

STATE OF VERMONT  
DEPARTMENT OF VERMONT HEALTH ACCESS  
NOVATION AND AMENDMENT

It is hereby agreed by and among the State of Vermont, Department of Vermont Health Access (hereinafter called "State"), Northwest Medical Surgical Associates, Inc., a Professional C Corporation, with a principal place of business in St. Albans, Vermont (hereinafter called "NWMSA") and MYS Health, PLLC, a Professional Limited Liability Company, with a principal place of business in St. Albans, Vermont (hereinafter called "Contractor"), that the Contractor intends to assume all of the rights, benefits, duties and obligations of NWMSA under the Contract between the State and NWMSA dated as of April 1, 2022, Contract #43423 (the "Contract"), and that the Contract is hereby amended as follows:

- I. Novation. Whereas: (i) Marietta Scholten, MD, in their previous capacity as Vice President of NWMSA, was the sole physician performing the work specified under the Contract; (ii) effective May 3, 2022, Marietta Scholten, MD, retired from NWMSA and transferred their services to the Contractor, (iii) Contractor is in a position to fully perform all obligations that may exist under the Contract. In consideration of the foregoing, the State and NWMSA hereby effect the novation of the Contract (the "Novation") to substitute the Contractor for NWMSA for all purposes of the Contract. The State hereby consents to such Novation. Contractor hereby accepts the Novation and assumes all rights, benefits, duties, undertakings, liabilities and obligations of NWMSA under the Contract.

NWMSA hereby releases the State from the State's undertakings, obligations, duties and liabilities with respect to NWMSA under the Contract following the effective date of this Novation.

Contractor shall furnish to the State a new certificate of insurance consistent with the coverages required under the Contract and properly endorsed with coverage for claims or occurrences for the entire contract period.

- II. Amendment. The Contract is hereby amended to replace all references in the Contract to NWMSA with references to MYS Health, PLLC.
- III. Effective Date. The effective date of this Novation and amendment shall be May 3, 2022.
- IV. Taxes Due to the State. Contractor certifies under the pains and penalties of perjury that, as of the date this Novation and amendment is signed, the Contractor is in good standing with respect to, or in full compliance with a plan to pay, any and all taxes due the State of Vermont.
- V. Child Support (Applicable to natural persons only; not applicable to corporations, partnerships or LLCs). Contractor is under no obligation to pay child support or is

STATE OF VERMONT, CONTRACT FOR PERSONAL SERVICES  
DEPARTMENT OF VERMONT HEALTH ACCESS CONTRACT  
MYS HEALTH, PLLC

in good standing with respect to or in full compliance with a plan to pay any and all child support payable under a support order as of the date of this amendment.

VI. Certification Regarding Suspension or Debarment. Contractor certifies under the pains and penalties of perjury that, as of the date this Novation and amendment is signed, neither Party nor Party’s principals (officers, directors, owners, or partners) are presently debarred, suspended, proposed for debarment, declared ineligible or excluded from participation in federal programs, or programs supported in whole or in part by federal funds.

Contractor further certifies under pains and penalties of perjury that, as of the date that this Novation and amendment is signed, Contractor is not presently debarred, suspended, nor named on the State’s debarment list at: <http://bgs.vermont.gov/purchasing-contracting/debarment>.

Except as modified by this Amendment No. 1, all provisions of the Contract remain in full force and effect.

For State administrative purposes, upon signing of this Novation and Amendment 1, the Contract number will be changed to #43423A with an unpaid balance of \$207,499 pending final payment to NWMSA for services performed through May 2, 2022.

The signatures of the undersigned indicate that each has read and agrees to be bound by this Novation and amendment to the Contract.

**BY THE STATE OF VERMONT:**

**MYS Health, PLLC:**

DocuSigned by:  
*Andrea De La Bruere* 6/9/2022  
201B29C84E7E41E...  
ANDREA DE LA BRUERE, COMMISSIONER  
NOB 1 South, 280 State Drive  
Waterbury, VT 05671-1010  
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Email: [Andrea.DeLaBruere@vermont.gov](mailto:Andrea.DeLaBruere@vermont.gov)

DocuSigned by:  
*Marietta Scholten* 6/9/2022  
E05F63B7A583451...  
MARIETTA SCHOLTEN, MD DATE  
88 Fred Lake Road  
Saint Albans, VT 05478  
Phone: 802-752-5861  
Email: [Paynevt@msn.com](mailto:Paynevt@msn.com)

**Northwest Medical Surgical Associates, Inc.:**

DocuSigned by:  
*MICHAEL KENNEDY* 6/9/2022  
135A1E77916408  
MICHAEL KENNEDY, MD DATE  
NORTHWEST MEDICAL SURGICAL ASSOCIATES, INC.  
148 Fairfield Street  
Saint Albans, VT 05478  
Phone: 802-524-2168  
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