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***DELIVERED ELECTRONICALLY***

May 28, 2024

Donna Jerry, Senior Health Policy Analyst  
Green Mountain Care Board  
144 State Street  
Montpelier, Vermont 05602  
[donna.jerry@vermont.gov](mailto:donna.jerry@vermont.gov)

Re: Request for Expedited Review of the Certificate of Need Application for the Purchase of a Replacement Linear Accelerator and Related Facility Modifications and Upgrades

Dear Donna:

Central Vermont Medical Center (“CVMC”) files this Certificate of Need application for the purchase of a Replacement Linear Accelerator (“LINAC”) and Related Facility Modifications and Upgrades. CVMC is seeking expedited approval of the application without a hearing and with such other abbreviated process as the Green Mountain Care Board (“GMCB”) finds appropriate.

A request for expedited review may be granted if the project is likely to be uncontested and does not substantially alter services. 18 V.S.A. § 9440(c)(5); GMCB Rule 4.00, *Certificate of Need* (“Rule 4”). CVMC’s application, attached, meets these requirements.

This project is not expected to be contested. The project is a straight replacement of existing equipment that is fully depreciated and has reached the end of its service life. Replacement of the 15-year-old LINAC with a newer, comparable unit will enable CVMC cancer patients to receive needed treatments without the risk of prolonged equipment downtime should unit components fail.

The project does not substantially alter services offered by the applicant. Pursuant to Rule 4, a project does not substantially alter services if:

- (a) the project raises no significant health care policy or planning concerns; and
- (b)(i) the expenditures associated with the proposed project or action do not have a significant impact on the services provided, the cost of health care, or the financial strength of the applicant; or

(ii) the project consists of the routine replacement of existing equipment that is depreciated, out-of-date or obsolete, or consists of the routine renovation, repair or maintenance of existing buildings and facilities.

Rule 4, § 4304.2.

First, the project does not raise significant health care policy or planning concerns. The current LINAC is used for approximately 4,000 treatments annually, and the applicant projects that demand will remain consistent into the next decade. The new LINAC is comparable to the unit it will replace, but will provide clearer imaging and less risk of downtime due to servicing or component failure. Although there will be some disruption to patient access as a result of the project—patients will travel to another facility to receive their treatments during the construction and testing period—once the project is complete, treatments will continue to be delivered in the same location on the CVMC campus.

Second, the project falls squarely within subsection (b)(ii) as the routine replacement of fully depreciated equipment. The existing LINAC is also out-of-date, and will no longer be serviced by the vendor based on component obsolescence and technological advances since its installation in 2009. All proposed facility renovations and mechanical and electrical updates included in the project are needed to accommodate the new unit.

Based on the above, we believe the GMCB may declare this application uncontested, and issue written notice granting a Certificate of Need without any further process. We respectfully ask the Board to do so.

In accordance with 18 V.S.A. § 9440(c)(2) and Rule 4,<sup>1</sup> we provide the following information about the Project, which we discuss further in the CON application:

Project Scope and Expenditures: The project is for the purchase of a replacement LINAC and facility modifications and upgrades to mechanical and electrical systems to accommodate the new device, for a total cost of \$3,661,162. The project does not propose the creation of new health care facilities or the initiation of new health care services; it is focused on replacing already-existing equipment that is fully depreciated and at the end of its service life.

Project Rationale: CVMC's LINAC, at 15 years old, is outdated and needs to be replaced. It is currently used for approximately 4,000 treatments per year, the majority of which are for patients from within a 35-mile radius of CVMC. With a continued and consistent demand for procedures projected into the next decade, the applicant seeks to purchase a new, comparable LINAC—warranted and with service coverage—to replace the aged-out and increasingly unreliable current unit.

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<sup>1</sup> Rule 4 provides that an applicant seeking expedited review may submit a “simplified” application that explains 1) project costs in detail; 2) why the project qualifies for expedited review; and 3) the need for the project and why the applicant is the appropriate entity to address the need. Rule 4, § 4304.3. Notwithstanding the Rule's reduced filing requirement, the attached application provides a complete and comprehensive justification for the project and fully addresses all relevant criteria.

Need to be Addressed: External beam radiation using a linear accelerator is the most common type of radiation treatment and the standard of care for treating most localized solid tumors. Replacement of the LINAC will enable cancer patients in Central Vermont to continue to receive radiation treatments at CVMC, rather than traveling farther from their homes for care. It will meet current and future demand and is an important step in the Network's planned investment in radiation therapy and the development of an integrated radiation treatment delivery system, benefiting patients and staff.

Cost, Access, Quality: The project will replace the existing LINAC with a newer, comparable unit. The applicant, in consultation with ECRI, negotiated the cost of the unit with the vendor, resulting in an additional year of warranty and favorable, discounted pricing. Replacing the unit ensures continuing access to treatments for CVMC cancer patients, and as the Network continues to align its LINACs to a single technology platform, will enable CVMC patients to benefit from remote dosimetry and medical physics.

The project was included in the capital budget submitted to the GMCB in July 2023.

Service Area: The service area for this project is Central Vermont, including towns within an approximate 60-mile radius of CVMC.

Since we are requesting expedited review, we understand that your office will provide public notice in accordance with 18 V.S.A. §§ 9440(c)(2)(B) and 9440(c)(5)(A).

Thank you for your consideration. Please contact me if you have any questions concerning this request or the application.

Sincerely,



Judith Henkin, Esq.,  
on behalf of the Central Vermont Medical Center

cc: Anna Noonan, President & COO, CVMC  
Eric Miller, General Counsel & Senior Vice President,  
UVM Health Network