

**STATE OF VERMONT
GREEN MOUNTAIN CARE BOARD**

In re: Southwestern Vermont Medical Center)
 Creation of Inpatient Mental Health)
 Unit for Adolescents) Docket No. GMCB-014-23con
_____)

**ORDER GRANTING INTERESTED PARTY STATUS
TO THE BRATTLEBORO RETREAT**

Brattleboro Retreat (the Retreat) 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 the Retreat’s request.

In this proceeding, Southwestern Vermont Medical Center (SVMC) seeks a CON to create an inpatient mental health unit for adolescents aged 12-17 on SVMC’s Bennington Campus. The project includes facility renovations and the implementation of the new service. Application (Feb. 8, 2024), 10. The project’s capital cost is approximately \$9.5 million, and the annual operating expenses will be over \$6 million. *Id.* 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).

The Retreat’s request to intervene demonstrates its financial and business interests in this matter. A mental health treatment system in southern Vermont, the Retreat is presently the only inpatient psychiatric facility for adolescents in Vermont. Retreat Request, 1-2. The Retreat expresses concern about financial harm from losing patient occupancy to SVMC. *Id.* at 2-3.

The Retreat also describes its interests and relevance as an interested party in connection with the CON criteria and applicable healthcare policy goals. *See* GMCB Rule 4.000, § 4.406(2). The Retreat expresses tangible concerns related to statutory criteria and relevant HRAP standards, including 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 feasibility of collaborative approaches to service delivery, HRAP Standard 1.3. Retreat Request, 3-4.

Based on the above, it is ORDERED that Brattleboro Retreat is granted Interested Party status in this docket. The Retreat shall be copied by all parties on all materials entered into the record, and materials submitted by the Retreat shall be admitted into the record and copied to all parties. If the Retreat intends to submit any proposed questions for the Board to consider posing to the applicant, it must do so on or before April 22, 2024.

Dated: April 11, 2024, at Montpelier, Vermont

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

**Board Member Holmes did not participate in this decision.*

Filed: April 11, 2024

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

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