

Journal of the House

Wednesday, April 16, 2025

At one o'clock in the afternoon, the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by Ed Sunday Winters, Pastor, Greensboro United Church.

Joint Senate Resolution Adopted in Concurrence

J.R.S. 22

By Senator Baruth,

J.R.S. 22. Joint resolution relating to weekend adjournment on April 18, 2025.

Resolved by the Senate and House of Representatives:

That when the two Houses adjourn on Friday, April 18, 2025, it be to meet again no later than Tuesday, April 22, 2025.

Was taken up, read, and adopted in concurrence.

Ceremonial Reading

H.C.R. 37

Offered by Representatives Burke of Brattleboro, Goodnow of Brattleboro, and Kornheiser of Brattleboro

Offered by Senators Harrison and Hashim

House concurrent resolution congratulating Meara Seery of Brattleboro on being named Miss Vermont 2024

Whereas, the Miss Vermont contest is not merely a beauty pageant but a competition for scholarship awards that highlights the talents and interests of the contestants, who are from across the State, and

Whereas, Meara Seery, an impressive young woman from Brattleboro graduated, due to her creative initiative, debt-free from the George Washington University in Washington, DC as a photojournalism major, has worked as a digital producer in the office of U.S. Senator Bernie Sanders, among other projects documenting the impact of the devastating July 2023 flood, has been admitted to graduate school at Champlain College in Burlington, and is an outstanding vocal soloist, and

Whereas, she was one of the most promising 2024 aspirants for this honor and her first pageant experience was at the 2017 Brattleboro Winter Carnival pageant, where she won approximately \$1,500.00 in scholarship prize money, and

Whereas, initially, Meara Seery vied for the Miss Vermont title in 2021 and tried again in 2023, when she was awarded second runner-up honors and named Miss Southern Vermont, and she has also earned recognition as Miss Heart of Vermont, and

Whereas, her third attempt proved to be the pinnacle of her success, when on April 14, 2024, at a ceremony held at the Spruce Performing Arts Center in Stowe, Meara Seery was thrilled to be named Miss Vermont 2024, and she was the recipient of two scholarships, one for \$7,500.00 from the Miss Vermont Scholarship Organization, and a second for \$5,000.00 to attend the Ellis Strategies public speaking and presentation course, and

Whereas, in 2024, Meara Seery's Community Service Initiative focused on sustainability and was entitled "Green for Good," and one aspect of the project was a partnership with Green Up Vermont that resulted in a Guinness World Record for the most volunteer pledges (6,833) to clean up trash in one day, and

Whereas, although not a finalist at the Miss America contest held at Disney World in Florida from December 28, 2024 to January 5, 2025, Meara Seery enjoyed competing at this prestigious national event, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly congratulates Meara Seery of Brattleboro on being named Miss Vermont 2024, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to Meara Seery.

Having been adopted in concurrence on Tuesday, February 25, 2025 in accord with Joint Rule 16b, was read.

Ceremonial Reading

H.C.R. 71

Offered by Representative Mrowicki of Putney

Offered by Senators Harrison and Hashim

House concurrent resolution celebrating the 40th anniversary of the first class at Landmark College and extending best wishes for continued academic success

Whereas, individuals who learn differently—whether due to autism, dyslexia, attention deficit disorders, executive function challenges, or otherwise—have historically faced major impediments to fair, accessible, and quality education, and

Whereas, until four decades ago, there were not any accredited higher education institutions designed and built exclusively for individuals who learn differently, and in response to the need for this type of school, in 1983, a committed team of educators, philanthropists, and community leaders, including then Putney Select Board member and future Vermont Governor Peter Shumlin, himself dyslexic and unable to read until he was 14 years of age, established Landmark College in Putney, Vermont, and

Whereas, Landmark College accepted its first students in the fall of 1985 and quickly became the world's first accredited college for individuals with learning disabilities and learning differences, and

Whereas, over its 40-year history, Landmark College has broadened the curriculum to include other academic degrees and certificate programs, academic development and college-preparatory programs for high school students, and professional development and certificate programs for educators, and

Whereas, in addition to the academic courses, Landmark College is a global leader in advancing accessibility, inclusion, and opportunity for those who learn differently, and

Whereas, nearly 11,000 students and professionals from 55 countries have studied at Landmark College, opening new doors of opportunity for those who learn differently and preparing them for academic and career success, and

Whereas, the school is the largest employer in Putney and one of the largest year-round employers in southern Vermont, and

Whereas, the outstanding achievements of Landmark College serve as a glowing testament to the dedication and perseverance of all those associated with this unusual and respected higher education institution, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the General Assembly celebrates the 40th anniversary of the first class at Landmark College and extends best wishes for continued academic success, *and be it further*

Resolved: That the Secretary of State be directed to send a copy of this resolution to Landmark College.

Having been adopted in concurrence on Friday, April 4, 2025 in accord with Joint Rule 16b, was read.

**Committee Relieved of Consideration and Bill Committed to
Other Committee**

H. 253

Rep. Mihaly of Calais moved that the Committee on General and Housing be relieved of House bill, entitled

An act relating to workforce housing zones

And that the bill be committed to the Committee on Environment, which was agreed to.

**Second Reading; Proposal of Amendment Agreed to;
Third Reading Ordered**

S. 18

Rep. Goldman of Rockingham, for the Committee on Health Care, to which had been referred Senate bill, entitled

An act relating to licensure of freestanding birth centers

Reported in favor of its passage in concurrence with proposal of amendment by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. chapter 53 is added to read:

CHAPTER 53. BIRTH CENTER LICENSING

§ 2351. DEFINITIONS

As used in this chapter:

(1) “Birth center” means a facility the primary purposes of which are to provide midwifery care, low-risk deliveries, and newborn care immediately after delivery, for a stay of generally less than 24 hours. The term does not include a facility that is a hospital, is part of a hospital, or is owned by a hospital; a facility that is an ambulatory surgical center; or the residence of the individual giving birth. A birth center may be located on the grounds of a hospital.

(2) “Certified nurse midwife” means an advanced practice registered nurse licensed in accordance with 26 V.S.A. chapter 28, subchapter 2 who has specialized training in childbirth, newborn care, and reproductive health care services.

(3) “Change of ownership” means a change in the majority or controlling interest in an established birth center to another person.

(4) “Corrective action plan” means a written strategy for correcting an issue of partial compliance, deficiency, or violation of this chapter or rules adopted pursuant to this chapter.

(5) “Licensed maternity care provider” means a licensed provider whose professional scope of practice, as established under Vermont law, includes preconception, prenatal, labor, birth, and postpartum care and early care of a newborn and who may be the primary attendant during the perinatal period.

(6) “Licensed midwife” means a professional licensed in accordance with 26 V.S.A. chapter 85.

(7) “Licensed provider” means an individual licensed or certified in Vermont to provide specific health care-related services within a scope of practice defined by licensing statutes and rules, and may include advanced practice registered nurses, including certified nurse midwives; licensed midwives; physician assistants; naturopathic physicians with a childbirth endorsement in accordance with 26 V.S.A. §§ 4122(b) and 4125(b); and physicians.

§ 2352. LICENSE; PROHIBITIONS

(a) No person shall establish, maintain, or operate a birth center in this State without first obtaining a license for the birth center in accordance with this chapter.

(b) A birth center may be independently owned and operated by a licensed maternity care provider or any other person who complies with the requirements of this chapter.

(c) A birth center shall not offer or provide epidural anesthesia or a cesarean delivery.

(d) No person shall represent itself as a “birth center” or use the term “birth center” in its title or in its advertising, publications, or other form of communication unless the person has been licensed as a birth center in accordance with the provisions of this chapter.

(e) A license is not transferable or assignable and shall be issued only for the premises and persons named in the application.

§ 2353. APPLICATION; FEE

(a) An application for licensure of a birth center shall be made to the Department of Health in the manner specified by the Department and shall include all information required by the Department.

(b)(1) Each application for an initial license, renewal of a license, or a change of ownership shall be accompanied by a fee of \$250.00.

(2) Fees collected under this section shall be credited to the Hospital Licensing Fees Special Fund and shall be available to the Department of Health to offset the costs of licensing birth centers.

