

\* \* \* Elections; Voter Checklist Information \* \* \*

Sec. #. 17 V.S.A. § 2154(b) is amended to read:

(b) A registered voter's month and day of birth, driver's license number, the last four digits of the applicant's Social Security number, and street address if different from the applicant's mailing address shall ~~not be considered a public record as defined in 1 V.S.A. § 317(b) be kept confidential and be exempt from public copying and inspection under the Public Records Act.~~

Any person wishing to obtain a copy of all of the statewide voter checklist must swear or affirm, under penalty of perjury pursuant to 13 V.S.A. chapter 65, that the person will not use the checklist for commercial purposes. The affirmation shall be filed with the ~~secretary of state~~ Secretary of State.

\* \* \* Judiciary and Court Records; Lawyer-Corporate Client Privilege \* \* \*

Sec. #. 12 V.S.A. § 1613 is amended to read:

§ 1613. LAWYER-CORPORATE CLIENT PRIVILEGE

(a) Communications otherwise privileged under Rule 502 of the Vermont Rules of Evidence ~~are~~ shall only be privileged with respect to a corporation ~~only~~:

(1) if the representative client is a member of the control group of the corporation, acting in his or her official capacity. ~~However, if, or~~

(2) ~~the communications are with a representative client who is not a member of the control group, such communications are privileged only~~ to the extent necessary to effectuate legal representation of the corporation, if the communications are with a representative client who is not a member of the control group.

(b) ~~For purposes of~~ As used in this section, "control group" means:

(1) the officers and directors of a corporation; and

1 (2) those persons who:

2 (A) have the authority to control or substantially participate in a decision regarding  
3 action to be taken on the advice of a lawyer; or

4 (B) have the authority to obtain professional legal services or to act on advice rendered  
5 pursuant thereto, on behalf of the corporation.

6 \* \* \* Judiciary and Court Records; Mediation Prior to Foreclosure \* \* \*

7 Sec. #. CONFIDENTIALITY OF RECORDS IN CONNECTION WITH  
8 MEDIATION PRIOR TO FORECLOSURE

9 All written and oral communications made in connection with or during the mediation process  
10 set forth in 12 V.S.A. chapter 215, subchapter 2 (mediation prior to foreclosure) that were  
11 confidential under 12 V.S.A. § 7015 shall remain confidential and exempt from public inspection  
12 and copying under the Public Records Act after the effective date of any repeal of 12 V.S.A.  
13 § 7015.

14 \* \* \* Judiciary and Court Records; Delinquency Proceedings; Fingerprint Files \* \* \*

15 Sec. #. 33 V.S.A. § 5205 is amended to read:

16 § 5205. FINGERPRINTS; PHOTOGRAPHS

17 (a) Fingerprint files of a child under the jurisdiction of the Court shall be kept separate from  
18 those of other persons under special security measures. Inspection of such files shall be limited  
19 to inspection by law enforcement officers only on a need-to-know basis unless otherwise  
20 authorized by the Court in individual cases.

21 \* \* \*

22 \* \* \* Judiciary and Court Records; Youthful Offenders \* \* \*

23 Sec. #. 33 V.S.A. § 5287(d) is amended to read:

1 (d) Upon discharge and dismissal under subsection (c) of this section, all records relating to  
2 the case in the ~~District Court~~ Criminal Division shall be expunged, and all records relating to the  
3 case in the Family Court shall be sealed pursuant to section 5119 of this title.

4 \* \* \* Labor and Employment; Drug Testing \* \* \*

5 Sec. ~~#~~. 21 V.S.A. § 516 is amended to read:

6 § 516. CONFIDENTIALITY

7 (a) Any health care information about an individual to be tested shall be ~~taken~~ collected only  
8 by a medical review officer ~~and~~. This information shall be confidential and shall not be released  
9 to anyone except the individual tested, and may not be obtained by court order or process, except  
10 as provided in this subchapter. In addition, a medical review officer shall not reveal the identity  
11 of an individual being tested to any person, including the laboratory.

