1	TO THE HONORABLE SENATE:		
2	The Committee on Health and Welfare to which was referred House Bill No.		
3	350 entitled "An act relating to the posting of medical unprofessional conduct		
4	decisions and to investigators of alleged unprofessional conduct" respectfully		
5	reports that it has considered the same and recommends that the Senate		
6	propose to the House that the bill be amended as follows:		
7	<u>First</u> : By adding a new section to be Sec. 5a to read:		
8	Sec. 5a. 18 V.S.A. § 4631a is amended to read:		
9	§ 4631a. EXPENDITURES BY MANUFACTURERS OF PRESCRIBED		
10	PRODUCTS		
11	(a) As used in this section:		
12	(1) "Allowable expenditures" means:		
13	* * *		
14	(H) Sponsorship of an educational program offered by a medical		
15	device manufacturer at a national or regional professional society meeting at		
16	which programs accredited by the Accreditation Council for Continuing		
17	Medical Education, or a similar professional accrediting entity, are also		
18	offered, provided:		
19	(i) no payment is made directly to a health care professional or		
20	pharmacist; and		

1	(ii) the funding is used solely for bona fide educational purposes,
2	except that the manufacturer may provide meals and other food for program
3	participants.
4	(I) Other reasonable fees, payments, subsidies, or other economic
5	benefits provided by a manufacturer of prescribed products at fair market
6	value.
7	* * *
8	(7)(C) "Regularly practices" means to practice at least periodically
9	under contract with or as an employee of, or to be an owner of, a medical
10	practice, health care facility, nursing home, hospital, or university located in
11	Vermont.
12	* * *
13	(12) "Prescribed product" means a drug or device as defined in section
14	201 of the federal Food, Drug and Cosmetic Act, 21 U.S.C. § 321, a compound
15	drug or drugs, a medical device as defined in this subsection, a biological
16	product as defined in section 351 of the Public Health Service Act, 42 U.S.C.
17	§ 262, for human use, or a combination product as defined in 21 C.F.R.
18	§ 3.2(e), but shall not include prescription eyeglasses, prescription sunglasses,
19	or other prescription eyewear.
20	* * *

1	(15) "Medical device" means an instrument, apparatus, implement,		
2	machine, contrivance, implant, in vitro reagent, or other similar or related		
3	article, including any component, part, or accessory, which is:		
4	(A) recognized in the official National Formulary or the United		
5	States Pharmacopeia, or any supplement to them;		
6	(B) intended for use in the diagnosis of disease or other conditions, or		
7	in the cure, mitigation, treatment, or prevention of disease, in humans or other		
8	animals; or		
9	(C) intended to affect the structure or any function of the body of		
10	humans or other animals, and which does not achieve its primary intended		
11	purposes through chemical action within or on such body and which is not		
12	dependent upon being metabolized for the achievement of its primary intended		
13	purposes.		
14	Second: By adding a new section to be Sec. 5b to read:		
15	Sec. 5b. DATA ANALYSIS AND REPORT REGARDING THE EFFICACY		
16	OF THE VERMONT GIFT BAN LEGISLATION		
17	The Department of Vermont Health Access, in consultation with the Office		
18	of the Attorney General, shall examine the data available for relevant		
19	expenditures and determine whether and to what extent prescribing patterns by		
20	health care providers of prescribed products reimbursed by Medicaid, Dr.		
21	Dynasaur, and VPharm may reflect manufacturer influence and the impact of		

1	2007 Acts and Resolves No. 80 and 2009 Acts and Resolves No. 59 on the
2	State of Vermont's pharmaceutical spending. The Department may select th
3	data most relevant to its analysis. The Department shall report its analysis to
4	the House Committee on Health Care and the Senate Committees on Health
5	and Welfare and on Finance on or before January 15, 2015.
6	Third: In Sec. 6, effective dates, by striking out Sec. 6 in its entirety and
7	inserting in lieu thereof a new Sec. 6 to read:
8	Sec. 6. Effective Dates
9	This act shall take effect on passage, except:
10	(1) Secs. 1 (amending 26 V.S.A. § 1318), 3 (amending 26 V.S.A.
11	§ 1351), and 5a (amending 18 V.S.A. § 4631a) shall take effect on July 1,
12	2014; and
13	(2) Sec. 2 (amending 26 V.S.A. § 1368) shall take effect on July 1,
14	<u>2015.</u>
15	
16	
17	
18	
19	
20	
21	(Committee vote:)

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1			
2		Senator	

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FOR THE COMMITTEE

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