



Radiological Society of Connecticut, Inc.
A CHAPTER OF THE AMERICAN COLLEGE OF RADIOLOGY

Radiological Society of Connecticut (RSC)

Statement of Alan Kaye, M.D.

Public Health Committee

Senate Bill 1066

March 20, 2013

Sen. Gerratana, Rep. Johnson and members of the committee:

The Radiological Society of Connecticut (RSC) submits this testimony in opposition to SB 1066, ***AN ACT CONCERNING CERTIFICATE OF NEED APPLICATION GUIDELINES AND THE ISSUANCE OF DECISIONS.***

RSC has been a long-time proponent of strong CON laws and scrutiny of applications for medical equipment. They help keep down the costs of health care and the unnecessary duplication of expensive equipment that inevitably promotes excess utilization. We are concerned about the two proposed additions to the statute on lines 30-31 and 55-59, and oppose these changes.

Section 1(a)(10) would include as a criterion for consideration by the Office of Health Care Access “whether the proposed project is consistent with the goals of the Patient Protection and Affordable Care Act, P.L. 111-148.” RSC believes that these “goals” are highly subjective and, therefore, do not have the clarity that the applicant or the agency require to propose or rule on a project. The other criteria in the statute are clear and ask for specific information. Can anyone say what are the “goals” of the ACA? Given the lack of specificity in the statute about these goals, OCHA’s decision might be based upon subjective interpretation. RSC also believes that, to many and in large part, the intent of the ACA is the same as the intent and effects of the CON statute – i.e., safe, cost-effective, non-duplicative care accessible to all patients. Thus, the proposed criterion is, at best, redundant, at worst, ambiguous, and fraught with unintended consequences.

Second, Section 2(d)(b) would require default approval of a CON application if OHCA were to not have issued a ruling on any completed application prior to the expiration of the applicable review period. RSC believes that the ACA and other aspects of the realignment of health care are causing tremendous uncertainty in the industry. The realignment we are seeing in Connecticut is real and robust, and many instances involve things, like imaging equipment and facilities, that are under the purview of CON and OHCA. These have the potential for positive change, but also for unintended consequences with respect to cost and access that might come from consolidation. It behooves all in our state to allow OHCA additional time to consider the ramifications and make the right decision, rather than rule impulsively.

Thank you for considering the views of the Radiological Society of Connecticut.