



General Assembly

January Session, 2009

Substitute Bill No. 980

* SB00980PH 032309 *

AN ACT CONCERNING CERTIFICATES OF NEED.

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

1 Section 1. Section 19a-638 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2009*):

3 (a) Except as provided in sections 19a-487a and 19a-639a to 19a-
4 639c, inclusive, as amended by this act:

5 (1) Each health care facility or institution, that intends to [(A)]
6 transfer all or part of its ownership or control [, (B) change the
7 governing powers of the board of a parent company or an affiliate,
8 whatever its designation, or (C) change or transfer the powers or
9 control of a governing or controlling body of an affiliate,] shall submit
10 to the office, prior to the proposed date of such transfer, [or change,] a
11 request for permission to undertake such transfer. [or change.] For
12 purposes of this section, "transfer all or part of its ownership or
13 control" means a transfer that impacts or changes the governance or
14 controlling body of a health care facility or institution, including, but
15 not limited to, affiliations, mergers or any sale or transfer of net assets
16 of a health care facility or institution.

17 (2) Each health care facility or institution or state health care facility
18 or institution, including any inpatient rehabilitation facility, which
19 intends to introduce any additional function or service into its
20 program of health care shall submit to the office, prior to the proposed

21 date of the institution of such function or service, a request for
22 permission to undertake such function or service.

23 (3) Each health care facility or institution or state health care facility
24 or institution which intends to terminate a health service offered by
25 such facility or institution or reduce substantially its total bed capacity,
26 shall submit to the office, prior to the proposed date of such
27 termination or decrease, a request to undertake such termination or
28 decrease.

29 (4) Except as provided in sections 19a-639a to 19a-639c, inclusive, as
30 amended by this act, each applicant, prior to submitting a certificate of
31 need application under this section or section 19a-639, as amended by
32 this act, or under both sections, shall submit a request, in writing, for
33 application forms and instructions to the office. The request shall be
34 known as a letter of intent. A letter of intent shall include: (A) The
35 name of the applicant or applicants; (B) a statement indicating whether
36 the application is for (i) a new, replacement or additional facility,
37 service or function, (ii) the expansion or relocation of an existing
38 facility, service or function, (iii) a [change in] transfer of all or part of
39 its ownership or control, (iv) a termination of a service or a reduction
40 in total bed capacity and the bed type, (v) any new or additional beds
41 and their type, (vi) a capital expenditure over three million dollars,
42 (vii) the purchase, lease or donation acceptance of major medical
43 equipment costing over three million dollars, (viii) a CT scanner, PET
44 scanner, PET/CT scanner or MRI scanner, [cineangiography
45 equipment,] a linear accelerator or other similar equipment utilizing
46 technology that is new or being introduced into the state, or (ix) any
47 combination thereof; (C) the estimated capital cost, value or
48 expenditure; (D) the town where the project is or will be located; and
49 (E) a brief description of the proposed project. The office shall provide
50 public notice of any complete letter of intent submitted under this
51 section or section 19a-639, as amended by this act, or both, by
52 publication in a newspaper having a substantial circulation in the area
53 served or to be served by the applicant. Such notice shall be submitted
54 for publication not later than twenty-one days after the date the office

55 determines that a letter of intent is complete. No certificate of need
56 application will be considered submitted to the office unless a current
57 letter of intent, specific to the proposal and in compliance with this
58 subsection, has been on file with the office for not less than sixty days.
59 A current letter of intent is a letter of intent that has been on file at the
60 office up to and including one hundred twenty days, except that an
61 applicant may request a one-time extension of a letter of intent of up to
62 an additional thirty days for a maximum total of up to one hundred
63 fifty days if, prior to the expiration of the current letter of intent, the
64 office receives a written request to so extend the letter of intent's
65 current status. The extension request shall fully explain why an
66 extension is requested. The office shall accept or reject the extension
67 request not later than seven days from the date the office receives such
68 request and shall so notify the applicant.

