

**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  
\_\_\_\_\_)

**FIRST AMENDED SCHEDULING ORDER**

A Scheduling Order was issued on January 23, 2024. The Scheduling Order established dates and timeframes for completion of pre-hearing activities in this docket. The Scheduling Order specified that a date for the hearing would be set when the application is closed and that, at that time, an amended scheduling order would be issued.

UVMMC submitted a letter on February 16, 2024, notifying GMCB that it anticipated responding to Q009 by February 26, 2024, and requesting that GMCB schedule the hearing in April or May 2024. UVMMC submitted its responses to Q009 on February 27, 2024, and GMCB closed the application on February 28, 2024.

This First Amended Scheduling Order sets a hearing date of May 20, 2024. To allow for this, however, certain timeframes specified in the Scheduling Order were modified slightly.

1.     Q009: N/A
2.     Deadline for Proposed Questions: N/A
3.     Possible Q010: N/A
4.     Application Closed Date: February 28, 2024.
5.     Deadline for Petitions for Interested Party or Amicus Curiae Status: Pursuant to 18 V.S.A. § 9440(c)(7), a petition seeking party or amicus curiae status must be filed not later than March 7, 2024.
6.     Disclosure of GMCB Consultants: No later than March 20, 2024, GMCB shall disclose the identity of each of its consultants retained to provide an opinion with respect to the CON application, as well as the following information, which shall be included in the record of this CON proceeding:

- a. The consultant's qualifications as an expert, including disclosure of relevant publications authored by the consultant and the instances, including date and forum, where the consultant has provided expert opinion or testimony in the past four years; and
  - b. The consultant's written report with respect to this CON application.
7. Written Questions for GMCB Consultants: No later than April 1, 2024, Applicant may submit written questions to GMCB regarding the consultants' written reports, which shall be included in the record of this CON proceeding.
8. Responses from GMCB Consultants: GMCB's consultants shall endeavor to respond to Applicant's written questions within fourteen calendar days (or the next business day if the last day of the period falls on a weekend or holiday). The consultants' responses shall be included in the record of this CON proceeding.
9. Workshops: GMCB may schedule one or more meetings with the Parties to facilitate the resolution of GMCB pre-hearing questions pertaining to the CON application. Each such meeting shall be recorded, and such recording shall be included in the record of this CON proceeding.
10. Response to GMCB Consultants' Reports and Interested Party Statements of Position: No later than April 25, 2024:
  - a. Each Party may submit a written response to the reports of GMCB's consultants, which shall be included in the record of this CON proceeding; and
  - b. Each Interested Party may file a Statement of Position concerning the CON application, which shall be included in the record of this CON proceeding.
11. Applicant Response to Statements of Position: If an Interested Party's Statement of Position includes new facts that are not part of the existing record of this CON proceeding, then no later than May 6, 2024, Applicant may submit a written Response, which shall be included in the record of this CON proceeding.
12. Witness List: No later than May 10, 2024, each Party shall disclose the expert and non-expert witnesses it may call at the hearing.
  - a. If an expert witness was retained or specially employed to provide expert testimony with respect to this CON application, the Party shall also provide:
    - i. The witness's qualifications as an expert, including disclosure of relevant publications authored by the witness and the instances, including date and forum, where the witness has provided expert opinion or testimony over the past four years; and

- ii. A brief description of the subject matter, facts, and opinions on which the witness is expected to testify.
  - b. For each non-expert witness and each expert witness who was not retained or specially employed to provide expert testimony with respect to this CON application, the Party shall provide a brief description of the subject matter on which the witness is expected to testify.
13. Prehearing Conference: A prehearing conference will be held on May 13, 2024, beginning at 10:00 a.m. to discuss the order of witness testimony, the allocation of hearing time, and any other matters relevant to the conduct and content of the hearing.
14. Hearing: A public hearing will be held via Microsoft Teams on May 20, 2024, beginning at 9:00 a.m.

Dated this 28th day of February 2024.

s/ Michael Barber  
General Counsel  
Green Mountain Care Board