

1 **NH Vaccine Association – Board of Directors Meeting**  
2 **December 28, 2017 – 8:30 – 9:15 a.m.**  
3 **Teleconference**  
4 **Presiding Officer: Susan Tenney, Chair**

5  
6 **I. Attendance.** Participating in all or part of the meeting by telephone (T) were the following individuals:  
7

Directors:

Susan Tenney, Chair – Harvard Pilgrim (T)  
David Sky – Governmental Representative (T)  
Laura Condon – Public Board Representative (T)  
David Fredenburg, M.D. – Healthcare Provider (T)  
Edward Moran – Public Board Representative (T)  
Jason Margus – Anthem (T)  
Patricia Edwards, M.D. – Healthcare Provider (T)  
Elizabeth Daly, Governmental Representative (T)

Others:

Mark McCue, Esq. – Hinckley Allen (T)  
Greg Hill – State Representative (T)  
Kathleen LaBounte (T)  
Val Frazier (T)  
Marcia Condon (T)

KidsVax®:

Nicole G. Price (T)

Absent:

Elaine Koskela – Cigna

8 **II. Summary of Actions Taken and/or Recommended**  
9

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

- 11 1. To edit the cover letter of the annual report by changing the word immunization to vaccination and  
12 removing healthcare needs and replacing it with vaccine supply
- 13 2. To publish and send the annual report as required by RSA 126-Q:3V(p) as presented with the two  
14 stated edits to the cover letter.

15  
16 Welcome and Introductions

17  
18 At approximately 8:30 a.m., Chair Tenney asked for individuals on the telephone to identify themselves. She then called the  
19 meeting to order.

20  
21 The purpose of this special meeting was to review the annual report due to the NH Governor, President of the NH state  
22 Senate, and the Speaker of the NH state House. The annual report consists of four pieces- the cover letter, cost savings  
23 memo, the VaxFacts™ and the audited financials. There was no discussion concerning the audited financials as they had been  
24 previously approved for publication at the last board meeting.

25  
26 Discussion began with the cover letter with three issues being raised. First, there was a request to change the word  
27 immunization to vaccination. After some discussion on the difference between vaccination and immunization, there was  
28 consensus on changing the word to vaccination. The other item mentioned in the cover letter amount savings achieved by  
29 the NHVA for fiscal year 2017. There was concern that the cost savings number was incorrect and was not consistent with  
30 another savings number stated in the annual report submission. After looking at the savings number in the cover letter and  
31 comparing it to the savings number in the VaxFacts™, it was determined that both were stated correctly. The cover letter  
32 number represented savings for the fiscal year and the VaxFacts™ savings number represented total savings of the program  
33 since inception. Finally, it was suggested and agreement was reached to remove “healthcare needs” in the last paragraph  
34 and replace it with “... address the vaccine supply needs of providers for the benefit of New Hampshire residents”.

35  
36 The next item discussed was the cost savings memo. There was a great deal of discussion around adding provider discount  
37 information. Many variables are involved in determining discounts which makes it near possible to figure out without  
38 adding greater confusion. A desire to keep the analytics as simple as possible was shared, additionally, footnote one does  
39 address there are other variables that affect vaccine costs. It was a consensus of the board to leave the cost savings memo as  
40 is and if there are complaints, the board can address those next year. Ms. Condon remained in disagreement with the cost  
41 savings memo as presented as it seemed confusing.

1  
2 The board next discussed the VaxFacts™. Ms. Condon stated she had concerns regarding the representation of savings  
3 without all the comparisons such as provider discounts. There was discussion on this document regarding the cost savings  
4 representation which many believed were adequately represented.  
5

6 Upon motion duly made by Dr. Fredenburg and seconded by Mr. Moran, with a request for a roll call vote by Ms. Condon, the  
7 majority of the Board with one vote cast by Ms. Condon in opposition:  
8

9 VOTED: To publish the documents making up the NHVA Annual Report submission as submitted with two edits to  
10 the cover letter – changing immunization to vaccination and removing healthcare needs and replacing it  
11 with vaccine supply.  
12

13 There being no further business to come before the Board, a motion was made by Mr. Sky and seconded by Ms. Condon to  
14 adjourn the meeting at 9:20 a.m.



