

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 as  
6 follows:

7 **First:** In Sec. 1, Green Mountain Care Board; prescription drug cost  
8 regulation program; implementation plan, in subsection (a), by striking out  
9 subdivisions (5) and (6) in their entirety and inserting in lieu thereof the  
10 following:

11 (5) the likely return on investment of the most promising program  
12 options;

13 **(6) the potential impacts on Vermonters’ access to medications;** and

14 (7) the impact of implementing a program to regulate the costs of  
15 prescription drugs on other State agencies and on the private sector.

16 Second: By striking out Sec. 4, effective date, in its entirety and inserting in  
17 lieu thereof the following:

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

19 CHAPTER 220. GREEN MOUNTAIN CARE BOARD

20 \* \* \*

1 § 9374. BOARD MEMBERSHIP; AUTHORITY

2 \* \* \*

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

5 (2) ~~The term of each member other than the Chair shall be six years,~~  
6 ~~except that of the members first appointed, one each shall serve a term of three~~  
7 ~~years, four years, five years, and six years~~ Any appointment to fill a vacancy  
8 shall be for the unexpired portion of the term vacated.

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

12 \* \* \*

13 § 9390. GREEN MOUNTAIN CARE BOARD NOMINATING

14 COMMITTEE CREATED; COMPOSITION

15 \* \* \*

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

20 § 9391. NOMINATION AND APPOINTMENT PROCESS

21 (a) ~~Whenever~~ Candidate selection process.

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

12           (2) A Board member who is resigning from the Board prior to the  
13           expiration of the member's term shall notify the Committee Chair, **the**  
14           **Governor, and the Department of Human Resources** of the member's  
15           anticipated resignation date. Once notified, the Committee Chair shall  
16           commence the nomination application process as soon as is practicable in light  
17           of the anticipated resignation date **and shall notify the Governor of the**  
18           **anticipated vacancy**.

19           (b) Nomination list. The Committee shall submit to the Governor the  
20           names of the ~~persons~~ individuals it deems qualified to be appointed to fill the  
21           position or positions and the name of any incumbent member who was not

1 reappointed pursuant to subsection (c) of this section and who declares notifies  
2 the **Committee Chair, the Governor, and the Department of Human**  
3 **Resources** that ~~he or she~~ the incumbent wishes to be a candidate to succeed  
4 himself or herself nominated. An incumbent shall not be required to submit an  
5 application for nomination and appointment to the Committee under subsection  
6 (a) of this section, but the Committee may request that the incumbent update  
7 relevant information as necessary.

8 (c) Reappointment; notification.

9 (1) Not later than 120 days prior to the end of a Board member's term,  
10 the member shall notify the Governor that the member either is seeking  
11 **reappointment to be reappointed by the Governor** for another term or that  
12 the member does not wish to be reappointed.

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

18 (3) A Board member's reappointment shall be subject to the consent of  
19 the Senate.

20 (d) The Appointment; Senate consent. Unless the Governor reappointed a  
21 Board member pursuant to subsection (c) of this section, the Governor shall

1 make an appointment to the Green Mountain Care Board from the list of  
2 qualified candidates submitted pursuant to subsection (b) of this section not  
3 later than 45 days after receipt of the candidate list. The appointment shall be  
4 subject to the consent of the Senate. The names of candidates submitted and  
5 not selected shall remain confidential.

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

9 Sec. 5. EFFECTIVE DATES

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

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

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

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6           (Committee vote: \_\_\_\_\_)

7

\_\_\_\_\_

8

Representative \_\_\_\_\_

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FOR THE COMMITTEE