12 (b) Employers, medical review officers, laboratories, and ~~their~~ the agents of any of these,  
13 who receive or have access to information about drug test results, shall keep all information  
14 confidential. Release of such information under any other circumstance shall be solely pursuant  
15 to a written consent form signed voluntarily by the person tested, except where such release is  
16 compelled by a court of competent jurisdiction in connection with an action brought under this  
17 subchapter. ~~A medical review officer shall not reveal the identity of an individual being tested to~~  
18 ~~any person, including the laboratory.~~

19 (c) If information about drug test results is released contrary to the provisions of this  
20 subchapter, it shall be inadmissible as evidence in any judicial or quasi-judicial proceeding,  
21 except in a court of competent jurisdiction in connection with an action brought under this  
22 subchapter.

\* \* \* Open Meeting Law; Executive Sessions \* \* \*

Sec. #. 1 V.S.A. § 313(a) is amended to read:

(a) No public body may hold an executive session from which the public is excluded, except by the affirmative vote of two-thirds of its members present in the case of any public body of State government or of a majority of its members present in the case of any public body of a municipality or other political subdivision. A motion to go into executive session shall indicate the nature of the business of the executive session, and no other matter may be considered in the executive session. Such vote shall be taken in the course of an open meeting and the result of the vote recorded in the minutes. No formal or binding action shall be taken in executive session except for actions relating to the securing of real estate options under subdivision (2) of this subsection. Minutes of an executive session need not be taken, but if they are, the minutes shall not be made public subject to, notwithstanding subsection 312(b) of this title, be exempt from public copying and inspection under the Public Records Act. A public body may not hold an executive session except to consider one or more of the following:

\* \* \*

\* \* \* Professional Regulation; Board of Medical Practice \* \* \*

Sec. #. 26 V.S.A. § 1317 is amended to read:

§ 1317. UNPROFESSIONAL CONDUCT TO BE REPORTED TO BOARD

(a) Any hospital, clinic, community mental health center, or other health care institution in which a licensee performs professional services shall report to the ~~board~~ Board, along with supporting information and evidence, any disciplinary action taken by it or its staff which significantly limits the licensee's privilege to practice or leads to suspension or expulsion from the institution, a nonrenewal of medical staff membership, or the restrictions of privileges at a

1 hospital taken in lieu of, or in settlement of, a pending disciplinary case related to unprofessional  
2 conduct as defined in sections 1354 and 1398 of this title. The ~~commissioner of health~~  
3 Commissioner of Health shall forward any such information or evidence he or she receives  
4 immediately to the ~~board~~ Board. The report shall be made within 10 days of the date such  
5 disciplinary action was taken, and, in the case of disciplinary action taken against a licensee  
6 based on the provision of mental health services, a copy of the report shall also be sent to the  
7 ~~commissioner of mental health and the commissioner of disabilities, aging, and independent~~  
8 ~~living~~ Commissioner of Mental Health and the Commissioner of Disabilities, Aging, and  
9 Independent Living. This section shall not apply to cases of resignation or separation from  
10 service for reasons unrelated to disciplinary action.

11 (b) Within 30 days of any judgment or settlements involving a claim of professional  
12 negligence by a licensee, any insurer of the licensee shall report the information to the  
13 ~~commissioner of health~~ Commissioner of Health and, to the extent the claim relates to the  
14 provision of mental health services, to the ~~commissioner of mental health~~ Commissioner of  
15 Mental Health.

16 (c) Except as provided in section 1368 of this title, information provided to the ~~department of~~  
17 ~~health or of mental health~~ Department of Health, the Department of Mental Health, or the  
18 Department of Disabilities, Aging, and Independent Living under this section shall be  
19 confidential unless the ~~department~~ Department of Health decides to treat the report as a  
20 complaint, in which case, the provisions of section 1318 of this title shall apply.