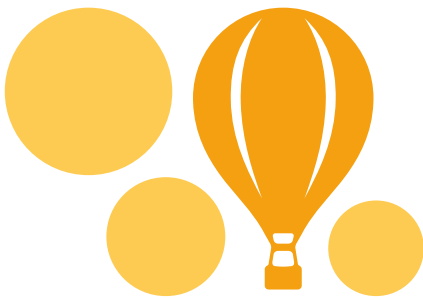
c/o KidsVax®, LLC  
 P.O. Box 1885 • Concord, NH 03302-1885  
 tel 1.855.KidsVax (543.7829)  
 fax 1.855.KidsFax (543.7329)  
 www.nhvaccine.org

What: New Hampshire Vaccine Association (NHVA) Board of Directors Special Meeting  
 Date and Time: Thursday, December 28, 2017 / 8:30 a.m. – 9:15 a.m.  
 Location: Conference Call  
 Call-In: Dial in Number: 267-930-4000 | Participant Pin: 846023249

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

<b>Approx. Time</b>	<b>Topic/[Anticipated Action]</b>	<b>Presented by:</b>
8:30-8:35 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
8:35-9:10 a.m.	* 2. New Matters a. Annual Report b.	S. Tenney
9:10-9:15 a.m.	3. Public Comment (if any)  4. Parking Lot Questions/Concerns (If time allows)	S. Tenney
9:15 a.m.	<b>[Adjourn]</b>  5. Reference Documents * a. Contact Directory * b. Governing Statute * c. 2016/17 Meeting & Annual Governance Calendar	

**\*Indicates agenda item attached**



# VaxFacts<sup>SM</sup>

**NHVA** New Hampshire  
Vaccine Association

## Dear Friends and Colleagues,

After 15 years, NHVA excitedly reports another great year of vaccination coverage and carrier participation. This results in NH remaining among the leaders nationally with high vaccination rates for children. Thanks to the efforts of NHVA's stakeholders – insurers & TPAs, providers, and the NH Departments of Insurance and Health & Human Services – we continue to enhance the assessment mechanism and utilize resources to increase accuracy, savings and equity to benefit all of NH. NH's universal vaccination program continues to set new records in reducing healthcare costs, producing a cumulative savings total of almost \$70M.

Thank you for your continued participation in the state's funding of vaccine purchase as it works to protect the health of NH's children. NHVA continues to work efficiently and effectively to fulfill its legislative purpose of vaccine funding, providing a solid foundation for New Hampshire's continued success.

Lastly, NHVA would like to thank Marcella Bobinsky, former Chief, Bureau of Public Health Systems Policy and Performance for her many decades of service in public health. Her leadership and knowledge greatly contributed to NHVA advancing its mission.

Thank you for supporting the NHVA and we look forward to another great year for New Hampshire kids.

*Susan M. Tenney*  
Susan M. Tenney  
Board Chair

*Nicole G. Price*  
Nicole G. Price  
Executive Director

WWW.NHVACCINE.ORG

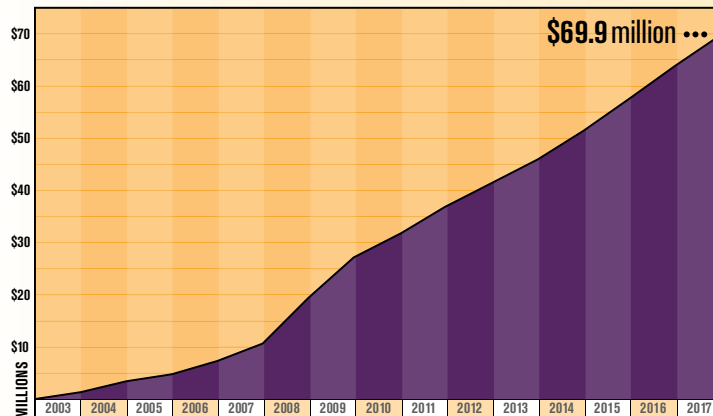
### What is a Universal Purchase Program?

A universal vaccine purchasing program allows a state to purchase recommended vaccines for all children, regardless of insurance coverage or income. New Hampshire's program enables state purchase of vaccines for every resident family and distribution of these vaccines to health care providers free of charge. The New Hampshire Vaccine Association ("NHVA") funds the universal purchase program through a cooperative approach involving health insurers and TPA's, providers, and the NH Departments of Insurance and Health & Human Services.

### How Does the Universal Purchase Program Lower Health Care Costs?

As a universal purchase state, New Hampshire qualifies to purchase vaccines at a substantially discounted federal rate from vaccine manufacturers. State and federal dollars fund vaccines for low-income and other federally-eligible children, while NHVA covers vaccine costs for privately insured children through assessments collected from insurance carriers and TPA's. This approach allows state health officials to manage the supply of vaccines, thereby lowering providers' administrative costs and ensuring that the state can quickly supply vaccines to vulnerable patient groups during emergencies or vaccine shortages.

