

1 H.440

2 Introduced by Representatives Pearson of Burlington, Consejo of Sheldon,
3 Poirier of Barre City, Townsend of Randolph, and Townsend of
4 South Burlington

5 Referred to Committee on

6 Date:

7 Subject: Open Meeting Law; hospitals

8 Statement of purpose of bill as introduced: This bill proposes to require that
9 meetings of the governing boards, and subcommittees thereof, of hospitals and
10 accountable care organizations be subject to the requirements of the Vermont
11 Open Meeting Law.

12 An act relating to extending the requirements of the Open Meeting Law

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. 1 V.S.A. § 310a is added to read:

15 § 310a. APPLICATION TO HOSPITALS AND ACCOUNTABLE CARE

16 ORGANIZATIONS

17 (a) Every meeting of a governing board, or a subcommittee thereof, of the
18 following entities shall be subject to the requirements of this subchapter:

19 (1) a hospital required to be licensed under 18 V.S.A. chapter 43, except
20 for the Brattleboro Retreat; and

1 (2) an accountable care organization that meets the criteria of 42 U.S.C.
2 § 1395jj(b) and is composed primarily of persons licensed in Vermont to
3 provide health care services.

4 (b) Records in the custody of a hospital or accountable care organization
5 that is not a public agency, which would be exempt from public inspection and
6 copying under 1 V.S.A. § 317 if in the custody of a public agency, shall be
7 deemed exempt from public inspection and copying and therefore eligible for
8 discussion in executive session under 1 V.S.A. § 313(a)(6).

9 Sec. 2. 18 V.S.A. § 1903 is amended to read:

10 § 1903. LICENSE; OPEN MEETING REQUIREMENTS

11 (a) No person or governmental unit may establish, conduct, or maintain a
12 hospital in this state State without first obtaining a license therefor in the
13 manner hereinafter provided.

14 (b) Every meeting of a governing board, or a subcommittee thereof, of a
15 hospital required to be licensed under this chapter, except the Brattleboro
16 Retreat, shall be subject to the requirements of the Vermont Open Meeting
17 Law, 1 V.S.A. chapter 5, subchapter 2, in accordance with 1 V.S.A. § 310a.

18 Sec. 3. EFFECTIVE DATE

19 This act shall take effect on July 1, 2013.