

1 TO THE HONORABLE SENATE:

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

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

8 § 9405d. HOSPITAL SERVICE REDUCTIONS; APPROVAL NOTICE

9 REQUIRED

10 (a) A hospital shall not reduce or eliminate any service without approval  
11 from the Secretary of Human Services as set forth in this section.

12 (b) A hospital that proposes to reduce or eliminate a any service shall:

13 (1) Provide a notice of intent to the Agency of Human Services, the  
14 Green Mountain Care Board, the Office of the Health Care Advocate, and the  
15 members of the General Assembly who represent the hospital service area not  
16 less than 60 days prior to the proposed reduction or elimination. The notice  
17 shall explain the rationale for the proposed reduction or elimination and  
18 describe how it is consistent with the Statewide Health Care Delivery Strategic  
19 Plan, once established, and the hospital’s most recent community health needs  
20 assessment conducted pursuant to section 9405a of this title and 26 U.S.C.  
21 § 501(r)(3).

1           (2) Post the notice of intent on the hospital’s website beginning on or  
2           before the day on which the notice is provided pursuant to subdivision (1) of  
3           this subsection.

4           (3) Publish the notice in a newspaper of general circulation in the  
5           hospital service area within 10 days after notice is provided pursuant to  
6           subdivision (1) of this subsection.

7           (4) Conduct a public engagement process, including holding one or  
8           more public hearings in the county in which the hospital is located and  
9           soliciting and responding to public comments, regarding the proposed service  
10          reduction or elimination. The public engagement process may begin prior to  
11          providing the notice required by subdivision (1) of this subsection and shall  
12          continue for not less than 30 days following the notice. The hospital shall  
13          provide a summary of the community’s response to the proposal, including the  
14          public comments received, to the Agency of Human Services weekly during  
15          following the conclusion of the public engagement process.

16          ~~(c)(1) The Agency of Human Services shall review the proposed service~~  
17          ~~reduction or elimination for consistency with the Statewide Health Care~~  
18          ~~Delivery Strategic Plan, once established, and the community health needs~~  
19          ~~assessment, and shall consider the community’s response and the impact of the~~  
20          ~~proposal on access to necessary care and services in the hospital service area.~~

**(d)(b)** If the Agency approves a service reduction or elimination pursuant to this section, the Agency **a hospital elects to proceed with reducing or eliminating a service after completing the process set forth in subsection (a) of this section, the hospital** shall notify the Green Mountain Care Board within five business days **following the hospital's decision to reduce or eliminate the service** to enable the Board to review the impact on the hospital's budget pursuant to subdivision 9456(e)(2) of this title.

## § 9456. BUDGET REVIEW

\* \* \*

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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).~~

(3) The Board, in collaboration with the Department of Financial Regulation, shall monitor the implementation of any authorized ~~decrease~~ reduction in or elimination of hospital services to determine its benefits to Vermonters or to Vermont's health care system, or both.

\* \* \*

This act shall take effect on passage.

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

2 \_\_\_\_\_

3 Senator \_\_\_\_\_

4 FOR THE COMMITTEE