69 (b) The office shall make such review of a request made pursuant to
70 subdivision (1), (2) or (3) of subsection (a) of this section as it deems
71 necessary. In the case of a [proposed transfer of] health care facility or
72 institution that intends to transfer all or part of its ownership or
73 control, the review shall include, but not be limited to, the financial
74 responsibility and business interests of the transferee and the ability of
75 the institution to continue to provide needed services or, in the case of
76 the introduction of a new or additional function or service expansion
77 or the termination of a service or function, ascertaining the availability
78 of such service or function at other inpatient rehabilitation facilities,
79 health care facilities or institutions or state health care facilities or
80 institutions or other providers within the area to be served, the need
81 for such service or function within such area and any other factors
82 which the office deems relevant to a determination of whether the
83 facility or institution is justified in introducing or terminating such
84 functions or services into or from its program. The office shall grant,
85 modify or deny such request no later than ninety days after the date of
86 receipt of a complete application, except as provided for in this section.
87 Upon the request of the applicant, the review period may be extended
88 for an additional fifteen days if the office has requested additional

89 information subsequent to the commencement of the review period.
90 The commissioner may extend the review period for a maximum of
91 thirty days if the applicant has not filed in a timely manner
92 information deemed necessary by the office. Failure of the office to act
93 on such request within such review period shall be deemed approval
94 thereof. The ninety-day review period, pursuant to this subsection, for
95 an application filed by a hospital, as defined in section 19a-490, and
96 licensed as a short-term acute-care general hospital or children's
97 hospital by the Department of Public Health or an affiliate of such a
98 hospital or any combination thereof, shall not apply if, in the certificate
99 of need application or request, the hospital or applicant projects either
100 (1) that, for the first three years of operation taken together, the total
101 impact of the proposal on the operating budget of the hospital or an
102 affiliate of such a hospital or any combination thereof will exceed one
103 per cent of the actual operating expenses of the hospital for the most
104 recently completed fiscal year as filed with or determined by the office,
105 or (2) that the total capital expenditure for the project will exceed
106 fifteen million dollars. If the office determines that an application is not
107 subject to the ninety-day review period pursuant to this subsection, it
108 shall remain so excluded for the entire review period of that
109 application, even if the application or circumstances change and the
110 application no longer meets the stated terms of the exclusion. Upon a
111 showing by such facility or institution that the need for such function
112 [] or service or termination or [change of] transfer of all or part of its
113 ownership or control is of an emergency nature, in that the function,
114 service or termination or [change] transfer of ownership or control is
115 necessary to maintain continued access to the health care services
116 provided by the facility or institution, or to comply with requirements
117 of any federal, state or local health, fire, building or life safety code, the
118 commissioner may waive the letter of intent requirement, provided
119 such request shall be submitted not less than fourteen days before the
120 proposed date of institution of the function, service or termination or
121 [change] transfer of ownership or control.

122 (c) (1) The office may hold a public hearing with respect to any

123 complete certificate of need application submitted under this section.
124 At least two weeks' notice of such public hearing shall be given to the
125 applicant, in writing, and to the public by publication in a newspaper
126 having a substantial circulation in the area served by the facility,
127 institution or provider. At the discretion of the office, such hearing
128 may be held in Hartford or in the area so served or to be served. In
129 conducting its activities under this section, section 19a-639, as
130 amended by this act, or under both sections, the office may hold
131 hearings on applications of a similar nature at the same time.

132 (2) The office may hold a public hearing after consideration of
133 criteria that include, but need not be limited to, whether the proposal
134 involves: (A) The provision of a new or additional health care function
135 or service through the use of technology that is new or being
136 introduced into the state; (B) the provision of a new or additional
137 health care function or service that is not provided in either a region
138 designated by the applicant or in the applicant's existing primary
139 service area as defined by the office; or (C) the termination of an
140 existing health care function or service, the reduction of total beds or
141 the closing of a health care facility.