21 (d) A person who acts in good faith in accord with the provisions of this section shall not be  
22 liable for damages in any civil action.

1 (e) A person who violates this section shall be subject to a civil penalty of not more than  
2 \$10,000.00.

3 Sec. ~~#~~. 26 V.S.A. § 1368(a) is amended to read:

4 (a) A data repository is created within the Department of Health which will be responsible for  
5 the compilation of all data required under this section ~~and, under this chapter, and under any~~  
6 other law or rule which requires the reporting of such information. Notwithstanding any  
7 provision of law to the contrary, licensees shall promptly report and the Department shall collect  
8 the following information to create individual profiles on all health care professionals licensed,  
9 certified, or registered by the Department, pursuant to the provisions of this title, in a format  
10 created by the Department that shall be available for dissemination to the public:

11 \* \* \*

12 \* \* \* Vital Records; Birth Certificates and Address Confidentiality Program \* \* \*

13 Sec. #. 18 V.S.A. § 5083 is amended to read:

14 § 5083. PARTICIPANTS IN ADDRESS CONFIDENTIALITY PROGRAM

15 (a) If a participant in the program described in 15 V.S.A. chapter 21, subchapter 3 who is the  
16 parent of a child born during the period of program participation notifies the physician or  
17 midwife who delivers the child, or the hospital at which the child is delivered, not later than 24  
18 hours after the birth of the child, that the participant's confidential address should not appear on  
19 the child's birth certificate, then the ~~department~~ Department shall not disclose such confidential  
20 address or the participant's town of residence on any public records. A participant who fails to  
21 provide such notice shall be deemed to have waived the provisions of this section. If such notice  
22 is received, then notwithstanding section 5071 of this title, the attendant physician or midwife  
23 shall file the certificate with the ~~supervisor of vital records registration~~ Supervisor of Vital

1 Records within ten days of the birth, without the confidential address or town of residence, and  
2 shall not file the certificate with the town clerk.

3 (b) The ~~supervisor of vital records registration~~ Supervisor of Vital Records shall receive and  
4 file for record all certificates filed in accordance with this section, and shall ensure that a parent's  
5 confidential address and town of residence do not appear on the birth certificate during the  
6 period that the parent is a program participant. A certificate filed in accordance with this section  
7 shall be a public document. The ~~supervisor of vital records~~ Supervisor of Vital Records shall  
8 notify the ~~secretary of state~~ Secretary of State of the receipt of a birth certificate on behalf of a  
9 program participant.

10 (c) The ~~department~~ Department shall maintain a confidential record of the parent's actual  
11 mailing address and town of residence. Such record shall be exempt from public inspection and  
12 copying under the Public Records Act.

13 \* \* \*

14 \* \* \* Vital Records; New Birth Certificate in Connection with Change of Sex \* \* \*

15 Sec. #. 18 V.S.A. § 5112(c) is amended to read:

16 (c) A new certificate issued pursuant to subsection (a) of this section shall be substituted for  
17 the original birth certificate in official records. The new certificate shall not show that a change  
18 in name or sex, or both, has been made. The original birth certificate, the ~~probate court~~ Probate  
19 Division order, and any other records relating to the issuance of the new birth certificate shall be  
20 confidential and shall ~~not be subject to~~ exempt from public inspection ~~pursuant to 1 V.S.A.~~  
21 ~~§ 317(e)~~ and copying under the Public Records Act; however an individual may have access to  
22 his or her own records and may authorize the state registrar to confirm that, pursuant to court

1 order, it has issued a new birth certificate to the individual that reflects a change in name or sex,  
2 or both.

3 \* \* \* Vital Records; Marriage Certificates and Address Confidentiality Program \* \* \*

4 Sec. #. 18 V.S.A. § 5132(c) is amended to read:

5 (c) The ~~department~~ Department shall maintain a confidential record of the person's actual  
6 mailing address and town of residence. Such record shall be exempt from public inspection and  
7 copying under the Public Records Act.