



General Assembly

February Session, 2004

Raised Bill No. 563

LCO No. 2286

02286 _____ PH_

Referred to Committee on Public Health

Introduced by:
(PH)

AN ACT CONCERNING THE CERTIFICATE OF NEED PROCESS.

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

1 Section 1. Section 19a-630a of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2004*):

3 As used in sections 19a-638 to [19a-639a] 19a-639e, inclusive, as
4 amended, "affiliate" means any health-care-related person [who] that
5 directly or indirectly through one or more intermediaries, controls or is
6 controlled by or is under common control with, another health-care-
7 related person. [In addition to other means of being controlled] For
8 purposes of this section, a person is deemed controlled by another
9 person if the other person, or one of that other person's affiliates,
10 officers or management employees, acting in such capacity, acts as a
11 general partner of a general or limited partnership or manager of a
12 limited liability company. [in question. For purposes of this section,
13 "health-care-related person" means an entity that is licensed by a state
14 agency to provide direct patient care services for the prevention,
15 diagnosis or treatment of human health conditions.]

16 Sec. 2. Section 19a-641 of the general statutes is repealed and the

17 following is substituted in lieu thereof (*Effective October 1, 2004*):

18 Any health care facility or institution or any person and any state
19 health care facility or institution aggrieved by any final decision of said
20 office under the provisions of sections 19a-630 to 19a-640, inclusive, as
21 amended, or section 19a-648 or 19a-650, regardless of whether the final
22 decision was made in a contested case, may appeal therefrom in
23 accordance with the provisions of section 4-183, except venue shall be
24 in the judicial district in which it is located. Such appeal shall have
25 precedence in respect to order of trial over all other cases except writs
26 of habeas corpus, actions brought by or on behalf of the state,
27 including informations on the relation of private individuals, and
28 appeals from awards or decisions of workers' compensation
29 commissioners.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>

Statement of Purpose:

To redefine and broaden the definition of an applicant for a certificate of need and to allow an appeal from a final decision by the Office of Health Care Access when no public hearing was held.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]