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Lieutenant Governor
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Triptaa Surve
Department of Health and Social Services

FROM: April Simpson, Office of the Lieutenant Governor *AS*
465.4081

DATE: March 18, 2019

RE: Filed Permanent Regulations: Department of Health and Social Services

Department of Health and Social Services regulations re: statewide immunization program (7 AAC 27.115-7 AAC 27.149)

Attorney General File:	2018200069
Regulation Filed:	3/18/2019
Effective Date:	4/17/2019
Print:	230, July 2019

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO REGULATIONS
OF DEPARTMENT OF HEALTH & SOCIAL SERVICES

The attached six pages of regulations, dealing with the Statewide Immunization Program, are adopted and certified to be a correct copy of the regulation changes that the Department of Health & Social Services adopts under the authority of AS 18.09.200, AS 18.09.210, AS 18.09.220, AS 18.09.230, AS 18.09.240, AS 18.09.900, AS 18.09.990, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

Although no public comments were received, the Department of Health & Social Services paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date:

1/18/19



Adam Crum, Commissioner
Department of Health & Social Services

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that¹ on MARCH 18,
2019, at 9:46 AM filed the attached regulations according to the provisions of AS 44.62.040 -
44.62.120.



Lieutenant Governor

Effective:

April 17, 2019.

Register:

230, July 2019.

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

participant

7 AAC 27.115. Assessable entity or other program participant 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. 4 / 17 / 2019, Register 230)

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. 4/17/2019, Register 230)

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[#]

adopted by reference in 7 AAC 27.130.

established under AS 18.09.210(f). The chair shall give council members at least two weeks'

«Conf. 11» alted the title

a scheduled

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.

those individuals' designees,

(d) Except for the chair and the director of the division of insurance, or ~~that individual's~~

Resignee, 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.

4 / 17 / 2019, Register 230)

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. 4 / 17 / 2019, Register 230)

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> .

«normal font; no ital.»
«display internet address without a hyperlink»

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. 4 / 17 / 2019 ,

Register 230)

Authority: AS 18.09.200

AS 18.09.220

AS 18.09.900

AS 18.09.210

is bold !!!
for other program participants

7 AAC 27.140. ~~Other program participant opt-in procedure.~~ *Cap* 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. 4 / 17 / 2019, Register 230)

«Cap» →

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 unfilled 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.

4/17/2019, Register 230)

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. 4/17/2019, Register 230)


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		

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Thru: Susan R. Pollard 
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

From: Steven C. Weaver 
Senior Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Date: March 12, 2019

File No.: 2018200069

Tel. No.: 465-3600

Re: Department of Health and Social
Services regulations re: statewide
immunization program (7 AAC
27.115 - 7 AAC 27.149)

The Department of Law has reviewed the attached regulations of the Department of Health and Social Services against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Department of Health and Social Services after the close of the public comment period. Implementing AS 18.09.200 - 18.09.240, the regulations concern the statewide immunization program.

The March 21, 2018 public notice, the August 16, 2018 supplemental public notice, and the January 18, 2019 adoption order all state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

Hon. Kevin Meyer, Lieutenant Governor
Our file: 2018200069

March 12, 2019
Page 2

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SCW

cc: Honorable, Adam Crum, Commissioner
Department of Health and Social Services

Triptaa Surve, Regulations Contact
Department of Health and Social Services

Merry Carlson, Director
Division of Public Health
Department of Health and Social Services

Matthew Bobo
Division of Public Health
Department of Health and Social Services

Leah R. Farzin, Assistant Attorney General
Human Services Section

NOTICE OF PROPOSED CHANGES ON THE STATEWIDE IMMUNIZATION PROGRAM
IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES.

BRIEF DESCRIPTION

The Department of Health & Social Services proposes to change regulations on the statewide immunization program.

The Department of Health & Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with the statewide immunization program, including the following:

- 7 AAC 27 is proposed to be changed as follows:
 - Create a reporting and payment procedure for an assessable entity or other program participant; a State Vaccine Assessment Council; a request for information clause; a noncompliance fee;
 - Add a method for reducing surplus payments; plan of operation; procedure for appeals; an opt-in procedure for other program participants; definitions.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Matthew Bobo at 3601 C Street, Suite 540, Anchorage, AK 99503. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 562-7802 and by electronic mail at matthew.bobo@alaska.gov. The comments must be received not later than 5 p.m. on May 9, 2018.

