

1 TO THE HONORABLE SENATE:

2 The Committee on Health and Welfare to which was referred House Bill
3 No. 233 entitled “An act relating to licensure and regulation of pharmacy
4 benefit managers” respectfully reports that it has considered the same and
5 recommends that the Senate propose to the House that the bill be amended in
6 Sec. 1, 18 V.S.A. chapter 77, in section 3613, by striking out subdivision (b)(3)
7 in its entirety and inserting in lieu thereof a new subdivision (b)(3) to read as
8 follows:

9 (3)(A) The Office of the Health Care Advocate shall have the right to
10 receive or review copies of all materials provided to or reviewed by the
11 Commissioner under this chapter in In order to protect and promote patients’
12 and consumers’ interests in accordance with the Office’s duties under chapter
13 229 of this title, the Office of the Health Care Advocate shall have the right
14 to receive and review in full, including any exhibits, attachments,
15 appendices, or other supplementary materials, all of the following:

16 (i) the preliminary report of any examination conducted by or
17 on behalf of the Commissioner under this section;

18 (ii) the pharmacy benefit manager’s submissions or rebuttals
19 to the report, if any;

20 (iii) the final examination report adopted by the
21 Commissioner; and

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(iv) the Commissioner’s order adopting the final examination

report.

(B) The Office of the Health Care Advocate shall not further disclose any confidential or proprietary information provided to the Office pursuant to this subdivision. Information provided to the Office pursuant to this subdivision (3) shall not be subject to subpoena and shall not be subject to discovery or admissible in evidence in any private civil action.

(Committee vote: _____)

Senator _____

FOR THE COMMITTEE