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**State of Vermont**  
**Agency of Human Services**  
Office of the Secretary  
280 State Drive  
Waterbury, VT 05671  
[www.humanservices.vermont.gov](http://www.humanservices.vermont.gov)

Jenney Samuelson, *Secretary*  
Todd W. Daloz, *Deputy Secretary*  
[phone] 802-241-0440  
[fax] 802-241-0450

February 7, 2024

**VIA E-MAIL**

Green Mountain Care Board  
c/o Michael Barber  
*Green Mountain Care Board, General Counsel*  
[Michael.Barber@vermont.gov](mailto:Michael.Barber@vermont.gov)

Green Mountain Care Board,

The Agency of Human Services (AHS), on behalf of the Department of Vermont Health Access (DVHA), requests the Green Mountain Care Board (GMCB) grant an exemption to the Certificate of Need (CON) process for the establishment of a BAART Behavioral Health Services Hub in Bennington, Vermont.

GMBC is authorized, pursuant to 18 V.S.A. §9435(e), to grant an exemption of the CON process to a Prepaid Inpatient Health Plan (PIHP) if GMCB determines that the purposes of Title 18, Chapter 221 will not be materially or adversely affected by the exemption.

The requested exemption is within the authority of the GMCB and aligns with its goals. AHS is seeking an exemption, specifically for the BAART Behavioral Health Services facility that will function as a Hub within the Vermont Blueprint for Health Hub and Spoke system managed by Vermont's PIHP, DVHA. The facility will serve as a critical access point to provide opioid use disorder (OUD) treatment to Vermonters in that region.

I. Overview of the PIHP Hub and Spoke System

The Centers for Medicare and Medicaid Services (CMS) granted Vermont a Global Commitment to Health demonstration waiver authorized pursuant to Section 1115(a). This waiver allows Vermont to test, monitor, and evaluate a managed care-like delivery system, home and community-based services, and novel pilot programs, as well as innovations to maintain high-quality, cost-effective services and programs. The waiver requires AHS to maintain an interagency agreement with DVHA acting as the state's PIHP, including, delivery of services through a managed care-like model, compliance with all managed care regulations, and fulfillment of all federal program integrity and audit requirements. Vermont's managed care-like model is "subject to 42 CFR 438 requirements *as a non-risk PIHP*" with clarifications of specific duties outlined to both AHS and DVHA. *See, Global Commitment to Health Section 1115 Demonstration Waiver, Special Terms and Conditions, 3.13 and 6.3.*



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Within DVHA's managed care-like model, multiple programs have been established to improve access to quality patient-centered health care, including the Vermont Blueprint for Health. The Vermont Blueprint for Health is Vermont's state-led initiative charged with implementing sustainable health care delivery reform. One of the community-led strategies for improving health and well-being in Vermont is the Hub and Spoke system for treatment of OUD. Within this system, regional "Hubs" offer support for patients with complex addictions and local "Spokes" offer ongoing OUD treatment fully integrated with general healthcare and wellness services. Governing provisions of the Hub and Spoke system are outlined in the Medicaid State Plan.

DVHA provides ongoing program integrity oversight as the Medicaid PIHP. By agreement, the administration of the Hubs is managed by the Division of Substance Use (DSU) within the Vermont Department of Health (VDH), in conjunction with federal partners, the Drug Enforcement Administration (DEA) and the Substance Abuse and Mental Health Services Administration (SAMSA).

DSU contracts with third-party providers for the operation of the Hubs. Prior to opening, a Hub is required to obtain both state certification and federal licensure. Certified Hubs are preferred providers and must recertify at least every three years for the entirety of their operation. In addition to state certification, Hubs are also required to obtain licensure through SAMSA and DEA and are subject to the program integrity oversight applicable to Medicaid payments.

While Hubs provide treatment to primarily Medicaid eligible Vermonters, Hubs also accept Medicare, private insurance, and out-of-pocket payments for their services. The payment amount for services may vary by insurer based upon the reimbursement rate. To ensure accessibility, Hubs offer a sliding fee scale and receive grant funding to treat uninsured and underinsured patients.

## II. Overview of the BAART Bennington Hub

DSU has identified a need for a Bennington-area Hub. Currently, Vermonters in that area must travel to Massachusetts to receive necessary OUD treatment services. Establishing a Hub in Bennington will further geographic equity and provide a critical access point for OUD services in that region. BAART has been identified to establish a Bennington Hub that would provide the necessary OUD treatment services in coordination with local Spokes.

BAART is well-known to DSU, as it currently operates four other Hubs in Vermont. As a Hub in the Blueprint for Health system, BAART's Bennington Hub would be a preferred provider, subject to the certification, licensure, and compliance requirements of all Hubs (outlined above). BAART's current Hubs were adequately staffed upon opening, and there are currently no identified concerns with BAART adequately staffing or competently managing a Bennington Hub.



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### III. An Exemption Aligns with the Goals of GMCB

The GMCB may grant an exemption of the CON process to the BAART Bennington facility as a Hub within the Vermont Blueprint for Health initiative of the state PIHP pursuant to 18 V.S.A. §9435(e), as the facility aligns with the goals of GMCB outlined in Title 18, Chapter 221.

The CON process is intended to prevent unnecessary duplication of health care facilities, guide their establishment to best serve public needs, promote cost containment, and ensure the provision and equitable allocation of high-quality health care services and resources to Vermonters.

The GMCB granting an exemption for this facility will not materially or adversely affect the goals outlined in Title 18, Chapter 221. *See, 18 V.S.A. §9401; 18 V.S.A. §9431(a).* The need for the BAART Bennington facility is well-documented, as Vermonters in that region are currently required to seek OUD treatment at a Massachusetts facility. The establishment of a Bennington Hub will not create an unnecessary duplication of health care facilities, rather it will promote geographical equity by granting Vermonters in this region access to affordable, in-state treatment subject to the certification, licensure, and oversight requirements of a Vermont Blueprint for Health Hub. The Hub and Spoke program establishes a regional and local system for OUD treatment accepting Medicaid, Medicare, private health insurance, and grant funding for uninsured and underinsured patients, furthering the goal of universal access for all Vermonters. *See, 18 V.S.A. §9401.* The access, affordability, and quality of this program will be subject to state certification, federal licensure, and Medicaid program integrity oversight.

The CON criteria outlined in 18 V.S.A. §9437 further supports the establishment of a Bennington Hub. Establishing a critically needed regional Hub for in-state OUD treatment, serves the public good, provides greater access to healthcare, and increases equal access to appropriate mental health care that meets standards of quality, access, and affordability as part of an integrated holistic system of care. The Hub and Spoke system within the Vermont Blueprint for Health is specifically designed to establish patient-centered healthcare that integrates treatment for substance use, mental health, and overall well-being.

AHS, on behalf of the state PIHP, DVHA, requests the GMCB grant an exemption to the CON process for the establishment of a BAART Behavioral Health Services Hub in Bennington, Vermont. This Hub will promote the equity in healthcare access sought by the GMCB.

Sincerely,  
Ashley L. Johns  
Staff Attorney  
Vermont Agency of Human Services