



UNIVERSAL HEALTH CARE  
FOUNDATION OF CONNECTICUT

**Testimony in Support of  
House Bill 5211: An Act Concerning Certificates of Need  
Submitted by Rosana Garcia, Policy Associate  
Universal Health Care Foundation of Connecticut  
February 24, 2016**

We support House Bill 5211: An Act Concerning Certificates of Need, which makes significant revisions to the statutes governing Certificates of Need. We view this bill as strengthening accountability to the community, ensuring the voice of the people in decisions directly impacting them, and taking one step towards a broader strategy of coordinated health systems planning in the state.

Times are different, and the health care landscape in the state is not what it was when the Office of Health Care Access (OHCA) was established. This bill is clearly a reaction to all the changes in our health care system. We owe it to the people of this state to look at the forest, and not just the trees.

We realize that this proposal responds to recent events in the state, particularly changes at Windham Community Memorial Hospital. The shift from a Critical Care Unit (CCU) to a Progressive Care Unit (PCU) at WCMH was deemed outside the purview of the CON process. This incident revealed the urgent need for this bill, and the need for the state to be responsive to how the health care landscape has changed and continues to change. We need to be ready for the future.

Residents need the changes this bill makes in considerations OHCA must make when determining to proceed with the CON process, and throughout the review of a CON application. Residents need the appropriate levers to hold hospitals accountable, as well as have their voice and needs heard. Community members can speak most strongly about the impact of proposed changes, as they live with the consequences of these actions.

We support the addition of requiring Certificates of Need for “the reduction of specialty services offered by a hospital” (proposed Section 2, Subsection 12), as defined by proposed Section 1, Subsection 17, defining “reduction of specialty services” to mean “a fifty per cent or greater decrease of direct care staff hours within a health care facility unit that provides inpatient or outpatient obstetric and maternity, pediatric, emergency or critical care services.”

These types of changes deeply impact the kind of care that residents can receive in their own community. Residents shouldn’t have to travel far away to have access to critical services. The CON process *should* oversee service reductions like these—and call these decisions into question.

We strongly support the change to statute that the following be taken into consideration during a Certificate of Need process: “Whether the applicant has satisfactorily demonstrated that the proposal will meet the health care needs of the public in the geographic region served by considering any community needs assessment” (proposed Section 3, Subsection 13). The Affordable Care Act (ACA) requires non-profit hospitals to conduct Community Health Needs Assessments (CHNA’s) and implement plans that address those needs—holding hospitals accountable.

There is currently no connection between these federal rules and our state policy. Passing this proposed change to the CON considerations aligns with federal policy. With the state looking over the shoulder of non-profit hospitals, we re-inforce and strengthen this accountability to the community, regardless of the system’s size and market power.

We support the proposed changes to Section 4, Subsection (e), which grants the ability for three or more individuals, collectively, or any individual representing an entity with five or more people, to file an appeal of a CON decision. This revision supports the community and public’s recourse in ensuring access to a high-quality, affordable health system that truly supports community needs.

This bill strengthens oversight of health care providers, especially of hospitals owned by consolidated health systems. It is paramount that the state stand with its people and safeguard residents’ health by closely examining reduction in essential services. Are changes truly about patients, or about profit? Are reductions truly about keeping people healthy—or keeping the hospital’s bottom line healthy? As Connecticut allows these concentrations of market power, we must also have the legal protections to ensure that these systems are serving the state’s bottom line: the health of all Connecticut residents, through an accessible, affordable, high-quality, people-centered health system.

The residents of this state deserve protection in the face of powerful juggernauts that control such a basic human need. Residents deserve the right to be heard when decisions are being made that directly impact a community’s access to critical health services.

*Universal Health Care Foundation of Connecticut (UHCF) is an independent, nonprofit foundation working to shape our state’s health care system to provide quality, accessible, affordable care and promote good health for all state residents. We work with a diverse array of partner organizations, as well as with individual consumers from throughout Connecticut.*