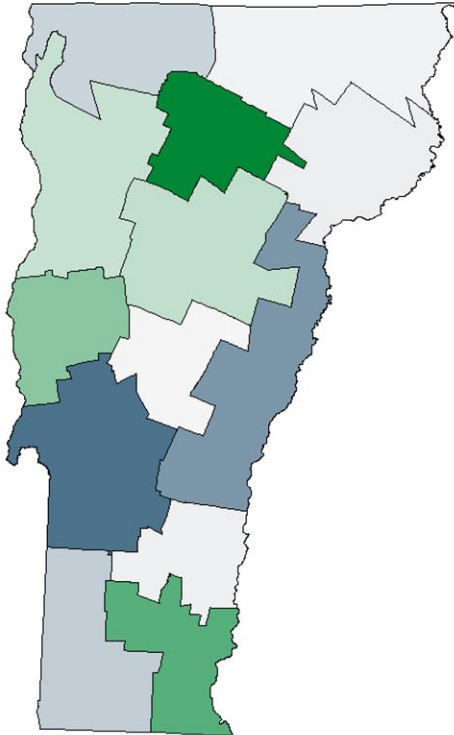


Certificate of Need (CON)

Presenter: Amerin Aborjaily, Associate General Counsel

April 16, 2019



What is a CON?

A Certificate of Need is a certificate issued by the Green Mountain Care Board upon the Board's determination that a new health care project meets the applicable statutory criteria for operation or development.

The Certificate of Need process is outlined in statute:

[Title 18, Chapter 221, Subchapter 005: Health Facility Planning](#)

And further outlined by rule:

[Green Mountain Care Board, Rule 4.000](#)

When is a CON needed?

New health care projects in Vermont must obtain a Certificate of Need from the Green Mountain Care Board prior to implementation.

Examples of a new “health care project” may be:

- The construction or development of a health care facility*
- The purchase or lease of a piece of diagnostic and therapeutic equipment*
- A change from one licensing period to the next in the number of licensed beds of a health care facility through addition or conversion
- The construction, development, purchase, lease, or other establishment of an ambulatory surgical center

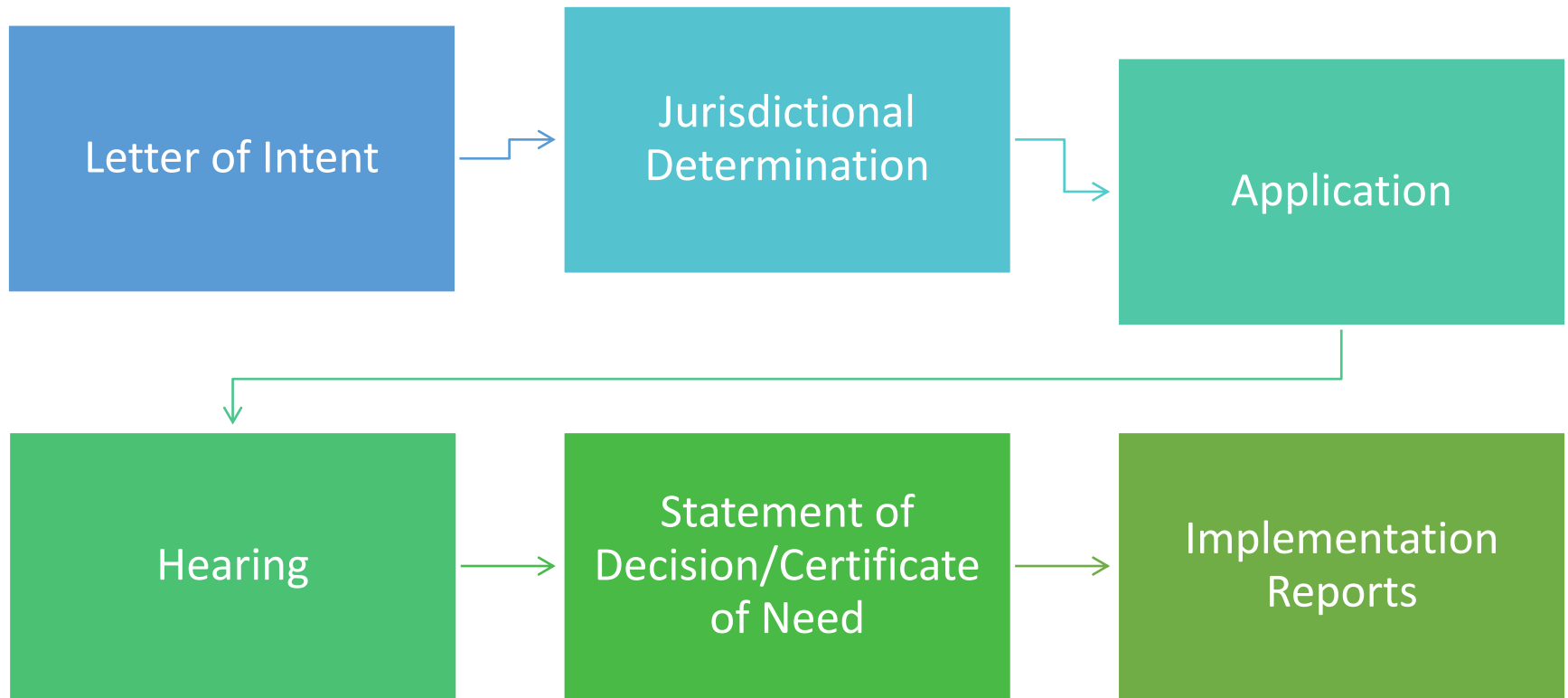
*Board jurisdiction subject to minimum capital expenditure and/or cost thresholds

Why have CONs?

The Certificate of Need process is intended to:

- Prevent unnecessary duplication of health care facilities and services,
- Guide the establishment of facilities and services in order to best serve public needs,
- Promote cost containment, and
- Ensure the provision and equitable allocation of high quality health care services and resources to all Vermonters.

CON Process



Board Review

The Board reviews an application for:

Alignment – the project's alignment with statewide health care reform goals and principles, including consistency with the Health Resource Allocation Plan (HRAP).

Cost – whether the cost of the project is reasonable.

Need – whether there is an identifiable, existing, or reasonably anticipated need for the proposed project.

Improve Quality or Access – whether the project will improve the quality of health care in the State or provide greater access to health care.

CON Conditions

18 V.S.A. § 9440(d)(4):

“After reviewing each application, the Board shall make a decision either to issue or to deny the application for a certificate of need. The decision shall be in the form of an approval in whole or in part, or an approval subject to such conditions as the Board may impose in furtherance of the purposes of this subchapter, or a denial.”

Examples of statutory criteria that might prompt a CON condition:

- “If applicable, the applicant has incorporated appropriate energy efficiency measures.”
- “The applicant has adequately considered the availability of affordable, accessible transportation services to the facility, if applicable.”

Certificate

The Certificate will include:

- a) the applicant, name, cost and scope of the new health care project authorized by the Certificate of Need, including, as appropriate, a description of the authorized service area;
- b) conditions applicable to the new health care project, if any;
- c) the amount of time the applicant has to implement and complete the new health care project; and
- d) the implementation report schedule and reporting requirements, if any.

Resources

The Certificate of Need process is outlined in statute:

[Title 18, Chapter 221, Subchapter 005: Health Facility Planning](#)

And further outlined by rule and the HRAP:

[Green Mountain Care Board, Rule 4.000](#)

[Health Resource Allocation Plan \(2009\)](#)

For more information, see GMCB Certificate of Need webpage:

<http://gmcboard.vermont.gov/con/issued>