

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 First: 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 (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 the
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 2015.

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21 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE