

## NH Vaccine Association – Board of Directors Annual Meeting

June 21, 2017 – 9:30 to 11:30 a.m.

KidsVax® Offices

Presiding Officer: Susan Tenney, Chair

### I. Attendance. Participating in all or part of the meeting in person (P) or by telephone (T) were the following individuals:

#### Directors:

Susan Tenney, Chair – Harvard Pilgrim Health Care (P)  
Laura Condon – Public Board Representative (P)  
Patricia Edwards, M.D. – Healthcare Provider (P)  
David Fredenburg, M.D. – Healthcare Provider (P)  
Edward Moran – Public Board Representative (P)  
Sherri Panaro – Anthem [personal representative for Jason Margus] (T)

#### Others:

Mark McCue, Esq. – Hinckley Allen (P)  
Beth Anne Ptak – Meritain (T)

#### KidsVax®:

Nicole G. Price (P)  
Claire Roberge (P)  
Terry Mills (P)

#### Absent:

Elaine Koskela – Cigna  
David Sky, - NHID

### II. Summary of Actions Taken and/or Recommended

#### A. Actions Taken (votes adopted)

1. To adjourn the Annual Meeting of the Members at approximately 9:35 a.m.
2. To approve the Board Meeting minutes of the January 19, 2017 and March 21, 2017 meetings as presented.
3. To approve the slate of officers for both the Board of Directors and Audit Committee as follows: Susan Tenney, Chair; David Sky, Vice Chair; David Fredenburg, M.D., Treasurer; and Elaine Koskela, Secretary.
4. To adopt the committees as they are written with the amendment to remove Ms. Bobinsky from the Legislative Task Force.
5. To approve the Audit Committee's recommendation of Carew & Wells, PLLC as the New Hampshire Vaccine Association's program auditor and to authorize the Audit Committee chair to enter into an engagement for the 2016/2017 FYE audit.
6. To adopt the NHVA Expense Budget for 2017/2018 recommended by the Audit Committee with the suggested changes.
7. To approve the refund request for duplicate payment by one employer group as requested by Anthem, Inc.

#### B. Follow-up Task/Action Items

1. KidsVax® will include the Oath of Office on the September agenda.
2. Ms. Price will contact the Governor's office to resubmit the name of the self-insured payer representative for consideration for the open Board seat.
3. Ms. Price was asked to touch base with the chairmen of both the Senate and House Finance Committee for additional information on what the consequence is for taking the vaccine purchase out of the budget and what it means.
4. Ms. Price will wait to learn the outcome of the State budget and will then schedule a working group meeting.
5. Ms. Price to follow up with board members regarding the conflict of interest policy annual submission.

### Annual Meeting

The first order of business was the report on proxy submissions. Ms. Price reported that seven proxies were received and recorded by KidsVax® through June 21, 2017 at 8:00 a.m., representing 95,161 child covered lives out of a possible 166,482 child covered lives or 57% of the child covered lives in New Hampshire. As a duly-appointed proxy, Dr. Fredenburg cast all votes in the manner directed by the Association's members and resulting in the election of Susan Tenney, Jason Margus and Elaine Koskela to the Board as assessable entity representatives.

Ms. Tenney deemed the annual election closed with the current payer representatives on the Board elected for another term.

Upon motion duly made and seconded, it was unanimously

VOTED: To adjourn the Annual Meeting of the Members at approximately 9:35 a.m.

### Board Meeting

At approximately 9:35 a.m., Chairman Tenney called the meeting to order. The Board was surveyed for additional agenda items. Ms. Tenney asked for identification of anyone participating via telephone. Beth Anne Ptak with Meritain Health identified herself.

Several agenda items, including approval of prior meeting minutes and the election of officers, were taken out of order to allow additional Board members to arrive, establishing a quorum for voting purposes.

Ms. Tenney asked Ms. Price if she had received the Annual Conflicts Questionnaires from all directors. Ms. Price reported that she had not. She had copies available for those directors who did not have an opportunity to complete the form prior to the meeting. She will also send an email reminder to those directors not present at today's meeting. Once Ms. Price has received a form from everyone, she will submit those to Ms. Tenney, as Board Chair.

**Executive Director Report** – Ms. Price presented a brief overview of her Executive Director Report. She reported that Marcella Bobinsky resigned from the Board due to her retirement from State employment at the end of March. Since writing her report, Ms. Price received an appointment from the Commissioner of the new DHHS representative for the Board, Elizabeth Daly, Chief of the Bureau of Infectious Disease Control. Unfortunately, she was unable to attend today's meeting, but is expected to attend when the Board meets again in September. She has been added to the email list and will receive meeting announcements and invites between now and then.

Ms. Price contacted the Governor's office regarding the appointment of a self-insured entity to fill the vacant Board seat, and the list of current Board members and their terms was provided to her. The previous Governor would not appoint the interested self-insured payer last year because the representative was not a New Hampshire resident. It was the sense of the Board that where a representative resides should not be an issue. The Board seat represents an entity doing business in New Hampshire and paying vaccine assessments, and the entity itself selects the person they wish to have represent them on the Board. Ms. Price indicated that she will write and resubmit that name again, noting that the appointment is for the organization as opposed to an individual person and that the representative is selected by that entity.

Ms. Price addressed Ms. Condon's ongoing concern regarding the status of the NHVA's reimbursement for overpayment. Ms. Bobinsky inquired prior to her retirement and Ms. Price has followed up since that time as well, but she has not received a definitive answer as to how that will happen, but has been told the account that the funds would come from is in a deficit. Ms. Price has asked for further clarification based on her understanding of how the purchase of vaccines work. Extensive discussion ensued regarding how a deficit could occur in the vaccine account. The assessment calculation for setting the assessment rate for next year will account for the \$3 Million overpayment from last year, decreasing the assessment rate for next year. Attorney McCue explained that there is a statutory requirement that NHVA send all collected vaccine funds to the State. The Plan of Operation is designed to give more operational detail to the implementation of the statute and is approved by the Commissioners.

**Consent Items** – Once a quorum was reached, Ms. Tenney asked for approval of the two sets of minutes brought before the Board for approval.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Board Meeting minutes of the January 19, 2017 and March 21, 2017 meetings as presented.

**Election of Officers** – Ms. Tenney asked if anyone had notified Ms. Price of their desire to serve on the Board. There was no one wishing to nominate themselves to be considered for the various offices. Dr. Fredenburg notified the Board that he may be relocating this year. Although his plans have not been finalized, he indicated his willingness to continue as Treasurer, but offered the option for an individual interested in the audit area to take over the role. He stated that it is his understanding that the Treasurer automatically becomes the Audit Committee Chair as well.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the slate of officers for both the Board of Directors and Audit Committee as follows: Susan Tenney, Chair; David Sky, Vice Chair; David Fredenburg, M.D., Treasurer; and Elaine Koskela, Secretary.

Ms. Tenney requested Board approval with respect to the slate of Committee members as follows: Audit Committee - David Fredenburg, M.D., Chair; Susan Tenney, Vice Chair; David Sky, Laura Condon, and Jason Margus as members; Legislative Task Force – Susan Tenney, David Sky, Elaine Koskela, and Mark McCue, Esq. (providing legal counsel). Ms. Bobinsky was removed from the Legislative Task Force.; Governance Committee – David Sky, Chair; Susan Tenney, Laura Condon, and Mark McCue, Esq. (providing legal counsel); and Assessment Process Improvement Task Force – David Sky, Chair; Susan Tenney, Jason Margus, Laura Condon, and Dolores Cooper, DHHS Finance Representative. Hearing no volunteers for these committees, Ms. Tenney called for a vote.

Upon motion duly made and seconded, it was unanimously

VOTED: To adopt the committees as they are written with the amendment to remove Ms. Bobinsky from the Legislative Task Force.

It was determined that the Oath of Office would be moved to the agenda for the September meeting.

**Quarterly Financials** – Ms. Roberge provided a summary of the March 31, 2017 financials and Statement of Activities and Changes in Net Assets. As of March 31, 2017, there was assessment income of \$15,013,505, interest on the assessments of \$3,337, and investment interest income of \$14,953. The total net assets were \$18,911,226. There are no delinquent assessments to report.

**Audit Committee Recommendations** – Carew & Wells has been working with the Board for three years. Their contract is similar to years past, with no change in their rate of \$8,500. The Audit Committee recommends engaging Carew & Wells, PLLC to conduct the FYE17 audit on behalf of the NHVA.

Upon motion duly made and seconded, it was unanimously

VOTED: To approve the Audit Committee's recommendation of Carew & Wells, PLLC as the New Hampshire Vaccine Association's program auditor and to authorize the Audit Committee chair to enter an engagement for the 2016/2017 FYE audit.

1 The Estimated Expense Budget for 2017/2018 was reviewed and discussed. Dr. Fredenburg reported that the Audit Committee modified two items  
2 on the budget itself under Budgets, with changes to the heading in column D from Preliminary to Approved Budget and also in column E from  
3 Preliminary to Proposed Budget. Further discussion ensued.

4  
5 Upon motion duly made and seconded, it was unanimously  
6

7 VOTED: To adopt the NHVA Expense Budget for 2017/2018 recommended by the Audit Committee with the suggested changes.  
8

9 **DHHS Update** – In the absence of a representative from DHHS at today's meeting, Ms. Price provided a brief report regarding the State fiscal budget.  
10 NHVA has been informed that the purchase of vaccines for the State fiscal year budget 2018/2019 were removed from the budget. When the  
11 budget went to vote, the budget was moved forward without the purchase of vaccines in the budget. Ms. Price received word that the budget  
12 should be voted on tomorrow. If the budget is approved, it will go on to the Governor for signature. A placeholder needs to be maintained in the  
13 budget for DHHS to access the funds that NHVA sends at the end of each fiscal year. The current understanding is that this is something that can  
14 and will happen outside of the budget process after 7/1/17. The specific process is unknown at this time and more clarification is needed. The  
15 vaccine purchase is not currently in the budget that's being moved for vote for FY19. Lengthy discussion ensued. DHHS will draft a request to have  
16 the funds re-appropriated and will work with the budget office to get the necessary funds appropriated. Mr. Moran suggested that it may be worth  
17 Ms. Price touching base with the chairman of both the Senate and House Finance Committee for additional information on what the consequence  
18 actually is for taking the vaccine purchase out of the budget and what it means.  
19

