



General Assembly

January Session, 2011

Raised Bill No. 6371

LCO No. 3374

* _____HB06371PH_____022511_____*

Referred to Committee on Public Health

Introduced by:
(PH)

***AN ACT CONCERNING EXEMPTIONS FROM THE CERTIFICATE OF
NEED PROCESS FOR RESEARCHERS UTILIZING CERTAIN
TECHNOLOGIES THAT HAVE NO IMPACT ON HUMAN HEALTH.***

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

1 Section 1. Subsections (a) and (b) of section 19a-638 of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

4 (a) A certificate of need issued by the office shall be required for:

5 (1) The establishment of a new health care facility;

6 (2) A transfer of ownership of a health care facility;

7 (3) The establishment of a free-standing emergency department;

8 (4) The termination by a short-term acute care general hospital or
9 children's hospital of inpatient and outpatient mental health and
10 substance abuse services;

11 (5) The establishment of an outpatient surgical facility, as defined in
12 section 19a-493b, or as established by a short-term acute care general

13 hospital;

14 (6) The termination of an emergency department by a short-term
15 acute care general hospital;

16 (7) The establishment of cardiac services, including inpatient and
17 outpatient cardiac catheterization, interventional cardiology and
18 cardiovascular surgery;

19 (8) The acquisition of computed tomography scanners, magnetic
20 resonance imaging scanners, positron emission tomography scanners
21 or positron emission tomography-computed tomography scanners, by
22 any person, physician, provider, short-term acute care general hospital
23 or children's hospital, except as provided for in subdivision (23) of
24 subsection (b) of this section;

25 (9) The acquisition of nonhospital based linear accelerators;

26 (10) An increase in the licensed bed capacity of a health care facility;

27 (11) The acquisition of equipment utilizing technology that has not
28 previously been utilized in the state; and

29 (12) An increase of two or more operating rooms within any three-
30 year period, commencing on and after October 1, 2010, by an
31 outpatient surgical facility, as defined in section 19a-493b, or by a
32 short-term acute care general hospital.

33 (b) A certificate of need shall not be required for:

34 (1) Health care facilities owned and operated by the federal
35 government;

36 (2) The establishment of offices by a licensed private practitioner,
37 whether for individual or group practice, except when a certificate of
38 need is required in accordance with the requirements of section 19a-
39 493b or subdivisions (8) and (9) of subsection (a) of this section;

40 (3) A health care facility operated by a religious group that
41 exclusively relies upon spiritual means through prayer for healing;

42 (4) Residential care homes, nursing homes and rest homes, as
43 defined in subsection (c) of section 19a-490;

44 (5) An assisted living services agency, as defined in section 19a-490;

45 (6) Home health agencies, as defined in section 19a-490;

46 (7) Hospice services, as described in section 19a-122b;

47 (8) Outpatient rehabilitation facilities;

48 (9) Outpatient chronic dialysis services;

49 (10) Transplant services;

50 (11) Free clinics, as defined in section 19a-630;

51 (12) School-based health centers, community health centers, as
52 defined in section 19a-490a, not-for-profit outpatient clinics licensed in
53 accordance with the provisions of chapter 368v and federally qualified
54 health centers;

55 (13) A program licensed or funded by the Department of Children
56 and Families, provided such program is not a psychiatric residential
57 treatment facility;

58 (14) Any nonprofit facility, institution or provider that has a contract
59 with, or is certified or licensed to provide a service for, a state agency
60 or department for a service that would otherwise require a certificate
61 of need. The provisions of this subdivision shall not apply to a short-
62 term acute care general hospital or children's hospital, or a hospital or
63 other facility or institution operated by the state that provides services
64 that are eligible for reimbursement under Title XVIII or XIX of the
65 federal Social Security Act, 42 USC 301, as amended;

66 (15) A health care facility operated by a nonprofit educational
67 institution exclusively for students, faculty and staff of such institution
68 and their dependents;

69 (16) An outpatient clinic or program operated exclusively by or
70 contracted to be operated exclusively by a municipality, municipal
71 agency, municipal board of education or a health district, as described
72 in section 19a-241;

73 (17) A residential facility for the mentally retarded licensed
74 pursuant to section 17a-227 and certified to participate in the Title XIX
75 Medicaid program as an intermediate care facility for the mentally
76 retarded;

77 (18) Replacement of existing imaging equipment if such equipment
78 was acquired through certificate of need approval or a certificate of
79 need determination, provided a health care facility, provider,
80 physician or person notifies the office of the date on which the
81 equipment is replaced and the disposition of the replaced equipment;

82 (19) Acquisition of cone-beam dental imaging equipment that is to
83 be used exclusively by a dentist licensed pursuant to chapter 379;

84 (20) The termination of inpatient or outpatient services offered by a
85 hospital, except as provided in subdivision (4) of subsection (a) of this
86 section and section 19a-639e;

87 (21) The partial or total elimination of services provided by an
88 outpatient surgical facility, as defined in section 19a-493b, except as
89 provided in section 19a-639e; [or]

90 (22) The termination of services for which the Department of Public
91 Health has requested the facility to relinquish its license; or

92 (23) Acquisition of any equipment by any person that is to be used
93 exclusively for scientific research that does not involve human beings.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	19a-638(a) and (b)
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PH *Joint Favorable*