

1 H.80

2 An act relating to the Office of the Health Care Advocate

3 The Senate proposes to the House to amend the bill by striking out all  
4 after the enacting clause and inserting in lieu thereof the following:

5 Sec. 1. 8 V.S.A. § 4062 is amended to read:

6 § 4062. FILING AND APPROVAL OF POLICY FORMS AND PREMIUMS

7 \* \* \*

8 (c)(1) The Board shall provide information to the public on the Board's  
9 website about the public availability of the filings and summaries required  
10 under this section.

11 \* \* \*

12 (3)(A) In addition to the public comment provisions set forth in this  
13 subsection (c), the Office of the Health Care Advocate established in 18 V.S.A.  
14 chapter 229, acting on behalf of health insurance consumers in this State, may,  
15 within 30 calendar days after the Board receives an insurer's rate request  
16 pursuant to this section, submit to the Board, in writing, ~~suggested~~ questions  
17 regarding with a substantial relationship to the rate filing for and review  
18 criteria that the Board to provide to shall ask the insurer, either directly or  
19 through its contracting actuary, if any.

20 (B) The Office of the Health Care Advocate may also submit to the  
21 Board written comments on an insurer's rate request. The Board shall post the

1 comments on its website and shall consider the comments prior to issuing its  
2 decision.

3 ~~(d)(1) No later than 60 calendar days after receiving an insurer's rate~~  
4 ~~request pursuant to this section, the Green Mountain Care Board shall make~~  
5 ~~available to the public the insurer's rate filing, the Department's analysis and~~  
6 ~~opinion of the effect of the proposed rate on the insurer's solvency, and the~~  
7 ~~analysis and opinion of the rate filing by the Board's contracting actuary, if~~  
8 ~~any.~~

9 ~~(2) The Board shall post on its website, after redacting any confidential~~  
10 ~~or proprietary information relating to the insurer or to the insurer's rate filing;~~

11 ~~(A) all questions the Board poses to its contracting actuary, if any,~~  
12 ~~and the actuary's responses to the Board's questions; and~~

13 ~~(B) all questions the Board, the Board's contracting actuary, if any,~~  
14 ~~or the Department poses to the insurer and the insurer's responses to those~~  
15 ~~questions~~ The Green Mountain Care Board shall post on its website or  
16 otherwise make available to the public through a file-sharing platform all  
17 materials in the record of a rate review proceeding after redacting any  
18 information or other material that the Board determines to be confidential or  
19 otherwise subject to protection from disclosure by law.

20 \* \* \*



8     Sec. 3. 18 V.S.A. chapter 229 is amended to read:

9 CHAPTER 229. OFFICE OF THE HEALTH CARE ADVOCATE

10 \* \* \*

11 § 9602. OFFICE OF THE HEALTH CARE ADVOCATE; COMPOSITION

(a) The Office of the Health Care Advocate is established as an independent voice for Vermonters that is dedicated to promoting access to high-quality, affordable health care for all.

15       **(b)** The Agency of Human Services shall maintain the Office of the Health  
16   Care Advocate by contract with any nonprofit organization.

(b)(c) The Office shall be administered by one or more directors, one of  
whom shall be the Chief Health Care Advocate, who shall be an individual  
with expertise and experience in the fields of health care and advocacy. The  
Advocate director or directors may employ legal counsel, administrative staff,

1 and other employees and contractors as needed to carry out the duties of the  
2 Office.

3 § 9603. DUTIES AND AUTHORITY

4 (a) The Office of the Health Care Advocate shall:

5 (1) Assist ~~health insurance consumers~~ Vermonters with health insurance  
6 plan selection by providing information, referrals, and assistance to individuals  
7 about means of obtaining and paying for health insurance coverage and  
8 services. The Office shall accept referrals from the Vermont Health Benefit  
9 Exchange and Exchange navigators created pursuant to 33 V.S.A. chapter 18,  
10 subchapter 1, to assist ~~consumers~~ individuals experiencing problems related to  
11 the Exchange.

12 (2) Assist ~~health insurance consumers~~ Vermonters to understand their  
13 rights and responsibilities under health insurance plans.

14 (3) Provide information to the public, agencies, members of the General  
15 Assembly, and others ~~regarding about~~ Vermonters' problems and concerns of  
16 regarding health insurance consumers and access to health care, as well as  
17 recommendations for resolving those problems and concerns.

18 (4) Identify, investigate, and resolve complaints, questions, and inquiries  
19 on behalf of individual Vermonters with respect to issues regarding health  
20 insurance ~~consumers~~ or access to health care, and assist those ~~consumers~~  
21 Vermonters with filing and ~~pursuit of~~ pursuing complaints and appeals.

1           (5) Provide ~~information to individuals~~ consumer education to  
2 Vermonters regarding their ~~obligations~~ rights and responsibilities under ~~the~~  
3 ~~Patient Protection and Affordable Care Act (Pub. L. No. 111-148)~~ State and  
4 federal laws, rules, and regulations.

5           (6) Analyze and monitor the development and implementation of  
6 federal, State, and local laws, rules, and policies relating to ~~patients and health~~  
7 ~~insurance consumers~~ health insurance and health care, with a special focus on  
8 patients' rights and eligibility for State and federal health care programs.

9           (7) ~~Facilitate~~ Ensure policymakers hear directly from Vermonters by  
10 facilitating public comment on health care-related laws, rules, processes, and  
11 policies, including policies and actions of health insurers.