§ 2354. LICENSE REQUIREMENTS

Upon receipt of an application for a license and the licensing fee, the Department of Health shall issue a license if it determines, after an inspection conducted by the Department or its designee, that the applicant is able to operate a birth center in accordance with rules adopted by the Department.

§ 2355. REVOCATION OF LICENSE; HEARING

The Department of Health, after notice and opportunity for hearing to the applicant or licensee, is authorized to condition, deny, suspend, or revoke a license in any case in which it finds that there has been a substantial failure to comply with the requirements established under this chapter. Such notice shall be served by registered mail or by personal service, shall set forth the reasons for the proposed action, and shall set a date not less than 60 days from the date of the mailing or service on which the applicant or licensee shall be given opportunity for a hearing. After the hearing, or upon default of the applicant or licensee, the Department shall file its findings of fact and conclusions of law. A copy of the findings and decision shall be sent by registered mail or served personally upon the applicant or licensee. The procedure governing hearings authorized by this section shall be set forth in the rules adopted pursuant to section 2359 of this chapter and shall not be subject to the contested case provisions of 3 V.S.A. chapter 25, subchapter 2.

§ 2356. APPEAL

Any applicant or licensee, or the State acting through the Attorney General, aggrieved by the decision of the Department of Health after a hearing may appeal the decision in accordance with section 128 of this title. Pursuant to section 129 of this title, an appeal pursuant to this section shall not stay the effectiveness of an order entered in accordance with section 2355 of this chapter, but any party is permitted to seek a stay order in the Superior Court in which the appeal is being heard.

§ 2357. INSPECTIONS

(a) The Department of Health or its designee shall make or cause to be made such inspections and investigations as the Department or its designee deems necessary.

(b) A birth center, including its building and grounds and, in accordance with applicable law, its records, shall be subject to inspection by the Department and its designee at all times.

(c) If a birth center is found to be out of compliance with any requirement of this chapter or rules adopted pursuant to this chapter, the Department may condition, deny, suspend, revoke, or refuse to renew the birth center's license or may ask the birth center to develop and implement a corrective action plan.

(d) If the Department finds a violation as the result of an inspection or investigation, the Department shall post a report on the Department's website summarizing the violation and any corrective action required.

§ 2358. RECORDS

(a) Information received by the Department of Health through filed reports, inspections, or as otherwise authorized by law shall:

(1) not be disclosed publicly in a manner that identifies or may lead to the identification of one or more individuals or birth centers;

(2) be exempt from public inspection and copying under the Public Records Act; and

(3) be kept confidential except as it relates to a proceeding regarding licensure of a birth center.

(b) The provisions of subsection (a) of this section shall not apply to the summary reports of violations required to be posted on the Department's website pursuant to section 2357 of this chapter.

§ 2359. RULES

The Department of Health shall adopt rules in accordance with 3 V.S.A. chapter 25 as needed to carry out the purposes of this chapter. The rules shall be based on the national birth center standards published by the American Association of Birth Centers and shall, at a minimum, include provisions regarding:

(1) requirements for operating a birth center, including requirements for safety, sanitation, and health;

(2) obtaining, storing, and dispensing pharmaceuticals consistent with State and federal laws;

(3) requirements for notice to the Department of Health when there is a change in ownership of a birth center and any additional licensing requirements related to a change in ownership;

(4) the scope of services that may be provided at a birth center, including risk factors that preclude a patient from receiving labor and delivery services at a birth center;

(5) appropriate staffing for a birth center, including the types of licensed providers who may practice at a birth center;

(6) birth center complaint processes;

(7) birth center facility, equipment, and supply requirements, including requirements for the maintenance of safety, sanitation, and health;

(8) record retention and confidentiality;

(9) quality assurance and improvement;

(10) processes for the development, submission, approval, and implementation of corrective action plans;

(11) a requirement for written practice guidelines and policies that include procedures for transferring a patient to a hospital if circumstances warrant; and

(12)(A) requirements for written policies and procedures for collaboration with hospitals, other agencies and facilities, and individuals to provide services to patients as appropriate, including:

(i) laboratory and diagnostic services;

(ii) childbirth education and parenting education support services;

(iii) obstetric consultation services;

(iv) pediatric consultation services;

(v) transport services;

(vi) obstetric and newborn acute care in licensed hospitals; and

(vii) home health care services;

(B) a requirement that the policies and procedures established pursuant to subdivision (A) of this subdivision (12) are provided to the relevant service providers upon request; and

(C) a requirement that the birth center provide the health record of the patient or the newborn, or both, to the receiving service provider upon referral or transfer, in accordance with applicable privacy laws.