20 **Other Matters from Board Members** – A working group was formed to address conducting a feasibility study with respect to moving to quarterly  
21 vaccine payments. The group met to discuss paying DHHS other than at the end of the year, perhaps through quarterly payments. The group  
22 anticipated meeting again before today's meeting, but without having a DHHS representative, the group decided to wait until a representative was  
23 appointed. Ms. Price stated that if it's the desire of the working group now that a representative has been appointed, she can schedule a meeting to  
24 continue that process and look at whether it makes sense to consider paying the State other than annually. Ms. Tenney would like to tie this  
25 discussion in with whatever the resolution is on the State fiscal budget and isn't interested in working on paying quarterly payments if the budget  
26 issues are not resolved and feels that puts the Association at greater risk. Ms. Condon expressed her ongoing concern regarding a more rapid  
27 reconciliation of overpayments and doesn't believe that the statutory language NHVA currently has would provide the Association with any benefit  
28 to go to quarterly payments.  
29

30 At the time of the March meeting, Ms. Price had not touched base with Maine regarding the cross-border issue. Since that time, she has touched  
31 base with the Maine Vaccine Board and they are open to looking at this issue again. This is something that has been discussed in the past and she  
32 was able to get together with the Maine and New Hampshire Anthem representatives to have a call to discuss if they are seeing this cross-border  
33 issue of Maine residents who are receiving vaccines from New Hampshire providers and vice versa. They did an initial data poll from their own  
34 information and will circle back because they want to look at other cross-borders, particularly in Vermont and Massachusetts. At the last meeting,  
35 Mr. Sky offered to help to make a data request to the All Payers Database that Ms. Price put together and submitted, but she is still waiting for those  
36 results. Next steps will include getting the CDC and the New Hampshire DHHS together to talk. Further discussion ensued.  
37

38 **New Matters** – There has been a request from Anthem for a refund of duplicate payments. Ms. Roberge explained that Anthem made a request for  
39 \$2,676.65 for a duplicate payment from one of their groups. Mr. Stephen Buchanan provided a brief description of that overpayment. The request  
40 to the Board is to receive a refund. Ms. Roberge indicated that his numbers are correct.  
41

42 Upon motion duly made and seconded, it was unanimously  
43

44 VOTED: To approve the refund request for duplicate payment by one employer group as requested by Anthem, Inc.  
45

46 Attorney McCue reported that NHVA's Plan of Operation talks about payments that are delinquent from the carriers, but it doesn't talk about  
47 refunds. It may be helpful in a future revision to the Plan to say that if there has been an erroneous payment or a refund is due, NHVA will make a  
48 refund, but without interest.  
49

50 **Public Comment** – There were no comments from the public.  
51

52 Upon motion duly made and seconded, a unanimous roll call vote was taken by Chairman Tenney to move into Executive Session for purposes of  
53 discussing confidential legal matters, as well as a review of NHVA's contract with KidsVax®.  
54

55 **Executive Session** – The Board of Directors (the "Board") of the New Hampshire Vaccine Association ("NHVA") voted by unanimous roll call vote to  
56 enter executive session at approximately 10:55 a.m. to discuss legal and personnel matters.  
57

58 Ms. Price updated the Board regarding the federal legislation requiring TRICARE to pay assessments to state vaccine assessment mechanisms like  
59 NHVA. She noted that discussions were continuing with the TRICARE General Counsel regarding the implementation of the new law and the  
60 possible funding of arrearages owed by TRICARE to NHVA and other state agencies through a federal discretionary funding. TRICARE also is in  
61 arrears for assessments due after the federal law was enacted, but Ms. Price reported that TRICARE is expected to complete in the near future the  
62 necessary internal arrangements for payment of assessments in this and subsequent years.  
63

64 The Board then excused the executive director from the executive session at approximately 11:00 a.m. to discuss personnel matters.  
65

66 The Board discussed the performance of KidsVax® under its contract with NHVA, and concluded that KidsVax® had addressed any concerns and  
67 performed all services required under the contract over the past year in a satisfactory manner. Upon a motion by Dr. Fredenburg and seconded by  
68 Mr. Moran, the Board unanimously:  
69

70 VOTED: To award KidsVax® the full ten percent (10%) compensation holdback for the current contract year.

1  
2 The Board then discussed the KidsVax® Executive Director & Administrative Services Agreement, the initial term of which ends July 30, 2018. The  
3 Board recalled its discussion at the October 6, 2015 meeting regarding the propriety of conducting a formal request for proposals (“RFP”) before  
4 the KidsVax® contract is due to renew. The Board concluded that an RFP would be appropriate under the circumstances and necessary to fulfill its  
5 fiduciary responsibilities. The consensus of the Board was to reactivate the RFP task force and request Attorney McCue to prepare a draft RFP for  
6 review by the task force and subsequently by the Board.

7  
8 By unanimous roll call vote, the Board voted to end the executive session at 11:30 a.m.

9  
10 Upon a motion by Dr. Fredenburg and seconded by Ms. Condon, the Board voted to adjourn at 11:30 a.m.

11  
12 Respectfully submitted,

13  
14 **Mark S. McCue**  
15 Secretary pro tem



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What: New Hampshire Vaccine Association (NHVA) Annual Meeting  
 Date and Time: Wednesday, June 21, 2017 / 9:30 a.m. – 11:30 a.m.  
 Location: KidsVax® Conference Room, 125 North State Street, Concord, NH  
 Public Call-In: **Please register at:**  
**Registration URL:** <https://attendee.gotowebinar.com/register/4359909232630484737>  
**Webinar ID: 221-652-127**  
**After registering, you will receive a confirmation email containing information about joining the meeting.**

***NHVA Agendas are subject to revision up to and including the time of the meeting.***

Approx. Time	Topic/[Anticipated Action]	Presented by:
9:30-9:35 a.m.	0. Annual Meeting of Members a. Report on Proxy Submissions b. Count and Certify Votes for 3 representatives of Assessable Entities c. Adjourn Annual Meeting	S. Tenney T. Mills
9:35-9:40 a.m.	1. Welcome and Introductions a. Survey of Other Matters from Board Members b. Request for identification of individuals on conference phone	S. Tenney
9:40-9:50 a.m.	2. Consent Items * a. Approve Board Meeting Minutes (January 19, 2017 & March 21, 2017) b. Annual Conflicts Questionnaire c.	S. Tenney
9:50-10:00 a.m.	3. Annual Board Meeting Work * a. Election of Officers & Appointments of Committees b. Oath of Office c.	All M. McCue
10:00-10:25 a.m.	4. Business Updates * a. Executive Director Report * b. NHVA Quarterly Financials as of 3/31/2017 c. Report on Delinquencies d. Action on Audit Committee Recommendations * i. Auditor Selection for FYE 6/30/17 * ii. 2017/2018 Expense Budget	N. Price C. Roberge C. Roberge D. Fredenburg
10:25-10:35 a.m.	5. DHHS Update a. State Fiscal Budget b.	C. Haggerty
10:35-10:40 a.m.	6. Other Matters from Board Members a. Update on feasibility study with respect to quarterly vaccine payments b. Cross border concerns with Maine	S. Tenney N. Price N. Price
10:40-10:50 a.m.	7. New Matters * a. Anthem, Inc. – Request for refund of duplicate payments from one employer group b.	S. Tenney C. Roberge
10:50-11:30 a.m.	8. Public Comment / Parking Lot Questions/Concerns (If time allows) 9. Executive Session a. TRICARE Arrears Update (with KidsVax personnel present) b. (with KidsVax personnel present) c. Annual KidsVax® Contract Review (without KidsVax personnel present)	S. Tenney N. Price N. Price S. Tenney
11:30 a.m.	<b>[Adjourn]</b> 10. Reference Documents * a. Contact Directory * b. Governing Statute * c. 2016/17 Meeting & Annual Governance Calendar * d. Proposed form of votes for this meeting * e. Directions to meeting location * f. WebEx Instruction Sheet	

\*Indicates agenda item attached



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**NH Vaccine Association – Board of Directors Meeting**

**January 19, 2017 – 9:30 to 11:30 a.m.**

**KidsVax Offices**

**Presiding Officer: Susan Tenney, Chair**

**I. Attendance.** Participating in all or part of the meeting in person (P) or by telephone (T) were the following individuals:

**Directors:**

Susan Tenney, Chair – Harvard Pilgrim Health Care (P)  
Marcella Bobinsky, NH DHHS (P)  
Laura Condon – Public Board Representative (T)  
Elaine Koskela – Cigna (T)  
Jason Margus – Anthem (P)  
David Sky, NHID (P)

**Others:**

Larry Hart – Compass Health Analytics, Inc. (T)

**KidsVax®:**

Fred L. Potter (T)  
Nicole G. Price (P)  
Claire Roberge (P)  
Terry Mills (P)  
Matthew Miller – WebEx Monitoring (T)

**Absent:**

David Fredenburg, M.D. – Healthcare Provider  
Edward Moran – Public Board Representative

**II. Summary of Actions Taken and/or Recommended**

**A. Actions Taken (votes adopted)**

1. To approve the Board Meeting minutes of September 27, 2016, as presented at this meeting.

**B. Follow-up Task/Action Items**

1. Ms. Bobinsky will provide Ms. Condon with a copy of the CDC policy requiring doctors to replenish wasted vaccine supply.
2. Set up a public meeting to discuss the feasibility of different payment options for the end of year remittance to the state with appointed members of the Board and Delores Cooper.
3. Ms. Price to follow up with Ms. Bobinsky regarding cross-border vaccinations with Maine and New Hampshire.
4. Ms. Price to reach out to the Governor's office regarding appointment to the NHVA Board.
5. Ms. Price to add TRICARE arrears and NHVA's financial contribution to the March agenda.

At approximately 9:30 a.m., a quorum having been established, Chairman Tenney called the meeting to order. The Board was surveyed for additional agenda items. Ms. Bobinsky asked to add agenda items under the DHHS update.

Upon motion duly made by Mr. Sky and seconded by Mr. Margus, it was unanimously

VOTED: To approve the Board Meeting minutes of September 27, 2016, as presented at this meeting.

**Executive Director Report** – Ms. Price presented a brief overview of her Executive Director Report. Governor Hassan's office had concerns about appointing someone to a New Hampshire Board who was not a New Hampshire resident. Consequently, the suggested Meritain representative, who is a New York resident, will not be appointed to the Board. Ms. Price has reached out to the new administration to determine if they want assistance from the Board or if they have someone in mind to fill the open seat for the self-insured entities.

Ms. Price provided a brief update regarding TRICARE and was happy to report that the bill passed and was signed by President Obama on December 23, 2016, to include TRICARE's participation in state universal vaccine purchase programs.

Code of Ethics Affirmation statements were sent to all Board members. Copies were supplied at the meeting as well for those directors desiring to complete their affirmation statement at the meeting.

The DHHS Adult Immunization Grant update requested by Ms. Condon at the September meeting was included for Board review.

Ms. Condon followed up on the status of the request made at the last meeting regarding a request to the Department for reimbursement of overages last year. Ms. Price informed the Board that a letter has been prepared and is ready for Chairman Tenney's signature at today's meeting. Ms. Price expects that it will go out to the Commissioner in today's mail.

