



OneCare Vermont Accountable Care Organization
Board of Managers Resolution Invoking
Participation Waiver for Transport from
Hospitals and Emergency Departments to
Participant Southwestern Vermont Medical
Center for Inpatient Treatment
December 21, 2023

WHEREAS, OneCare participates in the Vermont All Payer ACO Model Vermont Medicare ACO Initiative and the Vermont Medicaid Next Generation Program. The Secretary of the Department of Health and Human Services by and through CMS, and the Department of Vermont Health Access, have provided certain waivers of federal and state fraud and abuse laws in connection with the Vermont All Payer ACO Model (“APM”), the Fraud and Abuse Waiver Notice for Vermont ACO Initiative.

WHEREAS, Vermont hospitals are experiencing high emergency department utilization as well as high inpatient census at some hospitals and often patients, remain in the emergency departments for lack of safe transport for continuing care; and

WHEREAS, processes to identify appropriate hospitals for continuing care are influenced by reimbursement rules favoring transport the closest facility and limited coordination amongst discharging providers and potential accepting hospitals; and

WHEREAS, to date local EMS providers have been unwilling or unable based on capacity to provide transport for qualifying patients from emergency departments and hospitals beyond the closest hospital; and

WHEREAS, these factors often result in patients waiting longer in emergency departments for available beds at the closest hospital than if they were transferred to another appropriate, but farther hospital; and

WHEREAS, patients remaining in the emergency department limits the ability of the emergency departments to provide treatment to new patients presenting for emergent care needs and detracts the patients’ treatment; and

WHEREAS, OneCare’s goals (shared with the entire health care delivery system) for cost and quality and patients’ needs are best served by eliminating time boarding in emergency departments and moving expeditiously to the appropriate and referred treatment venue; and

WHEREAS, The Participation waivers are available when, among other things, the governing body of the ACO has reviewed and determined that the arrangements are reasonably related to ACO Activities. ACO Activities include:



- Promoting accountability for quality of care;
- Promoting accountability for cost of care;
- Promoting accountability for overall care;
- Managing and coordinating care;
- Encouraging infrastructure investment;
- Encouraging investment in re-designed care processes for high quality and efficient services delivery;
- Carrying out any obligation or duty under the Vermont ACO Initiative or the Vermont Medicaid NextGen Program (together “Programs”);
- Direct patient care;
- Promoting evidence based medicine;
- Promoting patient engagement;
- Reporting on quality and cost measures;
- Coordinating care with telehealth, remote monitoring and other technologies;
- Establishing and improving ACO clinical systems;
- Establishing and improving ACO administrative systems;
- Meeting Programs quality standards;
- Evaluating patient health;
- Communicating clinical knowledge;
- Communicating evidence-based medicine; and
- Developing standards for patient access and communication including to medical records.

BE IT RESOLVED by the Board of Managers (the “Board”) of OneCare Vermont Accountable Care Organization, LLC (“OneCare”) as follows:

The OneCare Board of Managers has duly authorized the arrangement below and made a bona fide determination the arrangement is reasonably related to one or more of the above ACO Activities, including managing and coordinating care and accountability for quality, cost and overall care. The Board wishes to extend the protections afforded under the ACO Participation Waiver to the arrangement described below.

1. ACO Participant SVMC will contract Rescue Inc., a Vermont ambulance company, to be available to with a staffed ambulance to transport Attributed Lives and Vermont residents from emergency departments and hospitals to SVMC for inpatient treatment, M-F 10am-6pm.

Eligible patients will be identified by Dartmouth Hitchcock Medical Center’s Capacity Coordination Center, staffed by professionals able to assess patients’ medical needs and appropriate medical placement. All patients will consent to their inpatient provider.

SVMC will pay Rescue Inc. a base payment annually to maintain this capacity. Additionally, SVMC will pay Rescue Inc. a mileage fee for the miles they drive from Brattleboro to the patient, to SVMC with the patient and back to Brattleboro. Rescue, Inc. will, in addition to the availability and mileage fees, bill patients or their insurers for the transportation provided.

2. The invocation of this Participation Waiver does not, in any respect, indicate that the arrangement is not compliant with applicable regulations.