

1 S.73

2 Introduced by Senators Ashe, Westman, Baruth, Cummings, Flory, Fox,

3 Lyons, Mazza, and Mullin

4 Referred to Committee on Health and Welfare

5 Date: February 1, 2013

6 Subject: Health; health care facilities; home health agencies; certificates of  
7 need

8 Statement of purpose of bill as introduced: This bill proposes to extend the  
9 certificate of need moratorium for home health agencies until 2017.

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

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

13 ~~Sec. 1. 2010 Acts and Resolves No. 83, Sec. 2 is amended to read:~~

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

15 \* \* \*

16 (d) Notwithstanding any other provision of law, no CON shall be granted  
17 for the offering of home health services, which includes hospice, or for a new  
18 home health agency during the period beginning on the effective date of this  
19 act and continuing through ~~June 30, 2013~~ January 1, 2017, or until the general  
20 ~~assembly General Assembly lifts the moratorium after considering and acting~~

1 ~~on the work group's recommendations as it deems appropriate, whichever~~  
2 occurs first; provided, however, that the moratorium established pursuant to  
3 this subsection shall not apply to a continuing care retirement community that  
4 has been issued a certificate of authority.

5 (e) Notwithstanding the moratorium established in subsection (d) of this  
6 section, a CON application for a new home health agency may be considered  
7 and granted during the moratorium if the ~~commissioners of banking, insurance,~~  
8 ~~securities, and health care administration~~ Green Mountain Care Board and ~~of~~  
9 ~~disabilities, aging, and independent living~~ the Commissioner of Disabilities,  
10 Aging, and Independent Living have each first certified that a serious and  
11 substantial lack of access to home health services exists in a particular county  
12 and the agencies presently serving that county have been given notice and a  
13 reasonable opportunity to either challenge that certification or remediate the  
14 problem.

15 (f) Nothing in this section shall be construed to prevent existing home  
16 health agencies from seeking approval from the ~~department of banking,~~  
17 ~~insurance, securities, and health care administration~~ Green Mountain Care  
18 Board or ~~of disabilities, aging, and independent living~~ the Department of  
19 Disabilities, Aging, and Independent Living to expand or contract their  
20 ~~designated geographical regions or from merging.~~

1 ~~(g) Nothing in this section shall be construed to prevent the commissioner~~  
2 ~~of banking, insurance, securities, and health care administration Green~~  
3 ~~Mountain Care Board from granting a certificate of need to a home health~~  
4 ~~agency that had filed a letter of intent or had a certificate of need application~~  
5 ~~pending prior to the effective date of this act April 21, 2010.~~

6 Sec. 2. EFFECTIVE DATE

7 ~~This act shall take effect on July 1, 2013.~~

*Sec. 1. 2010 Acts and Resolves No. 83, Sec. 2 is amended to read:*

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

*\* \* \**

*(d) Notwithstanding any other provision of law, no CON shall be granted for the offering of home health services, which includes hospice, or for a new home health agency during the period beginning on the effective date of this act and continuing through ~~June 30, 2013~~ January 1, 2017, or until the ~~general assembly~~ General Assembly lifts the moratorium after considering ~~and acting on the work group's recommendations as it deems appropriate~~ a progress report on the Green Mountain Care Board's implementation of its health planning function and how it relates to home health agencies, whichever occurs first; provided, however, that the moratorium established pursuant to this subsection shall not apply to a continuing care retirement community that has been issued a certificate of authority or to a licensed home for the terminally ill as defined in 33 V.S.A. § 7102.*

*(e) Notwithstanding the moratorium established in subsection (d) of this section, a CON application for a new home health agency may be considered and granted during the moratorium if the ~~commissioners of banking, insurance, securities, and health care administration~~ Green Mountain Care Board and of disabilities, aging, and independent living the Commissioner of Disabilities, Aging, and Independent Living have each first certified that a serious and substantial lack of access to home health services exists in a particular county and the agencies presently serving that county have been given notice and a reasonable opportunity to either challenge that certification or remediate the problem.*

*(f) Nothing in this section shall be construed to prevent existing home health agencies from seeking approval from the ~~department of banking, insurance, securities, and health care administration~~ Green Mountain Care Board or ~~of disabilities, aging, and independent living~~ the Department of Disabilities, Aging, and Independent Living to expand or contract their designated geographical regions or from merging.*

*(g) Nothing in this section shall be construed to prevent the ~~commissioner of banking, insurance, securities, and health care administration~~ Green Mountain Care Board from granting a certificate of need to a home health agency that had filed a letter of intent or had a certificate of need application pending prior to ~~the effective date of this act~~ April 21, 2010.*

*Sec. 2. PERIODIC HEALTH PLANNING FUNCTION PROGRESS  
REPORTS*

*For as long as the moratorium continues for certificates of need for the offering of home health services, as established in 2010 Acts and Resolves No. 83, Sec. 2, as amended by this act, the Green Mountain Care Board shall provide to the House Committees on Health Care and on Human Services and the Senate Committee on Health and Welfare any progress reports the Board generates on its implementation of its health planning function and how it relates to home health agencies.*

*Sec. 3. EFFECTIVE DATE*

*This act shall take effect on July 1, 2013.*