

Idaho Immunization Assessment Board
Board Meeting Minutes
Thursday, May 21, 2015
Department of Insurance, 700 W. State St., Boise, ID – 3rd Floor Conference Room A

Board Members Present:

- Ted Epperly, M.D. - Family Practice Residency – Chair
- Chris Pickford – Boise School District – Vice Chair
- Tom Donovan, Acting Director - Department of Insurance
- Richard Rainey, M.D. – Regence BlueShield of Idaho
- Tim Callender – AmeriBen/IEC Group
- Fred Martin – Idaho Senate
- Brian Fellner – Blue Cross of Idaho – via phone joining at 3:45 PM

Board Members Absent:

- Jeff Thompson – Idaho House of Representatives
- Christine Hahn, M.D. – Department of Health & Welfare
- Mike Hodge - Albertsons LLC & New Albertsons Inc.

Others Present:

- Mitch Scoggins – Department of Health & Welfare (Proxy for Dr. Christine Hahn)
- Tamarie Olsen – Department of Health & Welfare
- Gina McBride – Department of Insurance
- Rich Burleigh – Deputy Attorney General – Department of Insurance
- Elaine Mellon – Department of Insurance
- Kurt Stembridge – Glaxo-Smith-Klein – via phone

Call to Order: Chairman Epperly called the meeting to order at 3:05 PM MDT.

Approval of Minutes from April 3, 2015 meeting:

Motion to accept minutes made by Senator Fred Martin; motion seconded by Tim Callender. Motion passed unanimously. Quorum was present.

Financial Report: None

Old Business: None

New Business:

1. Vote on individual carrier changes to Assessment Survey

- a) **Meritain Health** (TPA): Elaine will confirm with Blue Cross of Idaho that the 20 TPA plans dropped from Meritain's survey were actually reported by Blue Cross. Vote to approve the survey change contingent on that verification. Motion made by Tim Callender and seconded by Mitch Scoggins (proxy for Dr. Christine Hahn). Motion passed unanimously. Quorum was present.
(NOTE: The verification was done the day following this board meeting and board was notified)

- b) Duplicate billing for **William Michael Stemler: Delta Health Systems** (this was a clerical error). In addition Delta Health Plans requested a change in survey from 146 lives to zero lives because these lives were reported by Anthem (Blue Cross of California). Motion made by Mitch Scoggins and seconded by Fred Martin. Motion passed unanimously. Quorum was present.
- c) **WebTPA**: requested a change in survey from 543 dependents to 33 dependents. The TPA inadvertently included dependents from a federally protected American Indian tribe. (American Indian tribes are covered for immunizations by the federal Vaccines for Children Program.) Motion to approve the survey change was made by Dr. Chris Pickford and seconded by Dr. Rich Rainey. Motion passes unanimously. Quorum was present.
- d) **State of Washington**: Refund for overpayment requested. State of Washington (Immunization Program) has an assessment of \$54,015 and sent a check for \$54,663.18 so the overpayment amount is \$648.18. Motion to approve the refund was made by Senator Fred Martin and seconded by Tim Callender. Motion passed unanimously. Quorum was present.

2. Review of Open Meeting Law

Rich Burleigh gave a review of the Open Meeting Law. As of July 1, 2015 the Open Meeting Law will be moved to Title 74, Chapter 2 of the Idaho Code. No changes other than the penalty section.

In a brief overview, Rich Burleigh pointed out that a governing body (i.e. with decision making authority) is required to have open meetings; telecommunications are allowed as long as one member of the board is at a physical place where the public can come to participate or at least be present at the meeting; voting on the phone is allowed as long as those present know it is the board member; proxies are allowed and they can vote per the Plan of Operation of the Idaho Immunization Assessment Board; the proxy should vote in a way that is in agreement with the principal's wishes (e.g. works closely with that person); a meeting requires that a 5-day notice be publically posted and that an agenda be posted at least 48 hours prior to the meeting. To hold a special meeting, there needs to be a 24-hour meeting notice with an agenda posted in a public place. If the agenda needs to change after the 48-hour or the 24-hour time respectively, it must be changed at the meeting with a motion, a second and a vote to change the agenda.

