

STATE OF VERMONT
GREEN MOUNTAIN CARE BOARD

In re: The Green Mountain Surgery Center)
 ACTD LLC) GMCB-010-15con
)

REQUEST FOR RECONSIDERATION

The Office of the Health Care Advocate (HCA) respectfully asks the Board to reconsider in part its October 20, 2016 decision regarding Green Mountain Surgery Center's confidentiality request. The HCA believes that as much information as possible should be included in the public record so that the public is adequately informed about certificate of need applications under Board review. At the same time, we understand that there are retaliation concerns in this case that are somewhat unique.

The HCA specifically objects to the fact that the decision agrees to redact the names of investors from information provided to intervening parties and appears to include the HCA. While the Board could reasonably conclude that the intervening parties that are in the business of employing physicians pose a threat of retaliation to the investors, the HCA clearly poses no such threat. The legislature gave the HCA a role in the Board's certificate of need process to protect consumers' interests. We cannot fully fulfill our role without access to all available information. This access should not be denied because others in the process could have a conflict.

We therefore ask you to make an exception to the confidentiality order for the HCA.

Dated at Montpelier, Vermont this 26th day of October, 2016.

s/ Kaili Kuiper
Kaili Kuiper
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CERTIFICATE OF SERVICE

I, Kaili Kuiper, hereby certify that I have served the above Request for Reconsideration on Judith Henkin, General Counsel to the Green Mountain Care Board; Noel Hudson, Health Policy Director of the Green Mountain Care Board; Donna Jerry, Green Mountain Care Board Health Policy Analyst; Drew Kervick and Eileen Elliott, representatives of ACTD LLC; and Anne Cramer, representative of VAHHS and Northwestern Medical Center, by electronic mail, return receipt requested this 26th day of October, 2016.

s/ Kaili Kuiper

Kaili Kuiper

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