

**STATE OF VERMONT
GREEN MOUNTAIN CARE BOARD**

In re: University of Vermont Medical Center)
Development of an Outpatient)
Surgery Center) Docket No. GMCB-004-23con
_____)

**ORDER GRANTING INTERESTED PARTY STATUS
TO COPLEY HOSPITAL, INC.**

Copley Hospital, Inc. (Copley) has filed a motion with the Green Mountain Care Board requesting interested party (IP) status in this Certificate of Need (CON) proceeding. For the reasons below, we grant Copley’s request.

In this proceeding, the University of Vermont Medical Center (UVMCC) seeks a CON to develop a multi-specialty Outpatient Surgery Center (OSC) at 19 Tilley Drive in South Burlington. The project includes the purchase of a 13.5-acre parcel located 3.3 miles from UVMCC’s main campus and construction of a new 84,000 gross square foot facility with eight (8) operating rooms (ORs), 12 prep rooms, and 36 recovery spaces, plus shelled space for the future addition of four (4) ORs and 14 pre- and post-operative spaces. Application (Feb. 10, 2023), 2. The project is expected to cost \$129,640,703. *Id.*, 32. This Order does not consider the merits of the pending CON application.

The Board will grant IP status to persons or entities who demonstrate that they will be “substantially and directly affected by the new health care project under review.” 18 V.S.A. § 9440(c)(7); GMCB Rule 4.000, § 4.406(3). A substantial and direct impact includes, but is not limited to, “a direct financial or other business interest in the proposed project.” GMCB Rule 4.000, § 4.406(3). A general interest based on being in the subject service area or otherwise generally concerned with the health care system is not sufficient. *Id.* A successful applicant must also provide a detailed statement illustrating “how relevant Certificate of Need criteria, including applicable health care policy goals, relate to the request to intervene.” Rule 4.000, § 4.406(2).

Copley’s request to intervene demonstrates its financial and business interests in this matter. A nonprofit community hospital providing multi-specialty surgical services in Morrisville to people in Lamoille County and surrounding areas, Copley is located approximately 44 miles

from the proposed OSC. Copley Request, 1. Copley expresses concern about financial harm from losing surgeries to UVMMC. *Id.* at 1-2.

Copley also describes its interests and relevance as an interested party in connection with the CON criteria and applicable healthcare policy goals. *See* Rule 4.000, § 4.406(2). Copley expresses tangible concerns related to determination of need, 18 V.S.A. § 9437(3); financial implications of the project on hospitals and other clinical settings, 18 V.S.A. § 9437(2)(B)(i); and unnecessary duplication of services, 18 V.S.A. § 9431. Copley Request, 1-2.

Based on the above, it is ORDERED that Copley Hospital, Inc. is granted Interested Party status in this docket. Copley shall be copied by all parties on all materials entered into the record, and materials submitted by Copley shall be admitted into the record and copied to all parties. If Copley intends to submit any proposed questions for the Board to consider posing to the applicant, it must do so on or before June 7, 2023.

Dated: May 24, 2023, at Montpelier, Vermont

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<u>s/ Owen Foster, Chair</u>)	
)	
<u>s/ Jessica Holmes</u>)	
)	
<u>s/ Robin Lunge</u>)	GREEN MOUNTAIN
)	CARE BOARD OF
<u>s/ David Murman</u>)	VERMONT
)	
<u>s/ Thom Walsh</u>)	

Filed: May 24, 2023

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

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