

1 S.73

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

3 Lyons, Mazza, and Mullin

4 Referred to Committee on

5 Date:

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.