

H.836

Introduced by Representative Berbeco of Winooski

Referred to Committee on

Date:

Subject: Health; hospitals; board meetings

Statement of purpose of bill as introduced: This bill proposes to require
hospital board meetings to be open to the public.

An act relating to publicly accessible meetings of hospital boards

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 18 V.S.A. § 1911c is added to read:

§ 1911c. HOSPITAL BOARD MEETINGS

(a) Application. This section shall apply to all regular, special, and
emergency meetings of a hospital board, whether in person or by electronic
means, as well as to any other assemblage of members of the hospital board at
which binding action is taken on behalf of the hospital or an affiliated entity.
As used in this section, “hospital board” means a hospital’s board of directors,
board of trustees, or other governing body.

(b) Public meetings; exceptions. Meetings of a hospital board shall be
open to the public and shall provide members of the public an opportunity to

1 comment, except that a hospital board may meet in executive session to
2 consider business related to the following:

3 (1) contracts or contract negotiations for which premature general public
4 knowledge would reasonably place the hospital, an affiliated entity, or another
5 person at a substantial disadvantage;

6 (2) pending or probable prosecution or civil litigation to which the
7 hospital or an affiliated entity is or is likely to be a party;

8 (3) personnel matters;

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

11 (5) confidential attorney-client communications;

12 (6) information prohibited from public disclosure by the terms of an
13 enforceable data use contract to which the hospital is bound; and

14 (7) information prohibited from public disclosure by the Health
15 Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, or
16 by any other State or federal law.

17 (c) Notice. A hospital board shall make its meeting schedule available to
18 the public by posting on the hospital's website notice of the time and place of
19 each meeting at least one week before the meeting and the agenda for each
20 meeting at least 48 hours before the meeting, except that if an unforeseen
21 occurrence or condition requires the board's immediate attention at an

1 emergency meeting, the board shall provide public notice as soon as possible
2 before the meeting occurs.

3 (d) Minutes and recordings.

4 (1) All portions of each hospital board meeting that are open to the
5 public shall either be recorded or minutes shall be taken, and the recordings
6 and minutes shall be posted on the hospital's website within five business days
7 following the meeting.

8 (2) Meeting minutes shall include the names of all hospital board
9 members present at the meeting in person or by electronic means, the names of
10 any other individuals who participated in the meeting, a summary of any public
11 comments provided at the meeting, and all actions taken or considered by the
12 hospital board during the meeting.

13 (e) Participation by electronic or other means.

14 (1) One or more members of a hospital board may attend a regular,
15 special, or emergency meeting by electronic or other means without being
16 physically present at a designated meeting location.

17 (2) Any member of a hospital board attending a meeting by electronic or
18 other means may participate fully in discussing the board's business and voting
19 to take an action, but any vote of the board that is not unanimous shall be taken
20 by roll call.

1 (3) Each member of a hospital board who attends a meeting without
2 being physically present at a designated meeting location shall:

3 (A) identify themselves when the meeting is convened; and

4 (B) be able to hear the conduct of the meeting and be heard
5 throughout the meeting.

6 (4) If a quorum or more of the members of a hospital board attend a
7 meeting without being physically present at a designated meeting location, the
8 agenda required to be posted pursuant to subsection (c) of this section shall
9 designate at least one physical location where a member of the public can
10 attend and participate in the meeting. At least one member of the hospital
11 board or one or more members of the hospital's staff shall be present at each
12 designated meeting location.

13 Sec. 2. EFFECTIVE DATE

14 This act shall take effect on July 1, 2026.