Certificate of Need

SOLA FARQUHAR & SAM FERGUSON

Healthcare Administrators

- Todd Keating, CFO at UVM Health Network
- Randy Strozyk, Senior Vice President at American Medical Research (AMR)
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- Donna Jerry, Senior Health Policy Analyst at GMCB
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- Jessica Holmes, Ph.D., Board Member of GMCB

Lawyers

- Susan Barrett, J.D., Executive Director of GMCB
- Judy Henkin, J.D., General Counsel at GMCB
- Steven Klein, Director of Legal Affairs and Assistant General Counsel at UVMMC
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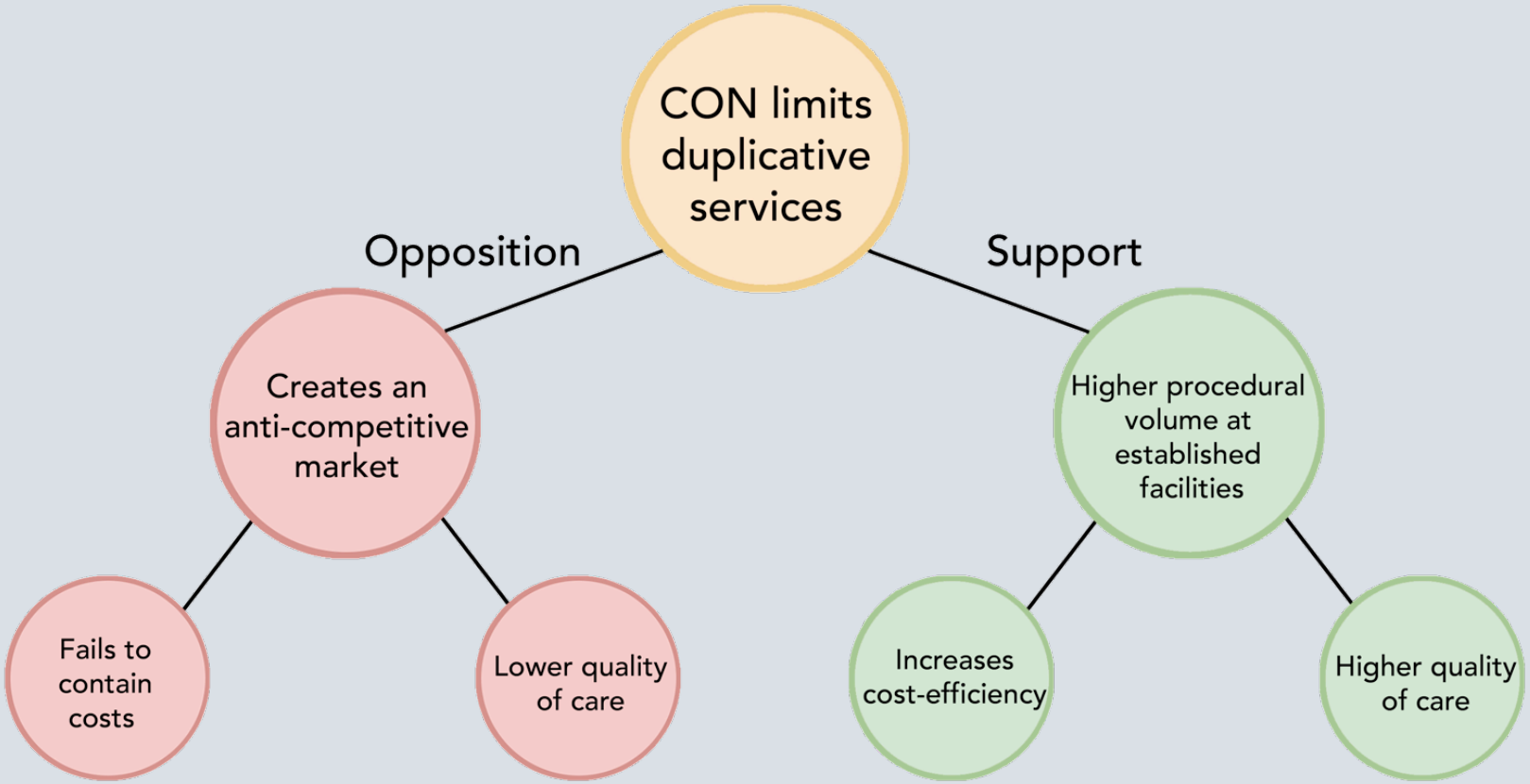
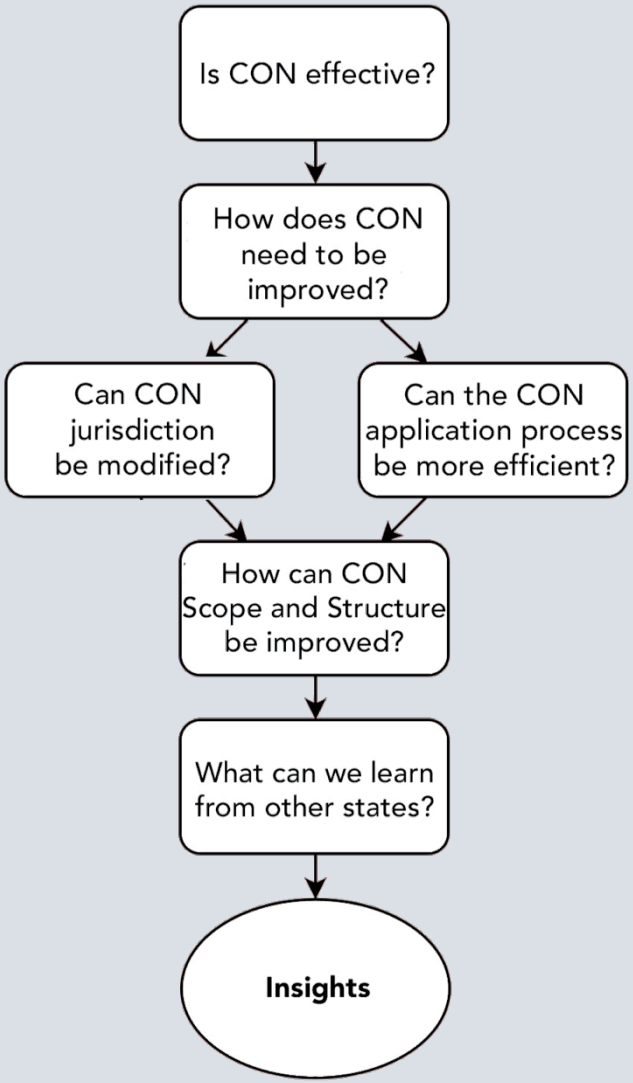
- Michele Madison, J.D., Partner in Healthcare Practice at Morris, Manning & Martin LLP

