



TASKFORCE PRESENTATION

November 21, 2016

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Director, Office of Health Care Access

Department of Public Health



Certificate of Need (CON) Application Process

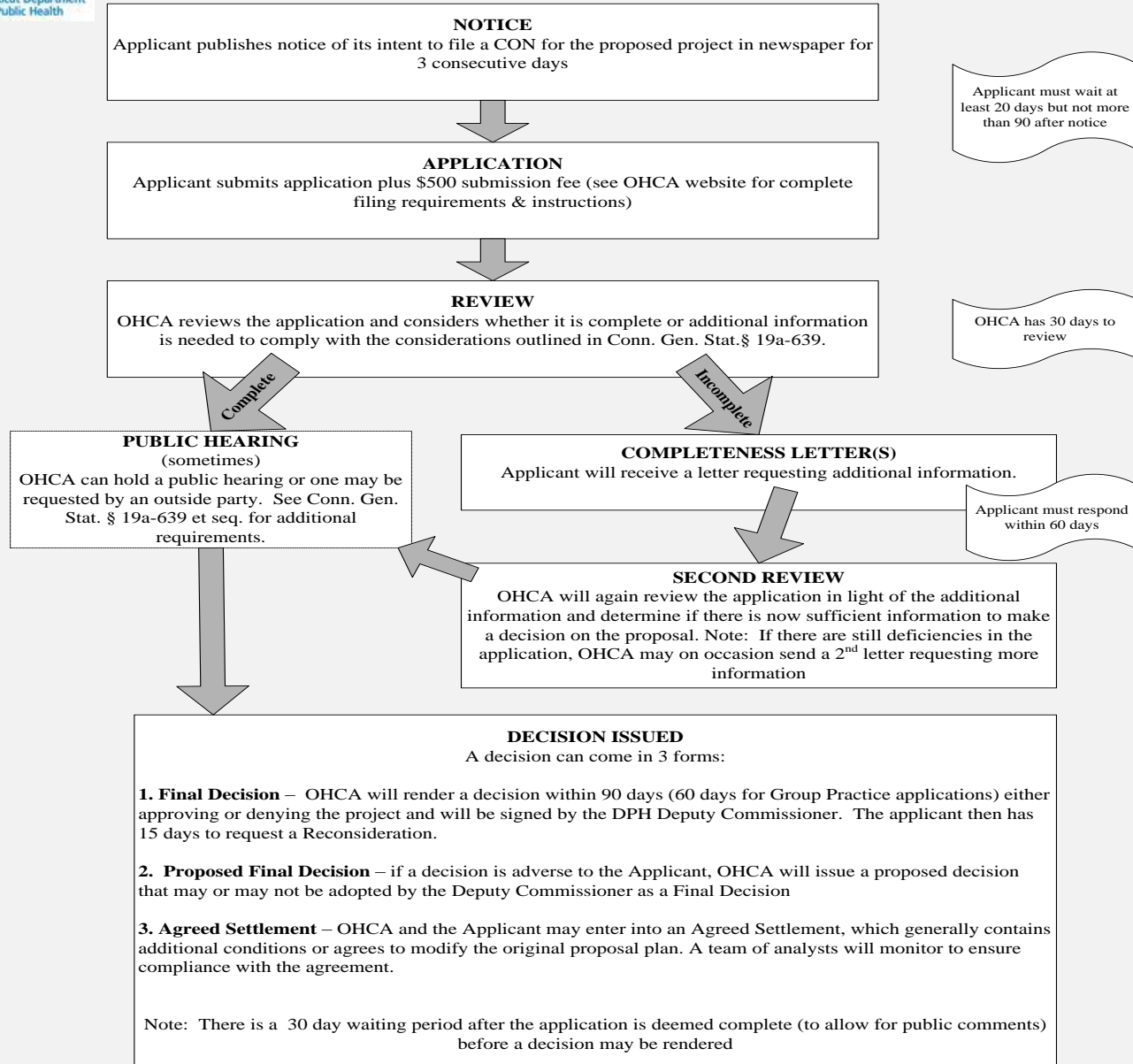
- **Public Hearing Process**
- **Sale of a Non-profit to a For-profit Entity**

CON Post Approval Compliance Mechanisms

Relocating Services



Certificate of Need Process Overview





Public Hearing Process

OHCA DEEMS APPLICATION COMPLETE
Notice is posted on OHCA's website that the application is complete.