**Financials as of 12/31/2016** – Mrs. Roberge provided a brief overview of the 12/31/2016 financials. There were no questions by the Board.

**DHHS Update** – Ms. Bobinsky reported that a letter has been addressed and sent over to the Commissioner for his signature to appoint the second physician board member. A copy of the letter will be going to Susan Tenney. As soon as that letter goes out, the information will be released to the Board. That individual will be appointed prior to the next meeting.

Lisa Morris is the new Director of Public Health. For the past 12 years, she has been the Executive Director of the Lakes Region Public Health Network. She has been very active there and is very familiar with New Hampshire's Public Health System. Ms. Morris will not be assuming this NHVA board seat and has asked Ms. Bobinsky to remain on the Board.

Ms. Bobinsky opened discussion concerning cross-border vaccinations. New Hampshire has always taken the position that if a child comes over into New Hampshire to see their PCP, the child is vaccinated whether it's VFC, federal funds, or with private funds, and it is taken from the State supply. However, Maine has stated that they will not vaccinate New Hampshire children if they come across into Maine. Ms. Bobinsky reported that DHHS has physicians and nurses contacting them from the Maine/New Hampshire border area stating that children are not be vaccinated. After lengthy discussion, it was the sense of the Board that there needs to be a conversation with the Maine Vaccine Board (MVB) to look at working through this concern. Cross-border issues have generally been resolved between Health Departments. Maine has a statutory problem that they need assistance with. Director Bobinsky shared with the Board information regarding the policy for loss and replacement of vaccines supplied by the New Hampshire Immunization Program. Under this policy, providers must purchase and replace lost vaccines on a dose for dose basis at market cost. These are vaccine that were originally purchased with state or federal funds. This policy is in alignment with CDC requirements.

Delores Cooper, the DHHS Finance Administrator, has expressed an interest in meeting with the NHVA to look at the feasibility of changing to quarterly payments throughout the year so that at the end of the fiscal year there is not a large balance one way or the other on a true-up. It was discussed that a statutory change would not be required as Article VI of the Plan of Operation addresses the payment procedure. After extensive discussion, Jason Margus, Marcella Bobinsky, Laura Condon, Susan Tenney, and Nicole Price were appointed to convene for a single public meeting with Ms. Cooper to develop a proposal to be brought to the Board for approval.

**New Matters** – There was Board discussion about the addition of a November meeting to the 2017 calendar based on the need to have timely review and vetting of the Annual Report by the Board well in advance of its filing deadline. After further discussion, it was decided to keep the October meeting if needed, the January meeting, and add a November meeting for purposes of finalizing the Annual Report which can be called by the Board Chair at any time. If it is determined by the Board that the October and January meetings are not needed, they will be canceled.

**Public Comment** – There were no members of the public.

Upon motion duly made by Mr. Sky and seconded by Mr. Margus, a unanimous roll call vote was taken by Chairman Tenney to move into Executive Session.

**Executive Session** – Mr. Potter updated the Board about the pursuit of TRICARE arrears. There is work being done to determine the amount due as the current arrears estimate is based on a 2012 FOIA request. KV has been in Washington meeting with TRICARE as well as members of Congress in order to move the issue of arrears as a priority that has bipartisan support and TRICARE's support. This work cannot be completed until there is a President's budget. Mr. Potter also shared that TRICARE's participation in universal vaccine programs is effective as of January 1, 2017. He also made a request to the Board for a financial contribution to the work needed to pursue the arrears.

The board acknowledged KidsVax®'s decision to name Nicole Price to the position of Executive Director for KidsVax® assigned to the NHVA account. The Board also noted that KidsVax® has worked hard to address the Board's concerns about timeliness of documents, follow-through and meeting logistics. Overall, the Board is pleased with the assignment of Nicole to the NHVA account.

Upon motion duly made and seconded, a unanimous roll call vote was taken to move back into public session.

The Board returned to public session following the executive session and continued the discussion around the CDC policy of requiring doctors to replenish wasted vaccine supply. Ms. Bobinsky shared this is a CDC change that DHHS has to administer. Ms. Condon asked for a copy of the CDC policy.

Upon motion duly made by Ms. Bobinsky and seconded by Mr. Margus, a unanimous roll call vote was taken to adjourn at 11:12 a.m.





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**NH Vaccine Association – Board of Directors Meeting**  
**March 21, 2017 – 8:30 to 10:30 a.m.**  
**KidsVax Offices**  
**Presiding Officer: Susan Tenney, Chair**

**I. Attendance.** Participating in all or part of the meeting in person (P) or by telephone (T) were the following individuals:

**Directors:**

Susan Tenney, Chair – Harvard Pilgrim Health Care (P)  
 Marcella Bobinsky, NH DHHS (P)  
 Laura Condon – Public Board Representative (T)  
 Patricia Edwards, M.D. – Healthcare Provider (P)  
 David Fredenburg, M.D. – Healthcare Provider (T)  
 Jason Margus – Anthem (T)  
 David Sky, NHID (P)

**Others:**

Larry Hart – Compass Health Analytics, Inc. (T)  
 Mark McCue, Esq. – Hinckley Allen (P)  
 Beth Anne Ptak – Meritain (T)

**KidsVax®:**

Fred L. Potter (P)  
 Nicole G. Price (P)  
 Claire Roberge (P)  
 Terry Mills (P)  
 Matthew Miller – WebEx Monitoring (T)

**Absent:**

Elaine Koskela – Cigna  
 Edward Moran – Public Board Representative

**II. Summary of Actions Taken and/or Recommended**

**A. Actions Taken (votes adopted)**

1. To authorize the appointment of Susan Tenney and David Fredenburg, acting together or individually, as proxies for the director selection at the June 20, 2017, Annual Meeting of members.
2. To authorize the NHVA to pay \$25,000 to the Washington Vaccine Association to be used to support WVA's efforts with regard to negotiating payment for vaccine arrearages owed by TRICARE, implementing the new federal law and other related matters that further the interests of NHVA.

**B. Follow-up Task/Action Items**

1. KidsVax® will make the requested amendments to the January 19, 2017, minutes and will bring them back for Board approval at the meeting scheduled for June 20.
2. Ms. Bobinsky will make an inquiry to the Commissioner as to when the return of funds for overfunding of vaccines can be expected.
3. Ms. Price will make a request to NHID and Mr. Sky to look at the All Payer Claims database to assist with the cross-border considerations.
4. KidsVax® will add an agenda item for the June meeting for further discussion regarding the feasibility study concerning quarterly payments to the State.
5. Attorney McCue will provide his legal opinion concerning quarterly vaccine payments vs. annual payments to the Board.
6. KidsVax to send the Vaccine Loss and Replacement Policy to the Board.

At approximately 8:30 a.m., a quorum having been established, Chairman Tenney called the meeting to order. The Board was surveyed for additional agenda items. Ms. Condon asked to add agenda items, including the new replenishment policy and reporting of vaccine wastage to the New Hampshire Vaccine Association ("NHVA"), as well as the new CDC October 1<sup>st</sup> inventory policy.

Ms. Condon requested several amendments to the draft minutes of the January 19, 2017, Board Meeting. Ms. Price indicated that the edits will be made as requested and the minutes will be brought back for Board approval at the next meeting scheduled for June 20.

**Executive Director Report** – Ms. Price presented a brief overview of her Executive Director Report. She welcomed new Board member, Dr. Patricia Edwards, to the NHVA Board. Ms. Price thanked the directors for their timely return of their Ethics Affirmation Statements and indicated that policy compliance has been met. She also reported that the working group met to discuss making payments to the State other than annually. Notes from that meeting were included in the Board materials so that everyone is aware of what was discussed.

Efforts to collect TRICARE arrears continue. The focus right now is on arrears in addition to implementing the actual Bill 719 that was passed at the end of the session in 2016. A full report will be provided during Executive Session, as the Board is considering whether NHVA will make a financial contribution to the efforts of securing those additional funds. To that end, a short memo was distributed to the directors to aid in the discussion.



Ms. Price stated that she has contacted the Governor's office regarding filling the seat of the self-insured entity on the Board and was provided with the name of the individual responsible for filling Board seats in the Governor's office. She will be reaching out to her regularly. Ms. Price's understanding is that the Governor is aware of the vacancies on the Boards generally in New Hampshire and is hopeful that a new Board member will be appointed by year end to fill this vacant position.

Ms. Condon requested a status update regarding NHVA's request from the September 26, 2016, Board meeting for the State to refund \$3,267,371 to the Association for overfunding of vaccines. Ms. Price stated that a request has been made to the Commissioner, but she does not believe those funds have yet been received. Ms. Bobinsky made a note to make an inquiry to the Commissioner as to when the return of funds can be expected.

**NHVA D & O Insurance Policy** – Mrs. Roberge indicated that the D & O Insurance Policy was sent to each director when it was first received. It is also included again in the Board materials as a review. This year the policy and cost are basically the same as last year in the amount of \$5,954. The policy provides coverage to the directors only.

**DHHS Update** – Ms. Bobinsky, Ms. Haggarty, and Ms. Price had a telephone conference to discuss cross-border vaccinations. Work is continuing, but it is not something that DHHS can fix alone because as discussed previously, DHHS does offer vaccines to any child who sees a physician over the state line. The language in the Maine statute requires that only Maine residents receive vaccines in Maine. Further discussion continues with the Maine Vaccine Board and providers that service those individuals. Contact has been made with Anthem and the Maine CDC to further discuss what can be done to assist in coming to a resolution of this concern. After further discussion, Mr. Sky suggested that if the Board is interested, NH Insurance Department may be able to provide its All Payer Claims database to assist with looking at Maine residents receiving vaccines from New Hampshire providers and New Hampshire residents receiving vaccine from Maine providers. Chairman Tenney stated she thought that would be helpful to assist in resolving this matter.

Ms. Bobinsky introduced Patricia Edwards, M.D., as a new Board member. Dr. Edwards is a practicing pediatrician in Concord and has been for many years. Dr. Edward has been a part of some of the discussions regarding the vaccine registry and has always been very accessible to DHHS and the immunization program when DHHS wants to reach out to some of the physicians for additional information. She has been willing to give her opinion and her professional feedback. DHHS recommended Dr. Edwards to the Commissioner for his appointment and they are happy to have her involvement.

