

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

NOTICE

Applicant publishes notice of its intent to file a CON for the proposed project in newspaper for 3 consecutive days



APPLICATION

Applicant submits application plus \$500 submission fee (see OHCA website for complete filing requirements & instructions)

Applicant must wait at least 20 days but not more than 90 after notice

REVIEW

OHCA reviews the application and considers whether it is complete or additional information is needed to comply with the considerations outlined in Conn. Gen. Stat. § 19a-639.

OHCA has 30 days to



PUBLIC HEARING

(sometimes)

OHCA can hold a public hearing or one may be requested by an outside party. See Conn. Gen. Stat. § 19a-639 et seq. for additional requirements.



COMPLETENESS LETTER(S)

Applicant will receive a letter requesting additional information.



SECOND REVIEW

OHCA will again review the application in light of the additional information and determine if there is now sufficient information to make a decision on the proposal. Note: If there are still deficiencies in the application, OHCA may on occasion send a 2nd letter requesting more information

DECISION ISSUED

A decision can come in 3 forms:

- **1. Final Decision** OHCA will render a decision within 90 days (60 days for Group Practice applications) either approving or denying the project and will be signed by the DPH Deputy Commissioner. The applicant then has 15 days to request a Reconsideration.
- **2. Proposed Final Decision** if a decision is adverse to the Applicant, OHCA will issue a proposed decision that may or may not be adopted by the Deputy Commissioner as a Final Decision
- **3. Agreed Settlement** OHCA and the Applicant may enter into an Agreed Settlement, which generally contains additional conditions or agrees to modify the original proposal plan. A team of analysts will monitor to ensure compliance with the agreement.

Note: There is a 30 day waiting period after the application is deemed complete (to allow for public comments) before a decision may be rendered



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 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.



The hearing is held the Applicant any 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

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.

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ested within 30	
days	



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

Conn. Gen. Stat. § 19a-486

LETTER OF CON DETERMINATION

Applicants file a Letter of CON Determination simultaneously with both OHCA and the Attorney General's (AG) Office



The AG's Office determines whether the agreement will require the Applicants to apply for approval.

Applicant has 60 days to submit application



APPLICATION

After receipt of the application forms, the purchaser and hospital concurrently file with OHCA and the AG's Office



REVIEW

OHCA and the AG's Office will notify applicants whether the application is complete or incomplete

OHCA has 20 days to review





Prior to making any decision, the AG and OHCA will jointly conduct at least one public hearing in the primary service area of the hospital. Additionally, once the application is deemed complete, a summary of the proposal will be published in a newspaper.



COMPLETENESS LETTER

OHCA and the AG's Office jointly send a letter to the Applicants requesting additional information. There is no time limit as to when Applicants must respond to the request for more information

Decision rendered not more than 120 days after being deemed complete

PROPOSED DECISION

The AG and OHCA will render a proposed final decision (unless determine an Agreed Settlement is necessary).

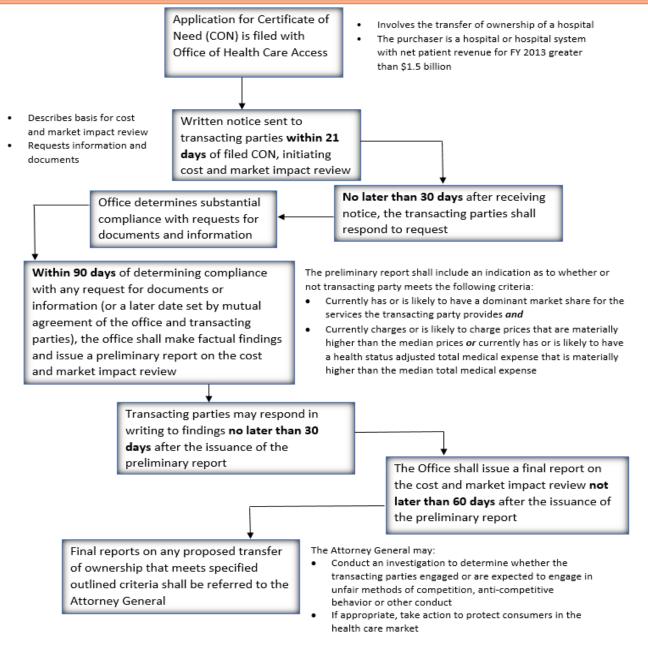


FINAL DECISION

Unless the Applicant requests oral arguments or submits objections, the proposed decision becomes final after 21 days.

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.

Sec. 19a-639. (Formerly Sec. 19a-155). Certificate of need guidelines and principles. Application involving transfer of ownership of a hospital; denial; conditions on approval; hiring of post-transfer compliance reporter.



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.

C.G.S.Sec. 19a-639c Proposed relocation of a health care facility. Policies, procedures and regulations.



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



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Thank You!