

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

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**DELIVERED ELECTRONICALLY**

May 15, 2019

Ms. Shireen Hart, Esq.  
Primmer, Piper, Eggleston & Cramer  
30 Main St., Suite 500  
Burlington, VT 05402

**RE: Docket No. GMCB-013-16con, The Pines at Rutland Center for Nursing and Rehabilitation, Renovation of Floors Three and Four, Total Project Cost \$3,772,009.**

Dear Shireen:

Thank you for your May 1, 2019 letter asking the Board to find that an expansion of the parking lot at The Pines at Rutland Center for Nursing and Rehabilitation (The Pines) constitutes a nonmaterial change to the above-referenced project that does not merit Board review.

National Health Care Associates, Inc., the owner of The Pines, was granted a Certificate of Need (CON) on May 22, 2017 to complete renovations and cosmetic upgrades to the third and fourth floors of the facility. The parking lot expansion was not anticipated or included in the project. Your letter states that the total cost of the renovation project is now expected to be \$3,200,000, approximately \$500,000 under the approved project cost of \$3,772,009. Because the renovation project is expected to come in under budget and the parking lot expansion is needed to accommodate increased staff and visitors, your client would like to include the parking lot expansion, projected to cost \$325,000, in the existing project, as doing so is not expected to exceed the total of the \$3,772,009 approved in the CON issued.

The parking lot expansion does not constitute a new health care project as defined in 18 V.S.A. § 9434 or increase the total costs of the project by more than 10 percent of the approved amount. However, it does otherwise modify the scope of the project and is therefore a nonmaterial change 18 V.S.A. § 9432(12). The Board may, in its discretion, review nonmaterial changes. 18 V.S.A. § 9444(b)(2); GMCB Rule 4.000, § 4.600.3. However, we agree that this nonmaterial change does not merit further review by the Board. Under Rule 4.000, § 4.600.3, the CON is deemed amended to incorporate the change.

If you have any 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  
Green Mountain Care Board

