

Green Mountain Care Board
144 State Street
Montpelier, VT 05602

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

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SENT ELECTRONICALLY

March 25, 2020

Karen Godnick Barber, Esq.
Vermont Department of Mental Health
280 State Drive, NOB 2 North
Waterbury, VT 05671

RE: Docket No. GMCB-002-20con, Stand-Up Emergency Hospital at Woodside in South Burlington for Psychiatric Patients Testing Positive for COVID-19.

Dear Ms. Barber:

Thank you for your email regarding the Vermont Department of Mental Health's (DMH) plan for a stand-up emergency hospital for psychiatric patients who test positive for COVID-19 and are in Emergency Departments awaiting placement. We recommend that you request a jurisdictional determination from the Green Mountain Care Board (GMCB or Board) for this project. Your email noted that the facility would use the University of Vermont Medical Center's (UVMCMC) 1135 waiver and license to operate the facility. Please submit the following information for a jurisdictional determination:

1. You have indicated that the facility will use UVMCMC's 1135 waiver and license to operate the facility known as Woodside, which we believe is currently licensed by DCF. Please clarify the roles and responsibilities of the following entities in relation to this facility: UVMCMC, DMH and Department of Children and Families (DCF). Please confirm whether the lead entity for the requested project is DMH or UVMCMC.
2. Please confirm whether you believe the health care facility would constitute a hospital, defined under 18 V.S.A. § 1902(1) as "a place devoted primarily to the maintenance and operation of diagnostic and therapeutic facilities for in-patient medical or surgical care of individuals who have an illness, disease, injury, or physical disability, or for obstetrics." Please briefly explain the type of services that will be provided.
3. Pursuant to 18 V.S.A. § 9434(b), the Board's jurisdiction over hospital health care projects is triggered by:
 - a. The construction, development, purchase, renovation, or other establishment of a health care facility, or any capital expenditure by or on behalf of a hospital, for which the capital



cost exceeds \$3,000,000.00. **Please confirm whether this project would exceed the capital cost threshold of \$3,000,000.00.**

- b. The purchase, lease, or other comparable arrangement of a single piece of diagnostic and therapeutic equipment for which the cost, or in the case of a donation the value, is in excess of \$1,500,000.00. **Please confirm whether this project will involve the purchase or lease (or other comparable arrangement) of equipment in excess of \$1,500,000.00.**
- c. The offering of a health care service or technology having an annual operating expense that exceeds \$1,000,000.00 for either of the next two budgeted fiscal years. **Please estimate the annual operating expense of the project to the extent known (for example, estimates to the extent known for fixed building costs, staffing, food service, linen service, security, creating negative pressure rooms or ligature resistant environment (if applicable), etc.).**
- d. A change from one licensing period to the next in the number of licensed beds of a health care facility through addition or conversion, or through relocation from one physical facility or site to another. **Please confirm whether/how this project requires a change in the number of licensed beds from one licensing period to the next.**
- e. The offering of any home health service. **Please confirm whether this project will offer any home health service.**

We also wanted to let you know the Board is reviewing draft “Procedures and Guidance for Emergency Certificate of Need Applications to Respond to the COVID-19 Pandemic”. Please visit <https://gmcboard.vermont.gov/content/2020-board-meetings> to view a copy of the draft guidance. We can let you know when guidance is approved.

Please send your response to my attention at donna.jerry@vermont.gov If you have further questions, please do not hesitate to contact me via e-mail or at 802-828-2918 or Amerin Aborjaily, Associate General Counsel, at 802-505-3055 or amerin.aborjaily@vermont.gov

Sincerely,

s/ Donna Jerry
Donna Jerry, Senior Health Policy Analyst
Green Mountain Care Board

cc. Amerin Aborjaily, Associate General Counsel, GMCB

