

Senate Calendar

FRIDAY, FEBRUARY 24, 2017

SENATE CONVENES AT: 11:30 A.M.

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ACTION CALENDAR
UNFINISHED BUSINESS OF TUESDAY, FEBRUARY 21, 2017

Committee Bill for Second Reading

S. 87.

An act relating to sexual exploitation of students.

By the Committee on Judiciary. (Senator Sears for the Committee.)

Amendment to S. 87 to be offered by Senator Sears

Senator Sears moves to amend the bill as follows:

First: In Sec. 4, subsection (b), by striking out subdivisions (7) and (8) in their entirety and inserting in lieu thereof the following:

(7) the Executive Director of the Department of State's Attorneys and Sheriffs or designee;

(8) the Defender General or designee; and

(9) the Commissioner of the Department for Children and Families or designee.

Second: By striking out Sec. 7 in its entirety and inserting in lieu thereof:

Sec. 5. EFFECTIVE DATES

This act shall take effect on July 1, 2017, except that Sec. 4 (Committee for Enhancing School Safety) and this section shall take effect on passage.

NEW BUSINESS

Third Reading

S. 7.

An act relating to deferred sentences and the sex offender registry.

S. 50.

An act relating to insurance coverage for telemedicine services delivered in or outside a health care facility.

S. 79.

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

Second Reading

Favorable

S. 56.

An act relating to life insurance policies and the Vermont Uniform Securities Act.

Reported favorably by Senator Cummings for the Committee on Finance.

(Committee vote: 5-0-2)

Favorable with Recommendation of Amendment

S. 3.

An act relating to mental health professionals' duty to warn.

Reported favorably with recommendation of amendment by Senator White for the Committee on Judiciary.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. LEGISLATIVE INTENT

It is the intent of the General Assembly in this act to respond to the Vermont Supreme Court's decision in *Kuligoski v. Brattleboro Retreat and Northeast Kingdom Human Services*, 2016 VT 54A, by clarifying a mental health professional's duty to disclose information concerning a client or patient in certain circumstances.

Sec. 2. 18 V.S.A. § 7115 is added to read:

§ 7115. MENTAL HEALTH PROFESSIONAL; DISCLOSURE OF INFORMATION

(a)(1) A mental health professional has a duty to exercise reasonable care to protect an identifiable victim or property from danger when the mental health professional knows or, based upon the standards of his or her respective mental health profession, should know that his or her client or patient poses:

(A) an imminent risk of serious danger to the identifiable victim; or

(B) an imminent risk to property to the extent that the risk represents a lethal threat to a person in the vicinity of the property.

(2) In discharging in good faith the duty described in subdivision (1) of this subsection:

(A) no cause of action against a mental health professional shall arise

concerning client or patient privacy or confidentiality for disclosing information to third parties; and

(B) a mental health professional shall not be subject to criminal or civil liability.

(b) A mental health professional shall not be required to violate the standards of his or her respective mental health profession in disclosing information pursuant to this section.

(c) As used in this section:

(1) “Identifiable victim” means a potential victim or victims who are capable of being identified.

(2) “Mental health professional” means the same as in section 7101 of this title.

Sec. 3. 18 V.S.A. § 8011 is added to read:

§ 8011. DISCHARGE PLANS

(a) To the extent permitted under State and federal patient privacy laws, a mental health professional discharging a client or patient from a psychiatric inpatient hospital or residential setting shall include in the discharge plan all necessary information on the client or patient’s condition to enable the person or persons named in the discharge plan to carry out his or her discharge functions.

(b) No cause of action against a mental health professional shall arise concerning client or patient privacy or confidentiality for disclosing information to third parties pursuant to subsection (a) of this section.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: 4-1-0)

S. 45.

An act relating to providing meals to health care providers at conferences.

Reported favorably with recommendation of amendment by Senator Ingram for the Committee on Health and Welfare.

The Committee recommends 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. § 4631a is amended to read:

§ 4631a. EXPENDITURES BY MANUFACTURERS OF PRESCRIBED PRODUCTS

(a) As used in this section:

(1) "Allowable expenditures" means:

(A) Payment to the sponsor of a significant educational, medical, scientific, or policy-making conference or seminar, provided:

(i) the payment is not made directly to a health care professional or pharmacist;

(ii) funding is used solely for bona fide educational purposes, except that the sponsor may, in the sponsor's discretion, apply some or all of the funding to provide meals and other food for all conference participants; and

(iii) all program content is objective, free from industry control, and does not promote specific products.