142 (3) The office shall hold a public hearing with respect to any
143 complete certificate of need application submitted to the office under
144 this section if (A) three individuals or an individual representing an
145 entity with five or more people submit a request, in writing, that a
146 public hearing be held on the proposal after the office has published
147 notice of a complete letter of intent, and (B) such request is received by
148 the office not later than twenty-one days after the date that the office
149 deems the certificate of need application complete.

150 Sec. 2. Section 19a-639 of the general statutes is repealed and the
151 following is substituted in lieu thereof (*Effective July 1, 2009*):

152 (a) Except as provided in sections 19a-639a to 19a-639c, inclusive, as
153 amended by this act, each health care facility or institution, including,
154 but not limited to, any inpatient rehabilitation facility, any health care

155 facility or institution or any state health care facility or institution
156 proposing (1) a capital expenditure exceeding three million dollars, (2)
157 to purchase, lease or accept donation of major medical equipment
158 requiring a capital expenditure, as defined in regulations adopted
159 pursuant to section 19a-643, in excess of three million dollars, or (3) to
160 purchase, lease or accept donation of a CT scanner, PET scanner,
161 PET/CT scanner or MRI scanner, [cineangiography equipment,] a
162 linear accelerator or other similar equipment utilizing technology that
163 is new or being introduced into this state, including the purchase, lease
164 or donation of equipment or a facility, shall submit a request for
165 approval of such expenditure to the office, with such data, information
166 and plans as the office requires in advance of the proposed initiation
167 date of such project.

168 (b) (1) The commissioner shall notify the Commissioner of Social
169 Services of any certificate of need request that may impact
170 expenditures under the state medical assistance program. The office
171 shall consider such request in relation to the community or regional
172 need for such capital program or purchase of land, the possible effect
173 on the operating costs of the health care facility or institution and such
174 other relevant factors as the office deems necessary. In approving or
175 modifying such request, the commissioner may not prescribe any
176 condition, such as but not limited to, any condition or limitation on the
177 indebtedness of the facility or institution in connection with a bond
178 issue, the principal amount of any bond issue or any other details or
179 particulars related to the financing of such capital expenditure, not
180 directly related to the scope of such capital program and within control
181 of the facility or institution.

182 (2) An applicant, prior to submitting a certificate of need
183 application, shall submit a request, in writing, for application forms
184 and instructions to the office. The request shall be known as a letter of
185 intent. A letter of intent shall conform to the letter of intent
186 requirements of subdivision (4) of subsection (a) of section 19a-638, as
187 amended by this act. No certificate of need application will be
188 considered submitted to the office unless a current letter of intent,

189 specific to the proposal and in compliance with this subsection, is on
190 file with the office for not less than sixty days. A current letter of intent
191 is a letter of intent that has been on file at the office no more than one
192 hundred twenty days, except that an applicant may request a one-time
193 extension of a letter of intent of not more than an additional thirty days
194 for a maximum total of not more than one hundred fifty days if, prior
195 to the expiration of the current letter of intent, the office receives a
196 written request to so extend the letter of intent's current status. The
197 extension request shall fully explain why an extension is requested.
198 The office shall accept or reject the extension request not later than
199 seven days from the date the office receives the extension request and
200 shall so notify the applicant. Upon a showing by such facility or
201 institution that the need for such capital program is of an emergency
202 nature, in that the capital expenditure is necessary to maintain
203 continued access to the health care services provided by the facility or
204 institution, or to comply with any federal, state or local health, fire,
205 building or life safety code, the commissioner may waive the letter of
206 intent requirement, provided such request shall be submitted not less
207 than fourteen days before the proposed initiation date of the project.
208 The commissioner shall grant, modify or deny such request not later
209 than ninety days or not later than fourteen days, as the case may be,
210 after receipt of such request, except as provided for in this section.
211 Upon the request of the applicant, the review period may be extended
212 for an additional fifteen days if the office has requested additional
213 information subsequent to the commencement of the review period.
214 The commissioner may extend the review period for a maximum of
215 thirty days if the applicant has not filed, in a timely manner,
216 information deemed necessary by the office. Failure of the office to act
217 upon such request within such review period shall be deemed
218 approval of such request. The ninety-day review period, pursuant to
219 this section, for an application filed by a hospital, as defined in section
220 19a-490, and licensed as a short-term acute care general hospital or a
221 children's hospital by the Department of Public Health or an affiliate of
222 such a hospital or any combination thereof, shall not apply if, in the
223 certificate of need application or request, the hospital or applicant

