

2023 Legislative Session Adjourns With Veto Session Looming

Amidst divisive disagreements about how to increase funding for Vermont's childcare system and whether to extend funding for Vermont's hotel program for the unhoused, the final gavel fell on Vermont's 2023 session on May 12th, 2023. Lawmakers have gone back to their districts to breathe a momentary sigh of relief before they return to address vetoes by Governor Scott during the scheduled veto-session on June 20th-22nd. After working closely with legislators throughout the session on priority bills, the VMS Policy team has actively been tracking the Governor's actions to see what legislation he will sign into law, what will go into law without his signature, and what he will veto. For the Governor's action on all 2023 legislation [click here](#).

As anticipated, the Governor has vetoed the Legislature's agreement on the \$8.5 billion fiscal year 2024 budget. When lawmakers return in June the Democratic supermajority in both the House and Senate hopes to override the Governor's veto on the budget and other bills, and maybe then we can all celebrate the good work accomplished by so many lawmakers and legislative staff members.

The VMS has already thanked the incredible lawmakers, who prioritized primary care by supporting a substantial increase in Medicaid rates in the final FY24 Budget. Consistent with VMS advocacy and testimony, the Senate has agreed with a House proposal to increase to 110% of Medicare the Medicaid rates for primary care services and to provide the MEI inflationary increase of 3.8% for all other services in the Medicaid professional fee schedule. Pending changes to the state budget in the veto session, these rate increases would go into effect July 1.

Other VMS priority legislation that advanced this session includes:

- **Patient Centered Medical Home Pilot Expansion in FY24 Budget:** The Senate has agreed to a pilot of increased investments in embedded staff co-located at primary care practices to support mental health and substance use disorder screening, referrals and treatment.
- **Suicide Prevention bill: [H.230](#),** as passed by both the House and Senate, includes a provision requiring safe-storage for firearms and also includes a 72-hour waiting period for the purchase of firearms. The Governor has said he supports the storage requirements but does not believe the waiting period is evidence-based. Last Thursday, the Governor allowed H. 230 to go into law without his signature. See the full article above.
- **“Shield laws,”** protecting those who receive or provide reproductive health care services and gender-affirming care: [H.89](#) and [S.37](#) have been signed into law by Governor Scott! These laws protect those who seek or provide legally protected health care activity from out of state judicial or disciplinary action. In light of the federal lawsuits challenging their FDA-approval status, and due to advocacy by VMS and quick action by legislators, both bills now also include protections for medication used to terminate pregnancy. “Today, we reaffirm once again that Vermont stands on the side of privacy, personal autonomy and reproductive liberty, and that providers are free to practice without fear,” Republican Gov. Phil Scott said in a statement.
- **[S.36](#), Addressing Violence Against Health Care Workers:** this legislation that permits an arrest without a warrant for violent or threatening behavior in hospital settings has been signed into law by Governor Scott and went into effect upon passage. A number of VMS members shared personal stories testifying in favor of this important bill. The new law includes two studies: one requires Vermont Program for Quality Health Care (VPQHC), along with stakeholders, to develop de-escalation practices and recommendations on best policies to minimize violence in health care settings and another report requires the Department of Public Safety to report back on data collection on the demographics and number of violent incidences.

- **S. 222, Expanding Access to Opiate Treatment and Harm Reduction:** The VMS is happy to report the Governor signed this opioid overdose prevention bill into law. This new law prohibits step therapy for any prescription for substance use disorder; allows telehealth for MOUD to the extent allowed federally; and distributes Vermont's opiate settlement fund dollars. The legislation also removes many MOUD prior authorization requirements and allows on-site community drug-checking service providers to test substances that may contain a regulated drug to analyze their composition to mitigate risks and prevent overdose. This bill went into effect immediately except for the prior authorization section which takes effect January 1, 2024.
- **Forensic Mental Health:** The Governor has signed [S.89](#), which establishes a 9-bed forensic mental health care facility, and [S.91](#) which puts competency restoration practices in place in Vermont. This legislation was a priority for the Vermont Psychiatric Association (VPA) and the VMS this session.

VMS has also been engaged on the following issues:

- **Cannabis Regulation:** To date, VMS has fought off legislative proposals to eliminate a THC potency cap on cannabis, add additional conditions to Vermont's cannabis for "symptom relief" program and expand advertising. [H.270](#), this year's cannabis bill, includes a number of agricultural and license changes, and tasks the Cannabis Control Board to work with medical professionals to make recommendations to improve the medical cannabis registry. This bill has not been sent to the Governor as of yet, but we do anticipate him signing it.
- **Adult Protective Services:** [H.171](#) overhauls Vermont's Adult Protective Services statute, including the circumstances when a mandated reporter needs to make a report about abuse involving a vulnerable adult. VMS successfully advocated for the removal of a change to current statute in the bill that would have defined negligent medical acts as "abuse" or "neglect" that are required to be reported to APS. This bill awaits being sent to the Governor's desk.
- **Cybersecurity:** [H.291](#) creates a new statewide Cybersecurity Advisory Council. The bill as passed the House would also have authorized the Council to "review and approve cybersecurity standards," and tasked the Green Mountain Care Board with developing cybersecurity standards for health care entities, which VMS and other health care organizations were concerned would lead to duplicative regulatory standards. This portion of the bill was removed in the Senate and the House agreed to the changes. This bill also awaits being sent to the Governor's desk.
- **Scope of Practice:** Building off of their expanded role during the pandemic, pharmacists have sought to expand their authority to administer CLIA-waived tests and treat certain conditions; while they will keep authority to administer flu and COVID-19 vaccines, VMS has deferred other changes to a summer work group as part of [H.305](#). This bill was recently vetoed by the Governor due to increased licensing fees. The legislature will likely address this veto during their June session. In [H.473](#), VMS supported a change to allow radiology assistants to be supervised remotely, as long as the radiologist and radiology assistant work for the same facility or an affiliate of the facility. Psychology prescribing received a hearing but will not be taken up further this session, pending a report by Vermont's Office of Professional Regulation. VMS was neutral on a number of interstate licensing compact bills, addressing physical therapy, audiology and psychology.