* * *

(H) Sponsorship of an educational program offered by a medical device manufacturer at a national or regional professional society meeting at which programs accredited by the Accreditation Council for Continuing Medical Education, or a comparable professional accrediting entity, are also offered, provided:

(i) no payment is made directly to a health care professional or pharmacist; and

(ii) the funding is used solely for bona fide educational purposes, except that the manufacturer may provide meals and other food for program participants.

(I) The provision of meals or other food for all conference participants at a significant educational, medical, scientific, or policy-making conference or seminar, as long as any content accompanying the meal or other food is accredited by the Accreditation Council for Continuing Medical Education or is otherwise objective, free from industry control, and does not promote specific products.

(J) Other reasonable fees, payments, subsidies, or other economic benefits provided by a manufacturer of prescribed products at fair market value.

* * *

Sec. 2. 18 V.S.A. § 4632 is amended to read:

§ 4632. DISCLOSURE OF ALLOWABLE EXPENDITURES AND GIFTS
BY MANUFACTURERS OF PRESCRIBED PRODUCTS

(a)(1) Annually on or before April 1 of each year, every manufacturer of prescribed products shall disclose to the ~~office of the attorney general~~ Office of the Attorney General for the preceding calendar year the value, nature, purpose, and recipient information of any allowable expenditure or gift permitted under subdivision 4631a(b)(2) of this title to any health care provider or to a member of the Green Mountain Care ~~board~~ Board established in chapter 220 of this title, except:

* * *

(v) buffet meals, snacks, soft drinks, or coffee ~~or other snacks or refreshments at a booth at a~~ made generally available to all participants of a significant educational, medical, scientific, or policy-making conference or seminar;

* * *

(Committee vote: 5-0-0)

NOTICE CALENDAR

Joint Resolution for Second Reading

Favorable with Recommendation of Amendment

J.R.S. 19.

Joint resolution relating to prescription drug pricing.

Reported favorably with recommendation of amendment by Senator Lyons for the Committee on Health and Welfare.

The Committee recommends that the resolution be amended in the third Resolved clause, by striking out the words “to President Donald Trump”

(Committee vote: 4-1-0)

(For text of resolution see Senate Journal of February 15, 2017, page 169.)

CONCURRENT RESOLUTIONS FOR ACTION

H.C.R. 47-53 (For text of Resolutions, see Addendum to House Calendar for February 23, 2017)

CONFIRMATIONS

The following appointments will be considered by the Senate, as a group, under suspension of the Rules, as moved by the President *pro tempore*, for confirmation together and without debate, by consent thereby given by the Senate. However, upon request of any senator, any appointment may be singled out and acted upon separately by the Senate, with consideration given to the report of the Committee to which the appointment was referred, and with full debate; and further, all appointments for the positions of Secretaries of Agencies, Commissioners of Departments, Judges, Magistrates, and members of the Public Service Board shall be fully and separately acted upon.

Anson Tebbetts of Marshfield – Secretary, Agency of Agriculture, Food and Markets (term 1/5/17 – 2/28/17) – By Sen. Pollina for the Committee on Agriculture. (2/24/17)

Anson Tebbetts of Marshfield – Secretary, Agency of Agriculture, Food and Markets (term 3/1/17 – 2/28/19) – By Sen. Pollina for the Committee on Agriculture. (2/24/17)

June Tierney of Randolph Center - Commissioner, Department of Public Service (term 1/5/17 - 2/28/17) - By Sen. Lyons for the Committee on Finance. (2/28/17)

June Tierney of Randolph Center - Commissioner, Department of Public Service (term 3/1/17 - 2/28/19) - By Sen. Lyons for the Committee on Finance. (2/28/17)

FOR INFORMATION PURPOSES

STATE OF VERMONT

EXECUTIVE DEPARTMENT

EXECUTIVE ORDER NO. 06-17

The Committee on Government Operations to which was referred Executive Order No. 06-17 (Creation of Agency of Digital Services) has considered the same, and after testimony, voted affirmatively to approve the changes proposed in Executive Order No. 06-17 and will not be recommending the Senate disapprove of Executive Order No. 06-17 under 3 V.S.A . § 2002(b).