

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Health Care to which was referred Senate Bill No. 98
3 entitled “An act relating to Green Mountain Care Board authority over
4 prescription drug costs” respectfully reports that it has considered the same and
5 recommends that the House propose to the Senate that the bill be amended by
6 striking out Sec. 4, effective date, in its entirety and inserting in lieu thereof the
7 following:

8 Sec. 4. 18 V.S.A. chapter 220 is amended to read:

9 CHAPTER 220. GREEN MOUNTAIN CARE BOARD

10 * * *

11 § 9374. BOARD MEMBERSHIP; AUTHORITY

12 * * *

13 (b)(1) The ~~initial~~ term of each member of the Board, including the Chair,
14 shall be ~~seven years, and the term of the Chair shall be~~ six years thereafter.

15 (2) ~~The term of each member other than the Chair shall be six years,~~
16 ~~except that of the members first appointed, one each shall serve a term of three~~
17 ~~years, four years, five years, and six years.~~ **Repealed.** **Any appointment to**

18 **fill a vacancy shall be for the unexpired portion of the term vacated.**

19 (3) ~~Subject to the nomination and appointment process, a~~ A member
20 may serve more than one term. A member may be reappointed to **an** additional
21 **terms** subject to the requirements of section 9391 of this title.

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§ 9390. GREEN MOUNTAIN CARE BOARD NOMINATING
COMMITTEE CREATED; COMPOSITION

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(f) ~~The Board is authorized to use the staff and services of appropriate State agencies and departments as necessary to conduct investigations of applicants~~
The Committee shall have the administrative, technical, and legal assistance of the Department of Human Resources.

§ 9391. NOMINATION AND APPOINTMENT PROCESS

(a) ~~Whenever~~ Candidate selection process.
(1) Unless a vacancy is filled by reappointment pursuant to subsection (c) of this section, not later than 90 days prior to a known vacancy occurs occurring on the Green Mountain Care Board, or when an incumbent does not declare that he or she will be a candidate to succeed himself or herself, the Green Mountain Care Board Nominating Committee shall commence its nomination application process. The Committee shall select for consideration by the Committee, by majority vote, and provided that a quorum is present, from the applications for membership on the Green Mountain Care Board as many candidates as it deems qualified for the position or positions to be filled. The Committee shall base its determinations on the qualifications set forth in section 9392 of this section title.

1 (2) A Board member who is resigning from the Board prior to the
2 expiration of the member’s term shall notify the Committee Chair of the
3 member’s anticipated resignation date. Once notified, the Committee Chair
4 shall commence the nomination application process as soon as is practicable in
5 light of the anticipated resignation date and shall notify the Governor of the
6 anticipated vacancy.

7 (b) Nomination list. The Committee shall submit to the Governor the
8 names of the ~~persons~~ individuals it deems qualified to be appointed to fill the
9 position or positions and the name of any incumbent member who was not
10 reappointed pursuant to subsection (c) of this section and who declares notifies
11 the ~~Committee Chair~~ Governor that he or she the incumbent wishes to be a
12 candidate to succeed himself or herself nominated. An incumbent shall not be
13 required to submit an application for nomination and appointment to the
14 Committee under subsection (a) of this section, **but the Committee may**
15 **request that the incumbent update relevant information as necessary.**

16 (c) Reappointment; notification.

17 **(1) To be considered for reappointment to the Green Mountain Care**
18 **Board, a Board member whose term is expiring shall notify the Governor, not**
19 **later than 120 days prior to the member’s term expiration date, that the**
20 **member is seeking reappointment. Not later than 120 days prior to the end**
21 **of a Board member’s term, the member shall notify the Governor that the**

1 **member either is seeking reappointment for another term or that the**
2 **member does not wish to be reappointed.**

3 **(2)** If ~~the~~ a Board member **who is seeking reappointment** is not
4 reappointed by the Governor on or before 30 days after notifying the Governor,
5 the member's term shall end on the expiration date of the member's current
6 term, unless the member is nominated as provided in subsection (b) of this
7 section and subsequently appointed, or as otherwise provided by law.

8 **(3)** A Board member's reappointment shall be subject to the consent of
9 the Senate.

10 (d) The Appointment; Senate consent. Unless the Governor reappointed a
11 Board member pursuant to subsection (c) of this section, the Governor shall
12 make an appointment to the Green Mountain Care Board from the list of
13 qualified candidates submitted pursuant to subsection (b) of this section not
14 later than 45 days after receipt of the candidate list. The appointment shall be
15 subject to the consent of the Senate. The names of candidates submitted and
16 not selected shall remain confidential.

17 ~~(d)~~(e) Confidentiality. All proceedings of the Committee, including the
18 names of candidates considered by the Committee and information about any
19 candidate submitted by any source, shall be confidential.

1 Sec. 5. EFFECTIVE DATES

2 **(a) Sec. 4 (18 V.S.A. chapter 220; Green Mountain Care Board**
3 **nomination and appointment process) and this section shall take effect on**
4 **passage. Notwithstanding any provision of 18 V.S.A. chapter 220, as**
5 **amended by this act, to the contrary, the Green Mountain Care Board**
6 **Nominating Committee, in consultation with the Green Mountain Care**
7 **Board, the Department of Human Resources, and the Governor, may**
8 **establish alternative timing requirements for applications, appointments,**
9 **and reappointments to the Board for Board vacancies anticipated to occur**
10 **or otherwise occurring on or before December 31, 2024 if the timelines**
11 **established in 18 V.S.A. chapter 220, as amended by this act, would be**
12 **impractical or impossible to meet.**

13 **(b) The remaining sections** shall take effect on July 1, 2024.

14 and that after passage the title of the bill be amended to read: “An act
15 relating to Green Mountain Care Board authority over prescription drug costs
16 and the Green Mountain Care Board nomination and appointment process.”

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18 (Committee vote: _____)

19 _____
20 Representative _____
21 FOR THE COMMITTEE