
Certificate of Need Bulletin 004

Adjustments to Certificate of Need Monetary Jurisdictional Thresholds

Background: On April 12, 2023, the Green Mountain Care Board voted unanimously to increase each of the monetary jurisdictional thresholds in 18 V.S.A. § 9434(a)-(c).

Authority: 18 V.S.A. § 9434(e).

Revised Thresholds: The revised monetary jurisdictional thresholds are set forth below.

Non-Hospital Healthcare Facilities

18 V.S.A. § 9434(a)(1): The construction, development, purchase, renovation, or other establishment of a health care facility, or any capital expenditure by or on behalf of a health care facility, for which the capital cost exceeds ~~\$1,800,000.00~~ \$1,840,000.00.

18 V.S.A. § 9434(a)(4): The purchase, lease, or other comparable arrangement of a single piece of diagnostic and therapeutic equipment for which the cost, or in the case of a donation the value, is in excess of ~~\$1,200,000.00~~ \$1,230,000.00.

18 V.S.A. § 9434(a)(5): The offering of a health care service or technology having an annual operating expense that exceeds ~~\$600,000.00~~ \$610,000.00 for either of the next two budgeted fiscal years, if the service or technology was not offered or employed, either on a fixed or a mobile basis, by the health care facility within the previous three fiscal years.

Hospitals

18 V.S.A. § 9434(b)(1): The construction, development, purchase, renovation, or other establishment of a health care facility, or any capital expenditure by or on behalf of a hospital, for which the capital cost exceeds ~~\$3,600,000.00~~ \$3,690,000.00.

18 V.S.A. § 9434(b)(2): The purchase, lease, or other comparable arrangement of a single piece of diagnostic and therapeutic equipment for which the cost, or in the case of a donation the value, is in excess of ~~\$1,800,000.00~~ \$1,840,000.00.

18 V.S.A. § 9434(b)(3): The offering of a health care service or technology having an annual operating expense that exceeds ~~\$1,200,000.00~~ \$1,230,000.00 for either of the next



two budgeted fiscal years, if the service or technology was not offered or employed, either on a fixed or a mobile basis, by the hospital within the previous three fiscal years.

Conceptual Certificates of Need

18 V.S.A. § 9434(c): In the case of a project that requires a certificate of need under this section, expenditures for which are anticipated to be in excess of ~~\$36,000,000.00~~ \$36,870,000.00, the applicant first shall secure a conceptual development phase certificate of need, in accordance with the standards and procedures established in this subchapter, that permits the applicant to make expenditures for architectural services, engineering design services, or any other planning services, as defined by the Board, needed in connection with the project. Upon completion of the conceptual development phase of the project, and before offering or further developing the project, the applicant shall secure a final certificate of need in accordance with the standards and procedures established in this subchapter. Applicants shall not be subject to sanctions for failure to comply with the provisions of this subsection if such failure is solely the result of good faith reliance on verified project cost estimates issued by qualified persons, which cost estimates would have led a reasonable person to conclude the project was not anticipated to be in excess of ~~\$36,000,000.00~~ \$36,870,000.00 and therefore not subject to this subsection. The provisions of this subsection notwithstanding, expenditures may be made in preparation for obtaining a conceptual development phase certificate of need, which expenditures shall not exceed ~~\$1,800,000.00~~ \$1,840,000.00 for non-hospitals or ~~\$3,600,000.00~~ \$3,690,000.00 for hospitals.

Revision Date: February 1, 2024.

s/ Owen Foster, Chair)
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s/ Jessica Holmes)
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s/ Robin Lunge)
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s/ David Murman)
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s/ Thom Walsh)

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