Oral or written comments also may be submitted at a hearing to be held on April 18, 2018, at the Frontier Building, Conference Room 515, 3601 C Street, Anchorage, AK 99503. The hearing will be held from 3 p.m. to 4 p.m. and might be extended to accommodate those present before 3:30 p.m. who did not have an opportunity to comment. If you are unable to attend in person, but would like to comment during the oral public hearing, you can call the teleconference number at 1-888-392-4560 (toll free), code 8528575#.

You may submit written questions relevant to the proposed action to Matthew Bobo by e-mail at matthew.bobo@alaska.gov or at 3601 C Street, Suite 540, Anchorage, AK 99503. The questions must be received at least 10 days before the end of the public comment period. The Department of Health & Social Services will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and at the department website at <http://dhss.alaska.gov/dph/Epi/iz/Pages/default.aspx>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Matthew Bobo at matthew.bobo@alaska.gov or (907) 269-8015 not later than April 10, 2018, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Matthew Bobo at matthew.bobo@alaska.gov or (907) 269-8015.

A copy of material proposed for adoption by reference may be viewed at the agency's office at 3601 C Street, Suite 540, Anchorage, AK 99503.

After the public comment period ends, the Department of Health & Social Services will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected.**

Statutory authority: AS 18.09.200; AS 18.09.210; AS 18.09.220; AS 18.09.225; AS 18.09.230; AS 18.09.240; AS 18.09.900; AS 18.09.990.

Statutes being implemented, interpreted, or made specific: AS 18.09.200; AS 18.09.210; AS 18.09.220; AS 18.09.225; AS 18.09.230; AS 18.09.240; AS 18.09.900; AS 18.09.990.

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 3-19-18


Jon Sherwood
Deputy Commissioner
Department of Health & Social Services

NOTICE OF PROPOSED CHANGES ON THE STATEWIDE IMMUNIZATION PROGRAM
IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES.

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Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 3-19-18


Jon Sherwood
Deputy Commissioner
Department of Health & Social Services

SUPPLEMENTAL NOTICE OF PROPOSED CHANGES ON THE STATEWIDE IMMUNIZATION PROGRAM IN THE
REGULATIONS OF DEPARTMENT OF HEALTH & SOCIAL SERVICES

BRIEF DESCRIPTION

The Department of Health & Social Services proposes to change regulations on the statewide immunization program.

The Department of Health & Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with the statewide immunization program, including the following:

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 - Add a method for reducing surplus payments; plan of operation; procedure for appeals; an opt-in procedure for other program participants; definitions.

This is a SUPPLEMENTAL NOTICE adding to the NOTICE OF PROPOSED CHANGES that was issued on March 19, 2018, concerning these proposed regulation revisions contained in the Department of Law file number 2018200069. This SUPPLEMENTAL NOTICE is being issued because the Department of Health & Social Services has decided to extend the deadline through September 28, 2018, to include the most recent version of the adopted by reference document, the *Plan of Operation*.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Matthew Bobo at 3601 C Street, Suite 540, Anchorage, AK 99503. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 562-7802 and by electronic mail at matthew.bobo@alaska.gov. The comments must be received not later than 5 p.m. on September 28, 2018.

You may submit written questions relevant to the proposed action to Matthew Bobo by e-mail at matthew.bobo@alaska.gov or at 3601 C Street, Suite 540, Anchorage, AK 99503. The questions must be received at least 10 days before the end of the public comment period. The Department of Health & Social Services will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the department website at <http://dhss.alaska.gov/dph/Epi/iz/Pages/default.aspx>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Matthew Bobo at matthew.bobo@alaska.gov or (907) 269-8015 not later than September 14, 2018, to ensure that any necessary accommodations can be provided.

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A copy of material proposed for adoption by reference is available on the Alaska Online Public Notice System and on the department website at <http://dhss.alaska.gov/dph/Epi/iz/Pages/avap.aspx>.

