

1 S.258

2 Introduced by Senator Starr

3 Referred to Committee on

4 Date:

5 Subject: Health care; home health services; temporary moratorium on
6 certificates of need

7 Statement of purpose: This bill proposes to impose a temporary moratorium
8 on issuance of certificates of need for home health agencies.

9 An act relating to a moratorium on certificates of need for home health
10 agencies

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

12 Sec. 1. 18 V.S.A. § 9437a is added to read:

13 § 9437a. CERTIFICATE OF NEED TEMPORARY LIMITATIONS

14 Notwithstanding any other provision of law, no certificate of need shall be
15 granted in the period January 1, 2010, through December 31, 2015, for the
16 provision of home health services, including hospice services, except as
17 follows: A certificate of need application for a new home health agency may
18 only be considered and granted if the commissioners of banking, insurance,
19 securities, and health care administration and the department of disabilities,
20 aging, and independent living have each first certified that a serious and

1 substantial lack of access to home health services exists in the county for
2 which the certificate is sought and if those commissioners have provided the
3 agencies presently serving that county with notice and a reasonable
4 opportunity to challenge the certification or remedy the problem of lack of
5 access to home health services in that county.

6 Sec. 2. EFFECTIVE DATE

7 This act shall take effect upon passage and shall apply retroactively as of
8 January 1, 2010.