HEARING IS REQUESTED
Public hearings are held when:
- OHCA independently elects to hold a hearing or
- three or more individuals request a hearing in writing or
- or an individual representing a group of five or more people requests a hearing in writing

Note: for the transfer of a group practice, 25 people (or an individual representing a group of 25 or more people) must request a public hearing in writing

Hearing must be requested within 30 days

HEARING SCHEDULED
The Applicant will be notified not less than two weeks prior to the date of the hearing. OHCA will publish an advertisement in a newspaper with circulation in the area of the proposed project.

PRE-HEARING
A person may petition the hearing officer for intervenor status not less than five days prior to the hearing. The Applicant and any permitted intervenors may submit pre-filings, including expert testimony and responses to interrogatories. Any filings must also be received not less than five days prior to the hearing.

HEARING HELD
The hearing is held the Applicant and any intervenors have the opportunity to speak on the record. Members of the public are also given the opportunity to make statements. Once any late filings/ documents requested during the public hearing are submitted, the hearing officer will send notification that the public hearing record is closed.

OHCA has 60 days from date of closure of the hearing record

Approval

Proposed decision becomes final after 21 days unless Applicant waives or requests an Oral Argument

Denial

PROPOSED FINAL DECISION
A proposed decision recommending the denial of the application will be signed by the hearing officer.

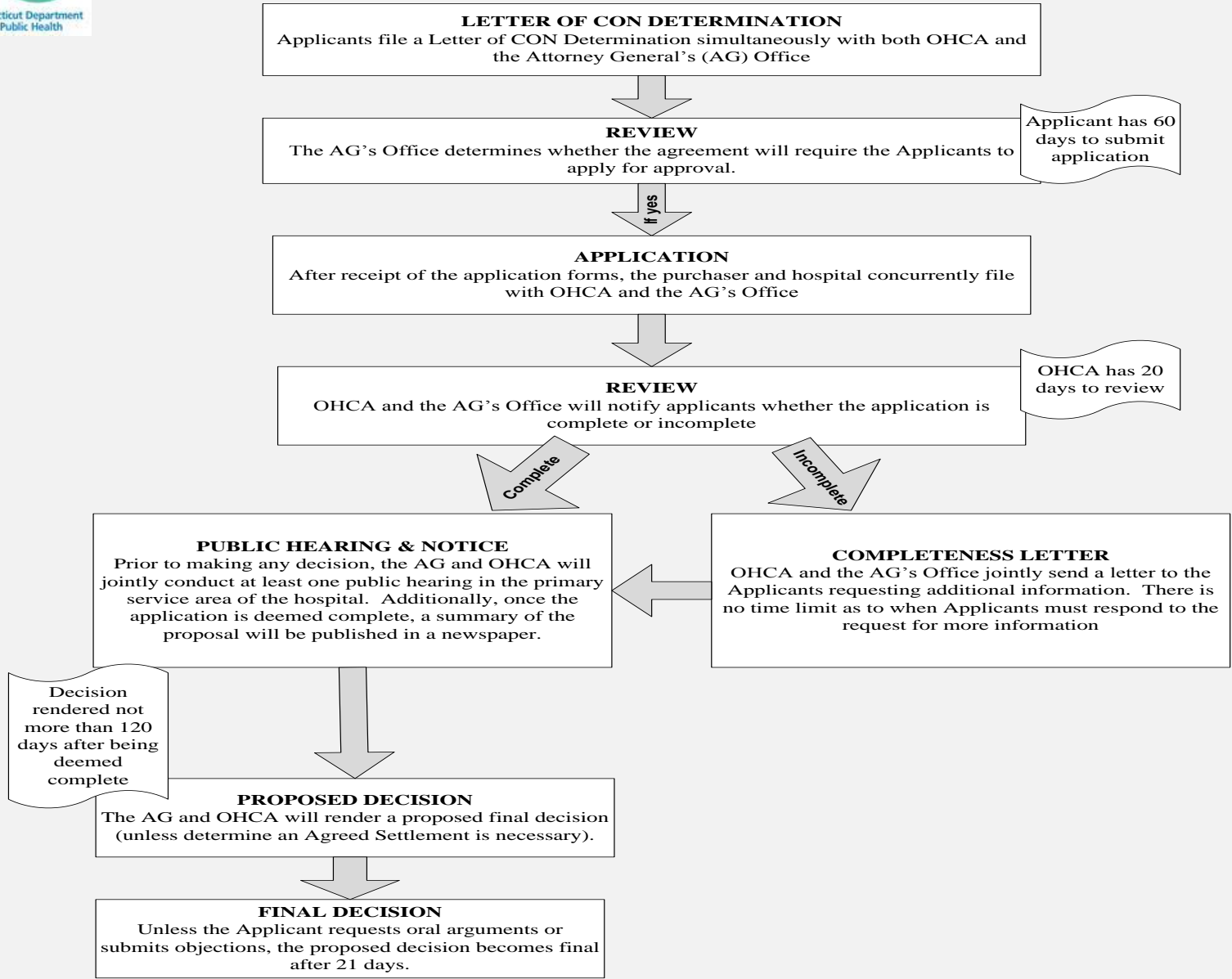
FINAL DECISION
A final decision is signed by the Deputy Commissioner and, if subsequent to a proposed decision, may affirm, modify, or reverse the original denial. The Applicant and OHCA may alternatively decide to enter into an **Agreed Settlement**.