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Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 8-9-18


Jon Sherwood
Deputy Commissioner
Department of Health & Social Services

SUPPLEMENTAL NOTICE OF PROPOSED CHANGES ON THE STATEWIDE IMMUNIZATION PROGRAM IN THE REGULATIONS OF DEPARTMENT OF HEALTH & SOCIAL SERVICES

The Department of Health & Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with the statewide immunization program, including the following:

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Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 8-9-18


Jon Sherwood
Deputy Commissioner
Department of Health & Social Services

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))¹

1. Adopting agency: Department of Health & Social Services
2. General subject of regulation: Statewide Immunization Program
3. Citation of regulation (may be grouped): 7 AAC 27
4. Department of Law file number, if any: 2018200069
5. Reason for the proposed action:
☐ Compliance with federal law or action (identify): _____
☒ Compliance with new or changed state statute
☐ Compliance with federal or state court decision (identify): _____
☐ Development of program standards
☐ Other (identify): _____
6. Appropriation/Allocation: N/A
7. Estimated annual cost to comply with the proposed action to:
A private person: \$0
Another state agency: \$0
A municipality: \$0
8. Cost of implementation to the state agency and available funding (in thousands of dollars): None.

	Initial Year FY _____	Subsequent Years
Operating Cost	\$ _____	\$ _____
Capital Cost	\$ _____	\$ _____
1002 Federal receipts	\$ _____	\$ _____
1003 General fund match	\$ _____	\$ _____
1004 General fund	\$ _____	\$ _____
1005 General fund/ program	\$ _____	\$ _____
Other (identify)	\$ _____	\$ _____

9. The name of the contact person for the regulation:
Name: Matthew Bobo
Title: Health Program Manager III
Address: 3601 C St., Suite 540, Anchorage, AK 99503.
Telephone: (907) 269-8015
E-mail address: matthew.bobo@alaska.gov

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Matthew Bobo, Health Program Manager III, of the Department of Health & Social Services, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 7 AAC 27 in regards to the Statewide Immunization Program has been given by being

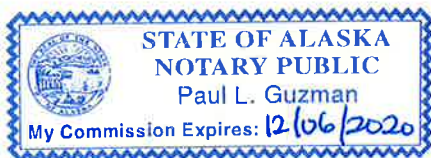
- (1) published in a newspaper or trade publication;
- (2) furnished to every person who has filed a request for notice of proposed action with the state agency;
- (3) furnished to appropriate state officials;
- (4) furnished to interested persons;
- (5) furnished to the Department of Law, along with a copy of the proposed regulation;
- (6) furnished electronically to incumbent State of Alaska legislators;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1).

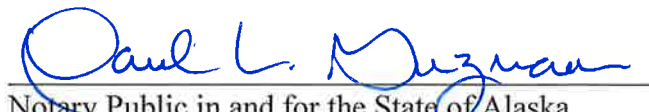
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: 1/11/19


Matthew Bobo, Health Program Manager III

Subscribed and sworn to before me at ANCHORAGE, ALASKA on 1-11-2019.




Notary Public in and for the State of Alaska

AFFIDAVIT OF ORAL HEARING

I, Matthew Bobo, Health Program Manager III of Department of Health & Social Services, being sworn, state the following:

On April 18, 2018, at 3 p.m. to 4 p.m., in Conference Room 515, 3601 C Street, Anchorage, AK 99503, I presided over a public hearing held under AS 44.62.210 for the purpose of taking testimony in connection with the adoption of changes to the Statewide Immunization Program (7 AAC 27).

Date: 5/11/2018 ⁴

Matthew Bobo

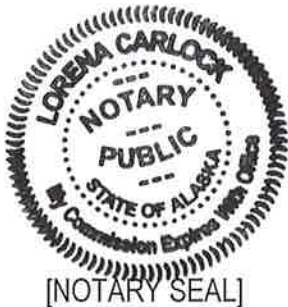
Matthew Bobo, Health Program Manager III

Subscribed and sworn to before me at Anchorage, Alaska

5/11/2018
(date)

J. Carlock

Notary Public in and for the State of Alaska



AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Matthew Bobo, Health Program Manager III for the Department of Health & Social Services, being duly sworn, state the following:

The Department of Health & Social Services did not receive any factual or other substantive information that was submitted in writing or orally as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Health & Social Services regulation on the Statewide Immunization Program.