224 projects either (A) that, for the first three years of operation taken
225 together, the total impact of the proposal on the operating budget of
226 the hospital or an affiliate or any combination thereof will exceed one
227 per cent of the actual operating expenses of the hospital for the most
228 recently completed fiscal year as filed with the office, or (B) that the
229 total capital expenditure for the project will exceed fifteen million
230 dollars. If the office determines that an application is not subject to the
231 ninety-day review period pursuant to this subsection, it shall remain
232 so excluded for the entire period of that application, even if the
233 application or circumstances change and the application no longer
234 meets the stated terms of the exclusion. The office shall adopt
235 regulations, in accordance with chapter 54, to establish an expedited
236 hearing process to be used to review requests by any facility or
237 institution for approval of a capital expenditure to establish an energy
238 conservation program or to comply with requirements of any federal,
239 state or local health, fire, building or life safety code or final court
240 order. The office shall adopt regulations in accordance with the
241 provisions of chapter 54 to provide for the waiver of a hearing for any
242 part of a request by a facility or institution for a capital expenditure,
243 provided such facility or institution and the office agree upon such
244 waiver.

245 (3) The office shall comply with the public notice provisions of
246 subdivision (4) of subsection (a) of section 19a-638, as amended by this
247 act, and shall hold a public hearing with respect to any complete
248 certificate of need application filed under this section, if: (A) The
249 proposal has associated total capital expenditures or total capital costs
250 that exceed twenty million dollars for land, building or nonclinical
251 equipment acquisition, new building construction or building
252 renovation; (B) the proposal has associated total capital expenditures
253 per unit or total capital costs per unit that exceed three million dollars
254 for the purchase, lease or donation acceptance of major medical
255 equipment; (C) the proposal is for the purchase, lease or donation
256 acceptance of equipment utilizing technology that is new or being
257 introduced into the state, including scanning equipment,

258 [cineangiography equipment,] a linear accelerator or other similar
259 equipment; or (D) three individuals or an individual representing an
260 entity comprised of five or more people submit a request, in writing,
261 that a public hearing be held on the proposal and such request is
262 received by the office not later than twenty-one days after the office
263 deems the certificate of need application complete. At least two weeks'
264 notice of such public hearing shall be given to the applicant, in writing,
265 and to the public by publication in a newspaper having a substantial
266 circulation in the area served by the applicant. At the discretion of the
267 office, such hearing shall be held in Hartford or in the area so served or
268 to be served.

269 (c) Each person or provider, other than a health care or state health
270 care facility or institution subject to subsection (a) of this section,
271 proposing to purchase, lease, accept donation of or replace (1) major
272 medical equipment with a capital expenditure in excess of three
273 million dollars, or (2) a CT scanner, PET scanner, PET/CT scanner or
274 MRI scanner, [cineangiography equipment,] a linear accelerator or
275 other similar equipment utilizing technology that is new or being
276 introduced into the state, shall submit a request for approval of any
277 such purchase, lease, donation or replacement pursuant to the
278 provisions of subsection (a) of this section. In determining the capital
279 cost or expenditure for an application under this section or section 19a-
280 638, as amended by this act, the office shall use the greater of (A) the
281 fair market value of the equipment as if it were to be used for full-time
282 operation, whether or not the equipment is to be used, shared or
283 rented on a part-time basis, or (B) the total value or estimated value
284 determined by the office of any capitalized lease computed for a three-
285 year period. Each method shall include the costs of any service or
286 financing agreements plus any other cost components or items the
287 office specifies in regulations, adopted in accordance with chapter 54,
288 or deems appropriate.

