



# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

## **TESTIMONY PRESENTED BEFORE THE PUBLIC HEALTH COMMITTEE FEBRUARY 27, 2013**

*Jewel Mullen, MD, MPH, MPA, Commissioner (860) 509-7101*

### **Senate Bill 361 - An Act Concerning Certificate Of Need Requirements For Medical Devices, Equipment and New Technology**

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The Department of Public Health opposes Senate Bill 361.

The Office of Health Care Access (OHCA) does not regulate the acquisition of medical devices (ultrasound, x-ray, cyberknife, etc.). However, the state requires Certificate of Need (CON) approval for the acquisition of imaging equipment and new technology introduced into the state. Imaging equipment is defined as CT, MRI, PET-CT, and PET. The Statewide Health Care Facilities and Services Plan (the "Plan") contains definitions, guidelines and standards related to both imaging equipment and new technology. In part, it states:

*"Conn. Gen. Stat. § 19a-638(a)(9) specifies a Certificate of Need is required for the acquisition of computed tomography scanners, magnetic resonance imaging scanners, positron emission tomography scanners or positron emission tomography-computed tomography scanners, by any person, physician, provider, short-term acute care general hospital, or children's hospital."*

Entities seeking authorization to acquire such imaging equipment are required to demonstrate that they meet clear public need as well as other criteria set forth in CGS § 19a-639. Pursuant to CGS § 19a-634(c), in January 2012, OHCA surveyed all imaging providers in Connecticut to establish an inventory of all MRI, CT, PET and PET-CT scanners statewide. Based on survey responses, Connecticut currently has 114 MRI scanners, 123 CT scanners, 6 PET scanners and 21 PET-CT scanners. As stipulated in CGS § 19a-690, all imaging equipment operating in Connecticut must be accredited through the American College of Radiology. A CON application for the acquisition of imaging equipment must be consistent with the Plan and its criteria.

CGS § 19a-638(a)(12) specifies that a Certificate of Need is required for the acquisition of equipment utilizing new technology. The acquisition of new technology requires that clear public need as well as other criteria set forth in CGS § 19a-639 are met. "New technology" means equipment or services not previously provided in Connecticut for the treatment of patients. The definition does not specify types of technology, but historically, OHCA reviewed new and developing technologies such as MRI and lithotripsy in the 1980s, extracorporeal shock wave therapy in the 1990s, and Robotic Assisted Surgeries, such as the Da Vinci Robotic Surgery system, in the early 2000s. As these new technologies were introduced in Connecticut, they were first acquired by research and teaching institutions, then by other institutions and private

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practitioners. A CON application for new technology must be consistent with the Plan and its criteria.

CON programs are aimed at improving access to health care services as well as restraining health care costs. Laws authorizing such programs are one mechanism by which state governments seek to reduce overall health and medical costs. To allow imaging equipment and new technology to be exempted from CON requirements could lead to duplicative services and increased costs since OHCA would not be afforded an opportunity to review such proposals to ensure these effects are not experienced.

Thank you for your consideration of the Department's views on this bill.

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