12           (8) Suggest to the Green Mountain Care Board, the Department of  
13 Financial Regulation, and other entities in State government policies,  
14 procedures, or rules ~~to the Green Mountain Care Board in order to~~ that protect  
15 ~~patients' and consumers'~~ and promote the interests of Vermonters in matters  
16 related to health insurance and access to health care.

17           (9) ~~Promote the development of~~ Collaborate with other health care- and  
18 health policy-related citizen and consumer organizations to promote affordable  
19 and accessible health care for Vermonters.

20           (10) Ensure that ~~patients and health insurance consumers~~ all Vermonters  
21 have timely access to the services provided by the Office.

1           (11) Submit to the Governor; the House Committees on Health Care, on  
2       Ways and Means, and on Appropriations; and the Senate Committees on  
3       Health and Welfare, on Finance, and on Appropriations, on or before January 4  
4       15 of each year, a report on the activities, performance, and fiscal accounts of  
5       the Office during the preceding calendar year.

6           (b) The Office of the Health Care Advocate may:

7           (1) ~~Review the health insurance records of a consumer who has~~  
8       ~~provided written consent. Based on the written consent of the consumer or his~~  
9       ~~or her guardian or legal representative, a health insurer shall provide the Office~~  
10      ~~with access to records relating to that consumer. [Repealed.]~~

11          (2) Pursue administrative, judicial, and other remedies on behalf of any  
12      individual ~~health insurance consumer~~ or group of ~~consumers~~ individuals  
13      experiencing problems with health insurance or access to health care.

14          (3) Represent the interests of the people of the State ~~in cases requiring a~~  
15      ~~hearing before~~ of Vermont in matters involving health care and health  
16      insurance at the Green Mountain Care Board established in chapter 220 of this  
17      ~~title, the Department of Financial Regulation, or other State agencies.~~

18          (4) Adopt policies and procedures necessary to carry out the provisions  
19      of this chapter.

20          (5) Take any other action necessary to fulfill the purposes of this  
21      chapter.

1 (c) The Office of the Health Care Advocate shall be able to speak to  
2 Vermonters and on behalf of the interests of Vermonters in health care-  
3 and health insurance consumers insurance-related matters and to carry out all  
4 duties prescribed in this chapter without being subject to any retaliatory action;  
5 provided, however, that nothing in this subsection shall limit the authority of  
6 the Agency of Human Services to enforce the terms of the contract.

7 (d) Health care providers and health insurers shall cooperate with the  
8 Office of the Health Care Advocate by providing relevant records and  
9 information when an individual or the individual's guardian or legal  
10 representative has authorized the Office to act on the individual's behalf. A  
11 health care provider or health insurer may require the written consent of the  
12 individual or the individual's guardian or legal representative prior to  
13 providing the records or information to the Office.

14 § 9604. DUTIES OF STATE AGENCIES

15 (a) It is the intent of the General Assembly that State agencies shall seek  
16 input from the Office of the Health Care Advocate when developing or  
17 revising significant matters of State policy affecting health care access and  
18 affordability in order to ensure that Vermonters' perspectives are heard and  
19 considered through the voice of their independent advocate.

20 (b) All State agencies shall ~~comply~~ facilitate the Office's meaningful  
21 participation in health care policymaking by complying with reasonable



1 requests from the Office of the Health Care Advocate for information and,  
2 assistance, and access. A request shall be considered reasonable if it relates to  
3 the Office's statutory duties and authority.

4 (1) When appropriate, State agencies shall allow the Office to access  
5 confidential or proprietary information that is otherwise exempt from public  
6 inspection and copying under the Public Records Act and to participate in  
7 meetings, deliberations, and proceedings in which confidential or proprietary  
8 information is discussed; provided, however, that nothing in this section shall  
9 require a State agency to provide or disclose information that is prohibited  
10 from disclosure by State or federal law or that would cause the provider or  
11 discloser to violate any statutory or common law privilege.

12 (2) The Office shall not further disclose any confidential or proprietary  
13 information provided to the Office.

14 (c) The Agency of Human Services may adopt rules necessary to ensure the  
15 cooperation of State agencies under this section.

16 § 9605. CONFIDENTIALITY

17 ~~In the absence of written consent by a complainant or an individual using~~  
18 ~~the services of the Office or by his or her guardian or legal representative or~~  
19 ~~the absence of a court order, the Office of the Health Care Advocate, its~~  
20 ~~employees, and its contractors shall not disclose the identity of the complainant~~  
21 ~~or individual~~ The Office of the Health Care Advocate shall maintain the

1 confidentiality of information related to individuals using its services in  
2 accordance with all applicable State and federal laws, rules, regulations, and  
3 policies.

4 § 9606. CONFLICTS OF INTEREST

5 (a) The Office of the Health Care Advocate, its employees, and its  
6 contractors shall not have any conflict of interest relating to the performance of  
7 their responsibilities under this chapter. For the purposes of this chapter, a  
8 conflict of interest exists whenever the Office of the Health Care Advocate, its  
9 employees, or its contractors or a person affiliated with the Office, its  
10 employees, or its contractors:

11 (1) has a direct involvement in the licensing, certification, or  
12 accreditation of a health care facility, health insurer, or health care provider;

13 (2) has a direct ownership interest or investment interest in a health care  
14 facility, health insurer, or health care provider;

15 (3) is employed by or participating in the management of a health care  
16 facility, health insurer, or health care provider; or

17 (4) receives or has the right to receive, directly or indirectly,  
18 remuneration under a compensation arrangement with a health care facility,  
19 health insurer, or health care provider.

20 (b) The Office shall report any potential conflicts of interest to the Agency  
21 of Human Services.

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7 This act shall take effect on July 1, 2025.