



Senate

General Assembly

File No. 19

February Session, 2002

Senate Bill No. 212

Senate, March 8, 2002

The Committee on Public Health reported through SEN. HARP of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING LATE OR MISSING DATA AND THE OFFICE OF HEALTH CARE ACCESS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) Notwithstanding the
2 provisions of section 19a-638 or 19a-639 of the general statutes, or any
3 other provision of chapter 368z of the general statutes, the Office of
4 Health Care Access may refuse to accept as filed or submitted a letter
5 of intent or a certificate of need application from any person or health
6 care facility that failed to submit any required data or information in a
7 complete and timely fashion. Such refusal and related moratorium on
8 accepting a letter of intent or a certificate of need application may
9 remain in effect, at the discretion of the Commissioner of Health Care
10 Access or the commissioner's designee, until the office determines that
11 all required data has been submitted. The office shall notify the person
12 attempting to submit a letter of intent or a certificate of need
13 application that is refused under this section of that refusal and
14 accompanying moratorium no later than ten business days after the

15 receipt of such attempted submission to the office. Nothing in this
16 section shall preclude or limit the office from taking any other action
17 authorized by law concerning late, incomplete or inaccurate data
18 submission in addition to such a refusal and accompanying
19 moratorium.

This act shall take effect as follows:	
Section 1	<i>from passage</i>

PH *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Fund-Type	Agency Affected	Current FY \$	FY 03 \$	FY 04 \$
General Fund - Revenue Impact	Office of Health Care Access	Potential Minimal	Potential Minimal	Potential Minimal

Municipal Impact: None

Explanation

Passage of this bill may result in a delay in the submittal of certain letters of intent or certificate of need (CON) applications from any of thirty-one acute care hospitals. The extent to which this occurs will be dependent upon the frequency with which the commissioner of health care access chooses to invoke his new discretionary authority to refuse or otherwise place a moratorium on a hospital’s CON application(s), pursuant to the bill’s provisions. A corresponding delay in the collection of CON filing fees associated with any refused application would also be expected.

On an annual basis, the Office of Health Care Access receives between 30-50 CON applications from acute care hospitals. A filing fee of \$400 is collected when CON requests involve capital projects costing greater than \$400,000 but less than or equal to \$1 million. A filing fee of \$1,000 plus .05 percent of the project value is paid for similar proposals costing more than \$1 million. No fee is paid at the time of submittal of a letter of intent.

OLR Bill Analysis

SB 212

AN ACT CONCERNING LATE OR MISSING DATA AND THE OFFICE OF HEALTH CARE ACCESS**SUMMARY:**

This bill allows the Office of Health Care Access (OHCA) to refuse to accept a letter of intent for a certificate of need (CON) or a CON application from any facility that has failed to submit any required data or information to OHCA or has submitted incomplete data. This includes required data and information unrelated to the CON proposal.

Under the bill, OHCA's refusal to accept the letter of intent or application remains in effect at the OHCA commissioner's discretion, until OHCA determines all required data has been submitted.

OHCA must notify the affected party of the refusal within ten business days after it has received the letter of intent or application. The bill specifies that it does not prohibit OHCA from taking any other allowed action against the party concerning late, incomplete, or inaccurate data submissions.

EFFECTIVE DATE: Upon passage

BACKGROUND***Certificate of Need (CON)***

Under the CON program, OHCA reviews of health care facilities' proposed capital expenditures, acquisition of major medical equipment, institution of new services or functions, termination of services, transfer of ownership, and decreases in bed capacity. Generally, a CON is a formal statement by OHCA that a health care facility, medical equipment purchase, or service change is needed.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Report
Yea 21 Nay 0