

1 S.80

2 Introduced by Senators Pearson and Sirotkin

3 Referred to Committee on

4 Date:

5 Subject: Health; hospitals; Green Mountain Care Board; certificate of need;
6 health information exchange

7 Statement of purpose of bill as introduced: This bill proposes to require a
8 hospital to obtain a certificate of need from the Green Mountain Care Board
9 prior to entering into a lease of real property in excess of certain monetary
10 thresholds. It would also require the State's Health Information Technology
11 Plan to include providing individuals with the opportunity to opt out of having
12 their health information shared with health care providers through the State's
13 health information exchange.

14 An act relating to certificates of need for hospital leases and an opt-out
15 consent policy for the health information exchange

16 It is hereby enacted by the General Assembly of the State of Vermont:

17 Sec. 1. 18 V.S.A. § 9434 is amended to read:

18 § 9434. CERTIFICATE OF NEED; GENERAL RULES

19 * * *

1 (b) A hospital shall not develop or have developed on its behalf a new
2 health care project without issuance of a certificate of need by the Board. For
3 purposes of this subsection, a “new health care project” includes the following:

4 (1)(A) The construction, development, purchase, renovation, or other
5 establishment of a health care facility, or any capital expenditure by or on
6 behalf of a hospital, for which the capital cost exceeds \$3,000,000.00.

7 (B) The lease of real property for which the expenditure by or on
8 behalf of a hospital would be one or both of the following:

9 (i) \$1,500,000.00 or more over the life of the lease, based on the
10 actual length of the lease; or

11 (ii) \$3,000,000.00 or more, regardless of the actual length of the
12 lease, if the terms of the lease were applied as though the lease were for a 10-
13 year period.

14 * * *

15 Sec. 2. 18 V.S.A. § 9351(b) is amended to read:

16 (b) The Health Information Technology Plan shall:

17 * * *

18 (7) integrate the information technology components of the Blueprint for
19 Health established in chapter 13 of this title, the Agency of Human Services’
20 Enterprise Master Patient Index and all other Medicaid management
21 information systems being developed by the Department of Vermont Health

1 Access, information technology components of the quality assurance system,
2 the program to capitalize with loans and grants electronic medical record
3 systems in primary care practices, and any other information technology
4 initiatives coordinated pursuant to 3 V.S.A. § 3027; ~~and~~

5 (8) provide individuals with the opportunity to opt out of having their
6 health information shared with any identified health care provider, or with all
7 health care providers, through the State's health information exchange, except
8 in an emergency situation; and

9 (9) address issues related to data ownership, governance, and
10 confidentiality and security of patient information.

11 Sec. 3. EFFECTIVE DATE

12 This act shall take effect on July 1, 2019.