

# Journal of the Senate

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THURSDAY, MARCH 16, 2017

The Senate was called to order by the President.

## Devotional Exercises

Devotional exercises were conducted by the Reverend Rona Kinsley of Greensboro.

## Bill Referred to Committee on Finance

### S. 122.

Senate bill of the following title, appearing on the Calendar for notice, and affecting the revenue of the state, under the rule was referred to the Committee on Finance:

An act relating to increased flexibility for school district mergers.

## Bill Referred to Committee on Appropriations

### S. 52.

Senate bill of the following title, appearing on the Calendar for notice and carrying an appropriation or requiring the expenditure of funds, under the rule was referred to the Committee on Appropriations:

An act relating to the Public Service Board and its proceedings.

## Bills Introduced

Senate bills of the following titles were severally introduced, read the first time and referred:

### S. 123.

By Senators Sears and Ashe,

An act relating to limiting liability for animal shelter and rescue organizations assisting law enforcement in animal cruelty investigations.

To the Committee on Judiciary.

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**S. 124.**

By Senator Sears,

An act relating to community-based electronic monitoring.

To the Committee on Judiciary.

**Bill Passed****S. 20.**

Senate bill of the following title was read the third time and passed:

An act relating to awarding hunting and fishing licenses at no cost to persons 65 years of age or older.

**Bill Amended; Bill Passed****S. 44.**

Senate bill entitled:

An act relating to shared candidate campaign expenditures.

Was taken up.

Thereupon, pending third reading of the bill, Senator Flory moved to amend the bill in Sec. 1, 17 V.S.A. § 2944(d)(2)(A) (accountability for related expenditures) following the words: the candidates who are named or pictured in it and no by striking out the following: “others, and those candidates” and inserting in lieu thereof the words: other candidates, and those candidates named or pictured

Which was agreed to.

Thereupon, the bill was read the third time and passed.

**Bill Amended; Third Reading Ordered****S. 4.**

Senator Lyons, for the Committee on Health and Welfare, to which was referred Senate bill entitled:

An act relating to publicly accessible meetings of an accountable care organization’s governing body.

Reported recommending that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 9382 is amended to read:

§ 9382. OVERSIGHT OF ACCOUNTABLE CARE ORGANIZATIONS

(a) In order to be eligible to receive payments from Medicaid or commercial insurance through any payment reform program or initiative, including an all-payer model, each accountable care organization shall obtain and maintain certification from the Green Mountain Care Board. The Board shall adopt rules pursuant to 3 V.S.A. chapter 25 to establish standards and processes for certifying accountable care organizations. To the extent permitted under federal law, the Board shall ensure these rules anticipate and accommodate a range of ACO models and sizes, balancing oversight with support for innovation. In order to certify an ACO to operate in this State, the Board shall ensure that the following criteria are met:

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(13) ~~meetings of the ACO's governing body include a public session at which all business that is not confidential or proprietary is conducted and members of the public are provided an opportunity to comment~~ comply with the provisions of section 9572 of this title;

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Sec. 2. 18 V.S.A. chapter 227 is amended to read:

CHAPTER 227. ALL-PAYERMODEL AND ACCOUNTABLE CARE ORGANIZATIONS

Subchapter 1. All-Payer Model

§ 9551. ALL-PAYERMODEL

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Subchapter 2. Accountable Care Organizations

§ 9571. DEFINITIONS

As used in this subchapter:

(1) “Accountable care organization” and “ACO” means an organization of health care providers that has a formal legal structure, is identified by a federal Taxpayer Identification Number, and agrees to be accountable for the quality, cost, and overall care of the patients assigned to it.

(2) “Health care provider” means a person, partnership, or corporation, including a health care facility, that is licensed, certified, or otherwise authorized by law to provide professional health care services in this State to an individual during that individual’s medical care, treatment, or confinement.

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§ 9572. MEETINGS OF AN ACCOUNTABLE CARE ORGANIZATION'S GOVERNING BODY

(a) Application. This section shall apply to all regular, special, and emergency meetings of an accountable care organization's governing body, whether in person or by electronic means, as well as to any other assemblage of governing body members at which binding action is taken.

