

## **H. 921 amendment: Discussion with Green Mountain Care Board**

**Thu 3/15, 3:26 PM** Hello Susan, I wanted to let you know that Ann Pugh decided to delay by 2 legislative days so that there is time to sort the amendment out. In a straw poll earlier this week, the committee was unanimous in wanting to support a middle position where, instead of ditching review altogether before a replacement oversight is proposed, we continued some level of review. But the big concern all along for many on the committee had been the time and cost of the CON, for little perceived return on value. If we can come up with session law that creates a "gap year" level of review that meets this intent, with repeal in 2019, I think that would be ideal. Alternatively, if we went with my current [expedited CON] amendment, but with a plan to work further on the Senate side to meet those aims -- is that something you think would be viable to continue work to develop? Thanks, Anne

**Fri 3/16, 8:59 AM** Representative Donahue, Thanks so much for the update and your insight into a solution for this issue. I'll work with my folks today on a proposal to address what you outlined in your email. Susan Barrett, J.D.

**Tue 3/20, 10:58 AM** Dear Representative Donahue, We have some serious concerns with creating a new, abbreviated process for nursing home transfers while the workgroup convenes and makes its recommendations. Perhaps the biggest problem the Board had hoped to address with bringing this needed statutory change to light is its lack of enforcement authority (which rests squarely with DAIL) to ensure that residents continue to receive quality care under new facility ownership. Instituting a new, more cursory process at the Board during the gap period will not improve and will likely exacerbate this problem, and given the prospect of trying to conduct a "review lite," will make it more difficult, if not impossible, for the Board to approve *any* nursing home transfer (although we could reasonably foresee prospective buyers trying to take advantage of a less restrictive process). We believe that the best course would be to either require that the state impose more stringent licensing requirements (including things, for example, such as criminal background checks, a certification process for new owners, strict and tangible financial assurances) or that a moratorium be placed on nursing home transfers until the workgroup has made its recommendations. Susan J. Barrett, J.D.

**Tue 3/20, 12:45 PM** Thanks for your note, Susan, but the timing was unfortunate. I told the committee this morning that I considered the expedited CON language as a "placeholder" because it might not be the best mechanism but you were working on a better alternative to achieve the aim, and I hadn't heard back from you yet. The committee endorsed the amendment with that understanding and it was adopted on the floor later in the morning. So the Senate will have to grapple with the issue. Anne