



STATE OF VERMONT  
GREEN MOUNTAIN CARE BOARD

In re: UVMMC Outpatient Surgical Center )

Docket No. GMCB-004-23

**NORTHWESTERN MEDICAL CENTER'S  
REQUEST TO INTERVENE AS AN INTERESTED PARTY**

Northwestern Medical Center (NMC) hereby requests that the Green Mountain Care Board (GMCB) grant NMC interested party status in the proceeding related to the application filed by the University of Vermont Medical Center (UVMMC) for a Certificate of Need to establish an Outpatient Surgery Center in South Burlington, Vermont.

The basis for this request is set forth below:

1. NMC is a non-profit community hospital in St. Albans, Vermont that provides multi-specialty surgical services to the people of northwestern Vermont, particularly in Franklin and Grand Isle Counties. UVMMC, located in the neighboring service area of Chittenden County, is Vermont's tertiary care provider and academic medical center and also serves as the community hospital for Chittenden County. UVMMC's proposed Outpatient Surgery Center would be located approximately 29 miles from NMC. The drive from NMC to the proposed Tilley Drive location is estimated at 35 minutes.
2. 18 VSA 9440 c7 provides that interested party status "shall be granted to persons ... who demonstrate they will be substantially and directly affected by the new health care project under review." NMC will be substantially and directly affected by the proposed Outpatient Surgical Center, as demonstrated by the following:
  - a. NMC has had, and currently has, available capacity in its operating rooms which is not clearly recognized in the CON application from UVMMC. As the Green Mountain Care Board works through the regional allocation of health services aspect of the Certificate of Need process, existing capacity at existing facilities must be considered.

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- b. NMC's ability to deliver on its mission of providing exceptional care to its community and its ability to maintain financial sustainability in both fee-for-service and value-based models depend on efficient use of this existing fixed infrastructure. Any loss of surgeries from our community which can appropriately be done at NMC weakens NMC.
  - c. The prior establishment of two for-profit surgical centers in Chittenden County each significantly and directly impacted NMC by drawing surgeries away from NMC and out of NMC's service area for the financial gain of other providers. In the application (page 2), UVMHC speaks to the financial benefits they will achieve through the project, saying in part, "*the investment is consistent with the Network's financial framework and an indispensable step in placing UVMHC on a more sustainable financial path.*" Any of this financial gain and strengthening which comes from the surrounding communities in turn weakens the neighboring hospitals, such as NMC, potentially putting local access to care in jeopardy.
3. 18 VSA 9437 2B states that in making its determination, the GMCB will "consider and weigh relevant factors, including: (i) the financial implications of the project on hospitals and other clinical settings, including the impact on their services, expenditures and charges." It is reasonable to question what impact a 60% to 140% increase in operating room capacity (from 5 existing operating rooms at Fanny Allen to 8-12 operating rooms at the new center) will have on the services, finances, and charges of the neighboring community hospitals who provide surgical care as a core aspect of the care of their communities, such as NMC.
  4. 18 VSA 9437 3 states that the GMCB should consider whether there is "an identifiable, existing, or reasonably anticipated need for the proposed project." Additionally, the policy and purpose of the Certificate of Need law (18 VSA 9431) is to "require that all new health care projects be offered or developed in a manner which avoids unnecessary duplication." NMC looks to the Interested Party status to ensure full ability to participate in the discussion of the size and scope of this project beyond the necessary direct 1-for-1 replacement of the operating rooms at Fanny Allen.

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5. 18 VSA 9437 6 calls on the GMCB to assess whether “the project will serve the public good.” The inclusion of neighboring community hospitals, such as NMC, will rightfully ensure that discussion of “public” covers broader public resource allocations and intentions discussions within Vermont’s healthcare system rather than solely the good of Chittenden County.
6. Participating as an Interested Party in the Certificate of Need proceedings relating to UVMMC’s proposed Outpatient Surgical Center will allow NMC to fully participate in the process. It will permit NMC to submit questions for potential use by the GMCB. It will allow NMC to file pre-hearing information and provide evidence for consideration to help inform the GMCB’s approach and deliberations.

For all these reasons, we formally request that the Green Mountain Care Board grant Northwestern Medical Center Interested Party status in the Certificate of Need process relating to the University of Vermont Medical Center’s proposed Outpatient Surgical Center.



By: \_\_\_\_\_ Date: April 17, 2023

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