

**STATE OF VERMONT
GREEN MOUNTAIN CARE BOARD**

In re: Kahm Clinic IOP/PHP, LLC)
Development of an Outpatient Partial) GMCB-009-21con
Hospitalization Program and an)
Intensive Outpatient Program for the)
Treatment of Eating Disorders)
_____)

CERTIFICATE OF NEED

In accordance with Title 18, Chapter 221, subchapter 5, other applicable laws, and the Statement of Decision and Order in this matter, the Green Mountain Care Board issues this certificate of need to Kahm Clinic IOP/PHP, LLC (Kahm Clinic IOP/PHP, LLC or applicant), subject to the conditions set forth below.

Project Description and Scope

Kahm Clinic IOP/PHP, LLC proposes to develop an outpatient Partial Hospitalization Program (PHP) and an Intensive Outpatient Program (IOP) for the treatment of eating disorders in South Burlington. The total estimated cost of the proposed project is approximately \$1.2 million.

The project is outlined in greater detail in the Statement of Decision and Order in this docket, incorporated herein and issued today by the Board.

Project Conditions

The proposed project, subject to the following conditions, meets the statutory criteria set forth in 18 V.S.A. § 9437:

1. The applicant shall develop and operate the project in strict compliance with the project scope described in the application, in other materials in the record submitted by the applicant, and in strict conformance with the Statement of Decision issued today by the Board. This certificate of need is limited to the project and activities described therein.
2. A month prior to opening, the applicant shall submit a finalized and fully executed copy of its lease of space located at 120 Kimball Avenue in South Burlington.
3. No later than a month prior to opening, the applicant shall inform the Board of the timeline for securing accreditation from the Joint Commission for Behavioral Health Care programs in accordance with Condition 10 below.

4. Kahm Clinic IOP/PHP, LLC shall be required to enroll in, and maintain enrollment with, Vermont Medicaid and accept Medicaid members eligible for its PHP and IOP and meet all federal screening requirements. Kahm Clinic IOP/PHP, LLC shall provide the Board with proof of its enrollment with Vermont Medicaid no later than a month prior to opening.
5. The applicant shall develop a consumer-friendly website for the outpatient PHP and IOP which shall be available to the public no later than two weeks prior to Kahm Clinic IOP/PHP, LLC commencing operations and shall provide the Board with the link so it may review. The website shall be separate and visually distinguishable from the website for the current Kahm Clinic outpatient and general nutrition programs, although each website may include a link to the other. The website shall include information on any patient financial assistance programs, including the financial accommodations related to the use of the metabolic testing device and the body composition analysis device as described in Condition 8, below. The website shall include information on its shared decision-making policy, as described in Condition 6, below. The website shall also provide information about each clinician offering services in the outpatient PHP and IOP programs, including, but not limited to, the following:
 - (a) The clinician's name and professional credentials;
 - (b) The 24/7 contact information in the event of an emergency;
 - (c) Contact information for the Vermont Office of the Health Care Advocate and The Joint Commission if a patient has concerns regarding safety and quality of care.
6. The applicant shall develop and implement a policy, which it will post to its consumer website, requiring Kahm Clinic IOP/PHP, LLC at the time of intake to use a patient decision aid such as shared decision-making that a) fully informs the patient of the benefits and risks of the PHP or IOP treatment plan, including the use of the body composition analysis testing device and the metabolic testing device; b) incorporates best available scientific evidence; c) takes into account a patient's values, goals, and preferences; and d) advises the patient of the pros and cons of receiving treatment from Kahm Clinic IOP/PHP, LLC. The policy shall include a provision requiring certification by the intake counselor of his or her compliance with the policy.
7. No later than a month prior to opening, Kahm Clinic IOP/PHP, LLC shall inform the Board of the policies and forms it has created to comply with Conditions 8 and 9 below.
8. Kahm Clinic IOP/PHP, LLC shall provide patients with a good faith estimate of the total cost, including patient out-of-pocket costs, of the PHP and IOP treatment plan with and without the body composition analysis testing device and metabolic testing device. For patients who are paying for the PHP and IOP themselves or whose insurance does not cover the use of the devices, the applicant shall inform them of the amount they will be billed for the use of the devices in advance of treatment.
9. The applicant shall address the issue of charging patients directly for the use of the body composition analysis testing device and the metabolic testing device in one or both of two

ways:

- a. The applicant shall develop and implement a free and reduced cost care policy which, at a minimum, assists patients with the charges associated with the body composition analysis device and the metabolic testing device. If a patient does not have insurance or has insurance that does not cover or only partially covers the use of the devices, then Kahm Clinic IOP/PHP, LLC shall create a sliding scale policy to reduce the cost to the patient for the use of the devices, depending on the patient's household income; and/or
 - b. The applicant shall create a policy where it informs patients who do not have insurance coverage or only partial coverage for the devices that they are not required to participate in, and will not be charged for, the use of the devices. Patients who do not have insurance coverage for the devices can change their decision about the use of the devices at any time during the course of treatment.
10. Kahm Clinic IOP/PHP, LLC shall successfully achieve and maintain accreditation by The Joint Commission for Behavioral Health Care programs and shall inform the Board in its implementation reports of its accreditation progress and status.
 11. In each implementation report, the applicant shall report in a table format the payer mix by revenue and percent of total revenue, for PHP and IOP programs combined. In the event that the applicant's payer mix is not in line with its projections in the application, Kahm Clinic IOP/PHP, LLC shall include in its implementation report a justification for the deviations from projections and proposed remedies to ensure inclusion of all Vermonters, regardless of payer type.
 12. The applicant shall include in implementation reports in a table format for the PHP and IOP programs combined, by payer type, the number of individuals: a. admitted to the PHP and IOP programs, b. number of individuals not admitted to the PHP and IOP programs and c. reason(s) why individuals were not admitted.
 13. Before Kahm Clinic IOP/PHP, LLC opens, the applicant must demonstrate that conditions 2-7 of this certificate of need have been satisfied. The applicant shall file implementation reports with the Board at six-month intervals beginning six (6) months following the date of this certificate of need and continuing for four (4) years following the opening of Kahm Clinic IOP/PHP, LLC. In addition to information specified in conditions 10-12 above, the implementation reports shall include the following information and analysis:
 - (a) an overview of the project, including information and analysis demonstrating that the project is in conformance with the scope of the project as described in the application;
 - (b) a verification under oath that the project complies with all conditions imposed in this certificate of need;
 - (c) 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.
- (d) notice of any material or nonmaterial change, or verification that no material or nonmaterial changes are contemplated or have occurred.
 - (e) disclosure of any change in ownership interest or structure in Kahm Clinic IOP/PHP, LLC for the outpatient IOP and PHP programs.
 - (f) annually, Kahm Clinic IOP/PHP, LLC's profit and loss statement and balance sheet.
14. The project as described in the application shall be fully implemented within two (2) years of the date of this certificate of need, or the certificate of need shall become invalid and deemed revoked.
 15. Noncompliance with any provision of this certificate of need or with applicable ordinances, rules, laws, and regulations constitutes a violation of this certificate of need and may be cause for enforcement action pursuant to 18 V.S.A. §§ 9445, 9374(i) and any other applicable law.
 16. This certificate of need is not transferable or assignable and is issued only for the premises and entity named in the application.
 17. The Board may, after notice and an opportunity to be heard, make such further orders as are necessary or desirable to accomplish the purposes of this certificate of need, and to ensure compliance with the terms and conditions of this certificate of need.
 18. 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 by the applicant's chief executive officer and verified by the chief executive officer, or by his or her designated representative.
 19. The conditions contained in this certificate of need shall remain in effect for the duration of the reporting period defined in condition 13, above.

SO ORDERED.

Dated: June 29, 2022, at Montpelier, Vermont.

s/ _____	Jessica Holmes)	
)	GREEN MOUNTAIN
s/ _____	Robin Lunge)	CARE BOARD
)	OF VERMONT
s/ _____	Kevin Mullin, Chair)	
)	
s/ _____	Tom Pelham)	
)	
s/ _____	Thom Walsh)	

Filed: June 29, 2022

Attest: s/ Jean Stetter
Green Mountain Care Board
Administrative Services Director