

**STATE OF VERMONT
GREEN MOUNTAIN CARE BOARD**

In re: Application of the University of Vermont)
Medical Center for a Conceptual CON)
For Planning and Design of an Outpatient) GMCB-015-21con
Surgery Center)
_____)

CONCEPTUAL DEVELOPMENT PHASE CERTIFICATE OF NEED

In accordance with Title 18, Chapter 221, Subchapter 5, other applicable laws, and the Statement of Decision in this matter, the Green Mountain Care Board (Board) issues this Conceptual Development Phase Certificate of Need or Conceptual CON to the University of Vermont Medical Center (UVMVC or “the Applicant”), subject to the terms, conditions, and requirements outlined below.

Project Description and Scope

UVMVC operates an outpatient surgical facility at its Fanny Allen campus in Colchester, Vermont. UVMVC seeks a Conceptual CON to spend up to \$4.96 million on planning, design, and permitting work to develop an outpatient surgery center that will at least replace its Fanny Allen facility. In addition to planning for the replacement of its Fanny Allen facility, UVMVC’s work under the Conceptual CON will include evaluating the need for additional capacity to accommodate growth in demand for outpatient surgeries due to the changing demographics in the service area and a trend toward moving more, and more complex, cases from an inpatient setting to an outpatient setting. While the size, design, cost, and scope of UVMVC’s proposed outpatient surgery facility have not been determined yet, UVMVC expects the project will cost more than \$30 million. Thus, a Conceptual CON is required.

As described further in the application, the proposed work under the Conceptual CON will include architectural design and planning; land use impact studies; permitting; surveying; geotechnical studies; code compliance evaluation; LEED certification; commissioning; pre-construction services; cost estimating; building envelope design; wayfinding (design and integration of signs, directional devices, and systems to enable patients and visitors to navigate buildings, facilities, roads, and parking areas); equipment planning; and materials management. UVMVC will also develop a staffing plan as part of its activities under the Conceptual CON.

The proposed project is outlined in the Conceptual CON (CCON) application, related materials provided by UVMVC, and the Statement of Decision issued today.

Project Conditions

This Certificate of Need is subject to the following terms, conditions, and requirements:

Conceptual Certificate of Need
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1. UVMMC shall include staffing considerations in its planning activities, including projections related to staffing needs. UVMMC shall consult with the Vermont Federation of Nurses and Health Professionals prior to finalizing a staffing plan.
2. UVMMC shall comply with the scope of the work described in the CCON application, in other materials in the record submitted by UVMMC, and in strict conformance with the Statement of Decision issued today in this docket. This Certificate of Need is limited to the project and activities described therein.
3. Noncompliance with any provision of this Certificate of Need or applicable ordinances, rules, laws, or regulations may constitute 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.
4. The work described in the CCON application shall be fully implemented within three years of the date of this Certificate of Need or the Certificate of Need shall become invalid and deemed revoked.
5. This Certificate of Need is not transferable or assignable and is issued only for the premises and entity named in the application.
6. If UVMMC contemplates or becomes aware of a potential or actual 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 work described in its CCON application and as designated in this Certificate of Need, UVMMC shall file a notice of such change immediately with the Board. The Board shall thereafter review the proposed change and advise UVMMC whether the proposed change is subject to additional review.
7. UVMMC shall file implementation reports with the Board after it completes its evaluation of need for additional capacity and at six-month intervals thereafter through the date all components and phases of the work are complete and all invoices have been paid. The implementation reports shall include the following:
 - a. An overview of the work, including any changes in financing, and information and analysis demonstrating that the work fully complies with the 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.
 - c. Notice of any material or nonmaterial change, or verification that no material or nonmaterial changes are contemplated or have occurred.

8. 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 purpose of this Certificate of Need and to ensure compliance with its terms and conditions.
9. 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 UVMMC's chief executive officer his or her designated representative.
10. The conditions contained in this Certificate of Need shall remain in effect for the duration of the reporting period set forth in Condition 7 above.
11. As specified in GMCB Rule 4.000, § 4.206.5, nothing in this Certificate of Need or in the review process associated therewith shall be construed to mean that a CON shall be granted for the outpatient surgery center project.

SO ORDERED.

Dated: September 20, 2021 at Montpelier, Vermont

s/ Kevin Mullin, Chair)
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s/ Jessica Holmes)
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s/ Robin Lunge)
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s/ Tom Pelham)
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s/ Maureen Usifer)

GREEN MOUNTAIN
 CARE BOARD
 OF VERMONT

Filed: September 20, 2021

Attest: s/ Jean Stetter, Administrative Services Director