

**STATE OF VERMONT
GREEN MOUNTAIN CARE BOARD**

In re: Application of Green Mountain Realty LLC,)
Green Mountain Nursing and Rehabilitation)
Center LLC, White River Property LLC, and)
Brookside Nursing and Rehabilitation Center LLC)
_____)

GMCB-017-14con

CERTIFICATE OF NEED

The Green Mountain Care Board issues this certificate of need (CON) pursuant to 18 V.S.A. § 9431 *et seq.* (Health Facility Planning) to Green Mountain Realty LLC, Green Mountain Nursing and Rehabilitation Center LLC, White River Property LLC, and Brookside Nursing and Rehabilitation Center LLC (the applicants) for the purchase of two Vermont skilled nursing facilities. The Board issues this CON based on the Findings of Fact and Conclusions of Law in the Statement of Decision and Order in this docket, and subject to the requirements and conditions set forth below.

Project Description and Scope

Yechiel Landau, Shmuel Love, Abraham Rubin and Eli Skaist formed four separate corporate entities to purchase the real estate and operations of two existing skilled nursing facilities. Green Mountain Realty LLC and Green Mountain Nursing and Rehabilitation LLC were formed to purchase the real estate and operations of Green Mountain Nursing Home (Green Mountain), a 73-bed facility in Colchester. White River Property LLC and Brookside Nursing and Rehabilitation Center LLC were formed to purchase the real estate and operations of Brookside Nursing Home (Brookside), a 67-bed facility located in White River Junction.

The total cost of purchasing Green Mountain is \$4,035,514 and will be financed with a \$2,912,000 HUD loan and \$1,123,514 in equity from Landau and Love. The total cost of purchasing Brookside is \$3,958,764 and will be financed with a \$2,976,000 HUD loan and \$982,764 in equity from Landau and Love.

The Project is outlined in greater detail in the Statement of Decision and Order in this docket, incorporated herein and issued today by the Board.

Requirements and Conditions

The Project as proposed, subject to the following requirements and conditions, meets the statutory criteria set forth in Section 9437 of Title 18:

1. The applicants shall develop and operate the Project in strict compliance with the Project scope as described in the application, in other materials in the record submitted by the applicants, and in strict conformance to the Findings of Fact and Conclusions of Law as

set forth in the Statement of Decision and Order, and subject to the requirements and conditions herein.

2. The Project as described in the application shall be fully implemented within six (6) months of the date of this certificate of need, or the certificate of need shall become invalid and deemed revoked.
3. Noncompliance with any provision of this certificate of need or with applicable ordinances, rules, laws and regulations constitutes a violation of this certificate of need and may be cause for enforcement action pursuant to 18 V.S.A. §§ 9445, 9374(i), and any other applicable law.
4. This certificate of need is not transferable or assignable and is issued only for the premises and entities named in the application.
5. If the applicants contemplate or become aware of a potential or actual nonmaterial change, as defined in 18 V.S.A. § 9432(12), or a material change as defined in 18 V.S.A. § 9432(11), to the scope or cost of the Project described in its application and as designated in this certificate of need, the applicants shall file a notice of such change immediately with the Board. The Board shall review the proposed change and advise the applicants whether the proposed change is subject to review.
6. The applicants shall file three (3) implementation reports with the Green Mountain Care Board. The first report shall be filed with the Board six months from the date on which the applicants commence ownership and operations of Green Mountain and Brookside; subsequent reports shall be filed at six-month intervals thereafter.

The implementation reports shall include but not be limited to the following information and analysis which the Board may in its discretion require the applicants to present at public meeting:

- a. Information demonstrating that the Project is in conformance with the scope of the Project as described in the application. Such reports must identify any changes to the financing sources or ownership interests relating to the Project;
- b. A copy of the most recent CMS “Nursing Home Compare” ratings for each of the two facilities, which shall include detail on all reported categories including quality measures and surveys conducted;
- c. A summary of any changes made to, or changes planned for, facility staffing in each of the two facilities, including but not limited to increases or decreases in the numbers or types of clinical staff and changes to staff-to-patient ratios;
- d. Verification that no material or nonmaterial changes have occurred or are contemplated.

7. After notice and an opportunity to be heard, the Board may in its discretion make such further orders as it finds necessary or appropriate to accomplish the purposes of this certificate of need and to ensure compliance with its terms and conditions.
8. All reports, notices, forms, information or submissions of any kind required to be submitted to the Board as a condition of this certificate of need shall be signed by the applicants' chief executive officer and verified by the chief executive officer, or by his or her designated representative.
9. The conditions and requirements contained in this certificate of need shall remain in effect for the duration of the reporting period defined in paragraph 6, above.

SO ORDERED.

Dated: August 27, 2015 at Montpelier, Vermont.

s/ Alfred Gobeille)	GREEN MOUNTAIN
)	CARE BOARD
s/ Cornelius Hogan)	OF VERMONT
)	
s/ Jessica Holmes)	
)	
s/ Betty Rambur)	
)	
s/ Allan Ramsay)	

Filed: August 27, 2015