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S.98

An act relating to Green Mountain Care Board authority over prescription drug costs

The House proposes to the Senate to amend the bill as follows:

First: In Sec. 1, Green Mountain Care Board; prescription drug cost regulation program; implementation plan, in subsection (a), by striking out subdivisions (5) and (6) in their entirety and inserting in lieu thereof the following:

- (5) the likely return on investment of the most promising program options;
- (6) the potential impacts on Vermonters' access to medications; and
- (7) the impact of implementing a program to regulate the costs of prescription drugs on other State agencies and on the private sector.

Second: By striking out Sec. 4, effective date, in its entirety and inserting in lieu thereof the following:

Sec. 4. 18 V.S.A. chapter 220 is amended to read:

CHAPTER 220. GREEN MOUNTAIN CARE BOARD

* * *

§ 9374. BOARD MEMBERSHIP; AUTHORITY

* * *

1 (b)(1) The ~~initial~~ term of each member of the Board, including the Chair,
2 shall be ~~seven years, and the term of the Chair shall be~~ six years ~~thereafter.~~

3 (2) ~~The term of each member other than the Chair shall be six years,~~
4 ~~except that of the members first appointed, one each shall serve a term of three~~
5 ~~years, four years, five years, and six years~~ Any appointment to fill a vacancy
6 shall be for the unexpired portion of the term vacated.

7 (3) ~~Subject to the nomination and appointment process, a~~ A member
8 may serve more than one term. A member may be reappointed to additional
9 terms subject to the requirements of section 9391 of this title.

10 * * *

11 § 9390. GREEN MOUNTAIN CARE BOARD NOMINATING

12 COMMITTEE CREATED; COMPOSITION

13 * * *

14 (f) ~~The Board is authorized to use the staff and services of appropriate State~~
15 ~~agencies and departments as necessary to conduct investigations of applicants~~
16 The Committee shall have the administrative, technical, and legal assistance of
17 the Department of Human Resources.

18 § 9391. NOMINATION AND APPOINTMENT PROCESS

19 (a) ~~Whenever~~ Candidate selection process.

20 (1) Unless a vacancy is filled by reappointment by the Governor
21 pursuant to subsection (c) of this section, not later than 90 days prior to a

1 ~~known~~ vacancy ~~occurs~~ occurring on the Green Mountain Care Board, ~~or when~~
2 ~~an incumbent does not declare that he or she will be a candidate to succeed~~
3 ~~himself or herself~~, the Green Mountain Care Board Nominating Committee
4 shall commence its nomination application process. The Committee shall
5 select for consideration ~~by the Committee~~, by majority vote, and provided that
6 a quorum is present, from the applications for membership on the Green
7 Mountain Care Board as many candidates as it deems qualified for the position
8 or positions to be filled. The Committee shall base its determinations on the
9 qualifications set forth in section 9392 of this ~~section~~ title.

10 (2) A Board member who is resigning from the Board prior to the
11 expiration of the member's term shall notify the Committee Chair, the
12 Governor, and the Department of Human Resources of the member's
13 anticipated resignation date. Once notified, the Committee Chair shall
14 commence the nomination application process as soon as is practicable in light
15 of the anticipated resignation date.

16 (b) Nomination list. The Committee shall submit to the Governor the
17 names of the ~~persons~~ individuals it deems qualified to be appointed to fill the
18 position or positions and the name of any incumbent member who was not
19 reappointed pursuant to subsection (c) of this section and who declares notifies
20 the Committee Chair, the Governor, and the Department of Human Resources
21 that he or she the incumbent wishes to be a candidate to succeed himself or

1 ~~herself~~ nominated. An incumbent shall not be required to submit an
2 application for nomination and appointment to the Committee under subsection
3 (a) of this section, but the Committee may request that the incumbent update
4 relevant information as necessary.

5 (c) Reappointment; notification.

6 (1) Not later than 120 days prior to the end of a Board member's term,
7 the member shall notify the Governor that the member either is seeking to be
8 reappointed by the Governor for another term or that the member does not
9 wish to be reappointed.

10 (2) If a Board member who is seeking reappointment is not reappointed
11 by the Governor on or before 30 days after notifying the Governor, the
12 member's term shall end on the expiration date of the member's current term,
13 unless the member is nominated as provided in subsection (b) of this section
14 and subsequently appointed, or as otherwise provided by law.

15 (3) A Board member's reappointment shall be subject to the consent of
16 the Senate.

17 (d) ~~The~~ Appointment; Senate consent. Unless the Governor reappointed a
18 Board member pursuant to subsection (c) of this section, the Governor shall
19 make an appointment to the Green Mountain Care Board from the list of
20 qualified candidates submitted pursuant to subsection (b) of this section not
21 later than 45 days after receipt of the candidate list. The appointment shall be

1 subject to the consent of the Senate. The names of candidates submitted and
2 not selected shall remain confidential.

3 ~~(d)~~(e) Confidentiality. All proceedings of the Committee, including the
4 names of candidates considered by the Committee and information about any
5 candidate submitted by any source, shall be confidential.

6 Sec. 5. EFFECTIVE DATES

7 (a) Sec. 4 (18 V.S.A. chapter 220; Green Mountain Care Board nomination
8 and appointment process) and this section shall take effect on passage.
9 Notwithstanding any provision of 18 V.S.A. chapter 220, as amended by this
10 act, to the contrary, the Green Mountain Care Board Nominating Committee,
11 in consultation with the Green Mountain Care Board, the Department of
12 Human Resources, and the Governor, may establish alternative timing
13 requirements for applications, appointments, and reappointments to the Board
14 for Board vacancies anticipated to occur or otherwise occurring on or before
15 December 31, 2024 if the timelines established in 18 V.S.A. chapter 220, as
16 amended by this act, would be impractical or impossible to meet.

17 (b) The remaining sections shall take effect on July 1, 2024.

18 and that after passage the title of the bill be amended to read: “An act
19 relating to Green Mountain Care Board authority over prescription drug costs
20 and the Green Mountain Care Board nomination and appointment process.”