### NH Vaccine Program Cumulative Savings



This chart reflects the savings achieved by purchasing vaccines through the CDC purchase program as opposed to what the actual costs would have been if those same vaccines were purchased on the open market.

For details on 2017 savings calculation, see the Program Savings Memo at [www.nhvaccine.org/savings/2017](http://www.nhvaccine.org/savings/2017).

### How does the Universal Purchase Program improve child vaccination rates?

New Hampshire's universal purchase program ensures that every child who enters a doctor's office or hospital can receive recommended vaccines for free. More providers offer vaccination services because doctors no longer have to finance the up-front costs of vaccines out of their own pockets or be burdened with complex ordering systems. As a result, New Hampshire has one of the highest vaccination rates in the country.





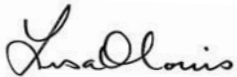
## A Message from the Division of Public Health Services

The partnership between the medical community, the federally funded Vaccine For Children Program, NH health insurers, NH state government and members of the NH Vaccine Association, continues to demonstrate a shared commitment towards the goal of a healthy New Hampshire. Together, we have been instrumental in achieving many Healthy People 2020 immunization goals, and provide a cost-effective, preventable disease strategy that saves lives.

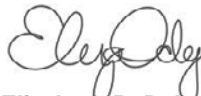
New Hampshire, and the surrounding New England states, consistently leads the nation in excellent vaccination coverage rates. However, we cannot let our guard down, understanding that many of these diseases continue to cause serious illness and harm. Effective immunization is more than just protecting ourselves as individuals; when we protect ourselves, we contribute to the overall health and well-being of the larger community.

We look forward to our continued partnerships and we thank all of you for the work you do to assure the health and well-being of all New Hampshire communities and beyond.

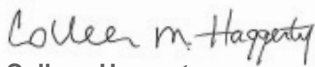
Sincerely,



**Lisa Morris, MSSW**  
 Director, Division of Public Health Services



**Elizabeth R. Daly, MPH**  
 Chief, Bureau of Infectious Disease Control



**Colleen Haggerty**  
 Chief, Immunization Section

## NHVA Board of Directors

### INSURER REPRESENTATIVES

**Elaine Koskela**  
 Senior Contract Manager  
 CIGNA Health Care

**Jason Margus, F.S.A., M.A.A.A.**  
 Director and Actuary  
 Anthem Blue Cross & Blue Shield

**Susan Tenney**  
 Senior Manager, Network Contracting  
 Harvard Pilgrim Health Care-NE

### HEALTHCARE PROVIDER REPRESENTATIVE

**David Fredenburg, MD**  
**Patricia Edwards, MD**

### GOVERNMENTAL REPRESENTATIVES

**Elizabeth Daly, MPH**  
 NH Department of Health  
 and Human Services

**David Sky, F.S.A., M.A.A.A.**  
 Life, Accident and Health Actuary  
 New Hampshire Insurance Department

### PUBLIC REPRESENTATIVES

**Laura Condon**  
 Public Board Representative

**Edward Moran**  
 Public Board Representative

[WWW.NHVACCINE.ORG](http://WWW.NHVACCINE.ORG)

### ADMINISTRATOR:



**PHONE:** 1-855-KidsVax (543-7829)

**FAX:** 1-855-KidsFax (543-7329)

### KIDSVAX STAFF

**Fred L. Potter**  
 Managing Member

**Terry Mills**  
 Executive Assistant

**Nicole G. Price**  
 Executive Director

**Matthew Miller**  
 Client Services  
 Coordinator

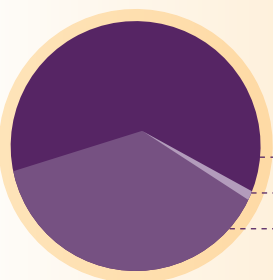
**Peter Smith**  
 Financial Analyst

**Claire M. Roberge**  
 Controller



## FINANCIALS

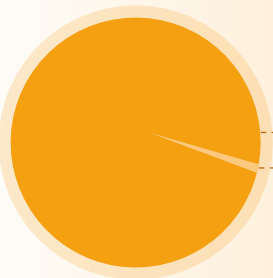
July 1, 2016 - June 30, 2017



### Vaccine Funding Sources

Estimated Total: \$31,305,221

- 62.8% | NHVA-funded Vaccines
- 1.2% | NH State Contribution
- 36% | Federal Contribution (VFC Funds)



### NHVA Program Expenditures

Total: \$19,828,491

- 99.1% | Remittance to NH for Vaccine Costs
- 0.9% | Operating Costs

This chart reflects funding for NHVA-funded vaccines. To view the complete FY2017 financial analyses, please see the complete audited financials at [www.nhvaccine.org/audit/2017](http://www.nhvaccine.org/audit/2017).





