

1 A CONCURRENT RESOLUTION establishing the Certificate of Need Task Force.

2 WHEREAS, certificate of need (CON) laws are state regulatory mechanisms for
3 approving major capital expenditures and projects for certain health care facilities; and

4 WHEREAS, Kentucky first enacted CON laws in 1972, and the federal government
5 required states to adopt CON laws according to a federal model in 1974; and

6 WHEREAS, the federal mandate was repealed in 1987, but 35 states and the
7 District of Columbia maintain some form of a CON program covering a range of health
8 services and requirements; and

9 WHEREAS, Kentucky's CON requirements for creating or expanding health care
10 facilities and services in specified areas are included in statute and in the state health
11 plan; and

12 WHEREAS, as of 2021, 12 states have fully repealed their CON programs or
13 allowed their programs to expire, and three states do not operate a CON program but
14 maintain several approval processes that function similarly to CON; and

15 WHEREAS, in 2021, Montana exempted all facilities except long-term care
16 facilities from CON review; and

17 WHEREAS, the primary purpose of CON programs is to control health care costs
18 by restricting duplicative services and determining whether new capital expenditures
19 meet a community need; and

20 WHEREAS, the need for some health facilities and services is not being met in
21 several geographic areas of Kentucky which puts into question the effectiveness of the
22 current CON process;

23 NOW, THEREFORE,

24 ***Be it resolved by the Senate of the General Assembly of the Commonwealth of***
25 ***Kentucky, the House of Representatives concurring therein:***

26 ➔Section 1. (1) The Legislative Research Commission is hereby directed to
27 establish the Certificate of Need (CON) Task Force to:

1 (a) Review Kentucky's CON program, including the state health plan and related
2 statutes;

3 (b) Review the need for maintaining or modifying CON for each health service
4 currently covered; and

5 (c) Submit any findings and recommendations regarding CON to the Legislative
6 Research Commission by December 1, 2023.

7 (2) The CON Task Force shall be composed of the following members, with final
8 membership of the task force being subject to the consideration and approval of the
9 Legislative Research Commission:

10 (a) Three members of the House of Representatives to be appointed by the
11 Speaker of the House, one of whom shall be designated to serve as co-chair;

12 (b) Three members of the Senate to be appointed by the President of the Senate,
13 one of whom shall be designated to serve as co-chair;

14 (c) One member of the House of Representatives to be appointed by the Minority
15 Floor Leader of the House; and

16 (d) One member of the Senate to be appointed by the Minority Floor Leader of
17 the Senate.

18 (3) Provisions of this Resolution to the contrary notwithstanding, the Legislative
19 Research Commission shall have the authority to alternatively assign the issues identified
20 herein to an interim joint committee or subcommittee thereof, and to designate a study
21 completion date.