

**Feel Like Oh Yeah, LLC
29 Stevensville Road
Underhill, VT 05489**

August 20, 2021

Green Mountain Care Board
c/o Donna Jerry, Senior Health Policy Analyst
144 State Street
Montpelier, VT 05620

Delivered Electronically to: GMCB.CON@vermont.gov

Request for Jurisdictional Determination

Dear Green Mountain Care Board,

I am writing to request a Jurisdictional Determination by the Board for the following project described in greater detail below; the purchase and opening of one QC Kinetix franchise outlet to provide non-surgical and non-pharmaceutical pain management services within Vermont.

The planned QC Kinetix outlet, will be in Chittenden County with the exact location yet to be determined (hereafter, the “Project”). We will use existing medical office space, with a projected opening date of January 1st, 2022. The location will be approximately 1800-2000 square feet. The planned service area will have advertising in the Burlington DMA (designated market area) of 17 counties including 12 in Vermont, 3 in New York and 2 in New Hampshire. Although our marketing may be broader, we expect most of our clients will come from the following counties: Chittenden, Grand Isle, Franklin (VT), Lamoille, Washington, Addison, Essex (NY), Clinton (NY), and Franklin (NY).

QC Kinetix outlets are concierge medicine pain clinics, with twenty-two clinics currently operating in six states. QC Kinetix outlets treat patients for damaged joints, muscles, tendons, ligaments, cartilage, and tissue, where that damage is due to arthritis or injury. QC Kinetix has developed a proprietary system using non-surgical injections to restore damaged tissue, decrease pain, and increase quality of life. All procedures are provided on an outpatient basis. The QC Kinetix system begins with a blood draw from the patient, performed by an on-staff phlebotomist, or Certified Medical Assistant. The patient’s blood is then processed using the QC Kinetix system and returned to the patient’s body by an injection to the treatment region. These treatments can be used locally for musculoskeletal injections, but are not used for systemic diseases or administered intravenously. These services will be provided by an on-staff licensed Nurse Practitioner.

The Project will be operated by Feel Like Oh Yeah, LLC, a Vermont business entity, which is entering into a franchise agreement with QC Franchise Group, LLC, a South Carolina Limited

Liability Company. As a franchise of the QC Kinetix brand, we will have committed national leadership providing timely updates regarding FDA regulations and medical techniques.

Each patient receives a plan tailored to their specific needs by our on-staff nurse who will assess the patient's needs, plan a strategy in collaboration with other medical professionals as needed, and implement the patient plan to address the patient's pain. Our on-staff nurse will evaluate the patient's treatment and revise the plan as appropriate, and shall delegate such nursing interventions as are appropriate. Based on a patient's needs, our therapeutic treatments may include: drawing the patient's blood, filtering it, concentrating it and injecting it into the patient's joints; aspirating bone marrow, filtering it, concentrating it and then injecting the concentrated product into the patient's joints; and, use of a non-ablative class IV laser for tissue heating, not destruction or alteration, so the laser we use is not surgical.

The Project's anticipated operating expenses for next three years are provided below, but do not exceed \$500,000.00 each year. Based on the projected budget and the nature of the Project, we believe the Project falls outside the jurisdiction of the Green Mountain Care Board under 18 V.S.A. § 9434 (a) as follows.

1. the Project will not involve capital costs exceeding \$1,500,000.00;
2. the Project does not involve "licensed beds" and does not have any change in number of licensed beds;
3. the Project does not offer any home health service, and this is not a transfer or conveyance of an ownership interest in a health care facility;
4. the Project does not require the purchase, lease, or other comparable arrangement of a single piece of diagnostic and therapeutic equipment with a cost or donation value in excess of \$1,000,000.00 (required medical equipment is listed below);
5. the Project has anticipated annual operating expenses of \$477,000.00 or less for each of the first three years in operation, which is below the statutory threshold;
6. the Project will not offer surgical treatment, and is not an ambulatory surgical center.

Jurisdiction under § 9434 (b) is excluded because the Project is not a hospital.