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

**MEMORANDUM**

TO: The Honorable Christopher T. Sununu  
Office of the Governor  
State House  
107 North Main Street  
Concord, NH 03301

The Honorable Charles Morse, Senate President  
New Hampshire State Senate  
State House  
107 North Main Street  
Concord, NH 03301

The Honorable Gene G. Chandler, Speaker of the House  
New Hampshire House of Representatives  
State House  
107 North Main Street  
Concord, NH 03301

FROM: Nicole G. Price

DATE: December 22, 2017

RE: New Hampshire Vaccine Association ("NHVA") 2017 Annual Report filed in accordance with RSA 126-Q:3, V.(p)

Attached are the following documents which, together with this memo, constitute NHVA's 2016 annual report in accordance with the above statute:

- a. VaxFacts<sup>SM</sup> NH 2016/17.
- b. Analysis summary dated October 31, 2017 from Peter M. Smith, Financial & Internal Control Analyst, documenting the cost savings to payers in New Hampshire as a result of NHVA's operation.
- c. Audited NHVA Financial Statements for the fiscal year ending June 30, 2017.

In accordance with the provisions of RSA 126-Q:3, V. (p) this memo also advises that the following recently-approved vaccines were adopted by the NH Department of Health and Human Services during the fiscal year ending June 30, 2017:

1. Quadracel® (Sanofi Pasteur)
2. Flulaval® (GlaxoSmithKline)
3. Flucelvax® (Seqirus)
4. Hiberix® (GlaxoSmithKline)

As you may recall, last year section 719 was included in the 2017 National Defense Authorization Act allowing TRICARE's participation in state universal vaccine purchase

programs. Since that time TRICARE has not begun participating in state universal vaccine purchases programs. This has led to a change in the language of section 719 making TRICARE participation in these state programs mandatory. This mandatory language is in the 2018 National Defense Authorization Act awaiting the President's signature. The inclusion of TRICARE will further the equitable cost sharing supported by the NHVA.

New Hampshire payers enjoy significant cost savings due to NHVA's ability to fund purchases via the VFC contracts. NHVA has continued its annual practice of having an outside analyst independently review those costs savings. The 2017 savings of over \$7.1 million are documented in the attached letter.

The attached audited financial report reflects in more detail the results of NHVA's operation for its fiscal year ending June 30, 2017. A summary overview of the report is contained in this year's VaxFacts<sup>SM</sup> NH. The excellent work of DHHS has continued to advance New Hampshire vaccination rates. In light of that, as vaccine purchases increase for NH's children, the cost savings available through the State's universal purchase program are more important than ever.

Deleted: immunization

Thank you for the opportunity to serve with you in helping to address the healthcare needs of New Hampshire residents. If there is anything further which would be of help to you concerning NHVA's operations over the last year, please do not hesitate to contact us at any time.

Nicole G. Price  
Serving as Executive Director of NHVA through





October 11, 2017

New Hampshire Vaccine Association  
P.O. Box 1885  
Concord, NH 03302-1885

### NHVA Program Savings Estimate for FY 2017 and FY 2016

Dear Directors,

Below is an estimate of savings as result of the New Hampshire universal purchase of vaccines for children program in FY 2017 and FY2016 respectively. Data from the state estimating vaccine purchases was used along with financial information from published reports and the audited financial statements to calculate the below estimate of savings.

<b>Comparison Period:</b>	<b>FYE 6/30/17</b>	<b>FYE 6/30/16</b>
A. CDC Survey Market Comparison costs: (actual doses per brand x CDC market rate) <sup>1</sup>	\$ 27,027,979	\$ 25,113,031
B. NHVA Program costs:		
Cost of vaccine replenishments <sup>4,5</sup>	\$ 19,653,132	\$ 19,618,699
+ Operating Cost <sup>5</sup>	175,359	169,826
+ /- Other	--	--
= Total FY Program Cost	<u>\$ 19,828,491</u>	<u>\$ 19,788,525</u>
C. NHVA Program Savings (A - B = C)	\$ 7,199,488	\$ 5,324,506
D. Program Savings Percentage (C / A = D)	27.20%	21.20%

Notes:

- Prices can be found at: <https://www.cdc.gov/vaccines/programs/vfc/awardees/vaccine-management/price-list/>. The market comparison used for each dose is an average of prices given in response to the survey conducted and published annually by the CDC. Information is not provided on volume or location purchased. This CDC survey just addresses vaccine costs. It does not include certain other costs such as management fees, financing costs or other overhead, which some providers properly include in billings. Neither does it include normal payer administration costs for individual claims administration. Hence, use of this benchmark is expected to underestimate the actual savings to New Hampshire payers.
- In any program like this it is not possible to calculate savings with 100% accuracy. There are a number of reasons for this including the fact that some providers may continue to bill for some private supply. This is especially true during the transition period into full universal supply.
- Nonetheless, we believe this is a fair representation of the cost savings to payers for the vaccines themselves. Payments to providers for administration of vaccines, of course, are completely outside of this system. KidsVax® intends to periodically track this metric in future periods to aid NHVA work in monitoring its program effectiveness.
- In FY 2016 the total program costs include expenses incurred in the previous fiscal year in the amount of \$1,107,265. Source - NHVA audited financial statements: <http://www.nhvaccine.org/nhvaccine.nsf/pages/documents.html>
- Operating costs are exclusively NHVA costs and do not include the costs of NH DHHS.

Sincerely,

Peter M. Smith  
Financial & Internal Control Analyst

Cc: Fred L. Potter; Nicole Price







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)]**

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 Harvard Pilgrim Health Care-NE  
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Telephone: 603-656-9594  
 Facsimile: 603-656-9565  
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**Healthcare Provider Representatives [RSA 126-Q:3, III.(b)]**

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

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 New Hampshire Department of Health and Human Services  
 29 Hazen Drive  
 Concord, NH 03301-6504

Telephone: 603-271-4927  
 Facsimile: 603-271-0545  
 E-mail: Elizabeth.Daly@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  
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Facsimile: 603-271-4912  
Assistant: Kathleen Henderson 603-271-4334  
E-mail: kHenderson@dhhs.state.nh.us

**NH Insurance Department**

Roger A. Sevigny, Commissioner  
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Assistant: Sandy Barlow 603-271-7973 x 202

**KidsVax®**

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

**Supporting Independent Contractors**

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Telephone: 703-598-9975  
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Larry Hart  
BerryDunn  
254 Commercial Street, 2<sup>nd</sup> Floor  
Portland, ME 04101

Telephone: 207-523-8692  
E-mail: LHart@berrydunn.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)  
Elaine 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

**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.



## 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 Annual Board of Directors Meeting	Wednesday, June 21, 2017	KidsVax®, LLC Concord	8:30 – 9:15 a.m. 9:30 – 11:30 a.m.
<b>September 2017</b>			
Audit Committee Meeting Board of Director Meeting	Tuesday, September 26, 2017	KidsVax®, LLC Concord	8:30 – 9:15 a.m. 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.
<b>December 2017</b>			
Board of Directors Special Meeting (Teleconference)	Thursday, December 28, 2017	Teleconference & In-Person at KidsVax®	8:30 – 9:15 a.m.



## NHVA 2017 Calendar: Year at a Glance

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



## 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>Other Activities</b></p> <ol style="list-style-type: none"> <li>1. Complete Annual Ethics Affirmation</li> </ol>	<p><b>Feb 15: Quarterly Assessment</b></p> <p><b>Other Activities</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>



**Second Quarter**

April	May	June
<p><b>Publish Q3 Quarterly Financial Report</b></p> <p><b>Other Activities</b></p>	<p><b>May 15: Quarterly Assessment</b></p> <p><b>Other Activities</b></p> <p>1. Work with auditor on FYE 06/30/2016 audit.</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>1. Conflict of Interests Statements Due</p>

**Third Quarter**

July	August	September
<p><b>Other Activities</b></p> <ol style="list-style-type: none"> <li>1. Work on FYE 06/30/2016 audit.</li> </ol>	<p><b>August 15: Quarterly Assessment Publish Q4/FYE Financial Report</b></p>	<p><b>Sep 26: Audit Committee Meeting with outside auditor</b></p> <ol style="list-style-type: none"> <li>1. Review audit report</li> <li>2. Executive Session</li> </ol> <p><b>Sep 26: Board Meeting</b></p> <ol style="list-style-type: none"> <li>3. Accept audit report &amp; authorize release of prior year's financials</li> <li>4. Set assessment rate for 2018</li> <li>5. Executive Session (Administrator's personnel excused)</li> <li>6. Review 2018 calendar dates</li> </ol>
<p><b>Other Activities</b></p> <ol style="list-style-type: none"> <li>1. Work on FYE 06/30/2016 audit.</li> </ol>	<p><b>Other Activities</b></p> <ol style="list-style-type: none"> <li>1. Work on Assessment Setting</li> </ol>	<p><b>Other Activities</b></p> <ol style="list-style-type: none"> <li>1. Draft annual report in condensed "VaxFacts" format</li> <li>2. 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>