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S.256

Introduced by Senators Lyons, Ayer, Starr, and Westman  
Referred to Committee on Health and Welfare  
Date: January 5, 2016  
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:

\* \* \*

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

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

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

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

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

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

12 \* \* \*

13 (d) Notwithstanding any other provision of law, no CON shall be granted  
14 for the offering of home health services, which includes hospice, or for a new  
15 home health agency during the period beginning on the effective date of this  
16 act and continuing through January 1, ~~2017~~ 2020, or until the General  
17 Assembly lifts the moratorium after considering a progress report on the Green  
18 Mountain Care Board's implementation of its health care reform initiatives and  
19 health planning function and how ~~it relates~~ they relate to home health agencies,  
20 whichever occurs first; provided, however, that the moratorium established  
21 pursuant to this subsection shall not apply to a continuing care retirement

1 community that has been issued a certificate of authority or to a licensed home  
2 for the terminally ill as defined in 33 V.S.A. § 7102.

3 \* \* \*

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

5 Sec. 2. PERIODIC HEALTH PLANNING FUNCTION PROGRESS  
6 REPORTS

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

15 Sec. 4. EFFECTIVE DATE

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