

**Green Mountain Care Board**  
144 State Street  
Montpelier, VT 05602

802-828-2177  
www.gmcbboard.vermont.gov

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*Susan Barrett, JD, Executive Director*

**DELIVERED ELECTRONICALLY**

May 7, 2019

Ms. Shireen Hart, Esq.  
Primmer, Piper, Eggleston & Cramer, PC  
30 Main St., Suite 500  
P.O. Box 1489  
Burlington VT 05402

**RE: Docket No. GMCB-009-19con, Renovations and Substantial Remediations to Remedy Ligature Risks at Rutland Regional Medical Center. Project Cost: \$3,463,820 to \$4,000,000.**

Dear Shireen:

Thank you for your letter seeking leave to submit an emergency certificate of need (CON) application for the above-referenced project. Based on your letter, the proposed project is for the repair, replacement, rebuilding, or reequipping of part of a health care facility due to circumstances beyond the applicant's control, namely a new application of accreditation standards regarding ligature risks. Furthermore, given the risks to patient safety and the potential for an immediate jeopardy citation, circumstances require action in less time than normally required for CON review. Therefore, based on your letter, we conclude that the proposed project is appropriate for emergency review under 18 V.S.A. § 9440(e) and Green Mountain Care Board Rule 4.000: Certificate of Need, § 4.303.

The application must include a detailed description of the proposed project, by component, the affected areas of the hospital subject to renovation and/or remediation, the need for the proposed project, the cost of the individual components of the project (and the total project cost), and any financing arrangements. Also include a description of renovation and remediation of ligature risks, construction of additional beds, any temporary or permanent displacement of services relating to the project, and, if applicable, any health information technology components of the project.

As you may be aware, the Vermont Legislature made several changes to the State's CON law in Act 167 (2018). Note that as amended, 18 V.S.A. § 9437(1)(C) continues to reference the Health Resource Allocation Plan (HRAP), which the Board is currently working to update. Because the update is not yet completed, however, the application should address current HRAP standards. The HRAP Standards that apply to the proposed project are Standards 1.7, 1.9, 1.10, 1.12, and 3.4. Additionally, the statutory criteria set forth in 18 V.S.A. § 9437(2)-(5) and (7-9) apply to your application.



Detailed financial information must be provided for the project and explain the impact of the project on change in charges. The required financial tables can be downloaded from and uploaded to Adaptive Insights when completed. Please contact Kelly Theroux at [kelly.theroux@vermont.gov](mailto:kelly.theroux@vermont.gov) with any questions regarding the financial tables or Adaptive Insights.

Please send your response electronically to [donna.jerry@vermont.gov](mailto:donna.jerry@vermont.gov), and also provide one three-hole punched hard copy with a Verification Under Oath to the Green Mountain Care Board, 144 State Street, Montpelier, Vermont 05602, Attention: Donna Jerry.

If you have further questions, please do not hesitate to contact me at 802-828-2918.

Sincerely,

*s/ Donna Jerry*

Donna Jerry

Senior Health Policy Analyst

cc. Michael Barber, General Counsel