There must be written minutes for all meetings and the minutes must be available in a reasonable time after the meeting; they must include who is present as well as all motions and resolutions ordered; any ordinances proposed and disposed of have to be referenced and the minutes have to reflect the results of all the votes. Executive sessions are only lawful at meetings and have to have notice at the meeting that an executive session will be held; reason for the executive session must be stated (e.g. litigation, employment issues)

Violations of the Open Meeting Law cause the votes and actions taken at that meeting to be null and void. Violation penalties have been enhanced by the 2015 legislation: Board Members are currently individually liable for \$50 each; as of 7/1/15 the penalty goes to \$250 each; knowingly violating the regulations will result in \$500 each now and going to \$1500 as of July 1st. Any repeated violation within a 12-month period is \$500 now and will increase to \$2500 as of July 1st. In addition, a civil action could be filed by any person who feels that they have been affected by the violation; they can file to have that action set aside and declared null and void. That person cannot file against an individual board member, but can only file to have the action set aside.

Any vote by the board needs to be voted on at a meeting.

The Attorney General's office has a blue booklet on the Open Meeting Law which will be updated in July. Rich Burleigh will have copies for all the board members at the next meeting in July.

3. Plan of Operation – changes to administrator's authority for survey changes

Dr. Ted Epperly: in the Plan of Operation, page 4, middle of page under "Time Considerations for Payment Adjustments," item B, the Department of Insurance or the Administrator has authority to adjust surveys at the carriers' requests up to 150 lives. Dr. Epperly asked the board if they would consider raising the number from 150 to 250; still requiring notification to the board of each change in survey. This might allow for more survey changes without having to call a meeting and vote.

Dr. Rich Rainey requested adding the words: "...with satisfactory documentation."

Tim Callender added the wording "The board must be notified of all such approvals of survey changes as long as the board was notified at least 5 business days in advance of the revised billing."

Mitch Scoggins made a motion to accept the three changes (change in number & 2 wording changes).

Tim Callender seconded the motion. Motion passed unanimously. Quorum was present.

Tom Donovan requested a revision of the Plan of Operation be done at the upcoming July meeting; including updates referring to the Open Meeting Law and the voting or non-voting by the Director, as a board member.

4. Extension of contract for administrator

Dr. Ted Epperly stated that the administrator's contract comes up for renewal at the end of June. It is up for a one-year extension. No changes were proposed. Tom Donovan added that the administrator's fees are paid by the Department of Insurance; the next time the Immunization Assessment Law is to be renewed (2017), there will be the possibility of adding wording to pay the administrator out of Immunization Assessment funds. Tim Callender made the motion to extend the contract for one year. Dr. Rich Rainey seconded the motion. Motion passed unanimously. Quorum was present.

Next meeting:

July 20, 2015 – Department of Insurance, Conference Room 3A, 700 W. State St, Boise, ID at 3:00 PM MDT.

Agenda Topics for next meeting:

Plan of Operation revision

Adjournment:

Motion to adjourn made by Mitch Scoggins; motion seconded by Chris Pickford. Board voted unanimously to adjourn. Meeting adjourned at 4:21PM MDT.

Minutes by Elaine Diner, Administrator for the Idaho Immunization Assessment Board.

Attachments presented at meeting:

- (1) Survey Adjustments
- (2) Revised Plan of Operation (5-21-15) page 4 only

5/20/2015

ADJUSTMENT REPORT - IIAB

2015	Type	Company Name	# of Box B Dependen ts	Notes	Assessme nt \$	Assessment \$ Billed	# of Box B Dependen ts AFTER Revision	Assessment \$ After Revisions	Board Approval/ Notified Date	Assessment \$ Rec'd	Date Date Rec'd
ADJUSTMENTS TO SURVEY											
NEEDS VOTE	TPA	Meritain Health, Inc.	1334	Revised Survey; 20 plans covered by BC Idaho	\$ 65.00	\$ 86,710.00	812	\$ 52,780.00	NEEDS VOTE		
Revised Survey	TPA	SELF INSURED SERVICES COMPANY	32	Revised Survey	\$ 65.00	\$ 2,080.00	26	\$ 1,690.00	notified 5/20		
Revised Survey	TPA	SHASTA ADMINISTRATIVE SERVICES	23	Revised Survey	\$ 65.00	\$ 1,495.00	4	\$ 260.00	notified 5/20		
NEEDS VOTE (duplicate)	TPA	WILLIAM MICHAEL STEMLER INC dba: Delta Health Systems	146	duplicate entry	\$ 65.00	\$ 9,490.00	0	0	NEEDS VOTE		
NEEDS VOTE email of 4-21-15; reported under Anthem BC of CA; to submit revised survey.	TPA	WILLIAM MICHAEL STEMLER INC DBA: DELTA HEALTH SYSTEMS	146	Reported under Anthem (BC of CA) email of 4-21-15	\$ 65.00	\$ 9,490.00	0	0	NEEDS VOTE		

UNANTICIPATED COLLECTIONS

	Carrier	BLUE CROSS BLUE SHIELD OF MICHIGAN	724	added after assessment (late survey)	\$ 65.00	\$ 47,060.00			notified 4/27		
	TPA	CYPRESS BENEFIT ADMINISTRATORS LLC/Western Grocers	23	added after assessment (late survey)	\$ 65.00	\$ 1,495.00			notified 4/27		
	TPA	FIRST CHOICE HEALTH ADMINISTRATORS	119	added after assessment (late survey)	\$ 65.00	\$ 7,735.00			notified 5/20		
	TPA	LIFETIME BENEFIT SOLUTIONS, INC.	128	added after assessment (late survey)	\$ 65.00	\$ 8,320.00			notified 4/27		
	TPA	PERSONAL INSURANCE ADMINISTRATORS, INC.	3	added after assessment (late survey)	\$ 65.00	\$ 195.00			notified 5/13		

REFUNDS

NEEDS PARTIAL REFUND	Carrier	Washington Department of Health - Immunization Program	831	OVERPAYMENT of \$648.18	\$ 65.00	\$ 54,015.00	same	same	NEEDS VOTE	\$ 54,663.18	5/18/2015
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2 **Errors Related to Assessments.** All carrier errors related to assessments shall require the immediate payment of additional amounts due plus interest calculated from the date such sum should have been paid and any other penalties per Idaho Code § 41-6006(3)

3 **Violations.** If the Board determines that a particular carrier has violated Title 41, Idaho Code, the Board shall refer its findings to the Insurance Director for appropriate action

B. Time Considerations with Respect to Assessment Payment Adjustments

Once assessment rates are set by the Board in any year, any adjustment for carrier over reporting of covered lives or overpayments may be considered first by the Board in connection with the assessment determination for the current or following year and may, depending on the cash flow needs of the Fund, be provided as a reduction in the next year's assessments, or be spread over multiple years. No request for reconsideration of any assessment or refund of payment made shall be considered by the Board with respect to any request that is not filed with the Board in writing on or before the date that is six (6) months after the first due date for the corresponding assessment year. Carrier requests to reduce their numbers of reported eligible children by ~~150~~⁺ eligible children or fewer which are submitted with ~~sufficient~~^{*satisfactory} documentation may be approved by the Department of Insurance or appointed administrator. The Board must be notified of all such approvals. No adjustments to carrier assessments over ~~150~~⁺ children will be made without approval of the Board.

+ = 250

C. Carrier Appeal of Disputes to Board

of survey changes as long as the board was notified at least 5 business days in advance of the revised billing.

Carriers may request permission to appear before the Board at any time in connection with any disputes with the Board or its administrator after which the Board may make any recommendations or referral to the Director.

Article 9 - Termination

The Fund shall continue in existence subject to termination in accordance with the Act, other laws of the state of Idaho or the United States of America. The Fund shall terminate and conclude its affairs in a manner to be determined by the Board with approval of the Insurance Director.

In accordance with Chapter 60, Title 41, Idaho Code, the foregoing Plan of Operation has been approved following consultation with the Director of the Idaho Department of Health and Welfare and the Insurance Director.



Thomas A. Donovan, Acting Director
Idaho Department of Insurance

Date:

April 3, 2015