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**STATE OF VERMONT  
GREEN MOUNTAIN CARE BOARD**

**Re: UVMMC Outpatient Surgical Center**

**Docket No. GMCB-04-23**

**COPLEY HOSPITAL'S REQUEST TO INTERVENE AS AN INTERESTED PARTY**

Copley Hospital Inc. (Copley) formally requests that the Green Mountain Care Board (GMCB) grant Copley status as an Interested Party in the proceedings related to the application filed by the University of Vermont Medical Center (UVMMC) for a Certificate of Need (CON) to establish an Outpatient Surgical Center in South Burlington, Vermont.

The basis for this request is set forth below:

1. As a non-profit hospital in Morrisville, Vermont that provides multi-specialty surgical services to the people of Lamoille County and surrounding areas, Copley will be affected by the project under review. UVMMC's proposed Outpatient Surgical Center on Tilley Drive would be located approximately 44 miles from Copley, an estimated 54-minute drive.
2. According to 18 VSA 9440 c7, 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." Copley Hospital will be substantially and directly affected by the proposed Outpatient Surgical Center, as demonstrated by the following:
  - a. Copley has capacity in its facilities, which is not recognized in UVMMC's CON application. As the GMCB works through the CON process, they must consider that surgeries, which can be appropriately done at Copley, should remain at our facility.
  - b. Our ability to maintain financial sustainability in both fee-for-service and value-based models depends on efficient use of our existing infrastructure. Any loss of surgeries from our facility weakens Copley.
  - c. The prior establishment of two for-profit surgical centers in Chittenden County has already impacted Copley and neighboring hospitals by drawing surgeries out of our service areas. In their CON application (page 2), UVMMC 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 UVMMC on a more sustainable financial path.*" However, any financial gain and strengthening that is drawn from the surrounding communities weakens neighboring hospitals and puts local access to care in jeopardy.
3. According to 18 VSA 9437 2B, the GMCB will, in making its determination, "consider and weigh relevant factors, including: (i) the financial implications of the project on hospitals and other clinical

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settings, including the impact on their services, expenditures and charges.” UVMHC’s proposed 60% to 140% increase in operating room capacity (from 5 existing rooms to 8-12) will undoubtedly have an impact on the services, finances, and charges of Copley and the neighboring hospitals who provide surgical care as a core aspect of services to their communities.

In addition, Copley has historically been known as a small community hospital, with a clear “Center of Excellence in Orthopaedics”. This designation has been a desired outcome in our collective (Vermont) health reform efforts as we look to keeping some of the smaller facilities viable in providing overall health care services to their communities. Allowing them to pursue these designations, as historically seen in Cataract Surgery and Birthing Centers, for example, is an important strategy in decentralizing care and promoting financial diversity in the system. This project may threaten that ability, and introduce redundancy and overcapacity.

4. The GMCB must consider whether there is “an identifiable, existing, or reasonably anticipated need for the proposed project” (18 VSA 9437 3). Moreover, the policy and purpose of the CON law (18 VSA 9431) is to “require that all new health care projects be offered or developed in a manner which avoids unnecessary duplication.” Interested Party status will allow us to join the discussion about the size and scope of this project beyond the necessary direct 1-for-1 replacement of the operating rooms at Fanny Allen.
5. If the GMCB is to assess whether “the project will serve the public good” (18 VSA 9437 6), they need to include the neighboring community hospitals and ensure that discussion of “public” covers broader public resource allocations and intentions within Vermont’s healthcare system rather than solely the good of Chittenden County.
6. Copley is hereby requesting Interested Party status to confirm our full ability to participate in the CON proceedings for UVMHC’s proposed Outpatient Surgical Center. It will allow Copley to submit questions for potential use by the GMCB, and to file pre-hearing information and 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 Copley Hospital, Inc. Interested Party status in the Certificate of Need process relating to the University of Vermont Medical Center’s proposed Outpatient Surgical Center.

Sincerely,



Joseph Woodin  
Chief Executive Officer