Providers/ Other

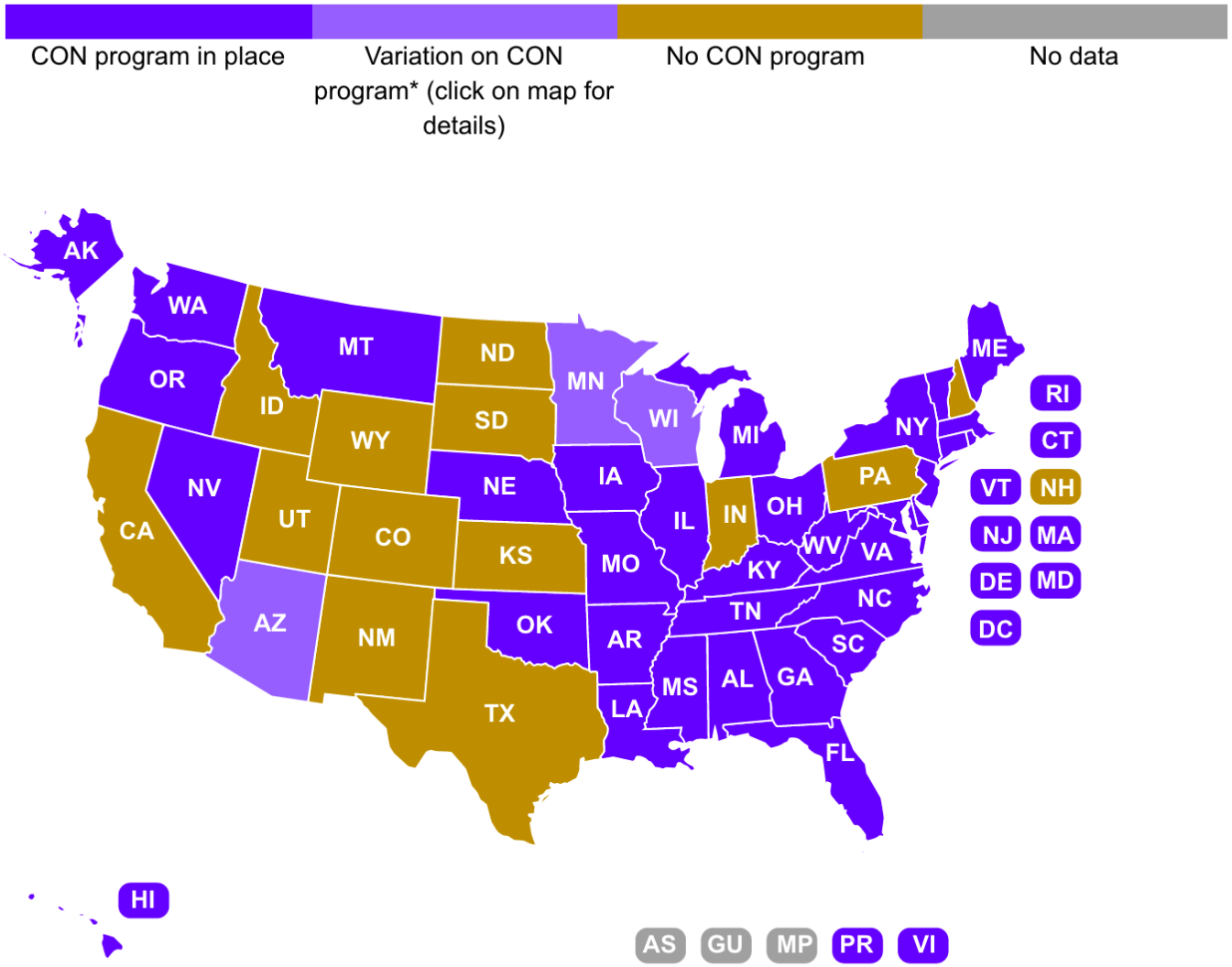
- Ellen Starr, Ph.D., NP
- Janis Finelli, Ph.D., NP
- Marisa Melamed, Health Policy Analyst at GMCB
- Lars Skattum, Healthcare Investment Banking Analyst at William Blair
- Matt Ferguson, CFO of a medical device company