There is demand for non-surgical and non-pharmaceutical pain management within Vermont. Vermont is working hard to overcome the opioid abuse problem that has affected the nation, and is making progress in this area; as a non-pharmaceutical pain management option, our treatments will be another tool to assist in this statewide effort. However, at this time, there are a very limited number of regenerative therapy clinics operating within Vermont. Currently, we believe that similar services are only offered by two other companies in Vermont¹. The Project start-up costs are estimated to be approximately \$216,580.00 (not including expected operating costs) and will likely be financed through a combination of a small business loan by Community Bank NA to Feel Like Oh Yeah, LLC and personal contributions by Tom and Stacy Lee (Member and Managers of Feel Like Oh Yeah, LLC). Equipment purchased will include a Class IV laser,

¹ A Google search of the terms "regenerative therapy clinic Vermont" provides a list of two service providers in Vermont for similar treatments, with offices located in Winooski, Stowe, and Colchester. A listing is provided for UVMCC, but this appears to be a blog post on stem cell treatments only and not an indication that said treatment is provided.

centrifuge, ultrasound, computers and various office equipment (none of these items has a cost or value in excess of \$1,000,000). These startup costs demonstrate our commitment to this project, and our personal belief in the demand for these services.

QC Kinetix franchises operate with cash only billing, and do not bill any insurance as our services are not covered by Medicare or any private payor. This is a concierge model that allows the patients to be involved in the non-invasive treatment methods that only elite athletes once had access to. We do not anticipate many referrals from other medical professionals, typically QC Kinetix clients learn about the services provided by QC Kinetix through online, radio, and print advertising. Our advertising may include representations that our procedures can improve patients' quality of life with no surgery or steroids, and that regenerative treatments provide long term results by addressing the root cause of pain. QC Kinetix has been endorsed by pro football hall of famer, Emmett Smith, who has stated, "During my 15 seasons in the NFL and then transitioning to my very active life after football, taking care of my body and joints has always been a primary focus for me ... When I think about the longevity of my joints, it all starts with what I do today. QC Kinetix provides several different therapies that are state-of-the-art, cutting-edge treatments, which complement and promote the body's natural healing process so well. It's always exciting to partner with a company when you've experienced first-hand the quality and effectiveness of their products." More information from QC Kinetix is available at <https://qckinetix.com/press/>.

The following table details the anticipated medical staffing for our QC Kinetix outlet:

Service provided	Provider qualification	Staffing time planned	On or Off Site
Blood Draw	Phlebotomist, or Certified medical assistant (CMA)	Part Time	All services are outpatient care on site.
Develop patient plan; process blood according to QC Kinetix system; administer processed blood to patient according to plan.	Nurse Practitioner (Advance Practice Registered Nurse)	Part Time	All services are outpatient care on site.

We anticipate having two administrative staff as well, for a total of four staff members. The location will be open one day a week.

We currently anticipate the following operating costs for the project:

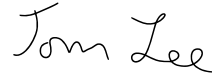
	Year 1	Year 2	Year 3
Operating Costs	\$432,000.00	\$477,000.00	\$477,000.00

Due to the structure of the business, a significant portion of these annual operating costs are related to advertising as discussed above. Please see the attached Exhibit A for a breakdown of our anticipated operating costs. Additionally, we anticipate project costs of \$216,580.00 to cover costs of renovation, site work, fixed equipment, construction manager fees, franchise fees,

furnishings and other equipment, architectural fees, training expenses, computer software, administrative expenses, utility and security deposits, initial supplies, and our working capital.

We thank the Board for your consideration and look forward to providing Vermonters with this service.

Kind Regards,

A handwritten signature in cursive script that reads "Tom Lee".

Tom Lee

Manager

Feel Like Oh Yeah, LLC

Three Year Operating Costs

Exhibit A

Staffing Expenses		Year 1 of Project	Year 2 of Project	Year 3 of Project
Salaries per FTE		\$140,000	\$140,000	\$140,000
Fringe Benefits/Health Insurance		\$4,000	\$4,000	\$4,000
Professional Insurance		\$8,000	\$8,000	\$8,000
Staff Travel		\$7,500	\$2,500	\$2,500
Subscriptions/Dues		\$40,000	\$50,000	\$50,000

Operating Expenses				
Supplies/printing		\$1,500	\$1,500	\$1,500
Advertising/Marketing/Printing		\$200,000	\$240,000	\$240,000
Rent/Lease Expense		\$24,000	\$24,000	\$24,000
Utilities/Telephone Expenses		\$3,000	\$3,000	\$3,000
Computer/hardware/Software		\$2,000	\$2,000	\$2,000
Billing Services		\$2,000	\$2,000	\$2,000

Total Costs per year		\$432,000	\$477,000	\$477,000
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