

**Green Mountain Care Board**  
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TO: House Committee on Health Care

April 17, 2019

**RE: Certificate of Need Process – Interested Party Status**

Dear Committee Members,

As follow up to my testimony yesterday on the Certificate of Need process under state statute, please see the following statutory sections which outline the criteria the Board considers in determining whether to grant “interested party” status for a CON application:

18 V.S.A. § 9440(c)(7): “For purposes of this section, ‘interested party’ status shall be granted to persons or organizations representing the interests of persons who demonstrate that they will be substantially and directly affected by the new health care project under review. Persons able to render material assistance to the Board by providing nonduplicative evidence relevant to the determination may be admitted in an amicus curiae capacity but shall not be considered parties. A petition seeking party or amicus curiae status shall be filed not later than five business days after the application is complete. The Board shall grant or deny a petition to intervene under this subdivision within 15 days after the petition is filed. The Board shall grant or deny the petition within an additional 30 days upon finding that good cause exists for the extension. Once interested party status is granted, the Board shall provide the information necessary to enable the party to participate in the review process, including information about procedures, copies of all written correspondence, and copies of all entries in the application record.”

18 V.S.A. § 9440(c)(9): “The Office of the Health Care Advocate ... is authorized but not required to participate in any administrative or judicial review of an application under this subchapter and shall be considered an interested party in such proceedings upon filing a notice of intervention with the Board. Once either office files a notice of intervention pursuant to this subchapter, the Board shall provide that office with the information necessary to participate in the review process, including information about procedures, copies of all written correspondence, and copies of all entries in the application record for all certificate of need proceedings, regardless of whether expedited status has been granted.”

Sincerely,

*/s/ Amerin Aborjaily*

Associate General Counsel, Green Mountain Care Board

