

THE
University of Vermont
MEDICAL CENTER

By Electronic Mail & U.S. Mail

August 23, 2021

Ms. Donna Jerry
Senior Health Policy Analyst
Green Mountain Care Board
144 State Street
Montpelier, VT 05602
Donna.Jerry@vermont.gov

Re: Docket No. GMCB-008-21con: The Collaborative Surgery Center Certificate of Need Application for Development of Ambulatory Surgery Center

Dear Donna:

Today is the deadline for an entity proposing a project substantially similar to The Collaborative Surgery Center's ("CSC") proposed multi-specialty ambulatory surgery center ("ASC"), which is before the Green Mountain Care Board ("Board") in the above-referenced docket, to file a Letter of Intent to file a competing application pursuant to Green Mountain Care Board ("Board") Rule 4.405.

On July 16, 2021, The University of Vermont Medical Center Inc. ("UVM Medical Center") filed an application for a Conceptual Development Phase Certificate of Need ("CCON") authorizing us to plan the development of an outpatient surgery center ("OSC") to replace the outdated outpatient surgery facilities at our Fanny Allen Campus with a modern facility configured and sized to accommodate our providers' and patients' current and projected future needs. UVM Medical Center's CCON application is still pending before the Board.

I write to notify the Board that UVM Medical Center will not file a Letter of Intent to file a competing application in the above-referenced docket at this time. We do not intend to ask the Board to consider CSC's proposed ASC project in competition with our OSC project in part because we believe, and agree with CSC in general concept, that the two facilities can operate in a complementary manner to meet growing patient need for outpatient surgeries and procedures in our shared service area.

In addition, we note that UVM Medical Center cannot meet the requirements of Board Rule 4.405 under the current circumstances, which the Rule does not contemplate or accommodate. UVM Medical Center cannot undertake its OSC development planning process until the Board approves its pending CCON application, and would not be in a position to file a CON application within thirty business days following the Board's acknowledgment of a Letter of Intent to compete. *See* Board Rule 4.405(4).

We look forward to continuing to work with you in the Board's review of both UVM Medical Center's pending CCON application, and its eventual CON application. We are happy to respond to the Board's requests for information concerning our assessment of regional need for outpatient surgery capacity or other issues, as may be necessary to the Board's evaluation of UVM Medical Center's OSC project, and perhaps useful in its consideration of CSC's proposed ASC project as well.

Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,



Eric Miller
SVP and General Counsel
The University of Vermont Health Network
Eric.Miller@uvmhealth.org

cc. Michael Barber
A.J. LaRosa