

**Certificate of Need Task Force
Minutes
August 15, 2016**

Members Present: Lieutenant Governor, Nancy Wyman (Chair); Commissioner Raul Pino (Department of Public Health); Commissioner Roderick Bremby (Department of Social Services); John Canham-Clyne (Unite Here Union); Tekisha Everette (Health Equity Solutions); Anne Foley (Office of Policy and Management); Gary Havican (Middlesex Hospital); Alan Kaye (Radiological Society of CT); Margaret Morelli (Leading Age); Robert Patricelli (Women’s Health USA), Jennifer Smith (SEIU District 1199); Keith Stover (CT Association of Health Plans); Jeff Walter (CT Non-profit Alliance); and David Whitehead (Hartford Health Care)

Members Absent: Fred Hyde (Columbia Business School/ Consultant); Gary Price (Center for Aesthetic Surgery); and Joseph Wankerl (ConnectiCare)

Meeting called to order at 1:02 p.m. by Chair, Lt. Governor Nancy Wyman

I. Welcome

II. Public Comment: Lynne Ide from the Universal Healthcare Foundation provided public comment. Highlights are included below:

- OHCA has a central role in preserving competition in the state’s health systems marketplace via the CON process. Government must play a constructive and effective role in protecting, preserving, and promoting the “public good”.
- Public engagement in the decision-making during the CON decisions on hospital consolidations and acquisitions should be enhanced.
- There is a need for ongoing monitoring and enforcement of approved hospital deals, beyond the three years often required.
- Market analysis is key in OHCA being able to evaluate hospital deals.

III. Approve July 18, 2016 Meeting Minutes. Approval of the July 18, 2016 [meeting minutes](#) was moved by Robert Patricelli and seconded by David Whitehead. Minutes were approved unanimously on a voice vote.

IV. Presentation on What the Task Force Has Learned So Far: Melissa Morton, Planning Analyst, Office of Policy and Management provided a [presentation](#) on the work that the Task Force has done to date including a summary of written information and presentations provided to members to help inform the development of recommendations for the CON program. Melissa Morton concluded the presentation by reviewing an infographic depicting draft revised goals for CON that was developed based upon member discussion at the July 18, 2016 meeting. She also reviewed the goals for the August meeting.

V. Discussion on the Revised Goal of CON: Anne Foley, Undersecretary, Office of Policy and Management, facilitated Task Force discussion regarding the draft goal of CON presented to members by Melissa Morton. Highlights of the discussion include:

- Members expressed general agreement that “preserving competition” should be depicted as a tool that can be used to achieve the goals of CON. The graphic should be revised to make it clear that the goal of CON is to improve access and quality and contain cost by fostering a competitive health care market that promotes health equity and the fulfillment of unmet needs.

- The group engaged in discussion regarding the role of competition in the health care market place and the potential benefits and drawbacks of allowing open competition.
- Members shared their opinions on the role of CON in assuring that underserved populations have access to high quality and affordable services and the potential limits of competition to achieve the same end. Some members expressed the need for a statewide health plan that clearly identifies gaps in the health care system and some type of regulation to ensure that the gaps are addressed. There was some agreement that incentives may encourage providers to offer services in traditionally underserved areas. Suggestions included soliciting providers through issuing a request for proposal or offering expedited CON determinations for applications that seek to meet an identified need.

VI. Discussion of Services and Actions Subject to CON: Anne Foley, Undersecretary, Office of Policy and Management, facilitated Task Force discussion regarding the [five categories of actions and services currently subject to the CON process](#) and asked members to consider for each whether the state should maintain, modify, or eliminate regulatory oversight through CON or another process. The following is a summary of the discussion:

- **Acquiring Equipment:** Several members expressed their perspective that a CON should not be required in order to acquire equipment. There was a recommendation that notification to OHCA could be required. One member expressed the opinion that the state should maintain regulatory oversight of equipment acquisition and a shared potential drawbacks of allowing open market competition.
- **Initiating Services or Increasing Capacity:** The group had mixed opinions on the role of CON in this category; however several members expressed, at a minimum, modification would be beneficial. Some members stated that CON should not be required to initiate services or increase capacity and that this may be more appropriately controlled through other mechanisms, while others supported maintaining CON review, but including an expedited CON process. A few members noted that this category is extremely important and should be maintained to ensure that access, need, and health equity are addressed. There was discussion about alternative mechanisms to the current CON process that can achieve improved access and quality and fulfill unmet need, such as implementing a request for proposal, providing state incentives to encourage service provision in underserved areas and to Medicaid participants, or offering an expedited CON review process.
- **Terminating Services:** Task Force members shared mixed views on the need for CON oversight of the termination of services. Some members expressed that forcing entities to maintain unprofitable or unwanted services is not the role of state government and can result in lower quality if the service is not conducted frequently or well supported by the providers. Other members expressed that incentives may help encourage providers to offer services in underserved areas. Several members expressed the opinion that CON oversight of termination of services is very important in order to ensure access. A suggestion was made that CON should take into consideration what impact terminating a specific service would have on the community.
- **Changes in Ownership:** Several Task Force members noted that this category is one of the most important functions of CON and that the regulation of mergers, acquisitions, and vertical integrations should not only be maintained but strengthened.
- **Actions Subject to DSS Review:** Due to time constraints the group tabled discussion of the DSS CON process until the September meeting.

VII. Next Steps: Anne Foley provided an overview of Task Force expectations over the next month: (1) members will be asked to complete a survey on regarding existing CON guidelines and principles and

submit responses to OPM staff; and (2) the September meeting will be used to discuss the DSS CON process, review and discuss CON guidelines and principles survey results, and examine CON decision-making authority.

VIII. Adjournment: Keith Stover motioned to adjourn, which was seconded by Jennifer Smith. The meeting adjourned at 4:10 PM.

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