

February 24, 2022

Certificate of Need Key Facts

Statistics:

- GMCB reviews approximately 6 CON applications per year on average
 - 6 each in 2018 and 2019, 5 in 2020, and 6 in 2021
- Requests reviewed that did not require a CON varied from 5-15
 - 15 in 2018; 10 in 2019; 5 in 2020; and 8 in 2021.
- Between January 2019 and February 2022:
 - Expedited review: 16 requests granted; 3 denied.
 - Average days with the Board: 50 days
 - Includes 12 expedited CONs, 1 emergency CON, and 4 regular CONs
 - Average days for the 12 expedited CONs was 49.3 days.
 - Average days for the 4 regular CONs was 60.25 days.

What triggers CON review for health care facilities that are not hospitals?

- capital costs over \$1.5M;
- diagnostic and therapeutic equipment costs over \$1M;
- new health care service or technology with annual operating expense over \$500,000 for either of the next two budgeted fiscal years
 - “new” means the service or technology was not offered within the previous three fiscal years;
- changes in the number of licensed beds;
- new home health service or the transfer of more than 50% ownership interest in a health care facility;
 - doesn’t apply a hospital or nursing home;
- establishment of an ambulatory surgical center.

What is the process?

- Prior to applying for a CON, an applicant files a letter of intent, which forms the basis for determining whether a CON is required.
- If a CON is required, the GMCB typically has 90 days to review and close the application.
 - The applicant has time to respond to requests for additional information; this is not included in the 90 day time period.
- After closing an application, the GMCB has 120 to decide whether to approve the application in whole or in part, deny it, or conditionally approve it.
- A hearing must be held unless the application is being reviewed under expedited review procedures.
 - Expedited review procedures allow the GMCB to issue decisions more quickly and without the need to hold a hearing.
 - If a competing application is filed or a person opposing the application is granted interested party status, the application proceeds under non-expedited procedures unless the competing applicant or interested party agrees to waive the hearing.

