

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; NOTICE REQUIRED

9 (a) A hospital that proposes to reduce **(scope of reduction?)** or eliminate
10 any **(specific types of services? Exclude those related to unavailability of**
11 **clinicians?)** service shall:

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

16 **(b)(4) Beginning on or before submission of the first Statewide Health**
17 **Care Delivery Strategic Plan pursuant to subdivision 9403(d)(3) of this**
18 **title, the Agency of Human Services shall:**

19 **(1) review the analyze each proposed service reduction or elimination**
20 **for consistency with the Statewide Health Care Delivery Strategic Plan, once**
21 **established, and the community health needs assessment, and shall;**

~~(d)(c)~~ If a hospital elects to proceed with reducing or eliminating a service after completing the process set forth in subsection (a) of this section, **then within five business days after making the decision to proceed,** the hospital shall notify the **Agency of Human Services to inform the Agency's health care system transformation efforts and future versions of the Strategic Plan and 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.

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

§ 9456. BUDGET REVIEW

* * *

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

1 ~~(2)(A) Except as provided in subdivision (D) of this subdivision (c)(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 (c)(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 (keep on passage or delay and keep current process until closer to January 2028, when first Strategic Plan is due?).

1 and that after passage the title of the bill be amended to read: “An act relating
2 to establishing a process for reducing or eliminating hospital services”

3

4 (Committee vote: _____)

5

6

Senator _____

7

FOR THE COMMITTEE