Date: 1/18/19

Matthew Bobo
Matthew Bobo, Health Program Manager III

Subscribed and sworn to before me at Anchorage Alaska on
January 18th 2019.



[Signature]
Notary Public in and for the State of Alaska

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 270229

ST OF AK/DHSS/COMMISSIONERS
3601 C STREET STE 902
ANCHORAGE, AK 99503

Order#
Cost

0001418345
\$353.60

Product ANC-Anchorage Daily News
Placement 0300
Position 0301

STATE OF ALASKA THIRD JUDICIAL DISTRICT

Joleesa Stepetin
being first duly sworn on oath deposes and says
that he/she is a representative of the Anchorage
Daily News, a daily newspaper. That said
newspaper has been approved by the Third
Judicial Court, Anchorage, Alaska, and it now
and has been published in the English language
continually as a daily newspaper in Anchorage,
Alaska, and it is now and during all said time
was printed in an office maintained at the
aforesaid place of publication of said newspaper.
That the annexed is a copy of an advertisement
as it was published in regular issues (and not in
supplemental form) of said newspaper on

March 21, 2018

and that such newspaper was regularly
distributed to its subscribers during all of said
period. That the full amount of the fee charged
for the foregoing publication is not in excess of
the rate charged private individuals.

Signed

Joleesa Stepetin
Joleesa Stepetin

Subscribed and sworn to before me
this 21st day of March, 2018

Britney Thompson
Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska

MY COMMISSION EXPIRES

2/23/2019

Notary Public
BRITNEY L. THOMPSON
State of Alaska
My Commission Expires Feb 23, 2019

NOTICE OF PROPOSED CHANGES ON THE STATEWIDE IMMUNIZATION PROGRAM IN THE REGULATIONS OF THE DEPARTMENT OF HEALTH & SOCIAL SERVICES.

The Department of Health & Social Services proposes to adopt regulation
changes in Title 7 of the Alaska Administrative Code, dealing with the
statewide immunization program, including the following:

- 7 AAC 27 is proposed to be changed as follows:
 - o Create a reporting and payment procedure for an assessable entity or other program participant; a State Vaccine Assessment Council; a request for information clause; a noncompliance fee;
 - o Add a method for reducing surplus payments; plan of operation; procedure for appeals; an opt-in procedure for other program participants; definitions.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Matthew Bobo at 3601 C Street, Suite 540, Anchorage, AK 99503. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 562-7802 and by electronic mail at matthew.bobo@alaska.gov. The comments must be received not later than 5 p.m. on May 9, 2018.

Oral or written comments also may be submitted at a hearing to be held on April 18, 2018, at the Frontier Building, Conference Room 515, 3601 C Street, Anchorage, AK 99503. The hearing will be held from 3 p.m. to 4 p.m. and might be extended to accommodate those present before 3:30 p.m. who did not have an opportunity to comment. If you are unable to attend in person, but would like to comment during the oral public hearing, you can call the teleconference number at 1-888-392-4560 (toll free), code 8528575#.

You may submit written questions relevant to the proposed action to Matthew Bobo by e-mail at matthew.bobo@alaska.gov or at 3601 C Street, Suite 540, Anchorage, AK 99503. The questions must be received at least 10 days before the end of the public comment period. The Department of Health & Social Services will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and at the department website at <http://dhss.alaska.gov/dph/Epi/iz/Pages/default.aspx>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Matthew Bobo at matthew.bobo@alaska.gov or (907) 269-8015 not later than April 10, 2018, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Matthew Bobo at matthew.bobo@alaska.gov or (907) 269-8015.

A copy of material proposed for adoption by reference may be viewed at the agency's office at 3601 C Street, Suite 540, Anchorage, AK 99503.

After the public comment period ends, the Department of Health & Social Services will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected.**

Statutory authority: AS 18.09.200; AS 18.09.210; AS 18.09.220; AS 18.09.225; AS 18.09.230; AS 18.09.240; AS 18.09.900; AS 18.09.990.