ORAL ARGUMENT (optional)
An Applicant may request an oral argument before the Deputy Commissioner within 21 days of OHCA issuing the proposed decision. The Applicant may opt to waive its right to an oral argument to expedite the process.



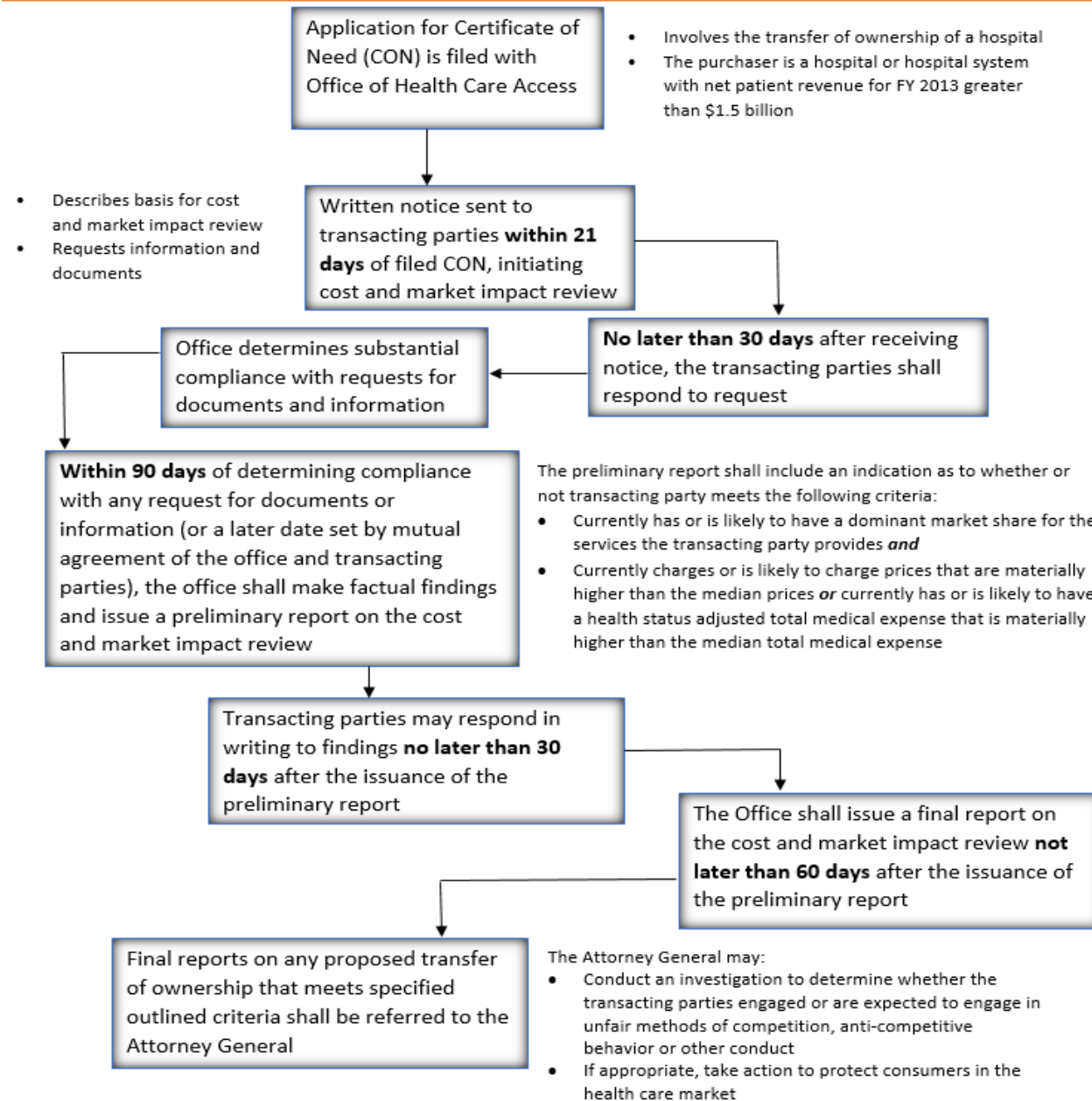
Sale of a Non-Profit Hospital to a For-Profit Entity