289 (d) Notwithstanding the provisions of section 19a-638, as amended
290 by this act, or subsection (a) of this section, no community health
291 center, as defined in section 19a-490a, shall be subject to the provisions

292 of said section 19a-638 or subsection (a) of this section if the
293 community health center is: (1) Proposing a capital expenditure not
294 exceeding three million dollars; (2) exclusively providing primary care
295 or dental services; and (3) either (A) financing one-third or more of the
296 cost of the proposed project with moneys provided by the state of
297 Connecticut, (B) receiving funds from the Department of Public Health
298 for the proposed project, or (C) locating the proposed project in an area
299 designated by the federal Health Resources and Services
300 Administration as a health professional shortage area, a medically
301 underserved area or an area with a medically underserved population.
302 Each community health center seeking an exemption under this
303 subsection shall provide the office with documentation verifying to the
304 satisfaction of the office, qualification for this exemption. Each
305 community health center proposing to provide any service other than
306 a primary care or dental service at any location, including a designated
307 community health center location, shall first obtain a certificate of need
308 for such additional service in accordance with this section and section
309 19a-638, as amended by this act. Each satellite, subsidiary or affiliate of
310 a federally qualified health center, in order to qualify under this
311 exemption, shall: (i) Be part of a federally qualified health center that
312 meets the requirements of this subsection; (ii) exclusively provide
313 primary care or dental services; and (iii) be located in a health
314 professional shortage area or a medically underserved area. If the
315 subsidiary, satellite or affiliate does not so qualify, it shall obtain a
316 certificate of need.

317 (e) Notwithstanding the provisions of section 19a-638, as amended
318 by this act, subsection (a) of section 19a-639a, as amended by this act,
319 or subsection (a) of this section, no school-based health care center
320 shall be subject to the provisions of section 19a-638, as amended by this
321 act, or subsection (a) of this section if the center: (1) Is or will be
322 licensed by the Department of Public Health as an outpatient clinic; (2)
323 proposes capital expenditures not exceeding three million dollars and
324 does not exceed such amount; (3) once operational, continues to
325 operate and provide services in accordance with the department's

326 licensing standards for comprehensive school-based health centers;
327 and (4) is or will be located entirely on the property of a functioning
328 school.

329 (f) In conducting its activities under this section or section 19a-638,
330 as amended by this act, or under both sections, the office may hold
331 hearings on applications of a similar nature at the same time.

332 Sec. 3. Section 19a-639a of the general statutes is repealed and the
333 following is substituted in lieu thereof (*Effective July 1, 2009*):

334 (a) Except as provided in subsection (c) of section 19a-639, as
335 amended by this act, or as required in subsection (b) of this section, the
336 provisions of section 19a-638, as amended by this act, and subsection
337 (a) of section 19a-639, as amended by this act, shall not apply to: (1) An
338 outpatient clinic or program operated exclusively by, or contracted to
339 be operated exclusively for, a municipality or municipal agency, a
340 health district, as defined in section 19a-240, or a board of education;
341 (2) a residential facility for the mentally retarded licensed pursuant to
342 section 17a-227 and certified to participate in the Title XIX Medicaid
343 program as an intermediate care facility for the mentally retarded; (3)
344 an outpatient rehabilitation service agency that was in operation on
345 January 1, 1998, that is operated exclusively on an outpatient basis and
346 that is eligible to receive reimbursement under section 17b-243; (4) a
347 clinical laboratory; (5) an assisted living services agency; (6) an
348 outpatient service offering chronic dialysis; (7) a program of
349 ambulatory services established and conducted by a health
350 maintenance organization; (8) a home health agency; (9) a clinic
351 operated by the AmeriCares Foundation; (10) a nursing home; or (11) a
352 rest home. The exemptions provided in this section shall not apply
353 when a nursing home or rest home is, or will be created, acquired,
354 operated or in any other way related to or affiliated with, or under the
355 complete or partial ownership or control of a facility or institution or
356 affiliate subject to the provisions of section 19a-638, as amended by this
357 act, or subsection (a) of section 19a-639, as amended by this act.

