Sec. E.345 18 V.S.A. § 9374(h) is amended to read:

~~(h)(1) The Board may assess and collect from each regulated entity the actual costs incurred by the Board, including staff time and contracts for professional services, in carrying out its regulatory duties for health insurance rate review under 8 V.S.A. § 4062; hospital budget review under chapter 221, subchapter 7 of this title; and accountable care organization certification and budget review under section 9382 of this title. The Board may also assess and collect from general hospitals licensed under chapter 43 of this title expenses incurred by the Commissioner of Health in administering hospital community reports under section 9405b of this title.~~ (h)(1)(A) ~~(2)(A) In addition to the assessment and collection of actual costs pursuant to subdivision (1) of this subsection and except~~ Except as otherwise provided in subdivisions ~~(2)(C) and (3)~~ (1)(C) and (2) of this subsection, ~~all other~~ expenses of the Board shall be borne as-follows:

(i) 40 percent by the State from State monies;

(ii) 30 percent by the hospitals;

(iii) 24 percent by nonprofit hospital and medical service corporations licensed under-8 V.S.A. chapter 123 or 125, health insurance companies licensed under 8 V.S.A.-chapter 101, and health maintenance organizations licensed under 8 V.S.A. chapter-139; and

(iv) six percent by accountable care organizations ~~certified under section 9382 of this title~~.

(B) Expenses under subdivision (A)(iii) of this subdivision ~~(2)~~ (1) shall be allocated to persons licensed under Title 8 based on premiums paid for health care coverage, which-for the purposes of this subdivision (1) (2) shall include major medical, comprehensive-medical, hospital or surgical coverage, and comprehensive health care services plans, but-shall not include long-term care, limited benefits, disability, credit or stop loss, or excess-loss insurance coverage.

(C) Expenses ~~incurred by the Board for regulatory duties associated with certificates of need shall be~~ assessed pursuant to the provisions of section 9441 of this title ~~and~~ shall not be assessed in accordance with the formula set forth in subdivision (A) of this subdivision ~~(2)~~ (1).

(3) The Board may determine the scope of the incurred expenses to be allocated pursuant to the formula set forth in subdivision ~~(2)~~ (1) of this subsection if, in the Board's discretion, the expenses to be allocated are in the best interests of the regulated entities and of the State.

(4) If the amount of the proportional assessment to any entity calculated in accordance with the formula set forth in subdivision ~~(2)(A)~~ (1)(A) of this subsection would be less than $150.00, the Board shall assess the entity a minimum fee of $150.00. The Board shall apply the amounts collected based on the difference between each applicable entity's proportional assessment amount and $150.00 to reduce the total amount assessed to the regulated entities pursuant to subdivisions ~~(2)(A)(ii)-(iv)~~ (1)(A)(ii)-(iv) of this subsection.

(5)(A) Annually on or before September 15, the Board shall report to the House and Senate Committees on Appropriations the total amount of all expenses eligible for allocation pursuant to this subsection (h) during the preceding State fiscal year and the total amount actually billed back to the regulated entities during the same period. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this subdivision.

(B) The Board ~~and the Department~~ shall also present the information required by this subsection (h) to the Joint Fiscal Committee annually at its September meeting.

EXPLANATION:

Clarifies and simplifies assessment methodology. Allows increased transparency for assessment calculation. Allows Medicare-only Accountable Care Organizations to be included in this assessment. Language codifies historical practice by clarifying assessments in this statute and section 9441 of this title. Technical amendment to remove “the Department” (Department of Financial Regulation) from this statute as they no longer are involved with this assessment.