

# HIGHLIGHTS

## Certificate of Need (CON) Task Force Draft Recommendations 10/17/16

### Actions Subject to CON and Application Guidelines/Principles Draft Recommendations

#### **ACQUIRING EQUIPMENT – Two Options**

*Option 1: Eliminate CON review*

*Option 2: Maintain CON review of advanced imaging acquisitions only*

- Revise guidelines and principles to focus on protecting access to underserved areas, ensuring provision of services to Medicaid recipients, and not adversely affecting the health care market

#### **INITIATING SERVICES OR INCREASING CAPACITY – Maintain CON review only for new hospitals/specialty hospitals**

- Revise guidelines and principles to focus on protecting access to underserved areas, ensuring provision of services to Medicaid recipients, and not adversely affecting the health care market

#### **TERMINATING SERVICES – Maintain CON Review only for the terminations of hospital services**

- Develop a threshold for insufficient patient volume for expedited process
- Tighten and clarify the definition of “termination” of a service
- Revise guidelines and principles to focus on protecting access to underserved areas, including whether the termination will affect provision of Medicaid services and if patients have access to alternative locations to obtain the service

#### **TRANSFERS OF OWNERSHIPS, HEALTH CARE FACILITIES – Apply CON Review to hospital/hospital system acquisitions of health care facilities and large group practices**

- Subject these applications to same conditions as hospital transfers of ownership: cost and market impact review; OHCA conditions; and post-transfer compliance reporter
- Revise guidelines and principles to focus on protecting access to underserved areas, ensuring provision of services to Medicaid recipients, and fostering the competitive health care market

#### **TRANSFERS OF OWNERSHIP, HOSPITALS – Maintain and strengthen**

- Expand cost and market impact review to apply to all hospital mergers and acquisitions
- Create stronger penalties/consequences for non-compliance with post-transfer conditions
- Revise guidelines and principles to focus on protecting access to underserved areas, ensuring provision of services to Medicaid recipients, and fostering the competitive health care market

#### **CONVERSIONS – No changes**

#### **ACTIONS SUBJECT TO DSS CON REVIEW – Maintain, with slight modifications**

- Conduct a periodic review of the nursing home moratorium to ensure no changes are needed and is still serving its goal
- Explore allowing nursing homes to relocate or build new facilities without adding beds (do not require that they must maintain the same “footprint”
- Remove CCFs from DSS CON review

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#### Decision-Making Draft Recommendations

A. Organization – who reviews applications and renders decisions – NO CHANGES

B. Public Input – opportunities for consumers to participate in the CON process - STRENGTHEN

**Recommendation:** Require that hospital or hospital system acquisitions of other health care facilities (freestanding emergency departments, outpatient surgical facilities, mental health facilities, and substance abuse treatment facilities) receive mandatory public hearings.

C. Transparency – methods of informing the public about pending applications and consumer access to information – NO CHANGES

D. Appeals Process – mechanism through which the public can appeal a CON decision – NO CHANGES