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January 28th, 2022

Green Mountain Care Board

144 State Street

Montpelier, VT 05602

Re: HCA Comments Regarding GMCB-008-21con – The Collaborative Surgery Center

Dear Chair Mullin and Members of the Green Mountain Care Board,

As an interested party in the above-captioned Certificate of Need (CON) proceeding, the Office of the Health Care Advocate (HCA) thanks the Green Mountain Care Board (Board) for the opportunity to comment on the CON application by the Collaborative Surgery Center (CSC). We also thank the CSC for their work on this important project and thoughtful responses to our questions. We appreciate that the CSC made several verbal commitments during the public hearing (hearing) in response to some of our questions and recommendations. For the sake of accountability and transparency (should the Board choose to approve the application) we call upon the Board to formalize these commitments as conditions of their CON decision. Our forthcoming comments both outline these recommendations and detail several others that we call upon the Board to issue as conditions if it decides to approve the application.

First, we recognize that CSC is making a substantial commitment by proposing to donate 50% of its profits to the community. For the sake of public transparency and to ensure that this is implemented as represented in the hearing, the Board should issue the following conditions: a) require the CSC to provide further detail on what criteria will be used for determining recipients of these donations before the opening of the surgery center; b) require the CSC to report back to the Board on how these funds have been distributed; and c) prohibit the CSC from offering or awarding its charitable donations in a way that might unduly influence recipients to refer care to the CSC. By implementing these items, in addition to increasing transparency and accountability in general, the Board and other Vermonters would be able to monitor and evaluate the impact of these investments over time.

Second, the Board should require the CSC to a) ensure physicians employed by or contracted with the CSC comply with their stated patient financial assistance policy rather than simply to be given a “handoff” of the policy, as was stated during the hearing; b) adopt a patient financial assistance (PFA) policy that aligns with or improves upon the University of Vermont Medical Center’s PFA policy, as the Board similarly required in its CON decision for the Green Mountain Surgery Center (Docket No. GMCB-010-15con, condition 15); c) generate a plain-language description of its PFA

to provide to potential patients; d) update its PFA policy at least every two years to ensure continued alignment with UVMHC's PFA; and e) entirely refrain from using debt collection agencies or aggressive debt collection methods towards Vermont consumers.

Third, the HCA appreciates the CSC's response in the hearing regarding a commitment to require implicit bias training for all staff and leadership. The Board should require that all leadership and staff at the CSC complete this training and provide them with documentation of compliance with this condition.

Fourth, HCA agrees with Board comments during the hearing recommending that the CSC include patient and community representation on their quality committee and Board of Managers. The Board should order the CSC to make this change.

Thank you for your consideration.

Sincerely,

s\ Sam Peisch
Health Policy Analyst, Office of the Health Care Advocate

s\ Kaili Kuiper
Staff Attorney, Office of the Health Care Advocate

s\ Eric Schultheis
Staff Attorney, Office of the Health Care Advocate

s\ Mike Fisher
Chief Health Care Advocate, Office of the Health Care Advocate