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March 27, 2019

VIA E-MAIL ([Michael.Barber@vermont.gov](mailto:Michael.Barber@vermont.gov))

Michael Barber, Esq.  
Green Mountain Care Board  
144 State Street  
Montpelier, VT 05602

Re: Green Mountain Surgery Center, GMCB-010-15con – Request for Amendment to Scheduling Order

Dear Mr. Barber:

On behalf of the Vermont Association of Hospitals and Health Systems (VAHHS) and Northwestern Medical Center (NMC), we ask that the March 26, 2019 request to amend the March 21, 2019 Scheduling Order by legal counsel for ACTD LLC d/b/a Green Mountain Surgery Center (GMSC) be denied. The arguments raised in this request were not, but could have been, raised during the pre-hearing conference on March 19, 2019.

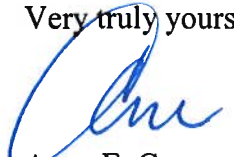
Further, the GMSC's request seeks to reduce the opportunity for the Interested Parties, who are, or represent, the organizations most substantially and materially affected by GMSC's pending operations, to provide information on whether GMSC has met the conditions of the CON it received and whether its proposed operations are legitimately within the scope of its CON. If the GMSC will be delaying its response to the Green Mountain Care Board's February 14, 2019 questions until the April 17, 2019 hearing, its request will provide even less opportunity for evaluation of its compliance with the CON.

The Scheduling Order requires that the GMSC submit any additional documents it intends to rely on by April 8, 2019. There is no requirement, nor expectation, that the GMSC submit all of the evidence upon which it will rely for demonstrating that it has met the CON conditions before April 8. For this reason, the Interested Parties requested a 48-hour opportunity to review the completed filing before determining if testimony will be requested and before identifying who might testify. The Interested Parties seek a minimally reasonable amount of time to consider the GMSC's submission. Lastly, as discussed on March 19, whether GMSC's currently proposed intention to add surgical specialties are within the scope of the original CON presents a legal question which can be determined by the Board outside of the hearing proceedings. The Interested Parties intend to submit a brief on this issue following the completion of the GMSC's submission of evidence or argument on this topic.

Michael Barber, Esq.  
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We thank you for your consideration.

Very truly yours,



Anne E. Cramer

AEC/alb

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