**Working Group Update** – A summary report of the working group meeting dated February 16, 2017 is included in the Board materials. The purpose of the group was to determine if it would be a better process for NHVA to pay on a quarterly basis to the State for the vaccines purchased throughout the year instead of making one payment at the very end of the State fiscal year based exactly on the assessment that was determined eight months prior. One of the reasons DHHS reviewed this was because a year ago the State came to the Association requesting an additional \$1M+ dollars. This year, the Association, as is allowed, has asked the State to reimburse them for the over \$3M that was previously set into the books, so the assessment has been adjusted based on the amount of the funds left on the balance sheet. To assure that money is not left on either side of the ledger, the conversation was started to see if there is a way for the State to take the actual amount of vaccines purchased, give that number to the NHVA on a quarterly basis, and have the Association pay to the State that exact amount so that as the year progresses, the Association isn't looking at balances held in either the State's or the NHVA's account. It was also hoped that this would provide a more accurate true-up of the numbers that are presented to the Association on an annual basis. It would provide much less of a guesstimate and much more of an actual basis. The question being considered is whether the NHVA Board has the authority to make that change in the timing of payments. Ms. Price indicated that once it is determined if NHVA has that authority, some financial modeling will be undertaken at the April working group meeting. This will allow Dolores Cooper, Finance Administrator for the Division, to plot three actual quarters to provide a better idea of what it will look like. Mr. Sky would like DHHS to include in their analysis the time value and financial loss of investment income that the Association would suffer.

Attorney McCue stated that with respect to making quarterly payments, the statute mandates an annual payment. His interpretation is that is a minimum requirement. He does not believe the State can require quarterly payments, but if the Association and the Board in their due diligence determines that would be a more prudent or beneficial way to proceed with payments, then the Board could amend its Plan of Operation (POO) accordingly. The POO is approved by the Insurance Commissioner, after consultation with the DHHS Commissioner. It would then be a waiver by the regulators to whom this annual payment requirement benefits. If DHHS and NHID are comfortable with the process, the Association will eventually have met its annual payment obligation under the statute through making quarterly payments. Attorney McCue does not believe that the assessment process and the way the assessments are calculated can be altered. Brief discussion ensued. It was the sense of the Board that the next steps would be to create a feasibility study and add this topic to the agenda for discussion at the next meeting. Attorney McCue was asked to provide his legal opinion concerning quarterly vaccine payments in writing to the Board.

Ms. Condon requested additional information concerning the new replenishment policy and report of wastage. At the January meeting, Ms. Bobinsky mentioned this new policy requiring physicians to replenish vaccines rather than replace them. This was discussed at the working group meeting as well. Ms. Condon asked for a copy of that policy and requested that it be sent to the entire Board. It was her understanding from the last Board meeting and the task force presentation, that the policy was taking effect now but in the policy, it states that it was effective January 1, 2015. Ms. Condon asked for clarification from Ms. Bobinsky as to when the policy was put in place. She is concerned that in a spreadsheet provided by Ms. Bobinsky at the September 27, 2016, Board meeting showing actual costs, beginning balances, ending balances, expenditures, money remaining at the end of the year, and money due there is a line item in the spreadsheet, reimbursement from providers, that shows reimbursements in 2013, 2014, and 2015 from providers, but in 2016 it showed no reimbursement to the Association. Ms. Condon expressed concerns regarding it being an accountability issue. After further Board discussion, it was the sense of the Board that DHHS and the Immunization Program are under internal scrutiny, but it is not the role of this

Board. Attorney McCue stated that from his perspective the Board does not have the legal authority to challenge the costs that are provided to it by DHHS. That information is provided and is taken at face value, as an instrumentality of the State to collect the vaccine program costs, as determined by DHHS. There are other departments of State government that are looking at and confirming those costs and assessments. It is not within the fiduciary duty of this Board to investigate those. Ms. Bobinsky confirmed that DHHS is under very strict rules of the State purchasing and handling, as well as the CDC. DHHS is also obligated to work with the policies as given to them by the CDC and that guides the handling of the vaccines. She went on to state that when DHHS changed to this style of reimbursement of vaccine, she made the Board aware of the fact that there would no longer be a number in that line due to vaccine wastage because the reimbursement policy had been changed so that the providers would have to replace the vaccine and could no longer just pay for the wastage amounts. Ms. Condon stated that she does not know where that information is available to the public. As a board member appointed to serve on the Board as a public member, she looks at it from the perspective of the entire NHVA budget being funded out of consumer health insurance premiums, so there should be a report on spending and wastage for the members of the public to be assured that there is not aggressive wastage and that these policies are being followed. Extensive discussion ensued.

Ms. Condon made the motion that whatever wastage report DHHS generates from the vaccines, should also be provided to the NHVA Board as it has been in the past, and to be provided with an actual number. Chairman Tenney requested a second to this motion. There was no second to the motion, so the motion did not carry.

Ms. Condon also stated that this was brought up at the working group meeting that as of October 1, the CDC has a new policy regarding NHVA's inventory. She asked for further clarification of what that policy is and asked if the policy is in writing and is something that could be provided to the Board. Ms. Condon's understanding of the policy is that on October 1 of each year the CDC determines the value of the inventory that is being held at the warehouse for vaccines that are already owned by the State as funded to the NHVA, and a cash credit for those vaccines is issued, but the vaccines are not taken away. She asked what happens to those vaccines and if they are repurchased. Ms. Bobinsky stated that the policy dates to October 2013 and DHHS received a letter regarding this in December of 2014. The CDC now, as of October 2013, takes the amount of vaccine inventory owned by the State stored in the McKesson warehouse in Memphis, Tennessee and credits DHHS's account to close out the books. The vaccine does not move, but the books are closed and using that "cash" that DHHS has on the books, it obtains vaccines for the next quarter. It is still valued at the April 1 CDC contracted basis, so the value of vaccine does not change. If there is a need to purchase additional vaccine, it is at the same cost as all the other vaccine in inventory, so there is no loss to the State at that point. Essentially, as of October 1, CDC closes the books, DHHS receives a cash balance for what it has in storage, and they can do what they do on an annual basis and on a quarterly basis. Absolute actuals are done monthly. DHHS pulls through the vaccines that it believes it will need to distribute in the next month or the next quarter. This information does not materially impact the vaccine cost that is provided to the NHVA. There was no further discussion concerning this item and no motion was made.

**New Matters** – Ms. Price requested that the Board discuss the appointment of proxies for director selection at this meeting to avoid the need for a special meeting prior to the June meeting when there is the election of directors. She would like to appoint proxies now in advance of the meeting, so that once it is time to send proxies to the various entities, this step will have already been completed. Ms. Price briefly explained the proxies are appointed to help NHVA's entities to participate. For those who would be unlikely to come in person or participate, this allows them to vote because proxies have been appointed to voice their vote at the meeting. However, if the entity does decide to attend the meeting, then, of course, they can revoke the proxy and vote as they see fit when they are present at the meeting. Dr. Fredenburg and Chairman Tenney have agreed to serve as proxies again this year if that meets the Board's approval. Attorney McCue's caveat would be to make sure that the proxies are in the alternative, both are not required to be at the meeting, each of them is authorized individually and if one is absent, the other can vote the proxies. Chairman Tenney asked for further discussion. Hearing none, she asked for a motion.

Upon motion duly made by Ms. Bobinsky and seconded by Mr. Sky, it was unanimously

VOTED: To authorize the appointment of Susan Tenney and David Fredenburg, acting together or individually, as proxies for the director selection at the June 20, 2017, Annual Meeting of members.

**Public Comment** – There was no public comment.

Upon motion duly made by Ms. Bobinsky and seconded by Chairman Tenney, a unanimous roll call vote was taken by Chairman Tenney to move into Executive Session for purposes of discussing TRICARE arrearage and personnel matters.

**Executive Session** – The Board of Directors (the "Board") of the New Hampshire Vaccine Association ("NHVA") voted by unanimous roll call vote to enter executive session at approximately 9:45 a.m. to discuss legal and personnel matters. Mr. Potter updated the Board regarding the federal legislation requiring TRICARE to pay assessments to state vaccine assessment mechanisms like NHVA. He noted that the lobbying efforts supported in part by NHVA were successful and that the federal law was enacted. Mr. Potter noted that discussions were now being conducted with the TRICARE General Counsel regarding the implementation of the new law and the possible funding of arrearages owed by TRICARE to NHVA and other state agencies. Mr. Potter also conveyed to the Board the request of the State of Washington Vaccine Association ("WVA") to contribute \$25,000 to the legal costs being incurred by WVA in these efforts.

Following a discussion by the Board and upon a motion made by Mr. Sky and seconded by Ms. Bobinsky, the majority of the Board with one vote cast by Ms. Condon in opposition:

1 VOTED: To authorize the NHVA to pay \$25,000 to the Washington Vaccine Association to be used to support WVA's efforts with  
2 regard to negotiating payment for vaccine arrearages owed by TRICARE, implementing the new federal law and other  
3 related matters that further the interests of NHVA.  
4

5 The Board then excused the executive director and staff from the executive session at approximately 10:00 a.m. to discuss personnel  
6 matters.  
7

8 The Board noted its appreciation that today's Board meeting was handled smoothly and that materials were distributed in advance in a  
9 timely manner. The Board also noted that Ms. Price continues to be proactive and prepared with respect to matters to be addressed by the  
10 Board.  
11

12 By unanimous roll call vote, the Board voted to end the executive session at 10:10 a.m.  
13

14 Upon a motion by Ms. Bobinsky and seconded by Dr. Edwards, the Board voted to adjourn at 10:10 a.m.  
15

16 Respectfully submitted,  
17

18 Mark S. McCue  
19 Secretary pro tem

**NEW HAMPSHIRE VACCINE ASSOCIATION**  
**Annual Meeting of Directors**  
**June 21, 2017**

<b>Election of Officers</b>			<b>Appointment of Committees</b>		
<b>Position</b>	<b>Incumbent</b>	<b>Nominees</b>	<b>Finance/Audit</b>	<b>Incumbent</b>	<b>Nominees</b>
<b>Chair</b>	Susan Tenney		<b>Chair</b>	David Fredenburg, M.D.	
<b>Vice-Chair</b>	David Sky		<b>Vice-Chair</b>	Susan Tenney	
<b>Treasurer</b>	David Fredenburg, M.D.			Jason Margus	
<b>Secretary</b>	Elaine Koskela			David Sky	
				Laura Condon	



c/o KidsVax®, LLC  
 P.O. Box 1885 • Concord, NH 03302-1885  
 tel 1.855.KidsVax (543.7829)  
 fax 1.855.KidsFax (543.7329)  
 www.NHvaccine.org

#### Self-Reporting Assessment Results

<b>Applicable Assessment Rate:</b>	<b>\$ 10.30</b>
<b>Number of carriers who have paid:</b>	<b>76</b>
<b>Average monthly child covered lives:</b>	<b>166,824</b>
<b>Assessment Income for the quarter:</b>	<b>\$ 5,154,841.00</b>
<b>Interest dollars collected:</b>	<b>\$ 2.85</b>
<b>Cash and Investments as of 05/31/2017:</b>	<b>\$ 23,754,919.02</b>
<b>Remittance to be Paid to State of New Hampshire in June:</b>	<b>\$ 19,653,132.00</b>

This report serves to update the Board on the progress of action items delineated at the conclusion of the last board meeting; provide an update on the work done to move forward items voted on by the board; give a brief synopsis of the progress on TRICARE; and matters coming before the board during the June meeting.

