

1 TO THE HONORABLE SENATE:

2 The Committee on Health and Welfare to which was referred Senate Bill  
3 No. 4 entitled “An act relating to publicly accessible meetings of an  
4 accountable care organization’s governing body” respectfully reports that it has  
5 considered the same and recommends that the bill be amended by striking out  
6 all after the enacting clause and inserting in lieu thereof the following:

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

8 § 9382. OVERSIGHT OF ACCOUNTABLE CARE ORGANIZATIONS

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

19 \* \* \*

20 (13) meetings of the ACO’s governing body ~~include a public session at~~  
21 ~~which all business that is not confidential or proprietary is conducted and~~

1 ~~members of the public are provided an opportunity to comment~~ comply with  
2 the provisions of section 9572 of this title;

3 \* \* \*

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

5 CHAPTER 227. ALL-PAYER MODEL AND ACCOUNTABLE CARE  
6 ORGANIZATIONS

7 Subchapter 1. All-Payer Model

8 § 9551. ALL-PAYER MODEL

9 \* \* \*

10 Subchapter 2. Accountable Care Organizations

11 § 9571. DEFINITIONS

12 As used in this subchapter:

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

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

1     § 9572. MEETINGS OF AN ACCOUNTABLE CARE ORGANIZATION’S  
2             GOVERNING BODY

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

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

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

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

17            (3) personnel matters;

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

20            (5) confidential attorney-client communications;

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

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

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

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

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

1           (e) Participation by electronic or other means.

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

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

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

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

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

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

1       Sec. 3. EFFECTIVE DATE

2           This act shall take effect on January 1, 2018.

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8           (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

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FOR THE COMMITTEE