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June 26, 2015

*Via Electronic Mail & U.S. Mail*

Donna Jerry  
Health Policy Analyst  
Green Mountain Care Board  
89 Main Street  
Montpelier, VT 05620

Re: Request for Jurisdictional Determination

Dear Ms. Jerry:

Through its Certificate of Need Application dated August 14, 2014 (the “Application”), Attuned Living and Eating Centers, LLC (the “Applicant”) sought to develop an outpatient eating disorder treatment program in Ludlow, Vermont. The Green Mountain Care Board denied the Application on May 4, 2015.

The Applicant has chosen not to appeal the Green Mountain Care Board’s decision. Rather, the Applicant has substantially modified its outpatient eating disorder treatment program by eliminating the intensive outpatient and the partial hospitalization elements of the program, each of which was described in the Application. The Applicant believes that the remaining element of the outpatient eating disorder treatment program, outpatient therapy, does not meet any jurisdictional threshold of Vermont’s Certificate of Need statutes or rules. However, out of an abundance of caution and a desire to keep the Green Mountain Care Board informed about the revised eating disorder treatment program, the Applicant submits this request for jurisdictional determination.

As indicated in the Application, since 1973, Green Mountain at Fox Run, an entity affiliated with the Applicant, has been operating a healthy living retreat in Ludlow, Vermont that helps women establish new behaviors for sustainable weight management (the “Retreat”). The Retreat offers numerous nonclinical services including educational programs; balanced meals and cooking

demonstrations; fitness classes, strength training, and outdoor activities; and access to a fitness and recreational center. These comprehensive, integrated, nonclinical services help women adopt a new way of thinking, moving, and living to achieve a healthy weight without dieting. The Retreat services are not eligible for third-party insurance reimbursement.

The Applicant intends to develop an Outpatient Therapy program in Ludlow, Vermont (the "Outpatient Therapy Program"). The Outpatient Therapy Program will offer individual and group therapy sessions, including cognitive behavioral therapy, dialectical behavior therapy, and nutrition counseling (the "Outpatient Services") to women seeking outpatient treatment for Binge Eating Disorder. Outpatient Services will be provided by a licensed therapist or therapists, and a registered dietitian, in a clinical office setting. As shown on Exhibit A attached hereto, the annual operating budget for the first two years of operation of the Outpatient Treatment Program is projected to be \$391,152 and \$426,787, respectively, significantly less than the jurisdictional threshold set forth in 18 V.S.A. §9434(a)(5).

The proposed site for the Outpatient Therapy Program is a freestanding former physician office building located at 70 Main Street in the Ludlow commercial district. As detailed in the Application, the capital cost of the establishment of the facility will be significantly less than the jurisdictional threshold set forth in 18 V.S.A. §9434(a)(1), even if an alternative location in Ludlow is used.

It is anticipated that the majority of women who choose to seek individual or group therapy services at the Outpatient Therapy Program will be women who are concurrently participating in the Retreat's nonclinical program. None of the women participating at the Retreat will receive clinical services at a location other than 70 Main Street. In order to ensure adherence to the highest standards for clinical quality, the Outpatient Therapy Program will seek Joint Commission certification under its Behavioral Health Care standards, and will adhere to the guidelines for quality assurance proscribed by those standards.

The Applicant requests that the Green Mountain Care Board find that the planned creation of the Outpatient Therapy Program does not fall within the Green Mountain Care Board's CON jurisdiction.

Sincerely yours,



Craig Miskovich

Enclosure

cc: Randall Autry

**Attuned Eating and Living Centers Outpatient Therapy Program Year 1 Financial Projections**

	January	February	March	April	May	June	July	August	September	October	November	December	Totals
<i>Monthly Patient Volume</i>													
Assessments (1 per patient)	10	12	14	16	18	20	22	22	22	22	20	18	216
Individual Therapy Sessions (2 sessions per patient)	20	24	28	32	36	40	44	44	44	44	40	36	432
Group Therapy Sessions (8 per week * 5 people per session)	32	32	32	32	32	32	32	32	32	32	32	32	384
Nutritional Counseling Sessions (1 per patient)	10	12	14	16	18	20	22	22	22	22	20	18	216
<b>Total Sessions</b>	<b>72</b>	<b>80</b>	<b>88</b>	<b>96</b>	<b>104</b>	<b>112</b>	<b>120</b>	<b>120</b>	<b>120</b>	<b>120</b>	<b>112</b>	<b>104</b>	<b>1,248</b>

*Required Staff Hours Per Day*

President & Clinical Director	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Therapist	3.6	3.9	4.2	4.5	4.8	5.1	5.4	5.4	5.4	5.4	5.1	4.8	4.8
Registered Dietitian	0.8	0.9	1.1	1.2	1.4	1.5	1.7	1.7	1.7	1.7	1.5	1.4	1.4

*FTE Requirement*

President & Clinical Director	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50
Therapist	0.45	0.49	0.53	0.56	0.60	0.64	0.68	0.68	0.68	0.68	0.64	0.60	0.60
Registered Dietitian	0.09	0.11	0.13	0.15	0.17	0.19	0.21	0.21	0.21	0.21	0.19	0.17	0.17
Office Manager	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00