It is with regret that I report, Director Bobinsky submitted her resignation from the New Hampshire Vaccine Association Board. Director Bobinsky's resignation coincides with her retirement from state employment effective March 30, 2017. I have been in contact with DHHS. The Commissioner is working on selecting a designee for the open seat on the NHVA board. Before retiring, Director Bobinsky followed up on the reimbursement request made by NHVA for the overpayment of vaccines. At this time, a reimbursement has not been received by the NHVA and I will continue to work on this matter with DHHS.

Since the last board meeting, I have continued to seek information on the cross-border issue of New Hampshire residents not receiving vaccines from Maine providers. I have spoken with the Maine CDC as well as raised this concern with the Maine Vaccine Board (MVB). I am happy to report that the MVB is open to looking into this concern to determine what resolution can be obtained that best serves residents of both states. To that end, I have met with Anthem of Maine and New Hampshire to discuss the cross-border issue and they have offered to seek data from their database. Additionally, I have submitted a request for data to New Hampshire's All Payers Claim database. I thank Director Sky for his assistance with this request. I also want to thank Director Margus and Mr. Spiegel for their willingness to work together and request data from the Anthem database.

The working group assembled to look at the feasibility of different payment options for the end of the year remittance to the state has not met since the last board meeting. The group will resume its work once a DHHS representative has been appointed to the board. While the seat for self-insured entities remains unfulfilled, I have been able to speak with the person in the governor's office responsible for filling board seats in New Hampshire. The governor's office asked for information about the NHVA which I submitted to them and offered our assistance if it would be helpful to them.

The efforts to collect the TRICARE arrears as well as getting TRICARE participation in the universal vaccine purchase programs are continuing. These efforts include meeting with TRICARE general counsel to discuss the best way to begin payments for 2017 as well as determining the amount of arrears owed. Additionally, the Washington Vaccine Association thanks the NHVA for their financial contribution in the support of these efforts.

As we prepare for the Annual meeting, we are pleased to report that the Directors currently serving from assessable entities are willing to stand for election again this year. Additionally, we received one response from other assessable entities to our solicitation for additional nominees. Therefore, we have four nominees for the three board positions for assessable entities.

Finally, a portion of the executive session time has been set aside for the Board's annual review of the KidsVax<sup>®</sup> contract performance and determination concerning payment of the holdback amount. This year has seen the NHVA gain full compliance with the requirements of the governing statute which includes completion of the Ethics affirmation statement and conflicts questionnaire annually as well as the timely filing of three different reports, and increased timely assessment payments. We will be happy to provide any additional information which may be helpful to you for your review.

Thank you for your contributions and assistance in ensuring that the NHVA fulfills its statutory purpose. I appreciate the time given to support this very important work.



Nicole G. Price, writing June 6, 2017 for the June 21, 2017 meeting



# New Hampshire Vaccine Association

## Statement of Financial Position

### March 31, 2017

	A	B
1	<b>ASSETS</b>	
2	Current assets	
3	Cash and cash equivalents	
4	Cash	\$ 18,653,476.40
5	Short-term investments	252,776.28
6	Prepaid expenses	4,961.66
7	Assessments receivable	11.74
8		<hr/>
9	Total current assets	18,911,226.08
10		<hr/>
11	Total assets	\$ 18,911,226.08
12		<hr/>
13		
14	<b>LIABILITIES AND NET ASSETS</b>	
15	Current liabilities	
16	Accounts payable	-
17	Assessment payable	-
18		<hr/>
19	Total current liabilities	-
20		
21	Net assets	
22	Unrestricted net assets	250,000.00
23	Temporarily restricted net assets	18,661,226.08
24		<hr/>
25	Total net assets	18,911,226.08
26		
27	Total liabilities and net assets	\$ 18,911,226.08
		<hr/>

Unaudited - For Management Purposes Only  
Prepared by KidsVax, LLC

**New Hampshire Vaccine Association**  
**Statement of Activities and Changes in Net Assets**

	A	B	C	D	E	F
	3 Months	3 Months	3 Months	9 Months	Approved	Remaining
	Qtr Ending	Qtr Ending	Qtr Ending	Year to Date	Budget	Budget
	09/30/16	12/31/16	03/31/17	03/31/17		
1 Unrestricted net assets						
2 Revenue and other support						
3 Net assets released from restrictions						
4 Assets released for operations	\$ 40,031.65	\$ 32,825.32	\$ 30,540.70	\$ 103,397.67	\$ 162,072.00	\$ 58,824.33
6 Expenses						
7 Administration expenses						
8 Administrative services						
9 Fixed compensation	27,818.52	28,068.93	28,068.93	83,956.38	112,025.00	28,068.62
10 Variable compensation	-	-	-	-	12,447.00	12,447.00
11 Professional fees						
12 Professional fees - legal	2,741.00	1,688.00	153.00	4,582.00	15,000.00	10,418.00
13 Professional fees - audit	6,500.00	120.00	-	6,620.00	9,000.00	2,380.00
14 Total administration expenses	37,059.52	29,876.93	28,221.93	95,158.38	148,472.00	53,313.62
16 Office expenses						
17 Licenses and fees	75.00	-	-	75.00		75.00
18 Bank fees	1,408.62	1,459.88	830.30	3,698.80	4,000.00	301.20
19 Public information	-	-	-	-	1,000.00	1,000.00
20 Website	-	-	-	-	-	-
21 Total office expenses	1,483.62	1,459.88	830.30	3,773.80	5,000.00	1,376.20
23 Board expenses						
24 Insurance	1,488.51	1,488.51	1,488.47	4,465.49	8,000.00	3,534.51
25 Publications	-	-	-	-	600.00	600.00
26 Conferences	-	-	-	-	-	-
27 Board meetings	-	-	-	-	-	-
28 Total board expenses	1,488.51	1,488.51	1,488.47	4,465.49	8,600.00	4,134.51
30 Total expenses	40,031.65	32,825.32	30,540.70	103,397.67	162,072.00	58,824.33
32 Increase (decrease) in unrestricted net assets	-	-	-	-	-	-
34 Temporarily restricted net assets						
35 Assessment income	5,018,788.23	4,999,637.86	4,995,079.10	15,013,505.19		
36 Investment return						
37 Interest Income from late Assessments	235.37	3,022.90	78.81	3,337.08		
38 Interest Income - Investments	5,327.06	5,446.39	4,180.25	14,953.70		
39 Unrecognized gain / (loss) on investments	-	-	-	-		
40 Recognized gain/loss on investments	(882.00)	(886.90)	-	(1,768.90)		
41 Net assets released from restrictions						
42 Remittance to the State of New Hampshire	-	-	-	-	19,653,132.00	19,653,132.00
43 Assets released for operations	(40,031.65)	(32,825.32)	(30,540.70)	(103,397.67)		
44						
45 Increase in temporarily restricted net assets	4,983,437.01	4,974,394.93	4,968,797.46	14,926,629.40		
46						
47 Increase (decrease) in net assets	4,983,437.01	4,974,394.93	4,968,797.46	14,926,629.40		
48						
49 Net assets, beginning of period	3,984,596.68	8,968,033.69	13,942,428.62	3,984,596.68		
50						
51 Net assets, end of period	\$ 8,968,033.69	\$ 13,942,428.62	\$ 18,911,226.08	\$ 18,911,226.08		
88 Assessment quarter	9/30/2016	12/31/2016	3/31/2017			
89 Average child covered lives per month	168,049	167,219	167,339			
99 Assessment rate per child covered life	\$ 9.95	\$ 9.95	\$ 9.95			



April 17, 2017

Board of Directors and Management  
New Hampshire Vaccine Association  
c/o KidsVax, LLC  
PO Box 1885  
Concord, NH 03302-1885

We are pleased to confirm our understanding of the services we are to provide for New Hampshire Vaccine Association for the year ended June 30, 2017.

We will audit the financial statements of New Hampshire Vaccine Association, which comprise the statement(s) of financial position as of June 30, 2017, the related statements of activities and cash flows for the year then ended, and the related notes to the financial statements (the financial statements).

#### ***Audit Objective***

The objective of our audit is the expression of an opinion about whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and will include tests of your accounting records and other procedures we consider necessary to enable us to express such an opinion. We will issue a written report upon completion of our audit of New Hampshire Vaccine Association's financial statements. Our report will be addressed to the Board of Directors of New Hampshire Vaccine Association. We cannot provide assurance that an unmodified opinion will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion or add an emphasis-of-matter or other-matter paragraph. If our opinion is other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed an opinion, we may decline to express an opinion or withdraw from this engagement.

#### ***Audit Procedures***

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, tests of the physical existence of inventories, and direct confirmation of receivables and certain assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will also request written representations from the Organization's attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the Organization or to acts by management or employees acting on behalf of the Organization.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that comes to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our audit will include obtaining an understanding of the Organization and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. An audit is not designed to provide assurance on internal control or to identify deficiencies in internal control. However, during the audit, we will communicate to you and those charged with governance internal control related matters that are required to be communicated under professional standards.

The audit documentation for this engagement is the property of Carew & Wells, PLLC and constitutes confidential information. However, we may be requested to make certain audit documentation available to the State of New Hampshire pursuant to authority given to it by law or regulation. If requested, access to such audit documentation will be provided under the supervision of Carew & Wells, PLLC personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the State of New Hampshire. The State of New Hampshire may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

#### ***Other Services***

We will assist in preparing the financial statements of the Organization in conformity with U.S. generally accepted accounting principles based on information provided by you.

We will perform the services in accordance with applicable professional standards, including the Statements on Standards for Tax Services issued by the American Institute of Certified Public Accountants. The other services are limited to the financial statement and tax services previously defined. We, in our sole professional judgement, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities. We will advise management with regard to tax positions taken in the preparation of the tax return, but management must make all decisions with regard to those matters.

#### ***Management Responsibilities***

You are responsible for establishing and maintaining internal controls, including monitoring ongoing activities; for the selection and application of accounting principles; and for the preparation and fair presentation of the financial statements in conformity with U.S. generally accepted accounting principles. You are also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the organization from whom we determine it necessary to obtain audit evidence. Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the Organization involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the Organization received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring the Organization complies with applicable laws and regulations.

With regard to the electronic dissemination of audited financial statements, including financial statements published electronically on your website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

You agree to assume all management responsibilities for the tax services, financial statement preparation services, and any other nonattest services we provide; oversee the services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of the services; and accept responsibility for them.

***Engagement Administration, Fees, and Other***

We understand that your employees will prepare all cash, accounts receivable, and other confirmations we request and will locate any documents selected by us for testing.

Karen M. Carew, CPA is the engagement partner and is responsible for supervising the engagement and signing the report or authorizing another individual to sign it. We expect to begin our audit on August 8, 2017 and to complete your information returns and issue our report no later than September 1, 2017.

