



OneCare Vermont Accountable Care Organization  
Board of Managers Resolution Invoking  
Participation Waiver for Transport from Network  
Hospital Emergency Departments to The  
Brattleboro Retreat for Treatment  
February 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 and often patients who have presented for mental health issues and been referred to the Brattleboro Retreat (“qualifying patients”), a OneCare Preferred Provider, remain in the emergency departments only for lack of safe transport for continuing care; 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, to date ambulance companies have been unwilling or unable based on capacity to provide transport for qualifying patients from OneCare’s network hospital emergency departments to the Brattleboro Retreat; 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. OneCare will contract with the Brattleboro Retreat to provide transportation for patients who have been referred to the Brattleboro Retreat from the emergency departments of its Participant hospitals. In turn, the Brattleboro Retreat will contract with Rescue Inc., a Vermont ambulance company to be available to provide transport from network hospital emergency departments in exchange for a fee for its availability. Rescue, Inc. will, in addition to the availability fee, 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 compliance with applicable regulations.