

H.96 Testimony: Office of the Health Care Advocate



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February 12th, 2025



HCA Recommendations for CON



- **Rec 1: Improve and Streamline Review**
 - **Tier 1: Projects Between Current and New Threshold**
 - Automatically requires expedited decision from GMCB
 - GMCB is limited to 1 round of questions
 - GMCB must deem application complete or issue a denial if applicant is not compliant with requests for information within 6 months
 - **Tier 2: Projects Above Threshold**
 - GMCB decision is required in 6 months, with the possibility of extension to 9 months for exceptional circumstances (ex. UVM Outpatient Surgical Center)
 - GMCB is limited to 2 rounds of questions

HCA Recommendations for CON Reform



- **Rec 2: Support revisions to thresholds proposed by GMCB**
- **Rec 3: Strengthen standards related to affordability**
 - All new projects must accept Medicaid and cannot discriminate against accepting Medicaid patients
 - New large health care facilities affiliated with hospitals must charge no more than Medicare breakeven price +10%
- **Rec 4: Close CON expiration loophole**
 - Currently, CONs expire after the final implementation report. There are cases where need for conditions does not or should not expire (ex. price caps, accepting Medicaid, etc.)

HCA Recommendations



- **Rec 5: Support exemption for ground ambulance and depreciated equipment**
- **Rec 6: Oppose exclusion for state approved projects but have these projects all be reviewed using "tier 1" expedited process**

*Why Do We Still Need CON for Small Projects?



- There are rare but real cases of providers who have tried to offer medical services that lack an evidence base and/or could cause harm to Vermonters.
 - **Ex. Feel Like Oh Yeh LLC: QX Kinetics**
 - GMCB denied request for exemption from CON due to lack of evidence provided by applicant
 - **Ex. Fox Den Eating Disorder Program:**
 - Did not meet several HRAP standards required in CON, including but not limited to evidenced based practice, public good. "In light of concerns and lack of convincing evidence in the record, we cannot conclude that the project as proposed will result in improved health or access to health care for Vermonters."
- An expedited CON process would be sufficient to determine these risks.
- If this bill passes as written, these projects would not have been reviewed at all and would have opened.