Our fees for these services will be **\$8,500**, which includes five bound copies of the financial statements. You will also be billed for travel and other out-of-pocket costs such as report production, word processing, postage, etc. No additional expenses are estimated at this time. The fee estimate is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the engagement. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs. ***Our invoices for these fees will be due according to the following schedule: \$3,000 with the signed engagement letter, \$3,500 upon the start of fieldwork, and the balance of \$2,000 upon delivery of the draft financial statements.***

We appreciate the opportunity to be of service to you and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

*Carew & Wells, PLLC*

Carew & Wells, PLLC

**RESPONSE:**

This letter correctly sets forth the understanding of New Hampshire Vaccine Association.

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

# NEW HAMPSHIRE VACCINE ASSOCIATION

## Estimated Expense Budgets and Reference Data

Line ↓	Column →	** Budget information in last Assessment Setting worksheet approved by board **					2016/17 Budget Worksheet Items	
		A	B	C	D	E	Actuals thru 5/31/17	Projected thru 6/30/17
			Financials 6/30/2016	Original Budget for 06/30/16	Budgets Preliminary for 2016/2017	Preliminary for 2017/2018		
01.	Administrative Fees (KidsVax®)							
02.	Annual Comprehensive Services Base Fee		109,020	109,027	112,025 1	115,106 1	102,669	112,025
03.	Variable Compensation		9,106	12,141 2	12,475 2	12,818 2	-	-
09.	Subtotal		118,126	121,168	124,500	127,924	102,669	112,025
10.	Bank Fees & Service Charges		2,505	500 3	3,980 3	3,980 3	4,214	4,597
11.	Auditing Fees		8,500	10,700	9,000 5	9,000 5	8,500	8,500
12.	Legal Fees		9,560	15,000	16,500	16,500	5,921	6,459
13.	Public Information Expense		-	1,000 5	1,000 4	1,000 4		
14.	Insurance Expense (D&O)		6,135	7,500	7,055	8,113	5,458	5,954
15.	Publications		-	600	600	600		
19.	Subtotal		26,700	35,300	38,135	39,193	24,093	25,510
29.	Subtotal Administrative Costs		144,826	156,468	162,635	167,117	126,762	137,535
21.	Special Projects (as approved by board in advance)							
22.	TRICARE collections project		25,000	-	-	-	25,000	25,000
23.			-	-	-	-	-	-
24.			-	-	-	-	-	-
29.	Subtotal		25,000	0	0	0	25,000	25,000
99.	Total Administrative costs & Special Projects		\$ 169,826	\$ 156,468	\$ 162,635	\$ 167,117	151,762	162,535
22.	Budgeted for Bad Debt		-		to be set as part of assessment work	to be set as part of assessment work		

## NOTES:

- 2014 contract included \$50,000 supplement for setup of new system. Amount was \$115,000 with 2.75% cost adjustment each August 1. 10% of that is held back as variable compensation to secure acceptable performance, requiring board vote to approve.
- 10% of each year's base held back and awarded pursuant to "Variable Compensation" upon board vote.
- Fees for quarterly investment analysis and fees for monthly lockbox analysis.
- Two template compilations, photo expenses for current NHVA template, PowerPoint templates.
- Based upon engagement letter for \$8,500 audit fee + \$500 for out-of-pocket fees.



**From:** Buchanan, Stephen [<mailto:Stephen.Buchanan@anthem.com>]  
**Sent:** Thursday, March 23, 2017 11:57 AM  
**To:** Claire Roberge <[croberge@kidsvax.org](mailto:croberge@kidsvax.org)>  
**Cc:** Coldiron, Julianne <[Julianne.Coldiron@anthem.com](mailto:Julianne.Coldiron@anthem.com)>  
**Subject:** Anthem Refund Request for NHVA Duplicate Payment

Good morning Claire,

Anthem learned this week that duplicate payments have been made for one particular employer group due to payments being made by the self-insured's group Third Party Administrator (NH-based EBPA), and Anthem Health Plains of NH. Anthem received confirmation from EBPA yesterday that they collected from the client and made NHVA payments for Cardigan Mountain School for Q3 & Q4 2016.

Duplicate payments for the same period were made by Anthem as outlined below, and we respectfully request a refund from NHVA in the amount of **\$2,676.65**.

Please let me know if you require any additional documentation or have any questions.

Thank you very much.

Regards,

Steve

**Steve Buchanan, MCM | State Compliance Director (ME/NH) | Anthem, Inc.**  
 2 Gannett Drive, South Portland, ME 04106 | Office 207-822-8211 | Fax 207-822-7350



RPT_MNTH	201607
CMPNY_CF_CD	G1820
Funding_Type	(All)
PRCHSR_ORG_NM	CARDIGAN MOUNTAIN SCHOOL

Row Labels	Count of HC_ID	Sum of Amt to Bill
000JCM834	44	\$437.80
<b>Grand Total</b>	<b>44</b>	<b>\$437.80</b>

RPT_MNTH	201608
CMPNY_CF_CD	G1820
Funding_Type	(All)
PRCHSR_ORG_NM	CARDIGAN MOUNTAIN SCHOOL

Row Labels	Count of HC_ID	Sum of Amt to Bill
000JCM834	44	\$437.80
<b>Grand Total</b>	<b>44</b>	<b>\$437.80</b>

RPT_MNTH	201609
CMPNY_CF_CD	G1820
Funding_Type	(All)
PRCHSR_ORG_NM	CARDIGAN MOUNTAIN SCHOOL

Row Labels	Count of HC_ID	Sum of Amt to Bill
000JCM834	45	\$447.75
<b>Grand Total</b>	<b>45</b>	<b>\$447.75</b>

RPT_MNTH	201610
CMPNY_CF_CD	G1820
Funding_Type	(All)
PRCHSR_ORG_NM	CARDIGAN MOUNTAIN SCHOOL

Row Labels	Count of HC_ID	Sum of Amt to Bill
000JCM834	45	\$447.75
<b>Grand Total</b>	<b>45</b>	<b>\$447.75</b>

RPT_MNTH	201611
CMPNY_CF_CD	G1820
Funding_Type	(All)
PRCHSR_ORG_NM	CARDIGAN MOUNTAIN SCHOOL

Row Labels	Count of HC_ID	Sum of Amt to Bill
000JCM834	45	\$447.75
<b>Grand Total</b>	<b>45</b>	<b>\$447.75</b>

RPT_MNTH	201612
CMPNY_CF_CD	G1820
Funding_Type	(All)
PRCHSR_ORG_NM	CARDIGAN MOUNTAIN SCHOOL

Row Labels	Count of HC_ID	Sum of Amt to Bill
000JCM834	46	\$457.70
<b>Grand Total</b>	<b>46</b>	<b>\$457.70</b>

#### Overpayment Summary

Jul-16	\$437.80
Aug-16	\$437.80
Sep-16	\$447.75
Oct-16	\$447.75
Nov-16	\$447.75
Dec-16	\$457.70

<b>TOTAL</b>	<b>\$2,676.55</b>
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c/o KidsVax®, LLC  
 P.O. Box 1885 • Concord, NH 03302-1885  
 tel 1.855.KidsVax (543.7829)  
 fax 1.855.KidsFax (543.7329)

## BOARD OF DIRECTORS

### Insurer Representatives [RSA 126-Q:3, III.(a)]

Jason Margus, F.S.A., M.A.A.A.  
 Anthem Blue Cross & Blue Shield  
 1155 Elm Street, Suite 200  
 Manchester, NH 03101-1505

Telephone: 603-541-2021  
 E-mail: Jason.margus@anthem.com

Elaine Koskela  
 Senior Contract Manager  
 CIGNA Health Care  
 Two College Park  
 Hooksett, NH 03106

Telephone: 603-268-7193  
 E-mail: Elaine.Koskela@Cigna.com

Susan Tenney  
 Manager, Network Contracting  
 Harvard Pilgrim Health Care-NE  
 650 Elm Street, 7<sup>th</sup> Floor  
 Manchester, NH 03101

Telephone: 603-656-9594  
 Facsimile: 603-656-9565  
 E-mail: Susan\_Tenney@hphc.org

### Healthcare Provider Representatives [RSA 126-Q:3, III.(b)]

Patricia M. Edwards, M.D.  
 Concord Pediatrics  
 Pillsbury Medical Office Building  
 248 Pleasant Street, Suite 1700  
 Concord, NH 03301

Telephone: 603-224-1929  
 E-mail: drpatedwards@yahoo.com

David Fredenburg, M.D.  
 27 Hazelwood Road  
 Hudson, NH 03051

Telephone: 603-598-0996  
 Cell: 603-321-6664  
 E-mail: fredenburg.david@gmail.com

### Governmental Representatives [RSA 126-Q:3, III.(c)&(d)]

David Sky, F.S.A., M.A.A.A.  
 Life, Accident and Health Actuary  
 New Hampshire Insurance Department  
 21 South Fruit Street, Suite 14  
 Concord, NH 03301

Telephone: 603-271-2506  
 Facsimile: 603-271-1406  
 E-mail: David.Sky@ins.nh.gov

Marcella J. Bobinsky, MPH  
 Chief, Bureau of Public Health Systems  
 Policy and Performance Division of  
 Public Health Services  
 New Hampshire Department of Health and Human Services  
 29 Hazen Drive  
 Concord, NH 03301-6504

Telephone: 603-271-4110  
 E-mail: Marcella.Bobinsky@dhhs.nh.gov

### Representatives of Self-Insured Entities [RSA 126-Q:3, III.(e)]

[Currently vacant]  
 (Appointed by the Governor and Council)

**Members of the Public [RSA 126-Q:3, III.(f)&(g)]**

Edward P. Moran  
Former State Legislator  
19 Ministerial Road  
Bedford, NH 03110  
(Appointed by the Speaker of the House)

Telephone: 603-472-5912 x2016  
E-mail: edpmoran@gmail.com

Laura Condon  
12 Brick Mill Road  
Bedford, NH 03110  
(Appointed by the President of the Senate)

Telephone: 603-471-0787  
E-mail: vaxchoicenh@gmail.com

**NEW HAMPSHIRE GOVERNMENTAL AUTHORITIES****NH Department of Health & Human Services**

Jeffrey A. Meyers, Commissioner  
NH Dept. of Health & Human Services  
129 Pleasant Street  
Concord, NH 03301

Telephone: 603-271-4331  
Facsimile: 603-271-4912  
Assistant: Kathleen Henderson 603-271-4334  
E-mail: kHenderson@dhhs.state.nh.us

**NH Insurance Department**

Roger A. Sevigny, Commissioner  
New Hampshire Insurance Department  
21 South Fruit Street, Suite 14  
Concord, NH 03301-2430

