

**STATE OF VERMONT
GREEN MOUNTAIN CARE BOARD**

In re: Application of ACTD, LLC,)
Green Mountain Surgery Center) GMCB-010-15con
)
)
_____)

ORDER AMENDING CERTIFICATE OF NEED

On July 10, 2017, this Board issued a Certificate of Need (CON) in the above-captioned matter. On February 13, 2018, the Board received a letter from Amy Cooper, Manager of ACTD LLC requesting relief from Conditions A. 4 and A. 7. For each, the Green Mountain Surgery Center (GMSC) requests that it be allowed to extend the timeframe and comply with the condition prior to commencing operations, rather than prior to construction of the facility.

Condition A.4 requires that the Green Mountain Surgery Center (GMSC), prior to commencing construction, “enter into a transfer agreement with at least one local hospital, or obtain a binding Memorandum of Agreement from such hospital(s) confirming that it will enter into a transfer agreement with the ASC once it becomes operational.” The GMSC informs the Board that it cannot meet this condition because it will not, prior to construction, have developed and approved policies and procedures relating to quality of care and patient safety that the University of Vermont Medical Center (UVMCMC) requires before a transfer agreement can be finalized. The GMSC expects to have the policies and procedures in place in late 2018, during the middle of its construction season.

Condition A.7 requires that the GMSC “obtain approval to enter into agreement with the Centers for Medicare & Medicaid Services (CMS) to operate as a Medicare-certified ambulatory surgery center.” Again, the GMSC does not object to the substance of the condition, but requests that it be allowed to comply after construction of the facility, but prior to commencing operations. The GMSC states that it cannot meet this condition as written because the facility must be fully constructed before it can be surveyed and eligible for CMS certification.

Based on the information provided by the GMSC, the Board finds both requests reasonable, grants the request for relief, and orders the following:

Condition A, which prefaces and is applicable to Conditions A.1 to A.7, is amended to read:

- A. *Prior to commencing any construction of the facility, the applicant must appear before the Board and demonstrate that it meets the following conditions, with the exception of Conditions A.4 and A.7. The applicant must appear before the Board prior to commencing operations to demonstrate its compliance with Conditions A. 4 and A.7:*

Other than this limited amendment, the Requirements and Conditions set forth in the Certificate of Need and Statement of Decision and Order in this matter are unchanged.

Dated: March 9, 2018 at Montpelier, Vermont.

s/ Kevin Mullin, Chair)
) GREEN MOUNTAIN
s/ Jessica Holmes) CARE BOARD
) OF VERMONT
s/ Robin Lunge)
)
s/ Thomas Pelham)
)
s/ Maureen Usifer)