

**STATE OF VERMONT
GREEN MOUNTAIN CARE BOARD**

In re: Application of Northwestern Medical)
Center, Renovation of Emergency)
Department and Front Entrance) GMCB-003-19con
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CERTIFICATE OF NEED

In accordance with Title 18, Chapter 221, Subchapter 5, other applicable laws, and the Statement of Decision and Order in this matter, the Green Mountain Care Board issues this certificate of need to Northwestern Medical Center (NMC or “the applicant”), subject to the conditions set forth below.

Project Description and Scope

The project involves updating NMC’s emergency department by renovating 9,267 square feet of space (essentially all of the existing emergency department, except the parking portion of the attached ambulance bays) and adding 2,392 square feet of space to the existing footprint of the emergency department for relocation of a mechanical room, for a total cost of \$7,616,215.

The project is outlined in greater detail in the Statement of Decision and Order in this docket, incorporated herein and issued today by the Board.

Project Conditions

The project as proposed, subject to the following conditions, meets the statutory criteria set forth in 18 V.S.A. § 9437:

1. The applicant shall develop and operate the project in strict compliance with its scope as described in the application, in other materials in the record submitted by the applicant, and in strict conformance with the Statement of Decision and Order issued today in this docket. This certificate of need is limited to the project and activities described therein.
2. Throughout the project’s implementation period, the applicant shall comply with all current and future financial caps, targets and other conditions imposed by the Board in its hospital budget instructions, guidance, and orders.
3. The applicant shall not increase its commercial effective rates or overall change in charges to fund any expenses related to the project.
4. The applicant shall not make any incentive payments or pay bonuses to any NMC employee in connection with the Board’s approval of project.

5. Noncompliance with any provision of this certificate of need or with applicable ordinances, rules, laws and regulations constitutes a violation of this certificate of need and may be cause for enforcement action pursuant to 18 V.S.A. §§ 9445, 9374(i), (j), and any other applicable law.
6. The project shall be fully implemented within five (5) years of the date of issuance of this certificate of need.
7. To ensure that voluntary patients retain the right to leave the emergency department should they so choose, prior to beginning renovation or construction, NMC shall seek input from the Department of Mental Health on its restraint and seclusion policies and application of these policies to the locking capabilities of the mental health area of the emergency department. NMC shall consider any recommendations made by DMH and shall submit a report to the Board that describes these recommendations and, for any recommendation NMC chooses not to adopt, explains why the recommendation was not adopted.
8. NMC shall meet with the Office of the Health Care Advocate, Disability Rights Vermont, Vermont Psychiatric Survivors, citizens who submitted public comment, and other interested advocates to discuss its restraint and seclusion policies as they pertain to the locking capabilities of the mental health area of the emergency department.
9. The applicant shall file implementation reports with the Board beginning six months from the date of this certificate of need and at six-month intervals thereafter until all components and phases of the project are complete and fully operational and all invoices have been paid. The implementation reports shall include the following:
 - a. an overview of the project, including any changes in financing, and information and analysis demonstrating that the project fully complies with its scope as approved in this certificate of need;
 - b. a spreadsheet separately listing each individual line item expenditure and, for each expenditure: 1) the total dollar amount approved by the Board; 2) the dollar amount spent through previous reporting periods; 3) the dollar amount spent during this reporting period; 4) the cumulative dollar amount spent to date; 5) the amount remaining in dollars, and 6) the amount remaining as a percentage.
10. This certificate of need is not transferable or assignable and is issued only for the premises and entity named in the application.
11. If the applicant contemplates or becomes aware of a nonmaterial change, as defined in 18 V.S.A. § 9432(12), or a material change as defined in 18 V.S.A. § 9432(11), to the scope or cost of the project described in its application and as designated in this certificate of need, the applicant shall file a notice of such change immediately with the Board. The Board shall thereafter advise the applicant whether the proposed change is subject to additional review.

12. The Board may, after the applicant is provided notice and an opportunity to be heard, make such further orders as are necessary or desirable to accomplish the purposes of this certificate of need and to ensure compliance with its terms and conditions.
13. All reports, notices, forms, information or submissions of any kind required to be submitted to the Board as a condition of this certificate of need shall be signed and verified by the applicant's chief executive officer, or by his or her designated representative.
14. The conditions contained in this certificate of need shall remain in effect for the duration of the reporting period set forth in Condition 6, above.

SO ORDERED.

Dated: June 11, 2020 at Montpelier, Vermont.

s/ Kevin Mullin, Chair)	
)	GREEN MOUNTAIN
s/ Jessica Holmes)	CARE BOARD
)	OF VERMONT
s/ Robin Lunge)	
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s/ Tom Pelham)	
)	
s/ Maureen Usifer)	

Filed: June 11, 2020

Attest: /s/ Jean Stetter, Administrative Services Director