358 (b) Each health care facility or institution exempted under this
359 section shall register with the office by filing the information required
360 by subdivision (4) of subsection (a) of section 19a-638, as amended by
361 this act, for a letter of intent at least fourteen days but not more than
362 sixty calendar days prior to commencing operations and prior to
363 changing, expanding, terminating or relocating any facility or service
364 otherwise covered by section 19a-638, as amended by this act, or
365 subsection (a) of section 19a-639, as amended by this act, or covered by
366 both sections or subsections, except that, if the facility or institution is
367 in operation on June 5, 1998, said information shall be filed not more
368 than sixty days after said date. Not later than fourteen days after the
369 date that the office receives a completed filing required under this
370 subsection, the office shall provide the health care facility or institution
371 with written acknowledgment of receipt. Such acknowledgment shall
372 constitute permission to operate or change, expand, terminate or
373 relocate such a facility or institution or to make an expenditure
374 consistent with an authorization received under subsection (a) of
375 section 19a-639, as amended by this act, until the next September
376 thirtieth. Each entity exempted under this section shall renew its
377 exemption by filing current information once every two years in
378 September.

379 (c) Each health care facility, institution or provider that proposes to
380 purchase, lease or accept donation of a CT scanner, PET scanner,
381 PET/CT scanner or MRI scanner, [cineangiography equipment] or a
382 linear accelerator shall be exempt from certificate of need review
383 pursuant to sections 19a-638, as amended by this act, and 19a-639, as
384 amended by this act, if such facility, institution or provider (1)
385 provides to the office satisfactory evidence that it purchased or leased
386 such equipment for under four hundred thousand dollars on or before
387 July 1, 2005, and such equipment was in operation on or before July 1,
388 2006, or (2) obtained, on or before July 1, 2005, from the office, a
389 certificate of need or a determination that a certificate of need was not
390 required for the purchase, lease or donation acceptance of such
391 equipment.

392 (d) The Office of Health Care Access shall, in its discretion, exempt
393 from certificate of need review pursuant to sections 19a-638, as
394 amended by this act, and 19a-639, as amended by this act, any health
395 care facility or institution that proposes to purchase or operate an
396 electronic medical records system on or after October 1, 2005.

397 (e) Each health care facility or institution that proposes a capital
398 expenditure for parking lots and garages, information and
399 communications systems, physician and administrative office space,
400 acquisition of land for nonclinical purposes, and acquisition and
401 replacement of nonmedical equipment, including, but not limited to,
402 boilers, chillers, heating ventilation and air conditioning systems, shall
403 be exempt for such capital expenditure from certificate of need review
404 under subsection (a) of section 19a-639, as amended by this act,
405 provided (1) the health care facility or institution submits information
406 to the office regarding the type of capital expenditure, the reason for
407 the capital expenditure, the total cost of the project and any other
408 information which the office deems necessary; and (2) the total capital
409 expenditure does not exceed twenty million dollars. Approval of a
410 health care facility's or institution's proposal for acquisition of land for
411 nonclinical purposes shall not exempt such facility or institution from
412 compliance with any of the certificate of need requirements prescribed
413 in this chapter if such facility or institution subsequently seeks to
414 develop the land that was acquired for nonclinical purposes.

