

**Certificate of Need Task Force
Minutes
December 19, 2016**

Members Present: Lieutenant Governor Nancy Wyman (Chair); John Canham-Clyne (Unite Here Union); Tekisha Everette (Health Equity Solutions); Anne Foley (Office of Policy and Management); Fred Hyde (Columbia Business School/ Consultant); Alan Kaye (Radiological Society of CT); Susan Martin (Middlesex Hospital); Margaret Morelli (Leading Age); Robert Patricelli (Women’s Health USA); Gary Price (Center for Aesthetic Surgery); Jennifer Smith (SEIU District 1199); Keith Stover (CT Association of Health Plans); Joseph Wankerl (ConnectiCare); and David Whitehead (Hartford Health Care)

Alternates Present: Yvonne Addo for Commissioner Raul Pino (Department of Public Health) and Christopher Lavigne for Commissioner Roderick Bremby (Department of Social Services)

Members Absent: Commissioner Roderick Bremby (Department of Social Services); Commissioner Raul Pino (Department of Public Health); and Jeff Walter (Formerly of the CT Non-profit Alliance)

Meeting called to order at 1:00 p.m. by Chair, Lt. Governor Nancy Wyman

- I. **Welcome and Introductions:** Members introduced themselves.
- II. **Public Comment:** Public comment was submitted by the following:
 - (a) Lisa Winkler, CT Association of Ambulatory Surgery Centers, [Comments](#)
 - (b) Lynne Ide, Universal Health Care Foundation of CT, [Comments](#)
 - (c) James Iacobellis, CT Hospital Association, [Comments](#)
 - (d) Joseph Adiletta, Day Kimball Hospital, [Comments](#)
- III. **Approve November 21, 2016 Meeting Minutes:** Approval of the November 21, 2016 meeting [minutes](#) was moved by Anne Foley and seconded by Robert Patricelli. Minutes were approved unanimously on a voice vote.
- IV. **Vote: Proposed Recommendations:**

Voting Process

 - Lieutenant Governor Wyman informed the Task Force that the meeting would consist of voting on the proposed options to present to the Governor.
 - Anne Foley, Office of Policy and Management, reminded the Task Force about Freedom of Information Act laws and asked members to refrain from sharing substantive information with the entire Task Force via e-mail.
 - Anne Foley reminded members of the work they have done to date and clarified that the goal of the meeting was to vote on recommendation options. Majority options will be highlighted in the report and those that receiving no member votes will be eliminated. Lieutenant Governor Wyman clarified that minority opinion will be included at the end of the report.
 - Anne Foley clarified that the only options presented for vote were those that were discussed at previous meetings or submitted to staff by individual Task Force members after the November 21st meeting.
 - Task Force members discussed the process of reviewing and voting on recommendations. Anne Foley reminded Task Force members that the goal is to submit the report by Friday, January 13th because January 15th is a Sunday.

- Lieutenant Governor Wyman reviewed the process that will be followed for a roll-call vote on the recommendation options.

Voting

- Kelly Sinko, Office of Policy Management, noted that members had a [voting sheet](#) and copy of the [PowerPoint](#) in their packets.
 - Members discussed and voted on the following categories (1) Transfer of Ownership; (2) Conversions; and (3) Acquiring Equipment. [Summary of aggregate and individual member votes](#)

Transfer of Ownership

- Kelly Sinko provided an overview of the recommendations in the Transfer of Ownership category.
- Members discussed the options presented and agreed to vote specific parts of Option A separately. Kelly Sinko provided clarification on the various options. Highlights of the discussion include:
 - Members noted that some of the options in this category represent a broadening of regulation that could have negative effects on smaller entities such as large group practices of eight or more physicians and small independent surgical facilities.
 - Kelly Sinko clarified that the option A.i.v. regarding the implementation of consequences for non-compliance was meant to be a broad concept in this category. Specific options for “consequences” of non-compliance with CON conditions were intended to be voted on in the forthcoming Post-Transfer Compliance category. Anne Foley affirmed at the request of member Alan Kaye that option A.i.v. can be amended to include the word “substantial” before the term consequences.
 - Tekisha Everette asked to be on the record stating that she was concerned that there were not sufficient resources to implement the recommendations that were being voted on.
- Melissa Morton, Office of Policy and Management initiated a roll-call vote and announced the [results](#).

Conversions

- Kelly Sinko provided an overview of the recommendations in the Conversion category.
- Members discussed the option presented. Fred Hyde noted his concern about acquired entities being able to dissipate charitable assets without consequences.
- Melissa Morton initiated roll-call vote and announced the [results](#).

Acquiring Equipment

- Kelly Sinko provided an overview of the recommendations in the Acquiring Equipment Category. She noted that each option is mutually exclusive.
- Members discussed the options presented. Highlights of the discussion include:
 - Alan Kaye expressed concern with options B and C and requested a thorough discussion before a vote.
 - Fred Hyde expressed that new equipment should go through the same scrutiny as obtaining any other piece of equipment. It was added as Option H for voting purposes.
 - At the request of member Alan Kaye, options for addressing physician self-referral were addressed through a separate vote. Anne Foley called for the following actions: (1) a separate vote on the following two new options (a) statutorily restrict the practice of self-referral for scanners and (b) restrict the practice of self-referral of

scanners through CON application review criteria; (2) the removal of Option D; and (3) eliminate the phrase “no restricting of self-referral” for Option E.

- Melissa Morton initiated a roll-call vote on the two new self-referral options and the category of acquiring equipment and announced the [results](#).
- Alan Kaye requested that the report reflect that although the recommendation to eliminate CON review for equipment (E) received the largest number of individual votes in a single category, the remaining nine members voted across categories that indicated support for maintaining some level of CON oversight for the acquisition of scanners.
- Three members noted that they are unable to attend the January 9th meeting and made the below final comments:
 - Margaret Morelli clarified her position regarding CON for the relocation of nursing homes, noting that the moratorium be addressed to allow for the request for such action but that a CON still be required.
 - Robert Patricelli stated his intent to submit his votes for the remaining recommendations to staff prior to January 9th. Lieutenant Governor Wyman clarified that they cannot be included in the final vote tally but would be appended to the final report.
 - Fred Hyde informed members of his position regarding price, access, and process, and it was clarified that his proposed recommendations were incorporated into the draft recommendations before the Task Force.

V. Next Steps:

- The Task Force will convene in January to complete voting on recommendation options. Any recommendation options that are not voted on at the final meeting will be included in the final report with a note that they were not voted on by the Task Force.
- Anne Foley requested that all members review the voting sheet prior to the prior to the January 9th meeting in preparation for the completion of voting.
- The next meeting of the Task Force will convene on January 9, 2017 from 1:00 P.M. – 4:00 P.M. in Room 310 of the State Capitol.

VI. Adjournment: The meeting adjourned at 4:12 P.M.