



Donna Jerry
Health Policy Analyst
Green Mountain Care Board
89 Main Street, Third Floor
Montpelier, Vermont 05620

July 31, 2015

RE: Green Mountain Surgery Center
Docket No. GMCB-O 1 0- I 5con

Dear Donna:

Enclosed please find Northwestern Medical Center's Motion to Intervene as an interested party in the above referenced matter.

Sincerely,

Jill Berry Bowen
Chief Executive Officer

CC: Judith Henkin, Esq.
Jonathan Billings, NMC Vice President of Planning & Community Relations
Anne Cramer, Esq.
Lila Richardson, The Office of the Health Care Advocate
Eileen Elliott, Esq.

6, page 28.) GMSC estimates that this transfer in patients will result in over \$7 million in revenue. Assuming that a significant number of those surgical cases would otherwise be cared for at NMC, such a shift in demand and revenue will have a significant detrimental impact on NMC's ability to provide those surgical services by eroding the narrow operating margin of NMC.

- c. NMC has had and currently has excess capacity in its operating rooms which is not recognized in the CON Application submitted by GMSC.
4. 18 V.S.A. § 9437(2)(B) states that the GMCB shall grant a Certificate of Need application if the Board finds that "the cost of the project is reasonable, because...the project will not result in an increased cost of medical care." In making this determination, the GMCB will "consider and weigh relevant factors, including: (i) the financial implications of the project on hospitals and other clinical settings, including the impact on their services, expenditures and charges." NMC, as an intervening party, can provide evidence of the detrimental financial impact on its services, operating room utilization, expenditures and charges that approval of the GMSC application will have.
5. 18 V.S.A. § 9437(3) states that, in considering whether to grant a Certificate of Need application, the GMCB should consider whether there is "an identifiable, existing, or reasonably anticipated need for the proposed project." Additionally, the policy and purpose of the Certificate of Need law is to "require that all new health care projects be offered or developed in a manner which avoids unnecessary duplication." 18 V.S.A. § 9431. GMSC would unnecessarily duplicate existing facilities, equipment, and services presently provided by NMC and other non-profit hospitals in the area. NMC already provides gastroenterology, obstetrics and gynecology, orthopedics, pain management and general surgery services, and has additional capacity to provide these services. As an intervening party, NMC can assist the GMCB in assessing whether there is a need for the proposed GMSC project by providing information regarding the services already offered by NMC and the current utilization of NMC's capacity.
6. 18 V.S.A. § 9437(6) provides that, in determining whether to grant a Certificate of Need, the GMCB should assess whether "the project will serve the public good." NMC invests substantial resources and effort in serving every member of its community who needs assistance, in advancing health reform initiatives in Vermont, and in adhering to state and federal regulations pertaining to hospitals, including the payment of an annual

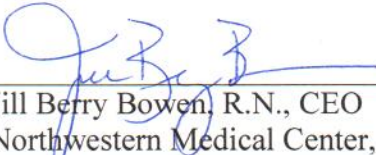
hospital assessment to support the State's medical assistance programs. NMC has long participated in the Vermont Blueprint for Health. It is an Accountable Care Organization (ACO) participant with both OneCare Vermont and also through Community Health Accountable Care. As an ACO participant, the Hospital takes part in shared savings programs piloted by Medicare, Medicaid and for Vermont beneficiaries receiving insurance through the Vermont Insurance Exchange. As an interested party, NMC would provide evidence regarding the substantial and direct negative impact an unregulated ambulatory surgery center could have on the finances of NMC, its ability to participate in health reform related efforts and the community's ability to access services.

7. Intervening in the present proceeding as an interested party will allow NMC to participate fully in the process and will permit NMC to introduce evidence, in the record, that will inform the GMCB's decision-making process. If the GMSC is permitted to become the first non-hospital based multi-specialty ambulatory surgery center in Vermont, NMC will sustain a substantial, negative financial impact and the community could be negatively impacted by higher costs and restricted access.

For all of these reasons, Northwestern Medical Center hereby requests that the GMCB grant this Motion to Intervene as an Interested Party in the GMSC's application for a Certificate of Need.

Dated in St. Albans, Vermont this 31st day of July, 2015.

By:



Jill Berry Bowen, R.N., CEO
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cc: Primmer Piper Eggleston & Cramer PC