

1 TO THE HONORABLE SENATE:

2 The Committee on Health and Welfare to which was referred House Bill
3 No. 206 entitled “An act relating to miscellaneous changes affecting the duties
4 of the Department of Vermont Health Access” respectfully reports that it has
5 considered the same and recommends that the Senate propose to the House that
6 the bill be amended as follows:

7 First: By striking out Sec. 4, federally qualified health centers; alternative
8 payment methodology; report, in its entirety and inserting in lieu thereof a new
9 Sec. 4 to read as follows:

10 Sec. 4. FEDERALLY QUALIFIED HEALTH CENTERS; ALTERNATIVE
11 PAYMENT METHODOLOGY; REPORT

12 The Department of Vermont Health Access shall collaborate with
13 representatives of Vermont’s federally qualified health centers (FQHCs) to
14 develop a mutually agreeable alternative payment methodology for Medicaid
15 payments to the FQHCs that is at least equal to the amount that would be paid
16 under the prospective payment system established under the Benefits
17 Improvement and Protection Act of 2000. On or before October 1, 2023, the
18 Department shall provide a final report on the development of the methodology
19 to the Joint Fiscal Committee, the House Committee on Health Care, and the
20 Senate Committee on Health and Welfare.

1 Sec. 6. REPEAL OF PROSPECTIVE REPEAL OF 18 V.S.A. § 9473(g)

2 2021 Acts and Resolves No. 74, Sec. E.227.2 (prospective repeal; pharmacy
3 benefit managers; 340B entities), as amended by 2022 Acts and Resolves No.
4 131, Sec. 7, is repealed.

5 Sec. 7. 18 V.S.A. § 2251 is amended to read:

6 § 2251. LIEN ESTABLISHED

7 (a) ~~A~~ Except as otherwise provided in this section, a hospital in Vermont,
8 as defined in section 1801 of this title, furnishing medical or other service,
9 including charges of private duty nurses, to a patient injured by reason of an
10 accident not covered by the Workers' Compensation Act, 21 V.S.A. § ~~601 et~~
11 ~~seq. chapter 9, shall have~~ may file a lien upon any recovery for damages to be
12 received by the patient, or by ~~his or her~~ the patient's heirs or personal
13 representatives in the case of ~~his or her~~ the patient's death, whether by
14 judgment or by settlement or compromise after the date of the services. ~~This~~
15 ~~lien shall not attach to one-third of the recovery or \$500.00, whichever shall be~~
16 ~~the lesser, and in addition the lien shall be subordinate to an attorney's lien.~~

17 (b)(1) Notwithstanding subsection (a) of this section, a hospital shall not
18 have a lien under this chapter if the patient has health insurance, including
19 coverage under Medicare, Medicaid, or a health plan issued by a health insurer,
20 as defined in section 9402 of this title, and the patient, or the patient's heirs or
21 personal representatives in the case of the patient's death, provides the hospital

1 with proof of health insurance not later than 90 days after the patient's
2 discharge from or death at the hospital.

3 (2) Notwithstanding subdivision (1) of this subsection, a hospital may
4 file a lien pursuant to subsection (a) of this section for any amount owed to the
5 hospital for the patient's deductible or coinsurance, or both, under the health
6 insurance plan for the medical or other services furnished by the hospital by
7 filing notice of a lien at least 120 days after the hospital billed the patient's
8 health insurance plan for the amount owed to the hospital for services
9 furnished to the patient.

10 (3) The patient's health insurance plan shall not deny payment for
11 services furnished by the hospital to the patient on the basis that some or all of
12 the patient's medical costs may be covered by a property and casualty
13 insurance plan, unless such denial is required or expressly permitted by State
14 or federal law.

15 (c)(1) A hospital that recovers under this chapter shall be responsible for a
16 pro rata share of the legal and administrative expenses incurred in obtaining
17 the judgment, settlement, or compromise.

18 (2) In no event shall the hospital lien exceed one-third of the net
19 judgment, settlement, or compromise received by the injured patient.

20 Sec. 8. 2022 Acts and Resolves No. 167, Sec. 2a is added to read:

21 Sec. 2a. GREEN MOUNTAIN CARE BOARD; HOSPITAL SYSTEM

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3 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE