

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Health Care to which was referred Senate Bill No. 63  
3 entitled “An act relating to modifying the regulatory duties of the Green  
4 Mountain Care Board” respectfully reports that it has considered the same and  
5 recommends that the House propose to the Senate that the bill be amended as  
6 follows:

7 First: By striking out Sec. 7, 18 V.S.A. § 9456, in its entirety and inserting  
8 a new Sec. 7 to read as follows:

9 Sec. 7. 18 V.S.A. § 9456 is amended to read:

10 § 9456. BUDGET REVIEW

11 (a) The Board shall conduct reviews of each hospital’s proposed budget  
12 based on the information provided pursuant to this subchapter and in  
13 accordance with a schedule established by the Board. Notwithstanding any  
14 provision of 3 V.S.A. chapter 25 to the contrary, the Board’s review,  
15 establishment, and enforcement of hospital budgets under this section shall not  
16 be construed to be a contested case. Any person aggrieved by a final Board  
17 action, order, or determination under this section may appeal as set forth in  
18 section 9381 of this title.

19 \* \* \*

1 (d)(1)(A) Annually, the Board shall establish a budget for each general  
2 hospital, as defined in section 1902 of this title, on or before September 15,  
3 followed by a written decision by on or before October 1.

4 (B) Annually, the Board shall establish a budget for each psychiatric  
5 hospital, as defined in section 1902 of this title but excluding those conducted,  
6 maintained, or operated by the State of Vermont, on or before December 15,  
7 followed by a written decision on or before December 31.

8 (C) Each hospital shall operate within the budget established under  
9 this section.

10 \* \* \*

11 (h)(1) If a hospital violates a provision of this section, the Board may  
12 maintain an action in the Superior Court of the county in which the hospital is  
13 located to enjoin, restrain, or prevent such violation.

14 (2)(A) After notice and an opportunity for hearing, the Board may  
15 impose on a person who knowingly violates a provision of this subchapter, or a  
16 rule adopted pursuant to this subchapter, a civil administrative penalty of ~~no~~  
17 not more than \$40,000.00, or in the case of a continuing violation, a civil  
18 administrative penalty of ~~no~~ not more than \$100,000.00 or one-tenth of one  
19 percent of the gross annual revenues of the hospital, whichever is greater. This  
20 subdivision shall not apply to violations of subsection (d) of this section caused  
21 by exceptional or unforeseen circumstances.

1 (B)(i) The Board may order a hospital to:

2 \* \* \*

3 (ii) Orders issued under this subdivision (2)(B) shall be issued

4 after notice and an opportunity to be heard, except where the Board finds that a

5 hospital's financial or other emergency circumstances pose an immediate

6 threat of harm to the public or to the financial condition of the hospital. Where

7 there is an immediate threat, the Board may issue orders under this subdivision

8 (2)(B) without written or oral notice to the hospital. Where an order is issued

9 without notice, the hospital shall be notified of the right to a hearing at the time

10 the order is issued. The hearing shall be held within 30 days after receipt of

11 the hospital's request for a hearing, and a decision shall be issued within 30

12 days after conclusion of the hearing. The Board may increase the time to hold

13 the hearing or to render the decision for good cause shown. ~~Hospitals may~~

14 ~~appeal any decision in this subsection to Superior Court. Appeal shall be on~~

15 ~~the record as developed by the Board in the administrative proceeding and the~~

16 ~~standard of review shall be as provided in 8 V.S.A. § 16.~~

17 Second: By striking out Sec. 10, effective dates, in its entirety and inserting

18 a new Sec. 10 to read as follows:

(a) In Sec. 5, (18 V.S.A. § 9382), subsection (a) shall take effect on January 1, 2027 and subsections (b)–(g) shall take effect on January 1, 2026.

(b) Secs. 6 (18 V.S.A. § 9454) and 7 (18 V.S.A. § 9456) and this section shall take effect on passage.

(c) The remaining sections shall take effect on July 1, 2025.

(Committee vote: \_\_\_\_\_)

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Representative \_\_\_\_\_

FOR THE COMMITTEE