

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Health Care to which was referred Senate Bill No. 189
3 entitled “An act relating to establishing a process for reducing or eliminating
4 hospital services” respectfully reports that it has considered the same and
5 recommends that the House propose to the Senate that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

8 Sec. 1. 18 V.S.A. § 9405d is added to read:

9 § 9405d. HOSPITAL SERVICE ELIMINATIONS; NOTICE REQUIRED

10 (a)(1)(A) A hospital that is considering eliminating any of the following
11 services shall provide a preliminary notice of intent to the Agency of Human
12 Services, the Green Mountain Care Board, and the Office of the Health Care
13 Advocate as set forth in subdivision (B) of this subdivision (1):

14 (i) emergency department services;

15 (ii) primary care services, including closing a site at which

16 primary care services are provided;

17 (iii) obstetrics;

18 (iv) perinatal care;

19 (v) inpatient psychiatric services;

20 (vi) treatment for substance use disorder, including medication for
21 opioid use disorder;

1 (vii) dialysis, including closing a site at which dialysis services are
2 provided; or

3 (viii) inpatient pediatric services.

4 (B) The information to be provided by the hospital in its preliminary
5 notice of intent shall include:

6 (i) the rationale for the proposed elimination;

7 (ii) the financial impacts on the hospital both of maintaining the
8 service and of eliminating the service; and

9 (iii) a description of all possible alternatives to the proposed
10 elimination that were considered and the reasons they were not pursued.

11 (2) The Agency of Human Services shall evaluate the information
12 provided by the hospital in its preliminary notice of intent pursuant to
13 subdivision (1) of this subsection, the financial impact of the proposed
14 elimination on Vermont’s health care system, and the impact of the proposed
15 elimination on access to health care services in the region.

16 (3)(A) The Agency and the Green Mountain Care Board may consult
17 with a hospital that has submitted a preliminary notice of intent pursuant to
18 subdivision (1) of this subsection (a) regarding the proposed elimination in
19 order to explore opportunities to maintain the service or otherwise to address
20 the circumstances that prompted the proposed elimination.

1 (B) A hospital that is considering eliminating any service other than
2 those listed in subdivisions (1)(A)(i)–(viii) of this subsection (a) may choose to
3 provide a preliminary notice of intent to the Agency of Human Services and
4 the Green Mountain Care Board that includes the information described in
5 subdivision (1)(B) of this subsection (a) and to engage with the Agency and the
6 Board in the consultation process set forth in subdivision (A) of this
7 subdivision (3).

8 (4) All information and materials related to a preliminary notice of
9 intent and related consultation pursuant to this subsection, including all
10 materials provided by the hospital to the Agency or the Board, shall be exempt
11 from public inspection and copying under the Public Records Act and shall be
12 kept confidential, except that the Agency and the Board shall provide access to
13 information and materials related to the proposed elimination of a service
14 described in subdivisions (1)(A)(i)–(viii) of this subsection to the Office of the
15 Health Care Advocate, which shall not further disclose this confidential
16 information.

17 (b)(1) If a hospital elects to proceed with the proposed elimination of a
18 service described in subdivisions (a)(1)(A)(i)–(viii) of this section after
19 engaging in the processes set forth in subsection (a) of this section, then within
20 90 days after the hospital provided the preliminary notice of intent required by
21 subdivision (a)(1) of this section or upon the conclusion of the confidential

1 consultation process set forth in subdivisions (a)(3) and (4) of this section,
2 whichever occurs first, the hospital shall provide a notice of intent to the
3 Agency of Human Services, the Green Mountain Care Board, the Office of the
4 Health Care Advocate, and the members of the General Assembly who
5 represent the hospital service area.

6 (2) The notice of intent required by subdivision (1) of this subsection
7 shall:

8 (A) explain the rationale for the proposed elimination;

9 (B) set forth a proposed timeline for the proposed elimination and a
10 transition plan;

11 (C) be provided not less than 60 days prior to the effective date of the
12 proposed elimination;

13 (D) be posted on the hospital’s website; and

14 (E) be published in a newspaper of general circulation in the hospital
15 service area within 10 days after notice is provided pursuant to subdivision (1)
16 of this subsection (b).

17 (3) In addition to the notice of intent required by subdivision (1) of this
18 subsection, the hospital shall conduct a public engagement process, including
19 holding one or more public hearings in the county in which the hospital is
20 located and soliciting and responding to public comments, regarding the
21 proposed service elimination. The public engagement process shall continue

1 for not less than 30 days following the notice required pursuant to subdivision
2 (1) of this subsection. The hospital shall provide a summary of the
3 community’s response to the proposal, including the public comments
4 received, to the Agency of Human Services, the Green Mountain Care Board,
5 and the Office of the Health Care Advocate following the conclusion of the
6 public engagement process.

7 (c) If a hospital elects to proceed with eliminating a service described in
8 subdivisions (a)(1)(A)(i)–(viii) of this section after completing the processes
9 set forth in subsections (a) and (b) of this section, then within five business
10 days after making the decision to proceed, the hospital shall notify the Agency
11 of Human Services to inform the Agency’s health care system transformation
12 efforts and the Statewide Health Care Delivery Strategic Plan and the Green
13 Mountain Care Board to enable the Board to review the impact on the
14 hospital’s budget pursuant to subdivision 9456(e)(2) of this title.

15 Sec. 2. 18 V.S.A. § 9456 is amended to read:

16 § 9456. BUDGET REVIEW

17 * * *

18 (e)(1) The Board, in consultation with the Vermont Program for Quality in
19 Health Care, shall utilize mechanisms to measure hospital costs, quality, and
20 access and alignment with the Statewide Health Care Delivery Strategic Plan,
21 once established.

1 ~~(2)(A) Except as provided in subdivision (D) of this subdivision (e)(2), a~~
2 ~~hospital that proposes to reduce or eliminate any service in order to comply~~
3 ~~with a budget established under this section shall provide a notice of intent to~~
4 ~~the Board, the Agency of Human Services, the Office of the Health Care~~
5 ~~Advocate, and the members of the General Assembly who represent the~~
6 ~~hospital service area not less than 45 days prior to the proposed reduction or~~
7 ~~elimination.~~

8 ~~(B) The notice shall explain the rationale for the proposed reduction~~
9 ~~or elimination and describe how it is consistent with the Statewide Health Care~~
10 ~~Delivery Strategic Plan, once established, and the hospital's most recent~~
11 ~~community health needs assessment conducted pursuant to section 9405a of~~
12 ~~this title and 26 U.S.C. § 501(r)(3).~~

13 ~~(C) The Board may evaluate the proposed reduction or elimination for~~
14 ~~consistency with the Statewide Health Care Delivery Strategic Plan, once~~
15 ~~established and the community health needs assessment, and may modify the~~
16 ~~hospital's budget or take such additional actions as the Board deems~~
17 ~~appropriate to preserve access to necessary services.~~

18 ~~(D) A service that has been identified for reduction or elimination in~~
19 ~~connection with the transformation efforts undertaken by the Board and the~~
20 ~~Agency of Human Services pursuant to 2022 Acts and Resolves No. 167 does~~
21 ~~not need to comply with subdivisions (A)–(C) of this subdivision (e)(2).~~