Telephone: 603-271-2261  
Facsimile: 603-271-7851  
E-mail:  
Assistant: Sandy Barlow 603-271-7973 x 202

**KidsVax®**

Nicole G. Price, Esquire  
P.O. Box 1885  
Concord, NH 03302-1885

Telephone: 844-459-9102 (Direct Line)  
Facsimile: 844-459-9102 (Direct Fax)  
E-mail: NPrice@KidsVax.org

Claire M. Roberge  
P.O. Box 1885  
Concord, NH 03302-1885

Telephone: 855-556-4102 (Direct Line)  
Facsimile: 855-556-4102 (Direct Fax)  
E-mail: CRoberge@KidsVax.org

Terry Mills  
P.O. Box 1885  
Concord, NH 03302-1885

Telephone: 855-556-4103 (Direct Line)  
Facsimile: 855-556-4103 (Direct Fax)  
E-mail: TMills@KidsVax.org

**Supporting Independent Contractors**

Peter Smith, CPA  
Financial Analyst  
7856 Rysdale Street  
Niagara Falls, Ontario, Canada L2H 1G4

Telephone: 703-598-9975  
E-mail: PSmith@KidsVax.org

Larry Hart, Director, Risk Consulting Services  
Compass Health Analytics, Inc.  
254 Commercial Street, 2<sup>nd</sup> Floor  
Portland, ME 04101

Telephone: 207-541-4900  
E-mail: lhart@compass-inc.com

# **BOARD GOVERNANCE ROLES**

## **Officers**

Chair: Susan Tenney  
 Vice-Chair: David Sky  
 Treasurer: David Fredenburg, M.D.  
 Secretary: Elaine Koskela

## **Finance/Audit Committee**

David Fredenburg, M.D. – Chairman  
 Susan Tenney – Vice-Chair  
 David Sky  
 Laura Condon  
 Jason Margus

## **Legislative Task Force**

Susan Tenney  
 David Sky (or his designee)  
 Ms. Bobinsky  
 Ms. Koskela  
 Mark McCue, Esq. (provide legal counsel)

## **Governance Committee**

David Sky – Chairman  
 Susan Tenney  
 Laura Condon  
 Mark McCue, Esq. (provide legal counsel)

## **Assessment Process Improvement Task Force**

David Sky – Chairman  
 Susan Tenney  
 Jason Margus  
 Laura Condon  
 Dolores Cooper, DHHS Finance Representative

*updated RSA 126-Q*

**N.H. RSA 126-Q:1—Q:9  
NEW HAMPSHIRE VACCINE ASSOCIATION**

**[N.H. RSA 126-Q as amended by HB664 (2013 legislative session)]**

**126-Q:1 Definitions.**

In this chapter:

- I. “Assessable coverage” means:
  - (a) Health coverage as defined in RSA 420-G:2, IX;
  - (b) Stop loss coverage that conforms with RSA 415-H:3, or other group excess loss insurance purchased against the risk that any particular claim, or total liability, will exceed a specified dollar amount; or
  - (c) Group health plan, as defined by 42 U.S.C. 300gg-91(a).
- II. “Assessable entity” means any:
  - (a) Health maintenance organization, as defined by RSA 420-B:1, VI.
  - (b) Third party administrator, as defined by RSA 402-H:1, I.
  - (c) Entity providing administrator services and required to register with the insurance commissioner under RSA 402-H:11-a or RSA 402-H:11-b.
  - (d) Insurance company licensed pursuant to RSA 401:1, IV.
  - (e) Health service corporation, as defined by RSA 420-A:1, III.
- III. “Assessable lives” means all children under 19 years of age residing in the state who have assessable coverage written or administered by an assessable entity, with the exception of children whose vaccines are paid for under the federal Vaccines for Children program, established under 42 U.S.C. section 1396s.
- IV. “Assessment” means the assessable entity’s liability with respect to childhood vaccines determined in accordance with this chapter. For purposes of rate setting and medical loss ratio calculations, all association assessments are considered pharmaceutical or medical benefit costs and not regulatory costs. In the event of any insolvency or similar proceeding affecting any payer, assessments shall be included in the highest priority of obligations to be paid by or on behalf of such payer.
- V. “Association” means the New Hampshire vaccine association.
- VI. “Board” means the board of directors of the New Hampshire vaccine association.
- VII. “Commissioner” means the commissioner of the department of health and human services.
- VIII. “Estimated vaccine cost” means the estimated cost to the state over the course of a state fiscal year of the purchase, distribution, and administration of vaccines purchased at the federal discount rate by the department of health and human services.
- IX. “Provider” means a person licensed by this state to provide health care services to persons or a partnership or corporation made up of those persons.
- X. “Total non-federal program cost” means the estimated vaccine cost less the amount of federal revenue available to the state for the purchase, distribution, and administration of vaccines.



*updated RSA 126-Q*

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

**126-Q:2 Creation of Association.**

There is hereby created a nonprofit corporation to be known as the New Hampshire vaccine association. The association is formed to assess assessable entities for the cost of vaccines provided to certain children in New Hampshire.

**126-Q:3 Powers and Duties**

- I. The New Hampshire vaccine association shall be comprised of all assessable entities.
- II. The New Hampshire vaccine association shall be a not-for-profit, voluntary corporation under RSA 292 and shall possess all general powers of a not-for-profit corporation.
- III. The board of directors shall include:
  - (a) Three representatives selected from the assessable entities currently writing, maintaining child, or administering assessable coverage through a voting process where votes are based on assessable lives. The plan of operation shall provide details for this selection process.
  - (b) Two health care provider representatives appointed by the commissioner.
  - (c) The commissioner of the department of health and human services, who shall serve as an ex-officio member.
  - (d) The commissioner of the department of insurance who shall serve as an ex-officio member.
  - (e) One member appointed by the governor and council who shall represent self-insured entities.
  - (f) One public member appointed by the speaker of the house of representatives.
  - (g) One public member appointed by the president of the senate.
- IV. The directors' terms and appointments shall be specified in the plan of operation adopted by the New Hampshire vaccine association.
- V. The board of directors of the association shall:
  - (a) Prepare and adopt articles of association and bylaws.
  - (b) Prepare and adopt a plan of operation.

*updated RSA 126-Q*

- (c) Submit the plan of operation to the commissioner of insurance for approval after the consultation with the commissioner.
- (d) Conduct all activities in accordance with the approved plan of operation.
- (e) On an annual basis, no later than November 1 of each year, establish the amount of the assessment for the succeeding year.
- (f) Enter into contracts as necessary or proper to collect and disburse the assessment.
- (g) Enter into contracts as necessary or proper to administer the plan of operation.
- (h) Sue or be sued, including taking any legal action necessary or proper for the recovery of any assessment for, on behalf of, or against members of the association or other participating person.
- (i) Appoint from among its directors, committees as necessary to provide technical assistance in the operation of the association, including the hiring of independent consultants as necessary.
- (j) Determine an assessment amount and collect payments from assessed entities in accordance with RSA 126-Q:4.
- (k) Submit an annual report to the commissioner of insurance, in a manner and form determined by the commissioner, listing the association membership base, providing a count of assessable lives by assessable entity, identifying changes in assessable lives by assessable entity, describing the collection of assessments, listing payment delinquencies, and containing such other related information as the commissioner may require.
- (l) Allow each assessable entity up to 45 days after the closing of each calendar quarter to report its assessable lives and remit its corresponding assessment amount as calculated pursuant to RSA 126-Q:4.
- (m) Collect assessments from assessable entities as calculated under RSA 126-Q:4 and deposit said assessments less the association's administrative costs annually and reserves with the state treasurer to the credit of the vaccine purchase fund established pursuant to RSA 141-C:17-a. At the written request of the association following a majority vote of the board of directors, any funds forwarded to the state treasurer for the vaccine purchase fund remaining unexpended for childhood vaccines, shall promptly be returned to the association.
- (n) Be authorized to enter into one or more agreements with other applicable authorities in surrounding states to reduce the risk of duplicate assessments and to assure availability of vaccines for children who are residents of this state but who receive vaccination services in other states. Any costs relating to any such agreement shall be considered additional vaccine costs of the program for purposes of determining the association's assessments.
- (o) Adopt procedures by which affiliated assessable entities calculate their assessment on an aggregate basis and procedures to ensure that no assessable life is counted more than once. Unless otherwise determined by the board, the assessable entity responsible for the payment of the

*updated RSA 126-Q*

provider's administrative costs for childhood vaccines shall be the entity responsible for reporting assessable lives and payment of the corresponding assessment.

- (p) Submit an annual report regarding the association's activities, its financial reports, and any newly-approved vaccines adopted by the department of health and human services to the president of the senate, the speaker of the house of representatives, and the governor.
- (q) Perform any other functions as may be necessary or proper to carry out the plan of operation.

**126-Q:4 Assessment Determination.**

- I. The board shall determine an assessment for each assessable entity in accordance with this section, except that no assessment shall be made based on children excluded from assessable lives whose vaccines are paid for under the federal Vaccines for Children program, established under 42 U.S.C. section 1396s. An assessment determination made pursuant to this section is a pharmaceutical cost and not a regulatory cost for purposes of calculating the carrier's medical loss ratio.
- II. In determining the assessment amount, the board shall:
  - (a) Estimate the total non-federal program cost for the succeeding year;
  - (b) Add its anticipated operating costs for the succeeding year and such additional working capital reserves as may be established by the board from time to time;
  - (c) Add a reserve of up to 10 percent of the anticipated cost under subparagraph (a) for unanticipated costs associated with providing vaccines to children covered; and
  - (d) Subtract the amount of any unexpended assessments collected in the preceding year along with any unexpended interest accrued to the fund during the preceding year.
- III. The board shall include in its plan of operations, details regarding the timing for assessment collections, and the form and format assessable entities shall use to calculate assessments.
- IV. The board shall include in its plan of operation details regarding payment due dates, grace periods, late payment fees, interest, and other details regarding the collection of assessments.
- V. The board may determine an interim assessment for new vaccines or unanticipated shortfalls in the association's ability to meet childhood vaccine funding needs. The board shall calculate the interim assessment in accordance with paragraph II, and the interim assessment is payable the calendar quarter that begins no less than 30 days following the establishment of the federal contract price. The board shall not impose more than one interim assessment per year, except in the case of a public health emergency declared in accordance with state or federal law.
- VI. In the event that the association discontinues operation for any reason, any unexpended assessments, including unexpended funds from prior assessments in

*updated RSA 126-Q*

the state vaccine purchase fund, shall be refunded to payees in proportion to the respective assessment payments by payees over the most recent 8 quarters prior to discontinuation of association operations.

