



October 22, 2021

Guidance Regarding the Expiration of the Temporary Waiver of CON Requirements for Approval of Increased Licensed Bed Capacity and the Temporary Suspension of Services at Connecticut Hospitals and Outpatient Surgical Facilities during the COVID-19 Public Health Emergency

OHS_HSP Guidance 21-002

In order to increase access to critical healthcare services for the management of the COVID-19 public health emergency, on March 14, 2020 Governor Lamont signed Executive Order 7B, Section 7 of which authorized the Executive Director of the Office of Health Strategy (OHS) to waive **Certificate of Need (CON)** statutory and regulatory requirements under Chapter 368z of the Connecticut General Statutes to request a *temporary* increase in licensed bed capacity or to temporarily suspend services in order to diagnose and treat COVID-19 patients, effective for the duration of the public health emergency.

Governor Lamont signed Executive Order 12B on May 20, 2021, Section 11 of which terminated OHS' authority to waive Sections 19a-610 through 19a-689 of the Connecticut General Statutes, effective May 28, 2021.

Accordingly, the waiver of Sections 19a-610 through 19a-689 of the Connecticut General Statutes established in Executive Order 7B has expired, requiring all Connecticut hospitals and outpatient surgical facilities to again comply with all applicable statutory and regulatory requirements. Hospitals and outpatient surgical facility for which OHS approved a waiver pursuant to Executive Order 7B should have resumed normal operations immediately, with all affected services and/or licensed bed capacity returning to pre-waiver conditions. Continued suspension or reallocation of any such services or modifications to licensed bed capacity would constitute a violation of CON statutes and regulations.

For any questions, please contact Kimberly Martone at Kimberly.martone@ct.gov.

Sincerely,

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