Statutes being implemented, interpreted, or made specific: AS 18.09.200; AS 18.09.210; AS 18.09.220; AS 18.09.225; AS 18.09.230; AS 18.09.240; AS 18.09.900; AS 18.09.990.

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: March 19, 2018

/s/Jon Sherwood

Deputy Commissioner

Department of Health & Social Services

Published: March 21, 2018

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 270229

ST OF AK/DHSS/COMMISSIONERS
3601 C STREET STE 902
ANCHORAGE, AK 99503

Order#
Cost

0001426359
\$403.38

Product ADN-Anchorage Daily News
Placement 0300
Position 0301

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Joleesa Stepetin

being first duly sworn on oath deposes and says that he/she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

August 16, 2018

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed

Joleesa Stepetin
Joleesa Stepetin

Subscribed and sworn to before me
this 16th day of August, 2018

Britney Thompson

Notary Public in and for
The State of Alaska,
Third Division
Anchorage, Alaska

MY COMMISSION EXPIRES

2/23/2019

Notary Public
BRITNEY L. THOMPSON
State of Alaska
My Commission Expires Feb 23, 2019

SUPPLEMENTAL NOTICE OF PROPOSED CHANGES ON THE STATEWIDE IMMUNIZATION PROGRAM IN THE REGULATIONS OF DEPARTMENT OF HEALTH & SOCIAL SERVICES

The Department of Health & Social Services proposes to adopt regulation changes in Title 7 of the Alaska Administrative Code, dealing with the statewide immunization program, including the following:

- 7 AAC 27 is proposed to be changed as follows:
 - o Create a reporting and payment procedure for an assessable entity or other program participant; a State Vaccine Assessment Council; a request for information clause; a noncompliance fee;
 - o Add a method for reducing surplus payments; plan of operation; procedure for appeals; an opt-in procedure for other program participants; definitions.

This is a SUPPLEMENTAL NOTICE adding to the NOTICE OF PROPOSED CHANGES that was issued on March 19, 2018, concerning these proposed regulation revisions contained in the Department of Law file number 2018200069. This SUPPLEMENTAL NOTICE is being issued because the Department of Health & Social Services has decided to extend the deadline through September 28, 2018, to include the most recent version of the adopted by reference document, the Plan of Operation.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Matthew Bobo at 3601 C Street, Suite 540, Anchorage, AK 99503. Additionally, the Department of Health & Social Services will accept comments by facsimile at (907) 562-7802 and by electronic mail at matthew.bobo@alaska.gov. The comments must be received not later than 5 p.m. on September 28, 2018.

You may submit written questions relevant to the proposed action to Matthew Bobo by e-mail at matthew.bobo@alaska.gov or at 3601 C Street, Suite 540, Anchorage, AK 99503. The questions must be received at least 10 days before the end of the public comment period. The Department of Health & Social Services will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the department website at <http://dhss.alaska.gov/dph/Epi/iz/Pages/default.aspx>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Matthew Bobo at matthew.bobo@alaska.gov or (907) 269-8015 not later than September 14, 2018, to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Matthew Bobo at matthew.bobo@alaska.gov or (907) 269-8015.

A copy of material proposed for adoption by reference is available on the Alaska Online Public Notice System and on the department website at <http://dhss.alaska.gov/dph/Epi/iz/Pages/avap.aspx>.

After the public comment period ends, the Department of Health & Social Services will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected.

Statutory authority: AS 18.09.200; AS 18.09.210; AS 18.09.220

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Plan of Operation

This Alaska Vaccine Assessment Program (**AVAP**) Plan of Operation is intended to serve the needs of the Alaska Department of Health and Social Services (**DHSS**), the **DHSS** commissioner (**Commissioner**), the eligible population, health care providers (**Providers**), and payers (**Assessable Entities**). Defined terms, denoted by bold text, shall have the meaning ascribed to them in either the definitions section or the parentheses following their first use.