*updated RSA 126-Q*

### **126-Q:5 Powers and Duties.**

In addition to the duties and powers enumerated elsewhere in this chapter:

- I. The commissioner of insurance shall, after notice from the association, issue a show cause order to any assessable entity that fails to comply with the association's plan of operation. In addition to late fees and other penalties imposed by the association, assessable entities may, after a finding of just cause, be subject to a minimum fine of \$5,000, a maximum fine of 25 percent of the total amount of delinquent assessments, and licensure suspension.
- I-a. The insurance commissioner shall annually review the assessment report required under RSA 126-Q:3, V(k) to ensure that all assessable entities are participating in the association and that all assessable entities have accurately reported assessable lives. The association shall remedy any problem identified by the commissioner with respect to assessable entities and assessable lives.
- II. The commissioner and the commissioner of insurance may adopt rules, pursuant to RSA 541-A, as necessary to carry out the purposes of this chapter.

### **126-Q:6. Examinations and Annual Reports**

The board of directors shall submit to the commissioner, no later than 120 days after the close of the association's fiscal year, a financial report in a form approved by the commissioner.

### **126-Q:7. Exemption From Taxes**

The association shall be exempt from payment of all fees and all taxes levied by this state or any of its subdivisions, except taxes levied on real property.

### **126-Q:8. Immunity From Liability**

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

### **126-Q:9. Severability of Chapter**

If any provisions of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.



c/o KidsVax®, LLC  
 P.O. Box 1885 • Concord, NH 03302-1885  
 tel 1.855.KidsVax (543.7829)  
 fax 1.855.KidsFax (543.7329)  
[www.nhvaccine.org](http://www.nhvaccine.org)

## Meeting Schedule – 2017

<b>January 2017</b>			
Board of Directors Meeting	Thursday, January 19, 2017	KidsVax®, LLC Concord	9:30 – 11:30 a.m.
<b>March 2017</b>			
Board of Directors Meeting	Tuesday, March 21, 2017	KidsVax®, LLC Concord	8:30 – 10:30 a.m.
<b>June 2017</b>			
Audit Committee Meeting	Wednesday, June 21, 2017	KidsVax®, LLC Concord	8:30 – 9:15 a.m.
Annual Board of Directors Meeting			9:30 – 11:30 a.m.
<b>September 2017</b>			
Audit Committee Meeting	Tuesday, September 26, 2017	KidsVax®, LLC Concord	8:30 – 9:15 a.m.
Board of Director Meeting			9:30 – 11:30 a.m.
<b>October 2017</b>			
Board of Directors Meeting (if needed)	Thursday, October 19, 2017	Teleconference & In-Person at KidsVax®	8:30 – 10:00 a.m.



## NHVA 2017 Calendar: Year at a Glance

Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
<b>Publish Q2 Quarterly Financial Report</b>  Board Meeting  Ethics Affirmation Statements Due	Quarterly Assessment	Audit Committee Meeting  Board Meeting	<b>Publish Q3 Quarterly Financial Report</b>	Quarterly Assessment	Audit Committee Meeting  Annual Board Meeting  Conflict of Interests Statements Due		Quarterly Assessment  <b>Publish Q4/FYE Annual Financial Report</b>	Draft VaxFacts  Audit Committee Meeting  Board Meeting to Set Assessment Rates	<b>Publish Q1 Quarterly Financial Report</b>  Board Meeting if needed (TBD)  Submit to DHHS Comm. Financial reports from FYE  Annual (k) Report to Comm. of Insurance  Notify Payers of New Rate as of 1/1/17	Quarterly Assessment	Annual (p) Report to the Governor, Senate President & Speaker of the House



## NHVA 2017 Quarterly Meeting Calendar

### First Quarter

January	February	March
<p><b>Publish Q2 Quarterly Financial Report</b></p> <p><b>Jan 19: Board Meeting</b></p> <p>New Assessment Rate Effective January 1</p>	<p><b>Feb 15: Quarterly Assessment</b></p>	<p><b>Mar 21: Audit Committee Meeting</b></p> <p><b>Mar 21: Board Meeting</b></p>
<p><b>Other Activities</b></p> <p>1. Complete Annual Ethics Affirmation</p>	<p><b>Other Activities</b></p>	<p><b>Other Activities</b></p>

## Second Quarter

April	May	June
<p><b>Publish Q3 Quarterly Financial Report</b></p>	<p><b>May 15: Quarterly Assessment</b></p>	<p><b>Jun 21: Audit Committee Meeting</b></p> <ol style="list-style-type: none"> <li>NHVA Expense Budget for 2016/2017</li> <li>Review letter of engagement for Carew &amp; Wells, auditors</li> </ol> <p><b>Jun 21: Annual Board Meeting</b></p> <ol style="list-style-type: none"> <li>Report on Proxy Submissions</li> <li>Count and Certify Votes for 3 representatives of Assessable Entities under HB664</li> <li>Adjourn Annual Meeting</li> <li>Review collection results</li> <li>Recommend next year's expense budget</li> <li>Select Directors for term beginning September 1</li> <li>Elect Officers &amp; Appoint Committees</li> <li>Review Report of Administrator for year's operations</li> <li>Review Discharge of Director Duties</li> </ol>
<p><b>Other Activities</b></p>	<p><b>Other Activities</b></p> <ol style="list-style-type: none"> <li>Work with auditor on FYE 06/30/2016 audit.</li> </ol>	<p><b>Other Activities</b></p> <ol style="list-style-type: none"> <li>Conflict of Interests Statements Due</li> </ol>

### Third Quarter

July	August	September
	<b>August 15: Quarterly Assessment</b> <b>Publish Q4/FYE Financial Report</b>	<b>Sep 26: Audit Committee Meeting with outside auditor</b> <ol style="list-style-type: none"> <li>Review audit report</li> <li>Executive Session</li> </ol> <b>Sep 26: Board Meeting</b> <ol style="list-style-type: none"> <li>Accept audit report &amp; authorize release of prior year's financials</li> <li>Set assessment rate for 2018</li> <li>Executive Session (Administrator's personnel excused)</li> <li>Review 2018 calendar dates</li> </ol>
<b>Other Activities</b> <ol style="list-style-type: none"> <li>Work on FYE 06/30/2016 audit.</li> </ol>	<b>Other Activities</b> <ol style="list-style-type: none"> <li>Work on Assessment Setting</li> </ol>	<b>Other Activities</b> <ol style="list-style-type: none"> <li>Draft annual report in condensed "VaxFacts" format</li> <li>Work on Annual (k) report</li> </ol>

## Fourth Quarter

October	November	December
<p><b>Publish Q1 Quarterly Financial Report</b></p> <ol style="list-style-type: none"> <li>1. Submit to DHHS Commissioner the financial reports from fiscal year end (126-Q:6)</li> </ol> <p><b>Annual (k) Report to Commissioner of Insurance</b></p> <ol style="list-style-type: none"> <li>2. Association membership base</li> <li>3. Count of assessable lives by assessable entity</li> <li>4. List of payment delinquencies</li> </ol> <p><b>October 19: Board Meeting if needed</b></p> <ol style="list-style-type: none"> <li>1. Review Fiscal Year Cost Savings Analysis</li> </ol> <p><b>Other Activities</b></p> <ol style="list-style-type: none"> <li>1. Notify payers of new rate effective January 1.</li> </ol>	<p><b>November 15: Quarterly Assessment</b></p> <p><b>Other Activities</b></p> <ol style="list-style-type: none"> <li>1. Work on Annual Report for Governor, Senate President &amp; Speaker of the House</li> </ol>	<p><b>Annual Report – Governor, Senate President &amp; Speaker of the House</b></p> <ol style="list-style-type: none"> <li>1. Association activities</li> <li>2. Financial reports</li> <li>3. Newly offered vaccines</li> </ol> <p><b>Other Activities</b></p> <ol style="list-style-type: none"> <li>1. Work on Annual Report for Governor, Senate President &amp; Speaker of the House</li> <li>2. Website Review</li> </ol>

June 21, 2017  
Proposed Form of Votes

The following are suggested forms of votes only. They are intended to be an aid to facilitate work by individual directors. All board policy and the final form of votes is exclusively the province of the Board acting collectively as a Board of Directors.

Items under Agenda Section 2:

VOTED: To approve the Board Meeting minutes of the January 19, 2017 and March 21, 2017 meetings.

[To approve the Board Meeting minutes of the January 19, 2017 and March 21, 2017 meetings with the changes suggested at this meeting.]

Items under Agenda Section 3:

VOTED: To approve the slate of officers for both the Board of Directors and Audit Committee as listed on page 03.a.1 of the Board packet.

[To approve the slate of officers for both the Board of Directors and Audit Committee as listed on page 03.a.1 of the Board packet with the changes suggested at this meeting.]

Items under Agenda Section 4:

VOTED: To approve the Audit Committee's recommendation of Carew & Wells, PLLC as the New Hampshire Vaccine Association's program auditor and to authorize the Audit Committee chair to enter into an engagement letter for the 2016/2017 FYE audit.

[To approve the Audit Committee's recommendation of Carew & Wells, PLLC as the New Hampshire Vaccine Association's program auditor and to authorize the Audit Committee chair to enter into an engagement letter for the 2016/2017 FYE audit subject to the changes suggested at this meeting.]

VOTED: To approve the Audit Committee's recommendation of the NHVA Expense Budget for 2017/2018.

[To approve the Audit Committee's recommendation of the NHVA Expense Budget for 2017/2018 subject to the changes suggested at this meeting.]

Items Under Agenda Section 7:

VOTED: To approve the refund request for duplicate payment by one employer group as requested by Anthem, Inc.

[To approve the refund request for duplicate payment by one employer group as requested by Anthem, Inc. subject to the changes suggested at this meeting.]

### DIRECTIONS TO KIDSVAX®

**125 North State Street [at the corner of North State Street and Franklin Street], Concord, NH**  
**Please call (603) 491-8044 or (855) 556-4103 with questions.**

#### From the North:

- Take I-93 South.
- Merge onto US-202 W via Exit 15W toward US-3/North Main Street/Downtown.
- Turn left at the traffic lights onto North Main Street/US-3/US-202 W.
- Take the first right onto Franklin Street (Friendly's Restaurant is on the corner).
- At the rotary on Franklin and North State Streets, proceed half way around the rotary onto Franklin Street.
- Take the first right into the parking lot. KidVax® is located in the yellow Victorian house on the corner of Franklin and North State Streets.

#### From the South:

- Take I-93 North.
- Merge onto US-202 W via Exit 15W toward US-3/North Main Street/Downtown.
- Turn left at the traffic lights onto North Main Street/US-3/US-202 W.
- Take the first right onto Franklin Street (Friendly's Restaurant is on the corner).
- At the rotary on Franklin and North State Streets, proceed half way around the rotary onto Franklin Street.
- Take the first right into the parking lot. KidVax® is located in the yellow Victorian house on the corner of Franklin and North State Streets.

Please click here for further details: <http://mapq.st/1DAoTFC>

