

# VERMONT LEGAL AID, INC.

## OFFICE OF THE HEALTH CARE ADVOCATE

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January 9, 2020

Green Mountain Care Board  
144 State Street  
Montpelier, VT 05602

Re: GMCB-001-17con – University of Vermont Medical Center’s Electronic Health Record Replacement Project, HCA Comment on Request for Clarification of Condition #9

Dear Members of the Green Mountain Care Board,

As an interested party in the above-captioned Certificate of Need (CON) proceeding, the Office of the Health Care Advocate (HCA) is responding to the University of Vermont Health Network (UVMHN)’s request for clarification on the Green Mountain Care Board (Board)’s January 5, 2019 Certificate of Need, Condition #9. Condition #9 prohibits any incentive payments or pay bonuses in connection with the project to any UVMHC or UVM Health Network employee. UVMHN asks the Board to clarify that this condition only applies to bonuses or incentives in connection with regulatory approval and would not apply to incentives or bonuses in connection with project implementation.

The HCA supports the plain language meaning of the original condition, which is not limited to regulatory approval. We believe that it is important to avoid awarding financial incentives to executives at any step of the CON process – filing, approval, or implementation - as decision-makers should not be influenced by personal gain when making high stakes choices about Vermont’s health care system and, in particular, its non-profit hospitals. Even if the bonus is awarded late in the process, after the decision to pursue the certificate of need has been made, the precedent may impact future decision-making.

We appreciate that transitioning to a new electronic health records system is burdensome for employees and that many UVMHN employees have been working extra hours to implement the change. If the Board chooses to allow non-executive employees to receive bonuses in connection to the implementation of this project, the HCA does not object.<sup>1</sup> However, we note that this was not the clarification sought by UVMHN.

Thank you for considering our comments.

Sincerely,

s\ Mike Fisher

Chief Health Care Advocate, Office of the Health Care Advocate

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<sup>1</sup> In this case, for simplicity, we would define executives as all employees listed on each UVMHN hospital’s Form 990.