415 (f) Each health care facility or institution that on July 1, 2009, is
416 providing outpatient services, including, but not limited to, physical
417 therapy, occupational therapy, speech therapy, cardiac rehabilitation,
418 occupational injury management, occupational disease management
419 and company contracted services that thereafter proposes to provide
420 such services at an alternative location within the primary services
421 area of the health care facility or institution, shall be exempt from the
422 certificate of need requirements prescribed in subsection (a) of section
423 19a-638, as amended by this act, as relates to any such proposal to
424 provide such services at an alternative location.

425 Sec. 4. Section 19a-639b of the general statutes is amended by
426 adding subsection (e) as follows (*Effective July 1, 2009*):

427 (NEW) (e) A nonprofit facility, institution or provider that is a
428 psychiatric residential treatment facility, as defined in 42 CFR 483.352,
429 shall not be eligible for any exemption provided for in this section,
430 irrespective of whether or not such facility is under contract with a
431 state agency or department.

432 Sec. 5. Section 19a-639c of the general statutes is repealed and the
433 following is substituted in lieu thereof (*Effective July 1, 2009*):

434 Notwithstanding the provisions of section 19a-638, as amended by
435 this act, or section 19a-639, as amended by this act, the office may
436 waive the requirements of said sections and grant a certificate of need
437 to any health care facility or institution or provider or any state health
438 care facility or institution or provider proposing to replace major
439 medical equipment, a CT scanner, PET scanner, PET/CT scanner or
440 MRI scanner [, cineangiography equipment] or a linear accelerator if:

441 (1) The health care facility or institution or provider has previously
442 obtained a certificate of need for the equipment to be replaced; [and] or

443 (2) The health care facility or institution or provider had previously
444 obtained a determination pursuant to subsection (c) of section 19a-
445 639a, as amended by this act, that a certificate of need was not required
446 for the original acquisition of the equipment; and

447 ~~[(2)]~~ (3) The replacement value or expenditure is less than three
448 million dollars.

449 Sec. 6. Subsection (a) of section 19a-653 of the general statutes is
450 repealed and the following is substituted in lieu thereof (*Effective July*
451 *1, 2009*):

452 (a) (1) Any person or health care facility or institution that owns,
453 operates or is seeking to acquire major medical equipment costing over
454 three million dollars, or scanning equipment, [cineangiography

455 equipment,] a linear accelerator or other similar equipment utilizing
 456 technology that is developed or introduced into the state on or after
 457 October 1, 2005, or any person or health care facility or institution that
 458 is required to file data or information under any public or special act or
 459 under this chapter or sections 19a-486 to 19a-486h, inclusive, or any
 460 regulation adopted or order issued under this chapter or said sections,
 461 which fails to so file within prescribed time periods, shall be subject to
 462 a civil penalty of up to one thousand dollars a day for each day such
 463 information is missing, incomplete or inaccurate. Any civil penalty
 464 authorized by this section shall be imposed by the Office of Health
 465 Care Access in accordance with subsections (b) to (e), inclusive, of this
 466 section.

467 (2) If a person or health care facility or institution is unsure whether
 468 a certificate of need is required under section 19a-638, as amended by
 469 this act, or section 19a-639, as amended by this act, or under both
 470 sections, it shall send a letter to the office describing the project and
 471 requesting that the office make such a determination. A person making
 472 a request for a determination as to whether a certificate of need, waiver
 473 or exemption is required shall provide the office with any information
 474 the office requests as part of its determination process.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	19a-638
Sec. 2	<i>July 1, 2009</i>	19a-639
Sec. 3	<i>July 1, 2009</i>	19a-639a
Sec. 4	<i>July 1, 2009</i>	19a-639b
Sec. 5	<i>July 1, 2009</i>	19a-639c
Sec. 6	<i>July 1, 2009</i>	19a-653(a)

Statement of Legislative Commissioners:

In section 1(b), an opening bracket preceding the words "termination or" was removed and placed before the word "change" to maintain consistency in the subsection. In addition, in section 2(b)(3)(C) opening and closing brackets were inserted before and after the words "cineangiography equipment" to maintain consistency in the section.

PH *Joint Favorable Subst.-LCO*