

1 TO THE HONORABLE SENATE:

2 The Committee on Health and Welfare to which was referred Senate Bill  
3 No. 73 entitled “An act relating to the moratorium on home health agency  
4 certificates of need” respectfully reports that it has considered the same and  
5 recommends that the bill be amended by striking out all after the enacting  
6 clause and inserting in lieu thereof the following:

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

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

9 \* \* \*

10 (d) Notwithstanding any other provision of law, no CON shall be granted  
11 for the offering of home health services, which includes hospice, or for a new  
12 home health agency during the period beginning on the effective date of this  
13 act and continuing through ~~June 30, 2013~~ January 1, 2017, or until the ~~general~~  
14 ~~assembly~~ General Assembly lifts the moratorium after considering ~~and acting~~  
15 ~~on the work group’s recommendations as it deems appropriate~~ a progress  
16 report on the Green Mountain Care Board’s implementation of its health  
17 planning function and how it relates to home health agencies, whichever  
18 occurs first; provided, however, that the moratorium established pursuant to  
19 this subsection shall not apply to a continuing care retirement community that  
20 has been issued a certificate of authority.

21 (e) Notwithstanding the moratorium established in subsection (d) of this  
22 section, a CON application for a new home health agency may be considered

1 and granted during the moratorium if the ~~commissioners of banking, insurance,~~  
2 ~~securities, and health care administration~~ Green Mountain Care Board and ~~of~~  
3 ~~disabilities, aging, and independent living~~ the Commissioner of Disabilities,  
4 Aging, and Independent Living have each first certified that a serious and  
5 substantial lack of access to home health services exists in a particular county  
6 and the agencies presently serving that county have been given notice and a  
7 reasonable opportunity to either challenge that certification or remediate the  
8 problem.

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

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

1       Sec. 2. PERIODIC HEALTH PLANNING FUNCTION PROGRESS

2                       REPORTS

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

10       Sec. 3. EFFECTIVE DATE

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

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15               (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

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FOR THE COMMITTEE