CON limits duplicative services
Opposition
Support
Creates an anti-competitive market
Higher procedural volume at established facilities
Fails to contain costs
Lower quality of care
Increases cost-efficiency
Higher quality of care

How might Vermont modify its Certificate of Need legislation to ensure that the Green Mountain Care Board is better able to allocate scarce health resources in the state?

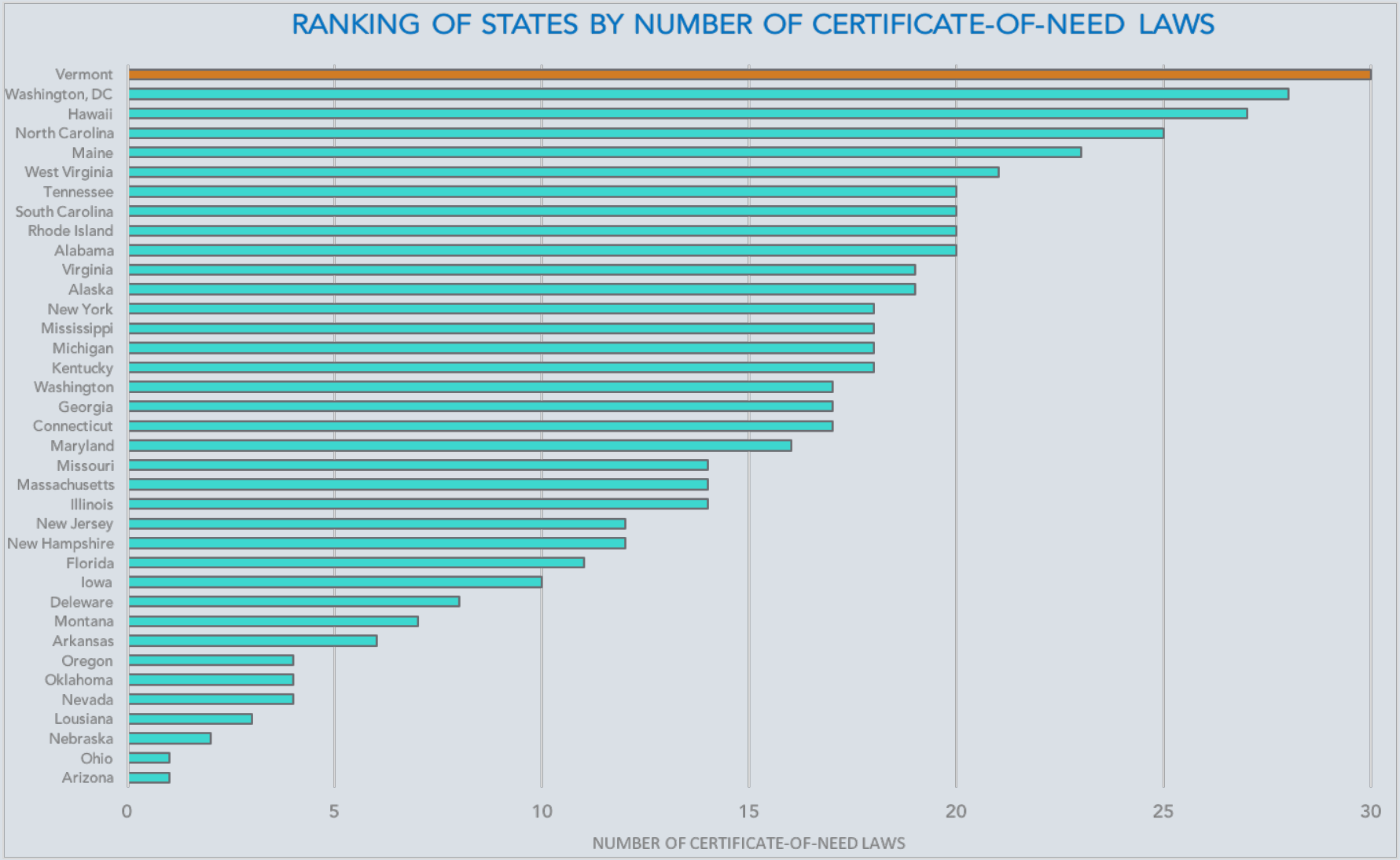


CERTIFICATE OF NEED STATE LAWS



Source: NCSL, August 2016

Jurisdiction



Source: Mercatus Center on Policy, George Mason University

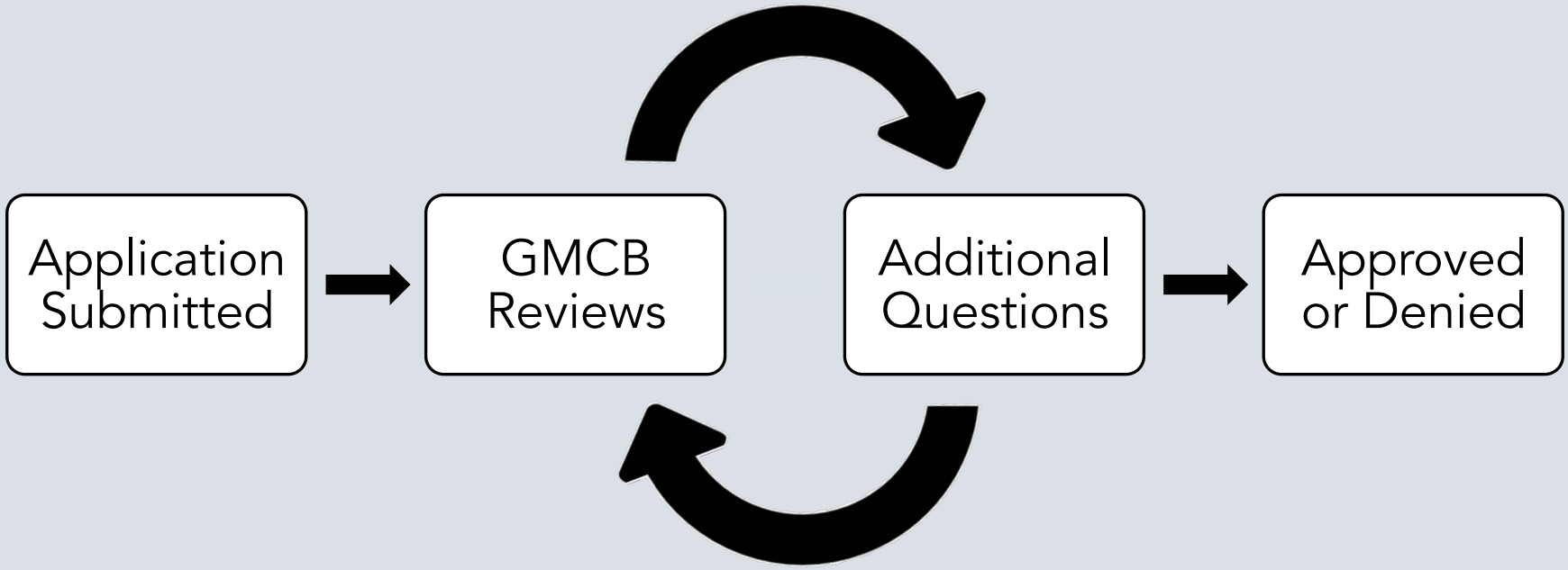
Jurisdiction

Acute Hospital Beds	AL AK CT DE FL GA HI IL IA KY ME MD MI MS MO NV NH NJ NY NC RI SC TN VT VA WA WV DC	28
Air Ambulance	AL ME MA MI VT DC	6
Ambulance Services	AZ	1
ASCs	AL AK CT DE GA HI IL IA KY ME MD MA MI MS MT NV NH NY NC RI SC TN VT VA WA WV DC	27
Burn Care	AL HI ME MD NJ NY NC TN VT WA DC	11
Cardiac Catheterization	AL AK CT DE GA HI IL IA KY ME MD MI MS MO NH NJ NY NC RI SC TN VT VA WA WV DC	26
CT Scanners	AK CT HI ME MI MO NY NC RI VT VA WV DC	13
