



Vermont Federation of Nurses and Health Professionals  
121 Park Avenue, Suite 10  
Williston, VT 05641

Green Mountain Care Board  
144 State Street  
Montpelier, VT 05602  
Attn: Donna Jerry

September 10, 2021

Ms. Jerry,

Pursuant to Rule 4.406 of Green Mountain Care Board, I hereby request that the Vermont Federation of Nurses and Health Professionals (VFNHP), be granted status as interested party, or alternatively amicus curiae. in relation to the University of Vermont Medical Center's (UVMHC's) application for conceptual Certificate of Need (CON) for the construction of an outpatient surgery center on Tilley Drive in South Burlington.

As the union representing more than 2,400 nurses, technicians and technologists who work and provide direct patient care at UVMHC, our members will be substantially and directly affected by this proposed project. Our organization's goal is to provide the communities we serve with the highest level of care possible, work to eliminate access barriers, and to champion safe, healthy work environments in health care. Our members, more than Hospital executives, are undeniably the best voices to weigh in on safe staffing levels for current and future UVMHC patient population and whether this project will serve the public good.

The VFNHP is concerned with this application principally because UVMHC is proposing to add a number of operating room workers and patients at a time when it has been unable and unwilling to ensure adequate safe staffing for existing operations, and that the new facility will exacerbate the ongoing difficulties experienced by our members in providing safe medical care amidst worker shortages. Because our members work, and provide direct care, in existing operating facilities of UVMHC and because our members will be performing the work in the proposed outpatient surgery center (if approved), our members have a direct and material interest in the project. Further, we are best situated to help the Board determine whether, "and to what extent, the project will have an adverse impact on the ability of existing facilities to provide medically necessary services to all in need, regardless of ability to pay or location of residence."

More specifically, our concerns include:

- The operating room at the Main Campus of UVMMC is currently operating at a vacancy rate of nearly 27%. Traditionally, UVMMC relies upon on travel agencies to provide temporary employees at high costs to provide community medical care. This overreliance on travel agencies can represent a waste of health care dollars, while doing little to stabilize safe staffing levels for the long term.
- There are currently more than 300 vacant bargaining unit positions alone within UVMMC. VFNHP members are concerned how UVMMC plans to staff additional patient assignments represented by the proposed project given its the ongoing inability to do so with the current census.
- The potential for less than adequate staffing will have a direct and material impact on the ability of nurses to perform our job. Inadequate staffing levels increase the risk of medical errors, which, in addition causing unnecessary pain on the community, may impact state-issued licenses of our members. Reliance on temporary nurses jeopardizes the ability to provide consistent care committed to the community.
- In addition to concerns about the project's potential to cannibalize existing employees, we are concerned that the project may duplicate or otherwise have an adverse impact on existing operating rooms of UVMMC. The UVMMC has already made substantial investment of limited healthcare resources to re-open two operating rooms at its Fanny Allen campus. We should be certain that these investments will not be wasted or undermined.
- We are concerned that any new operations will be staffed either at inadequate levels or overreliance on temporary nurses without long-term commitments to our patients and nurses.
- The interested party status to VFNHP will increase the need and likelihood for a public hearing that will serve the purpose of forcing the UVMMC to make public commitments about its staffing and operational plans.
- The terms and conditions of employment for our members assigned to this project in providing patient care.

This request by UVMMC is consistent with Interested Party status granted in other cases. See, in re Divided Sky Foundation, GMCB-006-20con (June 4, 2021) (granting IP status to Valley Vista and Serenity House which expressed concern about impact the project on ability to compete for credentialed employees). If the businesses concerned about increased competition from a new project amidst a workforce development crisis for workers, then the Union representing workers who suffer through shortage deserve IP status as well. For the foregoing reasons, the VFNHP kindly requests that it be granted Interested Party status, or in the alternative, amicus curiae. See, e.g., In re Vt. Dept of Mental Health, BMCB-002-21con (March 11, 2021) (granting amicus curiae status to DRT and MadFreedom, Inc.

Please do not hesitate to reach out should you have any further questions.

Sincerely,

Deb Snell, RN  
President, VFNHP