

# Green Mountain Care Board Certificate of Need (CON)

# What projects get reviewed?

## Projects whose reviewability depends on the cost

1. The construction, development, purchase, renovation, or other establishment of a health care facility, or any capital expenditure by or on behalf of a health care facility, for which the capital cost exceeds \_\_\_\_\_.
  - a) Hospitals: \$3,793,790\*
  - b) Non-Hospitals: \$1,896,890\*
2. The purchase, lease, or donation of a single piece of diagnostic and therapeutic equipment for which the cost or value is in excess of \_\_\_\_\_.
  - a) Hospitals: \$1,896,890\*
  - b) Non-Hospitals: \$1,264,590\*
3. Offering a health care service or technology with an annual operating expense in either of the next two fiscal years exceeding \_\_\_\_\_ if the service or technology was not offered or employed by the health care facility within the previous three years.
  - a) Hospitals: \$1,264,590\*
  - b) Others: \$632,290\*

\* Slated to take effect Feb. 1, 2025 (GMCB updates CON monetary thresholds annually)

# What projects get reviewed?

## Projects whose reviewability does not depend on the cost

- 1) A change in the number of licensed beds of a health care facility through addition, conversion, or relocation from one facility to another.
- 2) The offering of any home health service.
  - Moratorium through 2030
    - No CON shall be granted for the offering of home health services or for a new home health agency.
    - Notwithstanding moratorium, a CON application for a new home health agency may be considered and granted if it GMCB and DAIL have certified that a serious and substantial lack of access to home health services exists in a particular county and the agencies presently serving that county have been given notice and a reasonable opportunity to either challenge that certification or remediate the problem.
- 3) The transfer or conveyance of more than 50% ownership interest in a health care facility other than a hospital or nursing home.
- 4) The construction, development, purchase, lease, or other establishment of an ambulatory surgical center.

# What projects get reviewed?

## Projects or facilities that are exempted from CON review

- Physician's offices
- Programs that are administered by a designated agency (DA)
  - Subject to CON-like process within Dept. of Mental Health
- Certain changes to HHA designations administered by DAIL
- Certain Medicare/Medicaid programs under AHS supervision
- Routine replacements of nonmedical equipment (e.g., boilers, chillers, etc.)

# Examples of Projects Requiring CON

## Renovation and construction projects

- New outpatient surgery center
- Emergency Department renovations
- Construction of new skilled nursing facilities

## Purchase of major medical equipment

- Robotic surgical system
- Linear accelerator
- CT Scanner

## Mental health and substance use disorder facilities

- Eating disorder clinic
- Substance use disorder treatment facility/program

## Health information technology systems

- New Electronic Medical Record system

# CON Applications

- Describe project in detail
- Provide financial projections
- Address all statutory criteria and relevant HRAP standards
- May request expedited review if project is likely to be uncontested and does not substantially alter services or relates to a facility in bankruptcy.
  - No hearing required.
- Application fee equal to 0.125% of project costs, with maximum of \$20,000 and minimum of \$250.

GMCB received  
7  
Applications  
in 2024

# **2024 GMCB Approved 4 CONs**

**Total value: \$159,532,725**

- University of Vermont Medical Center Purchase of Fanny Allen Campus in Colchester (\$17,717,040)
- University of Vermont Medical Center Outpatient Surgery Center (\$129,600,000)
- Mt. Ascutney Hospital and Health Center Electronic Health Record Replacement (\$9,100,523)
- Central Vermont Medical Center Replacement of Linear Accelerator and Related Facility Modifications and Upgrades (\$3,661,162)

# Review of CON Applications

- Review whether application is complete: 90 days – clock stops while applicant prepares responses to Board questions.
  - Can extend for 60 days
  - Additional extension with consent of applicant
- Application closed date: The date the Board notifies applicant that application is complete.
  - A petition to intervene as an interested party can be filed within 5 days of the application closed date.
- Review period: Board has 120 days to make a final decision to approve or deny the application. Approval can be in whole or in part and can be subject to conditions.



# Review of CON Applications

- The Board considers applications based on materials in the **record**
  - Materials submitted by the applicant
  - Written communications relating to the application between the Board and the applicant, and interested parties
  - Materials submitted by interested parties
  - Any other materials relied upon by the Board, including testimony and public comment
  - The applicant bears the burden to establish that a CON should be granted

# What are projects reviewed for?

- A CON is granted if the applicant demonstrates that:
  1. The project serves the public good (factors found in rule).
  2. The project aligns with statewide health care reform goals and principles
    - Health care payment and delivery system reform initiatives.
    - Current and future community needs while balancing statewide needs.
    - Consistent with Health Resource Allocation Plan (HRAP).
  3. The cost of the project is reasonable.
    - Applicant can sustain the financial burden.
    - No undue increase in cost or undue impact on affordability.
      - Examine financial impact on other hospitals and clinical settings.
      - Determine whether impact on services, expenditures, and charges is outweighed by public benefit of project.
- Less expensive alternatives do not exist, would be unsatisfactory, or are not feasible or appropriate.

## Slide 10

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**JBO**

We should break this slide into multiple slides, but I'd like to discuss the most logical way to split it up

Boles, Julia, 2024-03-08T20:44:51.895

# What are projects reviewed for?

4. There is an identifiable, existing, or reasonably anticipated need for the project.
5. The project will improve quality of health care or provide greater access to health care for Vermont residents.
6. The project will not have an undue adverse impact on the applicant's existing services.
7. The Applicant has considered availability of affordable, accessible transportation services to the facility.
8. The project will support equal access to appropriate mental health care that meets standards of quality, access, and affordability equivalent to other components of health care as part of an integral, holistic system of care.
9. If the project is a Health Information Technology project, it conforms with the Statewide HIT Plan.