(b) Public meetings; exceptions. Meetings of an accountable care organization's governing body shall be open to the public and shall provide members of the public an opportunity to comment, except that the ACO's governing body may meet in executive session to consider business related to the following:

(1) contracts or contract negotiations for which premature general public knowledge would reasonably place the ACO or another person at a substantial disadvantage;

(2) pending or probable prosecution or civil litigation to which the ACO is or is likely to be a party;

(3) personnel matters;

(4) information that reasonably could be considered a trade secret, as defined in 1 V.S.A. § 317(c)(9);

(5) confidential attorney-client communications;

(6) information prohibited from public disclosure by the terms of an enforceable data use contract to which the ACO is bound; and

(7) information prohibited from public disclosure by the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or by any other State or federal law.

(c) Notice. An accountable care organization shall make its governing board's meeting schedule available to the public by posting notice of the time and place of each meeting on the ACO's website at least one week before the meeting and the agenda for each meeting at least 48 hours before the meeting, except that if an unforeseen occurrence or condition requires the governing body's immediate attention at an emergency meeting, the ACO shall provide public notice as soon as possible before the meeting occurs.

(d)(1) Minutes and recordings. All portions of each meeting of an ACO's governing body that are open to the public shall either be recorded or minutes shall be taken, and the recordings and minutes shall be made available to the public.

(2) Meeting minutes shall include the names of all governing body members present at the meeting in person or by electronic means, the names of any other individuals who participated in the meeting, a summary of any public comments provided at the meeting, and all actions taken or considered by the governing body during the meeting.

(e) Participation by electronic or other means.

(1) One or more members of an ACO's governing body may attend a regular, special, or emergency meeting by electronic or other means without being physically present at a designated meeting location.

(2) Any member of the governing body attending a meeting by electronic or other means may participate fully in discussing the governing body's business and voting to take an action, but any vote of the governing body that is not unanimous shall be taken by roll call.

(3) Each member of the governing body who attends a meeting without being physically present at a designated meeting location shall:

(A) identify himself or herself when the meeting is convened; and

(B) be able to hear the conduct of the meeting and be heard throughout the meeting.

(4) If a quorum or more of the members of the governing body attend a meeting without being physically present at a designated meeting location, the agenda required to be posted pursuant to subsection (c) of this section shall designate at least one physical location where a member of the public can attend and participate in the meeting. At least one member of the governing body or one or more members of the ACO's staff shall be present at each designated meeting location.

### Sec. 3. EFFECTIVE DATE

This act shall take effect on January 1, 2018.

And that when so amended the bill ought to pass.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the recommendation of amendment was agreed to, and third reading of the bill was ordered.

### **Senate Resolution Amended; Senate Resolution Adopted**

#### **S.R. 8.**

Senate resolution entitled:

Senate resolution relating to adoption of a temporary Rule 44A.

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Having been placed on the Calendar for action, was taken up.

Thereupon, pending the question, Shall the resolution be adopted?, Senator Ashe moved to amend the Senate Resolution after the words: "to the following measures:" by striking out subdivisions (1) through (5) and inserting in lieu thereof the following:

- (1) transportation capital bill;
- (2) capital construction bill;
- (3) general appropriations bill ("The Big Bill");
- (4) fee and tax bills.

Which was agreed to.

Thereupon, the question, Shall the resolution be adopted?, was decided in the affirmative.

#### **Message from the House No. 29**

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

**H. 42.** An act relating to appointing municipal clerks and treasurers and to municipal audit penalties.

**H. 59.** An act relating to technical corrections.

**H. 218.** An act relating to the adequate shelter of dogs and cats.

**H. 219.** An act relating to the Vermont spaying and neutering program.

**H. 265.** An act relating to the State Long-Term Care Ombudsman.

**H. 379.** An act relating to providing an extension for the repeal of the Search and Rescue Council.

**H. 494.** An act relating to the Transportation Program and miscellaneous changes to transportation-related law.

In the passage of which the concurrence of the Senate is requested.

The House has considered bills originating in the Senate of the following title:

**S. 38.** An act relating to the Government Accountability Committee and the State Outcomes Report.

**S. 79.** An act relating to freedom from compulsory collection of personal information.

And has passed the same in concurrence.

The House has considered joint resolution originating in the Senate of the following title:

**J.R.S. 23.** Joint resolution relating to weekend adjournment.

And has adopted the same in concurrence.

#### **Message from the House No. 30**

A message was received from the House of Representatives by Ms. Rebecca Silbernagel, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The Governor has informed the House that on the March 6, 2017, he approved and signed a bill originating in the House of the following title:

**H. 53.** An act relating to permitting planting projects in flood hazard areas.

#### **Adjournment**

On motion of Senator Ashe, the Senate adjourned until eleven o'clock and thirty minutes in the morning.