Gamma Knives	AL AK GA HI ME MA MI MS MO NC RI SC VT VA DC	15
Home Health	AL AR GA HI KY MD MS MT NJ NY NC SC TN VT WA WV DC	17
Hospice	AL AR CT FL HI KY MD MS MT NJ NY NC OR RI SC TN VT WA WV DC	20
Intermediate Care Facilities	AR FL GA HI IL IA KY LA MD MS MO MT NV NJ NC OK SC TN VT VA WV WI	22
Long Term Acute Care	AL AK CT DE FL GA HI IL IA KY ME MD MI MS MO NH NJ NC OR RI SC TN VT VA WA WV DC	27
Nursing Home Beds	AL AK AR CT DE FL GA HI IL IA KY LA ME MD MA MI MS MT NE NH NV NJ NY NC OH OK OR RI SC TN VT VA WA WV WI DC	37
Medical Office Buildings	VT DC	2
MRI Scanners	AK CT HI KY ME MA MI MS MO NH NY NC RI SC TN VA VT WV DC	18
NICU	AL AK CT FL GA HI IL KY ME MD MA MI NJ NY NC RI SC TN VT VA WA WV DC	23
Obstetrics Services	AL AK CT GA HI IL ME MD NY RI VT VA WA WV DC	15
Open Heart Surgery	AL AK CT GA HI IL IA KY ME MD MA MI MS NH NJ NY NC RI SC TN VT VA WA WV DC	25
Organ Transplants	AL AK CT FL HI IL IA KY ME MD MA MI NJ NY NC RI VT VA WA WV DC	21
PET Scanners	AK CT DE GA HI KY ME MA MI MS MO NH NC RI SC TN VT VA WV DC	20
