

RULES AND REGULATIONS
PERTAINING TO THE INFANT-CHILD
IMMUNIZATION PROGRAM
(R-133-8 IMM)

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Health

September 1992 (E)

As Amended:

December 1992

December 1995

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with the provisions of section 42-35-4.1 of
the Rhode Island General Laws, as
amended)**

INTRODUCTION

These *Rules and Regulations Pertaining to the Infant-Child Immunization Program* are promulgated pursuant to the authority conferred under section 23-1-17 of the General Laws of Rhode Island, as amended, and are established for the purpose of defining eligibility and implementation standards for the infant-child immunization program.

In accordance with the provisions of section 42-35-3(c) of the General Laws of Rhode Island, as amended, in the development of the regulations, consideration was given to: (1) alternative approaches to the regulations; (2) duplication or overlap with other state regulations; and (3) any significant economic impact on small business as defined in Chapter 42-35 of the General Laws.

Based on the available information, no known alternative approach, duplication or overlap was identified. The health, safety and welfare of the public overrides any economic impact which may be incurred from these proposed regulations.

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Section 1.0 ***Definitions***

Wherever used in these rules and regulations, the following terms shall be construed as follows:

- 1.1 ***"Article"*** refers to Chapter 133, Article 8 of the Public Laws of the State of Rhode Island, 1992.
- 1.2 ***"Director"*** refers to the Director of the Rhode Island Department of Health.
- 1.3 ***"Department"*** refers to the Rhode Island Department of Health.
- 1.4 ***"Insurer"*** refers to those entities licensed or regulated pursuant to the provisions of title 27, Chapters 18, 19, 20, and 41 of the general laws.
- 1.5 ***"Immunization Program"*** refers to activities necessary to develop, implement and administer an infant-child immunization program, within the Department of Health, as determined by the Director. Said program shall include those immunizations recommended by the Advisory Committee for Immunization Practices (ACIP) and the Academy of Pediatrics (AAP), to the extent permitted by available funds.
- 1.6 ***"Direct Premium"*** refers to the dollar amount charged by insurers for individual and group coverage for which such contract is made in Rhode Island by entities licensed or otherwise regulated under chapters 18, 19,20, and 41 of title 27 of the general laws of Rhode Island.
- 1.7 ***"Health Care Provider"*** means any person licensed by this state to provide or otherwise lawfully providing health care services, including, but not limited to a physician, hospital, intermediate care facility or other health care facility, dentist, nurse, optometrist, podiatrist, physical therapist, psychiatric social worker, or psychologist, and any officer, employee or agent of that provider acting in the course and scope of his employment or agency related to or supportive of health services.
- 1.8 ***"Person"*** means any individual, trust or estate, partnership corporation (including associations, or joint stock companies), state, or political subdivision or instrumentality of a state.

Section 2.0 ***Infant-Child Immunization Program***

- 2.1 Through June 30, 1993 each hospital licensed pursuant to Title 23, Chapter 17 shall administer without charge, all childhood vaccinations determined by the Director to be included in the immunization program. The term administer shall include activities solely related to administration of vaccines, as well as the evaluation of the child's immunization status.
- 2.2 Each hospital shall make the vaccinations available through its outpatient clinics during the regular business hours which shall be set by each hospital.

Section 3.0 ***Immunities***

- 3.1 No health care provider, acting in accordance with the provisions of this program, including without limitation, any health care provider who administers any immunization vaccine pursuant

to this program, shall be liable to any person who experiences or purports to experience adverse effects arising from the immunization or attendant procedures, provided however that informed consent be obtained.

- 3.2 Nothing shall exempt from liability for gross negligence any individual or public or private agency participating in an authorized mass immunization project, nor shall the provisions of this Chapter exempt any drug manufacturer from any liability, regardless of the degree of negligence for any drug or vaccine used in the projects.

Section 4.0 *Annual Assessments*

- 4.1 Prior to August 1 each year, the Director of Business Regulation shall determine for each insurer, including Property and Casualty insurers, Life Companies, Fraternal Organizations, Health Maintenance Organizations, and Hospital, Medical and Dental Services or Indemnity Corporations, the direct premium written, or in instances where the premium written is not available and the Director of Business Regulation determines that the State's interests are not substantially and adversely affected, the premium earned as determined by the entity's prior calendar year filing as submitted to the Department of Business Regulation.
- 4.2 Prior to August 1 each year the Department of Business Regulation, Division of Insurance shall provide the Department with the following information for each insurer:
- (a) The entity's name;
 - (b) Chief executive officer, or other responsible official;
 - (c) Mailing address; and
 - (d) Commencing in the fiscal year 1995-1996 and to be continued thereafter, each insurer's assessment shall be increased to one hundred twenty-one thousandths of one percent (.121%) of direct premiums written by the insurer for Rhode Island groups and individuals as defined in section 4.1 herein.
- 4.3 Upon the filing of these regulations, and in each subsequent year before August 15, the Department shall bill each insurer for their assessment.
- 4.3.1 Payment shall be made to the Department by each insurer within 30 days of filing of these regulations, and prior to September 1 in each subsequent year.
- 4.3.2 However, those insurers assessed an amount in excess of \$10,000 for the year shall be assessed four (4) payments of twenty five percent (25%) of their total assessment, to be paid by September 1, and December 1, of each year and by March 1, and June 1 of each subsequent year.
- 4.3.3 For assessments of less than twenty-five dollars (\$25.00), this requirement shall be waived.

- 4.4 Insurers shall make their assessment payments payable to "General Treasurer, State of Rhode Island." The Director shall deposit all payments received in the Infant-Child Immunization Account.
- 4.5 Any funds collected in excess of funds needed to carry out ACIP recommendations shall be deducted from the subsequent year's assessment.

Section 5.0 *Severability*

- 5.1 If any provision of these rules and regulations or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or applicability to the rules and regulations which can be given effect, and to this end the provisions of the rules and regulations are declared to be severable.

September 17, 2001
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