



General Assembly

Amendment

January Session, 2011

LCO No. 7275

HB0504807275HDO

Offered by:

REP. RITTER E., 38th Dist.

SEN. GERRATANA, 6th Dist.

To: House Bill No. 5048

File No. 94

Cal. No. 71

"AN ACT REQUIRING CERTIFICATE OF NEED APPROVAL FOR THE TERMINATION OF INPATIENT AND OUTPATIENT SERVICES BY A HOSPITAL."

1 Strike lines 1 to 91, inclusive, in their entirety and insert the
2 following in lieu thereof:

3 "Section 19a-638 of the general statutes, as amended by section 1 of
4 public act 11-10, is repealed and the following is substituted in lieu
5 thereof (*Effective from passage*):

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

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

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

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

10 (4) The termination of inpatient or outpatient services offered by a

11 hospital, including, but not limited to, the termination by a short-term
12 acute care general hospital or children's hospital of inpatient and
13 outpatient mental health and substance abuse services;

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

17 (6) The termination of surgical services by an outpatient surgical
18 facility, as defined in section 19a-493b, or a facility that provides
19 outpatient surgical services as part of the outpatient surgery
20 department of a short-term acute care general hospital, provided
21 termination of outpatient surgical services due to (A) insufficient
22 patient volume, or (B) the termination of any subspecialty surgical
23 service, shall not require certificate of need approval;

24 ~~[(6)]~~ (7) The termination of an emergency department by a short-
25 term acute care general hospital;

26 ~~[(7)]~~ (8) The establishment of cardiac services, including inpatient
27 and outpatient cardiac catheterization, interventional cardiology and
28 cardiovascular surgery;

29 ~~[(8)]~~ (9) The acquisition of computed tomography scanners,
30 magnetic resonance imaging scanners, positron emission tomography
31 scanners or positron emission tomography-computed tomography
32 scanners, by any person, physician, provider, short-term acute care
33 general hospital or children's hospital, except as provided for in
34 subdivision ~~[(23)]~~ (22) of subsection (b) of this section;

35 ~~[(9)]~~ (10) The acquisition of nonhospital based linear accelerators;

36 ~~[(10)]~~ (11) An increase in the licensed bed capacity of a health care
37 facility;

38 ~~[(11)]~~ (12) The acquisition of equipment utilizing technology that
39 has not previously been utilized in the state; and

40 [(12)] (13) An increase of two or more operating rooms within any
41 three-year period, commencing on and after October 1, 2010, by an
42 outpatient surgical facility, as defined in section 19a-493b, or by a
43 short-term acute care general hospital.

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

45 (1) Health care facilities owned and operated by the federal
46 government;

47 (2) The establishment of offices by a licensed private practitioner,
48 whether for individual or group practice, except when a certificate of
49 need is required in accordance with the requirements of section 19a-
50 493b or [subdivisions (8) and (9)] subdivision (9) or (10) of subsection
51 (a) of this section;

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

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

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

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

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

59 (8) Outpatient rehabilitation facilities;

60 (9) Outpatient chronic dialysis services;

61 (10) Transplant services;

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

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

66 health centers;

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

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

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

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

85 (17) A residential facility for [the mentally retarded] persons with
86 intellectual disability licensed pursuant to section 17a-227 and certified
87 to participate in the Title XIX Medicaid program as an intermediate
88 care facility for the mentally retarded;

89 (18) Replacement of existing imaging equipment if such equipment
90 was acquired through certificate of need approval or a certificate of
91 need determination, provided a health care facility, provider,
92 physician or person notifies the office of the date on which the
93 equipment is replaced and the disposition of the replaced equipment;

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

96 [(20) The termination of inpatient or outpatient services offered by a
97 hospital, except as provided in subdivision (4) of subsection (a) of this
98 section and section 19a-639e;]

99 [(21)] (20) The partial or total elimination of services provided by an
100 outpatient surgical facility, as defined in section 19a-493b, except as
101 provided in subdivision (6) of subsection (a) of this section and section
102 19a-639e;

103 [(22)] (21) The termination of services for which the Department of
104 Public Health has requested the facility to relinquish its license; or

105 [(23)] (22) Acquisition of any equipment by any person that is to be
106 used exclusively for scientific research that is not conducted on
107 humans."

108 After the last section, add the following and renumber sections and
109 internal references accordingly:

110 "Sec. 501. Subsection (c) of section 19a-634 of the general statutes is
111 repealed and the following is substituted in lieu thereof (*Effective from*
112 *passage*):

113 (c) For purposes of conducting the state-wide health care facility
114 utilization study and preparing the state-wide health care facilities and
115 services plan, the office shall establish and maintain an inventory of all
116 health care facilities, the equipment identified in subdivisions [(8)] (9)
117 and [(9)] (10) of subsection (a) of section 19a-638, as amended by this
118 act, and services in the state, including health care facilities that are
119 exempt from certificate of need requirements under subsection (b) of
120 section 19a-638, as amended by this act. The office shall develop an
121 inventory questionnaire to obtain the following information: (1) The
122 name and location of the facility; (2) the type of facility; (3) the hours of
123 operation; (4) the type of services provided at that location; and (5) the
124 total number of clients, treatments, patient visits, procedures
125 performed or scans performed in a calendar year. The inventory shall
126 be completed biennially by health care facilities and providers and

127 such health care facilities and providers shall not be required to
128 provide patient specific or financial data."