Psychiatric Services	AL AK AR CT FL GA HI IL KY ME MD MA MI MS NH NJ NC OK RI SC TN VT VA WA WV DC	26
Radiation Therapy	AL AK CT DE GA HI IA KY ME MA MI MS MO NH NY NC RI SC TN VT VA WV DC	23
Rehabilitation	AL FL GA HI IL KY ME MD MA MS MO MT NE NH NJ NY NC RI SC TN VT VA WA WV DC	25
Dialysis	AL AK HI IL ME MS NY NC VT WA WV DC	12
Assisted Living Facilities	AR LA MO NC VT	5
Subacute Services	AK FL HI IL NC OK RI SC TN WA WI VT DC	13
Substance/Drug Abuse	AL CT FL GA HI KY ME MD MA MS MT NH NC RI SC TN VT WV DC	19
Ultra Sound	HI ME VT DC	4

Source: "Certificate of Need: State Health Laws and Programs." *National Conference of State Legislators.* Updated January 2013; material added April 2015. http://www.ncsl.org/research/health/con-certificate-of-need-state-laws.aspx.

Process

Process


Application Submitted
GMCB Reviews
Additional Questions
Approved or Denied

Expedited Review

Type	# Cases
Emergency	**1**
Expedited	**12**
General	**7**

Modifications to Consider

Jurisdiction

- Nursing Homes
- Non-Medical Equipment

Process

- Non-Substantive Review (MI)
- Letter of Non-Reviewability (GA)

Questions?