§ 2360. NO EFFECT ON SCOPE OF SERVICES

(a) Nothing in this chapter or in rules adopted pursuant to this chapter shall be construed to expand or limit the scope of the services that a licensed

midwife, certified nurse midwife, or other provider may offer at a birth center or perform in a space that is shared with or adjacent to a birth center.

(b) A birth center may serve as a location for additional services offered in shared or adjacent spaces, including outpatient gynecologic care, primary care, and education and support services, provided that any licensed provider providing services in those spaces shall only provide those services that are within the licensed provider's authorized scope of practice.

Sec. 2. 8 V.S.A. § 4099d is amended to read:

§ 4099d. MIDWIFERY COVERAGE; HOME BIRTHS

(a) A health insurance plan or health benefit plan providing maternity benefits shall also provide coverage for services rendered by a midwife licensed pursuant to 26 V.S.A. chapter 85 or an advanced practice registered nurse licensed pursuant to 26 V.S.A. chapter 28 who is certified as a nurse midwife for services within the licensed midwife's or certified nurse midwife's scope of practice and provided in a hospital, birth center, or other health care facility or at home.

* * *

Sec. 3. 18 V.S.A. § 9435 is amended to read:

§ 9435. EXCLUSIONS

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(i) Excluded from this subchapter are birth centers that are licensed pursuant to chapter 53 of this title or are proposed to be established and licensed pursuant to chapter 53 of this title.

Sec. 4. AGENCY OF HUMAN SERVICES; MEDICAID; REQUEST FOR
FEDERAL APPROVAL

The Agency of Human Services shall seek approval from the Centers for Medicare and Medicaid Services to allow Vermont Medicaid to cover prenatal, maternity, postpartum, and newborn services provided at a licensed birth center and to allow Vermont Medicaid to reimburse separately for birth center services, including birth center facility fees, and for professional services.

Sec. 5. EFFECTIVE DATES

(a) Sec. 1 (birth center licensing) shall take effect on January 1, 2027 or the effective date of the birth center rules adopted by the Department of Health, whichever comes first.

(b) Sec. 2 (8 V.S.A. § 4099d) shall take effect on January 1, 2027.

(c) Sec. 3 (18 V.S.A. § 9435a) shall take effect on July 1, 2025.

(d) Sec. 4 (Agency of Human Services; Medicaid; request for federal approval) shall take effect on passage, and the Medicaid coverage shall begin on the later of the date of approval or the effective date of the birth center rules adopted by the Department of Health.

(e) This section shall take effect on passage.

Rep. Branagan of Georgia, for the Committee on Ways and Means, recommended that the bill pass in concurrence with proposal of amendment as recommended by the Committee on Health Care.

Rep. Yacovone of Morristown, for the Committee on Appropriations, recommended that the bill pass in concurrence with proposal of amendment as recommended by the Committee on Health Care.

The bill, having appeared on the Notice Calendar, was taken up, read the second time, the report of the Committee on Health Care agreed to, and third reading ordered.

Action on Bill Postponed

S. 28

Senate bill, entitled

An act relating to access to certain legally protected health care services

Was taken up and, pending second reading, on motion of **Rep. Berbeco of Winooski**, action on the bill was postponed until April 17, 2025.

Message from the Senate No. 41

A message was received from the Senate by Ms. Gradel, its Assistant Secretary, as follows:

Madam Speaker:

I am directed to inform the House that:

The Senate has considered a bill originating in the House of the following title:

H. 259. An act relating to preventing workplace violence in hospitals.

And has concurred therein.

Adjournment

At one o'clock and forty-nine minutes in the afternoon, on motion of **Rep. McCoy of Poultney**, the House adjourned until tomorrow at one o'clock in the afternoon.