

June 5, 2017

VIA EMAIL AND FIRST CLASS MAIL

Noel Hudson, Health Policy Director and Hearing Officer
Green Mountain Care Board
89 Main Street, Third Floor City Center
Montpelier, Vermont 05620

Re: GMCB-010-15con, Proposed Ambulatory Surgery Center Certificate of Need Application

Dear Hearing Officer Hudson:

The Vermont Association of Hospitals and Health Systems (“VAHHS”) and Northwestern Medical Center (“NMC”) are submitting this letter in response to ACTD, LLC’s (the “Applicant”) request for an opportunity to respond to the questions of the new Green Mountain Care Board (the “Board”) members in person. VAHHS and NMC respectfully object to this request for a third in-person hearing regarding the Green Mountain Surgery Center (“GMSC”) Certificate of Need (“CON”) application.

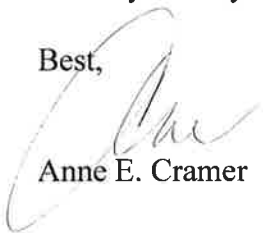
The record regarding the application, compiled over almost two years, is complete. The Applicant, VAHHS and NMC have submitted extensive written materials regarding the CON application in response to the Board’s requests for additional information and through memoranda. There have been two in-person public hearings to discuss the application which were both transcribed and video-taped. There has been ample opportunity to submit public comment. (There are 110 pages of public comment included in the record.) The issues of whether the GMSC CON application meets the CON requirements under 18 V.S.A. § 9437 are well joined. Should the new members have questions, they can easily be answered in writing. As the Board noted in the Notice of Continuation of Proceeding, issued May 12, 2017, the new members of the Board will not be hindered in their consideration of the application.

Additionally, if a third in-person hearing is permitted, it will be challenging to schedule with all interested parties and all witnesses in attendance. Green Mountain Care Board Rule 4.406(5)(c). The Applicant’s request for an in-person meeting was filed nine days after the status conference call on the application. Given the short amount of time remaining before the Board must issue its final decision on the GMSC CON application and the need for a proposed decision and

responses thereto that must be issued and filed before a final decision can be reached, it will be difficult to schedule an in-person meeting when all witnesses can be present so as to avoid prejudice to any party.

Thank you for your consideration of this matter.

Best,



Anne E. Cramer

Cc: Judy Henkin, Esq., General Counsel, Green Mountain Care Board
Donna Jerry, Senior Health Policy Analyst, Green Mountain Care Board
Eileen Elliot, Esq., Dunkiel Saunders, Elliott, Raubvogel & Hand
Karen Tyler, Esq., Dunkiel Saunders, Elliott, Raubvogel & Hand
Drew Kervick, Esq., Dunkiel Saunders, Elliott, Raubvogel & Hand
Lila Richardson, Esq., Office of the Health Care Advocate
Julia Shaw, Health Policy Analyst, Office of the Health Care Advocate
Kaili Kuiper, Esq., Office of the Health Care Advocate
Jill Berry Bowen, CEO, Northwestern Medical Center
Jonathan Billings, VP, Planning and Community Relations, Northwestern Medical Center