Using reported covered lives (**Covered Lives** or **Covered Life**), historical vaccine purchases, and **DHSS** vaccine projections, the **AVAP** administrator (**Administrator**) will populate assessment worksheets for the **AVAP** Council's (**Council**) review and use these data for assessment rate setting. Based on the assessment worksheets, per child and per adult **Covered Life** monthly rates will be set in the prior calendar year for the following year's assessments, which are due February 15, May 15, August 15, and November 15. **DHSS** and the **Administrator** will revise the Plan of Operation periodically as needed, to be approved by the **Council**. The **Administrator** will also continue to update all public documents, referenced policies and procedures, www.AKvaccine.org, and the Alaska self-reporting assessment system.

The **Administrator** will maintain a budget and a worksheet to be used for assessment calculation. Final numbers will be developed from data provided to the **Administrator** by **DHSS** and refined by input and advice from the **Council**. Many factors, such as allocation of costs, reserves, and expenses, will be developed in more detail by **DHSS** based on an ongoing evaluation of the program. Each year, the **Commissioner** will make an assessment rate determination after considering the **Council's** recommendation.

The ultimate goals of this program are to facilitate **Alaska Residents'** access to **Included Vaccines** and to reduce vaccine costs for **Assessable Entities** and **Covered Lives**.

Priority of Governing Authorities

The hierarchy of governing authorities for **AVAP** is as follows:

1. AS 18.09.200 (Chapter 30 Session Laws of Alaska 2014).
2. Regulations under Article 1A adopted by the **Commissioner**.
3. The Plan of Operation and the referenced documents.
4. Policies and procedures adopted by the **Council**.
5. Orders or directives of the **Commissioner**.
6. FAQs as approved by the **Council** and posted to www.AKvaccine.org.
7. Administrative determinations made by the **Administrator** in connection with its assessment collection and other administrative functions.



In the event that there is a conflict in the aforementioned authorities, the higher-ranking authority, which begins with number “1,” shall take precedence over any lower-ranking authority.

Meeting Calendar

The meeting calendar for AVAP will be maintained online at www.AKvaccine.org.

Financial Reports

Financial reports, prepared by the **Administrator**, will be released on the following schedule:

- a. Quarterly reports are due to the **Council Chair** and **DHSS** within fifteen (15) business days after the end of each quarter. These reports will consist of: (1) a financial position statement, (2) a quarterly statement of activities and change in net assets, and (3) a statement of cash flow.
- b. Annual financial reports are due to the **Chair** and **DHSS** for internal review sixty (60) business days after the end of the year; final annual financial reports will be submitted to the **Commissioner** and legislature by July 1 and released to the public on **AVAP's** website after they have been reviewed by the **Chair** and shared with the **Council**.

Assessment Method and Collection

Every year, the **Council** will recommend to the **Commissioner** separate assessment rates per adult and child **Covered Life**. The assessment is considered to be a medical expense. The **Council's** rate recommendations will be made using the assessment rate calculation worksheets. The **Commissioner** will consider recommendations of the **Council** in setting assessment rates. (See AS 18.09.200(b)(3)).

Forty-five (45) days after the end of each quarter, a quarterly report and payment are due from all **Assessable Entities** having **Covered Lives**.

Once the annual rates are set, notice of the rates will be posted to the website at www.AKvaccine.org. The same rates will apply to each of the four quarterly payments, unless the initial notice specifically states otherwise, or the rates are subsequently revised and notice is similarly given. Applicable rates will be applied to reported quarterly **Covered Lives** by **AVAP's** self-reporting assessment system in a remittance form generated by that system.

The due dates for quarterly reports and payments are as follows:

1. February 15
2. May 15



3. August 15
4. November 15

Payments will be deemed “made” as of the date deposited into the mail (or given to an overnight delivery service), properly addressed with the postage prepaid, or the date of the automated clearing house (ACH) transfer. Once a remittance form is generated by the assessment system, mailed payments must be delivered to the address set forth in the remittance form.

Quarterly assessments are based upon the **Covered Lives** in the preceding calendar quarter. Assessments shall be considered revenue of **AVAP** in the quarter in which the assessment is due. The Vaccine Account (see AS 18.09.230) will be reconciled annually. Any surplus payments from **Assessable Entities** will be applied to reduce the assessment rates for the following year.