*Program Revenue*

Assessments	\$ 2,500	\$ 3,000	\$ 3,500	\$ 4,000	\$ 4,500	\$ 5,000	\$ 5,500	\$ 5,500	\$ 5,500	\$ 5,500	\$ 5,000	\$ 4,500	\$ 54,000
Individual Therapy Sessions	\$ 3,200	\$ 3,840	\$ 4,480	\$ 5,120	\$ 5,760	\$ 6,400	\$ 7,040	\$ 7,040	\$ 7,040	\$ 7,040	\$ 6,400	\$ 5,760	\$ 69,120
Group Therapy Sessions	\$ 19,200	\$ 19,200	\$ 19,200	\$ 19,200	\$ 19,200	\$ 19,200	\$ 19,200	\$ 19,200	\$ 19,200	\$ 19,200	\$ 19,200	\$ 19,200	\$ 230,400
Nutritional Counseling Sessions	\$ 1,200	\$ 1,440	\$ 1,680	\$ 1,920	\$ 2,160	\$ 2,400	\$ 2,640	\$ 2,640	\$ 2,640	\$ 2,640	\$ 2,400	\$ 2,160	\$ 25,920
<b>Total</b>	<b>\$ 26,100</b>	<b>\$ 27,480</b>	<b>\$ 28,860</b>	<b>\$ 30,240</b>	<b>\$ 31,620</b>	<b>\$ 33,000</b>	<b>\$ 34,380</b>	<b>\$ 34,380</b>	<b>\$ 34,380</b>	<b>\$ 34,380</b>	<b>\$ 33,000</b>	<b>\$ 31,620</b>	<b>\$ 379,440</b>

*Program Expenses*

Salaries and Wages	\$ 6,667	\$ 6,667	\$ 6,667	\$ 6,667	\$ 6,667	\$ 6,667	\$ 6,667	\$ 6,667	\$ 6,667	\$ 6,667	\$ 6,667	\$ 6,667	\$ 80,000
President & Clinical Director	\$ 3,188	\$ 3,453	\$ 3,719	\$ 3,984	\$ 4,250	\$ 4,516	\$ 4,781	\$ 4,781	\$ 4,781	\$ 4,781	\$ 4,516	\$ 4,250	\$ 51,000
Therapist	\$ 430	\$ 516	\$ 602	\$ 688	\$ 773	\$ 859	\$ 945	\$ 945	\$ 945	\$ 945	\$ 859	\$ 773	\$ 9,281
Registered Dietitian	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 60,000
Office Manager	\$ 15,284	\$ 15,635	\$ 15,987	\$ 16,339	\$ 16,690	\$ 17,042	\$ 17,393	\$ 17,393	\$ 17,393	\$ 17,393	\$ 17,042	\$ 16,690	\$ 200,281
Total Salaries and Wages	\$ 3,821	\$ 3,909	\$ 3,997	\$ 4,085	\$ 4,173	\$ 4,260	\$ 4,348	\$ 4,348	\$ 4,348	\$ 4,348	\$ 4,260	\$ 4,173	\$ 50,070
<b>Total Salaries, Wages and Benefits</b>	<b>\$ 19,105</b>	<b>\$ 19,544</b>	<b>\$ 19,984</b>	<b>\$ 20,423</b>	<b>\$ 20,863</b>	<b>\$ 21,302</b>	<b>\$ 21,742</b>	<b>\$ 21,742</b>	<b>\$ 21,742</b>	<b>\$ 21,742</b>	<b>\$ 21,302</b>	<b>\$ 20,863</b>	<b>\$ 250,352</b>

Rent	\$ 1,800	\$ 1,800	\$ 1,800	\$ 1,800	\$ 1,800	\$ 1,800	\$ 1,800	\$ 1,800	\$ 1,800	\$ 1,800	\$ 1,800	\$ 1,800	\$ 21,600
Utilities	\$ 1,500	\$ 1,500	\$ 1,500	\$ 1,200	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,200	\$ 1,400	\$ 1,500	\$ 14,800
Insurance	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 6,000
Professional Fees	\$ 1,350	\$ 1,350	\$ 1,350	\$ 1,350	\$ 1,350	\$ 1,350	\$ 1,350	\$ 1,350	\$ 1,350	\$ 1,350	\$ 1,350	\$ 1,350	\$ 16,200
Phones & IT	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 12,000
Housekeeping	\$ 600	\$ 600	\$ 600	\$ 600	\$ 600	\$ 600	\$ 600	\$ 600	\$ 600	\$ 600	\$ 600	\$ 600	\$ 7,200
Maintenance	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 6,000
Patient Transportation	\$ 250	\$ 250	\$ 250	\$ 250	\$ 250	\$ 250	\$ 250	\$ 250	\$ 250	\$ 250	\$ 250	\$ 250	\$ 3,000
Marketing	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 36,000
Depreciation	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500	\$ 6,000
Supplies and Misc. Expense	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 12,000

<b>Total Operating Expense</b>	<b>\$ 31,105</b>	<b>\$ 31,544</b>	<b>\$ 31,984</b>	<b>\$ 32,123</b>	<b>\$ 32,363</b>	<b>\$ 32,802</b>	<b>\$ 33,242</b>	<b>\$ 33,242</b>	<b>\$ 33,242</b>	<b>\$ 33,442</b>	<b>\$ 33,202</b>	<b>\$ 32,863</b>	<b>\$ 391,152</b>
<b>Net Income</b>	<b>\$ (5,005)</b>	<b>\$ (4,064)</b>	<b>\$ (3,124)</b>	<b>\$ (1,883)</b>	<b>\$ (743)</b>	<b>\$ 198</b>	<b>\$ 1,138</b>	<b>\$ 1,138</b>	<b>\$ 1,138</b>	<b>\$ 938</b>	<b>\$ (202)</b>	<b>\$ (1,243)</b>	<b>\$ (11,712)</b>

