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January 17, 2020

VIA E-MAIL (Michael.Barber@vermont.gov)
AND U.S. FIRST CLASS MAIL

Mr. Michael Barber
General Counsel
Green Mountain Care Board
144 State Street
Montpelier, VT 05602

Re: Northwestern Medical Center ED Modernization Project, GMCB-003-19con

Dear Attorney Barber:

On behalf of Northwestern Medical Center (NMC), I am writing in opposition to Disability Rights Vermont (DRVT)'s request for Intervenor Status, or in the alternative Amicus Curiae status, in NMC's Certificate of Need (CON) application proceeding relating to modernizing its Emergency Department facilities. NMC appreciates the concerns raised by DRVT and is working to address them directly, but, for the reasons outlined below, these concerns should not affect, and further delay, the Green Mountain Care Board (GMCB)'s consideration of NMC's expedited review application.

NMC is currently responding to the GMCB's 8th set of questions regarding NMC's CON application which includes questions about the potential use of room and hallway locks stemming from the public comments filed by Anne Donahue, Ward Nial, Dan Towle, Commissioner Sarah Squirrell, and Ed Paquin, Executive Director of DRVT. These comments also question whether NMC's proposed project includes appropriate space for community interaction. These particular concerns relate to the operation of NMC's ED, and they should not be within the jurisdiction of the GMCB or part of the GMCB's consideration of whether NMC's CON application meets the required criteria for the issuance of a project CON, as set forth in Title 18, Section 9437.

The public comments have been presented, in part, as pertaining to whether NMC's CON application meets Criteria 9, 18 VSA Section 9437, which provides as follows:

The project will support equal access to appropriate mental health care that meets standards of quality, access, and affordability equivalent to other components of health care as part of an integrated, holistic system of care, as appropriate.

None of the comments, however, nor DRVT's request to intervene or have Amicus Curiae status, cite any "equivalent" or applicable "standards of quality, access or affordability" that this proposed project does not meet. We are not aware of any state or federal regulations that the CON application fails to meet. NMC is not a Designated Hospital subject to the Manual and Standards for Designated Hospitals.

NMC's modernization project has been planned in order to better address ED treatment capacity issues and shortcomings illustrated by recent CMS survey deficiencies, while offering a comforting and a therapeutic environment that promotes an integrated, holistic system of care. In particular, through this CON application, NMC seeks:

- 1) to have a more suitable space for caring for patients who may be experiencing suicidal ideation or other psychiatric emergencies, including two safe (e.g., ligature-resistant, limited moveable objects, etc.) rooms and two convertible rooms, when needed;
- 2) to increase the treatment capacity of the ED to better meet the volumes of total patients (even as NMC continues to work to reduce non-emergent use of the ED);
- 3) to establish private treatment rooms which can replace curtained treatment spaces which provide insufficient privacy protection;
- 4) to move patient registration and the Security Station to be within the emergency department space; and,
- 5) to add isolation rooms for safe treatment of patients exhibiting symptoms of contagious diseases.

Additionally, the design allows for updates in storage capacity, staff visibility of patient care areas, workflow efficiency and heating, ventilation and air conditioning.

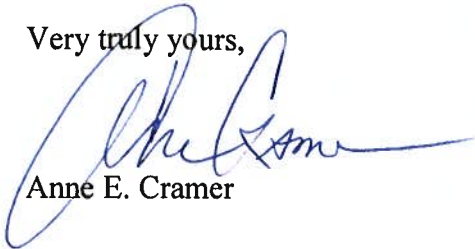
NMC's community designated agency, Northwestern Counseling & Support Services (NCSS), provides on-call emergency psychiatric consultations for NMC Emergency Department patients. It has been and will be consulted in the ED modernization design and operational policy development, which will focus on providing the most suitable therapeutic environment for all patients including individualized care plans to promote care in the least restrictive environment.

NMC believes this project will better address the needs of its ED patients to access appropriate care, including psychiatric care. NMC takes seriously the public comments of DRVT, Commissioner Squirrell, Ms. Donahue, Mr. Nial and Mr. Towle. To the extent their concerns are not addressed in NMC's pending responses to the 8th set of GMCB questions, NMC will reach out to them directly to discuss their concerns and feedback about the availability for community space and the appropriate policy and procedures related to room locks. These concerns should not, however, further delay the GMCB's consideration of whether NMC's CON application has met

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the criteria set forth in Section 9437. Consequently, NMC respectfully requests that DRVT's request to intervene in NMC's CON application, or in the alternative participate as an Amicus Curiae, be denied.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Anne E. Cramer", is written over the typed name.

Anne E. Cramer

AEC/alb

cc: Donna Jerry (via e-mail Donna.Jerry@vermont.gov)
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