Assessment Calculation Worksheet

The assessment calculation worksheet can be found on **AVAP’s** website at [<www.AKvaccine.org>](http://www.AKvaccine.org) and will be updated annually by the **Administrator**.

Definitions

- I. “Administrator” means that person or entity appointed by **DHSS** to provide executive director and administrative services to administer **AVAP** and support the work of the **Council**.
- II. “Adult(s)” means all Alaska residents who are 19 years of age or older.
- III. “Agency fee” means a fee paid to **DHSS** to cover their reasonable cost allocation to **AVAP** of certain expenses related to maintaining supplies of vaccines for the insured population.
- IV. “Alaska resident” means any person physically present in the state of Alaska.
- V. “Assessable Entity” means:
 - (a) a health care insurer as defined in AS 21.54.500;
 - (b) an entity that provides the state health care plan described in AS 39.30.090 and 39.30.091;
 - (c) a public or private entity that offers a publicly funded plan in the state, to the extent participation in the program is authorized by law;
 - (d) a third-party administrator as defined in AS 21.97.900.
- VI. “Assessment” means the **Assessable Entity** liability with respect to vaccine costs as determined by the **Commissioner** based on the recommendation of the **Council**.
- VII. “Child” or “children” means all Alaska residents who are under 19 years of age.
- VIII. “Commissioner” means the commissioner of the **DHSS**.

- XIII. “Covered life,” “covered lives,” or “covered individuals” refers to the number of Alaska residents who are provided insurance coverage for an **included vaccine** by an **Assessable Entity** or who are patients of another program participant.
- XIV. “DHSS” means the Department of Health and Social Services of the state of Alaska.
- XV. “Estimated adult vaccine cost” means the estimated annual cost to the state for the purchase and distribution of adult vaccines purchased at the bulk discount rate by **DHSS**.
- XVI. “Estimated pediatric vaccine cost” means the estimated annual cost to the state for the purchase and distribution of child vaccines purchased at the bulk discount rate by **DHSS**. “Included vaccine” means a vaccine recommended by Advisory Committee on Immunization Practices (ACIP) which is included on the list maintained by the Commissioner for inclusion in AVAP, as defined in AS 18.09.990.
- XVII. “Medical expense” means that, for regulation purposes, the expense is related to the treatment of a patient, rather than an administrative expense. Therefore, it is a cost that typically would be allowed for rate setting or benefit cost ratio calculation purposes.
- XVIII. “Provider” means a person licensed or certified by the state to administer vaccines or provide health care services, or an entity made up of those persons (e.g., a partnership, or a corporation). (AS 18.09.990).
- XIX. “State” means the state of Alaska.
- XX. “Vaccine” means one or more antigens administered to produce or increase immunity to a particular disease or diseases as defined in AS 18.09.990.
- XXI. “VacTrAK” means DHSS Immunization Information system. All health care providers are required to report all vaccines administered. (See 7 AAC 27.650, effective 12/29/2013).

Scope of Program

All **Assessable Entities** are required to participate unless they opt-out, pursuant to AS 18.09.220(e). **Assessable Entities** with no covered lives and who do not wish to file quarterly reports are expected to file either an annual or a permanent covered lives report as follows:

- (a) An annual zero covered lives report is appropriate if, for the remainder of the year, the **Assessable Entity** will not have any **Covered Lives**. This report would need to be filed each year that the insurer has zero **Covered Lives**.
- (b) A permanent covered lives report may be filed by an **Assessable Entity** that currently has zero **Covered Lives** and reasonably expects that it will never have a covered life. Once this report is filed under the penalty of perjury, the **Assessable Entity** is not required to file another report. However, if the **Assessable Entity**’s situation changes and it has **Covered Lives** in the future, it is required to begin filing quarterly reports.



Vaccines Provided

A complete list of **included vaccines** can be found at www.AKvaccine.org.

Assessable Entities Opt out Procedures (See AS 18.09.220(e))

The approved opt out procedures and all applicable forms for **Assessable Entities** will be maintained on the “Payers” tab of www.AKvaccine.org.

Provider Opt in Procedures (See AS 18.09.225 (a))

The approved opt in procedures and all applicable forms for **Providers** will be maintained on the “Providers” tab of www.AKvaccine.org.