Conn. Gen. Stat. § 19a-486



General Process for Cost and Market Impact Review

(Pursuant to 19a-639F C.G.S.)



Note: Please be advised, this is a general overview of the specific legal process as denoted in Connecticut General Statutes 19a-639F.



COMPLIANCE PENALTY STATUTES

- Any person or health care facility or institution that is required to file a certificate of need or is required to file data or information, inclusive, or any regulation adopted or order issued under this chapter or said sections, which **willfully** fails to seek certificate of need approval for any of the activities or to so file within prescribed time periods, shall be subject to a civil penalty of up to one thousand dollars a day for each day for each day such information is missing, incomplete or inaccurate. Any civil penalty authorized by this section shall be imposed by the Department of Public Health



CON POST APPROVAL COMPLIANCE PROCESS

- The office may place any conditions on the approval of a certificate of need application involving a transfer of ownership of a hospital consistent with the provisions of this chapter.
- If the reporter finds that the purchaser has breached a condition the office may, in consultation with the purchaser, the reporter and any other interested parties it deems appropriate, implement a performance improvement plan designed to remedy the conditions identified and continue the reporting period for up to one year following a determination by the office that such conditions have been resolved.



RELOCATION OF HEALTH CARE FACILITY

- Any health care facility that proposes to relocate a facility shall submit a letter to the office.
- In such letter the health care facility shall demonstrate to the satisfaction of the office that the population served by the health care facility and the payer mix will not substantially change as a result of the facility's proposed relocation.
- If the facility is unable to demonstrate to the satisfaction of the office, the health care facility shall apply for certificate of need approval pursuant to subdivision (1) of subsection (a) of section 19a-638 in order to effectuate the proposed relocation.



TERMINATION OF A HOSPITAL SERVICE

- The termination of inpatient or outpatient services offered by a hospital, including, but not limited to, the termination by a short-term acute care general hospital or children's hospital of inpatient and outpatient mental health and substance abuse services.
- Unless otherwise required to file a certificate of need application any health care facility that proposes to terminate all services offered by such facility, that were authorized pursuant to one or more certificates of need issued under this chapter, shall provide notification to the office not later than sixty days prior to the termination of services and such facility shall surrender its certificate of need not later than thirty days prior to the termination of services.
- Unless otherwise required to file a certificate of need application, any health care facility that proposes to terminate the operation of a facility or service for which a certificate of need was not obtained shall notify the office not later than sixty days prior to terminating the operation of the facility or service.

C.G.S Sec. 19a-639e, Proposed termination of service by a health care facility. Policies, procedures and regulations

C.G.S. Sec. 19a-638(a)(5) (Formerly Sec. 19a-154). Certificate of need. When required and not required. Request for office determination. Policies, procedures and regulations



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Thank You!