COMMENT PERIOD ENDS: September 28, 2018

Please see the supplemental public notice for details about how to comment on these proposed changes.

Notes to reader:

1. Except as discussed in note 2, new text that amends an existing regulation is **bolded and underlined**.
2. If the lead-in line above the text of each section of the regulations states that a new section, subsection, paragraph, or subparagraph is being added, or that an existing section, subsection, paragraph, or subparagraph is being repealed and readopted (replaced), *the new or replaced text is not bolded or underlined*.
3. [ALL-CAPS TEXT WITHIN BRACKETS] indicates text that is to be deleted.
4. When the word “including” is used, Alaska Statutes provide that it means “including, but not limited to.”
5. Only the text that is being changed within a section of the current regulations is included in this draft. Refer to the text of that whole section, published in the current Alaska Administrative Code, to determine how a proposed change relates within the context of the whole section and the whole chapter.

7 AAC 27 is amended by adding new sections to read:

Article 4. Statewide Immunization Program.**Section**

- 115. Assessable entity or other program participant reporting and payment
- 120. Method for reducing surplus payments
- 125. State Vaccine Assessment Council
- 130. Plan of operation
- 135. Appeals
- 140. Opt-in procedure for other program participants
- 145. Request for information; noncompliance fee
- 149. Definitions

7 AAC 27.115. Assessable entity or other program reporting and payment. (a) An assessable entity or other program participant shall participate in the statewide immunization program.

(b) Each year, an assessable entity or other program participant shall report to the council the number of its covered individuals. An assessable entity shall report to the council the number of its covered individuals not later than 45 days after the end of each quarter. An assessable entity with no covered lives may file an annual zero covered lives report or a single permanent covered lives report instead of the quarterly report. The assessable entity or other participant shall make the report using the Internet-based self-reporting assessment system established by the council. (Eff. ____/____/____, Register ____)

Authority: AS 18.09.200 AS 18.09.220 AS 18.09.900

AS 18.09.210

7 AAC 27.120. Method for reducing surplus payments. (a) Using the procedure in the *Plan of Operation*, adopted by reference in 7 AAC 27.130, each year the department will calculate the total assessments collected to determine whether there is a surplus from overpayments.

(b) If there is a surplus, the department will

- (1) reduce the aggregate assessment rate for the following year;
- (2) not refund or credit it to an assessable entity; and
- (3) not refund it to an assessable entity or other program participant that has opted out of the next assessment cycle. (Eff. ____/____/____, Register ____)

Authority: AS 18.09.200 AS 18.09.210 AS 18.09.900

7 AAC 27.125. State Vaccine Assessment Council. (a) The council shall meet at the call of the chair, in-person, at least twice a year, and as required under the plan of operation

established under AS 18.09.210(f). The chair shall give council members at least two weeks' notice before scheduling a meeting.

(b) A council member may nominate oneself for a second term on the council unless the member is currently in the member's second term and is not the chair or the director of the division of insurance. A member of the public may nominate an individual for a seat on the council. The chair shall submit a nomination to the commissioner.

(c) A quorum consists of five or more council members.

(d) Except for the chair and the director of the division of insurance, or that individual's designee, a council member that misses three consecutive meetings will be considered to have resigned. The remaining council members shall, at the next scheduled meeting or a special meeting convened by the chair, vote on whether or not to accept the resignation. If the resignation is accepted, the commissioner will appoint a new council member. (Eff.

____/____/____, Register _____)

Authority: AS 18.09.210 AS 18.09.900

7 AAC 27.130. Plan of operation. The council's *Plan of Operation*, dated February 20, 2018, is adopted by reference. (Eff. ____/____/____, Register _____)

Authority: AS 18.09.210 AS 18.09.900

Editor's note: The *Plan of Operation* may be reviewed at the Department of Health and Social Services, Division of Public Health, Section of Epidemiology, 3601 C Street, Suite 540, Anchorage, AK 99503. The *Plan of Operation* can be downloaded at <http://dhss.alaska.gov/dph/Epi/iz/Pages/avap.aspx> .

7 AAC 27.135. Appeals. (a) An assessable entity or other program participant may appeal in writing a decision under AS 18.09.200 and 18.09.220 regarding the assessment rate or an assessment invoice.

(b) The commissioner or the commissioner's designee will hear an appeal under AS 18.09.220(d) and this section. The commissioner or the commissioner's designee will modify the assessment if the commissioner or the commissioner's designee finds substantial evidence of error in establishing the assessment rate or in calculating an invoice.

(c) A decision under (b) of this section is a final agency action. (Eff. ____/____/____, Register ____)

Authority: AS 18.09.200 AS 18.09.220 AS 18.09.900
AS 18.09.210

7 AAC 27.140. Other program participant opt-in procedure. A provider that wants to receive a vaccine under the state immunization program for an uninsured adult may opt in to pay an assessment for the uninsured adult using a form provided by the state vaccine assessment council. (Eff. ____/____/____, Register ____)

Authority: AS 18.09.225 AS 18.09.900

7 AAC 27.145. Request for information; noncompliance fee. (a) The council may request information from an assessable entity or other program participant for determining the assessment. If an assessable entity rents a network or processes a claim for another assessable entity, the information requested may include data from records related to those services.

(b) If the council concludes that the accuracy or completeness of any requested

information is questionable, the council may request that the assessable entity or other program participant have an independent public auditor verify the information. The assessable entity or other program participant shall

(1) have the independent public auditor use the audit procedure that the council specifies; and

(2) pay for the services of the independent public auditor.

(c) If an assessable entity or other program participant fails to comply with the council's request for an audit under this section within 45 days from the date of the request, the council shall submit a noncompliance report to the commissioner. If the commissioner finds that the assessable entity or other program participant is noncompliant, the assessable entity or other program participant shall pay the department a noncompliance fee of \$1,000.

(d) If an assessable entity or other program participant continues to fail to comply and the audit remains unfiled within 90 days from the council's request, the department may contract with an independent public auditor to complete the requested audit. The assessable entity or other program participant shall cooperate with the department's independent public auditor and reimburse the statewide immunization program for the costs of the audit.

(e) A late assessment accrues interest at a rate of one percent a month, compounded monthly. The commissioner may assess an additional noncompliance fee of 150 percent of the unpaid assessment against any assessable entity or other program participant that fails to pay an assessment within three months after notification under AS 18.09.220(d) of the assessment. (Eff.

____/____/____, Register _____)

Authority: AS 18.09.210 AS 18.09.240 AS 18.09.900
AS 18.09.220

7 AAC 27.149. Definitions. In AS 18.09.200 - 18.09.240 and 7 AAC 27.115 - 7 AAC 27.149,

(1) "assessment" means a medical expense that is

(A) to be paid by an assessable entity, including a third-party administrator on behalf of its client;

(B) a liability of a benefit plan covering a state resident; and

(C) absent a clear written agreement of the third-party administrator, to be promptly reimbursed by the benefit plan;

(2) "state resident" means an individual who meets the requirements of AS 01.10.055. (Eff. ____/____/____, Register ____)

Authority: AS 18.09.200 AS 18.09.230 AS 18.09.900
AS 18.09.210 AS 18.09.240 AS 18.09.990
AS 18.09.220