



## **Sec. 7: VAHHS Opposes the Green Mountain Care Board's Proposal Regarding Application of the VAPA and Contested Cases**

### **CURRENT HOSPITAL BUDGET PROCESS**

- **Hearing:** The GMCB conducts budget decisions with notice, a hearing, and a stenographer.
- **Decisions and Orders:** Decisions are issued by September 15<sup>th</sup> with written orders by October 1<sup>st</sup>
- **Administrative Appeals:** Administrative appeals are an intermediary appeal before going to the Supreme Court. [18 V.S.A. § 9381](#) requires the GMCB to adopt procedures for administrative appeals of its actions, orders, or other determinations; however, this has not happened. Current practice is that hospitals will put questions or a request for reconsideration to the board in writing and the board may have a meeting about it.
  - Note: In one Supreme Court Case,<sup>1</sup> hospitals raised concerns about their budget orders. The Green Mountain Care Board held a meeting—seemingly the informal administrative appeal—and acknowledged that the change they made to the budget orders was new and they would be sending a clarifying letter. Hospitals raised concerns at that meeting; however, the Green Mountain Care Board argued, and the Supreme Court later found, that the issue was not properly preserved on appeal.
- **Appeal to Court:** Hospitals can appeal to the Supreme Court within 30 days of the final order.

### **ENFORCEMENT PROCESS**

- **Enforcement:** In the past, the Green Mountain Care Board did its budget enforcement, which requires notice and an opportunity for a hearing, in March and April after the reporting of hospital budget actuals. Last year, the Green Mountain Care Board did FY23 budget enforcement and FY25 budgets as one process.
- **Appeal to Court:** Hospitals can appeal to the Superior Court, but there is also the overarching appeal of final actions to the Supreme Court.

### **COMPARATIVE PROCESSES**

- Vermont's Public Utility Commission uses the [contested case framework](#) for its rate setting process.
- Maryland [applies](#) their Administrative Procedures Act to appeals from their commission that functions like the Green Mountain Care Board.

## **VAHHS Recommendations**

In the absence of a clear and consistent appeals process, the Vermont Administrative Procedures Act should apply. It is particularly important to have a clear process with the Green Mountain Care Board moving into provider rate setting with reference-based pricing.

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<sup>1</sup> [In re Northwestern Med. Ctr. Fiscal Year 2024, 2024 VT 39.](#)