



State of Vermont
PERMIT AND LICENSE INFORMATION

CERTIFICATE OF NEED (MEDICAL)

**SUMMARY
DESCRIPTION
OF PERMIT**

New health care projects (including but not limited to construction, development, purchase, renovation, demolition) may not be offered in Vermont without a determination of need and issuance of a certificate based on a detailed set of criteria. The Certificate of Need process is administered by the Green Mountain Care Board (Board). The Certificate of Need process is intended to prevent unnecessary duplication of health care facilities and services, guide their establishment, and promote cost containment to ensure the provision and equitable allocation of high quality health care services and resources.

**EXAMPLE OF
ACTIVITY**

Examples include but are not limited to major development, construction, demolition, renovation or purchase in the hospital, nursing home, home health, substance abuse treatment, ambulatory surgical center sectors; purchase or lease of diagnostic or therapeutic equipment such as CT, MRI or PET scanners and cardiac catheterization equipment and new program operating expenses.

**CRITERIA FOR
JURISDICTION**

Any new health care project (except for most physician offices and community mental health centers supervised by the Commissioner of Mental Health or the Commissioner of Disabilities, Aging and Independent Living) with a capital expenditure in excess of \$3 million by hospitals; a capital expenditure of \$1.5 million by facilities other than hospitals; acquisition of a single piece of diagnostic or therapeutic equipment in excess of \$1 million; any new program with annual operating expense exceeding \$500,000; change from one licensing period to the next in the number of licensed beds of a health care facility through conversion or through relocation from one physical facility or site to another; construction, development, purchase, lease or other establishment of an ambulatory surgical center; or the offering of any home health service or conveyance of more than 50% ownership interest in a health care facility, other than a hospital, are subject to Certificate of Need review. For projects in excess of \$30 million there is a two-step process, a conceptual development phase and a final approval. (18 V.S.A. § 9434)

**INFORMATION
REQUIRED**

The Certificate of Need process typically begins with a potential applicant filing a Letter of Intent, as set forth in Vermont statute. See: [18 V.S.A. § 9440\(c\)\(2\)\(A\)](#). A Letter of Intent form is available from the Board See: [CON Letter of Intent](#) . The Board will review the Letter of Intent to determine whether the proposed health care project falls within its statutory authority. If the applicant concedes the proposed project is subject to Certificate of Need review, a Letter of Intent is not required.

WEB ADDRESS

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

FEES

0.125 percent of total project cost

APPLICATION TIME FRAME Variable

ADMINISTERING AGENCY

Green Mountain Care Board

CONTACT: Judith Henkin, Health Policy Director
Phone: 802-828-1968

ADDRESS: Green Mountain Care Board
144 State Street
Montpelier, VT 05602

AUTHORITY 18 VSA Chapters 220 and 221

APPLICABLE RULES Green Mountain Care Board Rule 4.000: Certificate of Need (Effective January 1, 2013)

APPEAL PROCESS The Administrative Procedures Act does not apply to the Certificate of Need review process. The Board’s final decision to approve or deny, in whole or in part, a Certificate of Need may be appealed to the Vermont Supreme Court within thirty (30) days of the decision. In the event that the Board imposes conditions on a Certificate of Need, the applicant may seek relief from a condition by filing a written request to the Board. When the Board denies an application, the applicant may not reapply for permission to provide an identical or substantially similar new health care project for a period of one year from the date of denial or the resolution of any appeal.