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July 31, 2015

VIA ELECTRONIC & FIRST CLASS MAIL

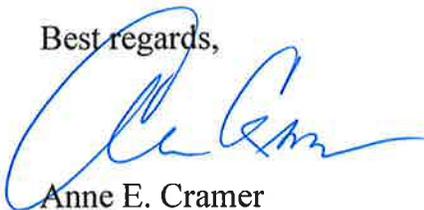
Donna Jerry
Senior Health Policy Analyst
Green Mountain Care Board
89 Main Street, Third Floor, City Center
Montpelier, VT 05620

Re: Green Mountain Surgery Center
Docket No. GMCB-010-15con

Dear Donna:

Enclosed please find Vermont Association of Hospitals and Health Systems' Motion to Intervene as an interested party in the above referenced matter.

Best regards,



Anne E. Cramer

cc: Judith Henkin (via electronic and first class mail)
Eileen Elliot (via electronic and first class mail)
Drew Kervick (via electronic and first class mail)
Kaili Kuiper (via electronic and first class mail)
Lila Richardson (via electronic and first class mail)

substantial and direct impact shall include...a direct financial or business interest in the proposed project.”

4. VAHHS’ members provide outpatient surgery state-wide. VAHHS works extensively with its members to evaluate the financial impacts on them of state and federal reimbursement, policy change and health reform opportunities. VAHHS’ members are active accountable care organization participants in shared savings programs offered by Medicare, the State of Vermont for Medicaid and the commercial insurance plans offered on the Vermont Insurance Exchange. VAHHS understands the fragility of its members’ financial circumstances and the resources they have committed to working on health reform initiatives in collaboration with the State of Vermont to fundamentally change the payment system to promote population health.
5. 18 V.S.A. § 9437(2)(B) states that the GMCB shall grant a Certificate of Need application if the Board finds that “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.” As a representative of its members, VAHHS will provide evidence on the financial circumstances of its members that will assist the GMCB in assessing the detrimental financial impact GMSC will have on the services, charges and expenditures of hospitals, as well as critical health reform efforts to move away from fee-for-service payment.
6. Under 18 V.S.A. § 9437(3)-(5), in considering whether to grant a Certificate of Need application, the GMCB must consider whether there is “an identifiable, existing, or reasonably anticipated need for the proposed project,” and whether “the project will improve the quality of health care in the state or provide greater access to health care for Vermont's residents.” VAHHS has an in-depth knowledge of the services that its member hospitals and health systems provide throughout the state and the level of utilization of these services. It can present current information on operating room capacity for outpatient surgery at hospitals throughout the state, including available capacity at The University of Vermont Medical Center and the other hospitals that are in closest proximity to the proposed GMSC. VAHHS can assist the GMCB in

assessing whether there is a need for the ambulatory surgery center, and whether the project will improve the quality of health care in the state, or will provide greater access to health care for Vermonters.

7. 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.” VAHHS is aware of the resources and effort its members invest in serving every member of the community who needs assistance, and in adhering to state and federal regulations pertaining to hospitals and health systems, including the payment of an annual hospital assessment to support the State’s medical assistance programs. It is also actively working with its members on health reform and payment reform initiatives. As an interested party, VAHHS could provide invaluable information regarding the substantial and direct negative impact an unregulated ambulatory surgery center without any obligations to the Vermont community could have, not only on the finances of hospitals and health systems, but also on community access to services, health care costs in the state and health reform efforts. By providing this information, VAHHS could help the GMCB assess whether granting the GMSC a certificate of need would benefit or be detrimental to the public good.
8. More specifically, CON Rule 4.402(3)(d) considers “whether the project is consistent with current health reform initiatives, at the State and federal level” as a factor in determining whether a project will serve the “public good” under 18 V.S.A. § 9437(6). On behalf of its members, VAHHS will provide evidence that VAHHS and its members have been working extensively over the past several years with the State of Vermont, including the GMCB and the Vermont Health Care Innovation Project, and with the Centers for Medicare and Medicaid Services on a plan to completely change how Vermont hospitals will be paid for the care they provide consistent with the triple aims of the Institute for Healthcare Improvement. The focus is on a payment system that will move away from fee for service payment in favor of Vermont hospitals being responsible for population health under a capitated payment system requiring them to take risk for the cost and quality of the care provided. The members of VAHHS have literally invested millions of dollars and an untold number of hours of time on payment reform. The GMSC’s application to establish a market driven fee-for-service ambulatory service center, which can cherry

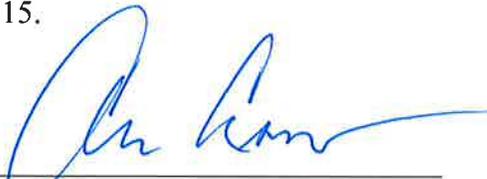
pick outpatient surgery services outside of this payment system and the hospital regulatory structure, is directly contrary to and undermines this effort.

9. Intervening in the present proceeding as an interested party will allow VAHHS to participate fully in the process as a representative of its members and will permit VAHHS 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, VAHHS members will sustain a negative financial impact and the community could be negatively impacted by higher costs and restricted access. Therefore, in accordance with the law, the GMCB should grant VAHHS interested party status.

For all of these reasons, VAHHS 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 Burlington, Vermont this 31st day of July, 2015.

By:



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