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H.823

Introduced by Representatives Keenan of St. Albans City, Patt of Worcester,
Woodward of Johnson, Martin of Wolcott, Gamache of
Swanton, Juskiewicz of Cambridge, Parent of St. Albans Town,
Scheuermann of Stowe, Sheldon of Middlebury, Sullivan of
Burlington, and Troiano of Stannard

Referred to Committee on

Date:

Subject: Health; certificate of need; home health agencies; moratorium

Statement of purpose of bill as introduced: This bill proposes to extend until
January 1, 2020 the moratorium on home health agency certificates of need
and to require consideration of the Green Mountain Care Board's health care
reform initiatives if lifting the moratorium prior to that date.

An act relating to extending the moratorium on home health agency
certificates of need

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 2010 Acts and Resolves No. 83, Sec. 1 is amended to read:

Sec. 1. FINDINGS

The ~~general assembly~~ General Assembly finds that:

* * *

1 (5) A temporary suspension of the granting of any certificate of need for
2 a new home health agency is warranted for the following reasons:

3 (A) to measure the impact of the statewide certificate of need granted
4 to a for-profit home health agency; ~~and~~

5 (B) to allow time for the ~~state~~ State to consider changes to the
6 certificate of need law and engage in long-term planning in this complex and
7 increasingly important area of health care services; and

8 (C) to allow time for the Executive Branch and the Green Mountain
9 Care Board to implement health care reform initiatives such as accountable
10 care organizations and an all-payer model, which will likely have a significant
11 impact on home health agencies and the rest of Vermont's health care delivery
12 system.

13 Sec. 2. 2010 Acts and Resolves No. 83, Sec. 2, as amended by 2013 Acts and
14 Resolves No. 65, Sec. 1, is further amended to read:

15 Sec. 2. CERTIFICATE OF NEED WORK GROUP; MORATORIUM

16 * * *

17 (d) Notwithstanding any other provision of law, no CON shall be granted
18 for the offering of home health services, which includes hospice, or for a new
19 home health agency during the period beginning on the effective date of this
20 act and continuing through January 1, ~~2017~~ 2020, or until the General
21 Assembly lifts the moratorium after considering a progress report on the Green

1 Mountain Care Board's implementation of its health care reform initiatives and
2 health planning function and how ~~it relates~~ they relate to home health agencies,
3 whichever occurs first; provided, however, that the moratorium established
4 pursuant to this subsection shall not apply to a continuing care retirement
5 community that has been issued a certificate of authority or to a licensed home
6 for the terminally ill as defined in 33 V.S.A. § 7102.

7 * * *

8 Sec. 3. 2013 Acts and Resolves No. 65, Sec. 2 is amended to read:

9 Sec. 2. PERIODIC HEALTH PLANNING FUNCTION PROGRESS

10 REPORTS

11 For as long as the moratorium continues for certificates of need for the
12 offering of home health services, as established in 2010 Acts and Resolves
13 No. 83, Sec. 2, as amended by 2013 Acts and Resolves No. 65, Sec. 1 and this
14 act, the Green Mountain Care Board shall provide to the House Committees on
15 Health Care and on Human Services and the Senate Committee on Health and
16 Welfare any progress reports the Board generates on its implementation of its
17 health care reform initiatives and health planning function and how ~~it relates~~
18 they relate to home health agencies.

19 Sec. 4. EFFECTIVE DATE

20 This act shall take effect on July 1, 2016.