



**Franklin County  
Rehab Center, LLC**

Franklin County Rehab and Adult Care Center  
110 Fairfax Road, St. Albans, VT 05478 • Ph. (802) 752-1600 • Fax. (802) 752-1666

VIA ELECTRONIC DELIVERY

May 18, 2023

Susan J. Barrett, J.D.  
Executive Director  
Green Mountain Care Board  
144 State Street  
Montpelier, Vermont 05602

**Re: Request for waiver of Certificate of Need requirement**

Dear Ms. Barrett:

I am the owner of both The Villa Rehab Center ("The Villa") and Franklin County Rehab Center ("Franklin County Rehab"). I am seeking to transfer the thirty (30) skilled nursing facility beds from The Villa to Franklin County Rehab, upon the construction of an addition to Franklin County Rehab Center to accommodate the same. Specifically, I am seeking a waiver from the Green Mountain Care Board, under 18 V.S.A. Section § 9434(a)(1) and (2), to construct an addition to Franklin County Rehab in order to transfer The Villa's beds to Franklin County Rehab.

This I am making this request for relief in accordance with Section 5 of Act 4, An Act Relating to Extending COVID-19 Health Care Regulatory Flexibility. Act 4, Section 5, provides the Green Mountain Care Board with the power to waive or permit variances from, among other regulatory activities, certificate of need requirements, as necessary to prioritize and maximize direct patient care, safeguard the stability of health care providers, and allow for orderly regulatory processes that are responsive to evolving needs related to the COVID-19 pandemic.

My request for a waiver under Section 5 is based on the following grounds:

- COVID-19 has created a severe workforce shortage for skilled nursing facilities, resulting in the forced use of prohibitively expensive travel and agency staff. This dynamic has directly affected The Villa, including its ability to admit patients awaiting discharge from Vermont's hospitals. The Villa and Franklin County Rehab admit patients from Northwestern Medical Center and the University of Vermont Medical Center, among other hospitals. Patients are waiting for longer periods for placement in a skilled nursing facility, resulting in increased costs to the health care system and impacting hospitals' abilities to care for patients with acute needs. Allowing my team to begin this project immediately will help alleviate these pressures. Having all residents in one location, rather than at two different locations, allows us to maximize staffing flexibilities and coverage. Co-locating the residents from both skilled nursing facilities will allow for certain positions to be consolidated, such as Nursing Home Administrator, Director of Nursing, Dietary Manager, Social Service Manager, Activity Director, Maintenance Director, MDS RN, Rehab Director, etc.

- Moving The Villa's beds will cut the operating administrative costs associated with those beds substantially, as they are currently associated with only thirty (30) beds and, once moved, will be associated with ninety-four (94) beds.
- The Villa has struggled to recruit and retain physician services. Consolidating the beds in one facility, Franklin County Rehab, will assist in more efficiently accessing physician coverage for the residents, by co-locating them.
- Franklin County Rehab cannot absorb The Villa's residents and patients with the existing number of licensed beds at Franklin County, as the facility has been running at ~94% occupancy.
- COVID-19 highlighted the need for private rooms to maintain better infection control and prevent the spread of disease and infection. Private spaces have been critical in the ongoing fight against COVID-19, and skilled nursing facility residents are a particularly vulnerable population. The new beds at Franklin County provide a unique opportunity to improve care and outcomes, as all thirty (30) beds would be in private, single-occupancy rooms. At The Villa, there is just one single-occupancy room, and the remaining semi-private rooms are small.
- This project will not result in an increase in beds to the statewide system, or even to Franklin County. We will maintain the same number of beds, but through a more efficient use of resources overall.
- The Villa and Franklin County Rehab have histories of high quality care. The Villa has a 5-star overall rating, and Franklin County has a 4-star overall rating.
- The Villa was built in 1865. In 2022, the facility was required to undertake a Fire Safety Evaluation System ("FSES") Analysis, in response to a Life Safety survey. The FSES did not achieve a passing score. To achieve a passing score, The Villa must expend in excess of \$400,000.00 on construction costs, and, even with that, lose use of its third floor, where administrative offices are located. It is better for me to use my resources to provide beds in a location better suited to the residents' needs. The current size and layout of Franklin County's commercial kitchen will accommodate the added 30 residents without the need to renovate; likewise, the Laundry space. The facility was built in 2004 and is one of the State's newer facilities.

In closing, I am concerned about my ability to keep The Villa's thirty (30) beds open, absent the relief requested herein. The staffing challenge in particular has placed The Villa in a very difficult financial situation, causing me to have requested financial relief from Vermont's Agency of Human Services. The staffing challenge has artificially depressed census due to the prohibitively expensive staff, so that The Villa has been unable to generate the revenue needed to sustain itself. The financial concerns are compounded when coupled with the anticipated costs associated with the life safety issue.

I have met with Department of Disabilities, Aging and Independent Living Commissioner Monica White to discuss the ongoing staffing, physician coverage, and financial challenges at The Villa and expansion at Franklin County Rehab as a solution to more efficiently maintain needed capacity within the community. Commissioner White has expressed support for this request for a waiver from certificate of need under the circumstances.

Sincerely,



Coleen Condon

Cc: Monica White, Commissioner, DAIL