

1 A CONCURRENT RESOLUTION reestablishing the Certificate of Need Task
2 Force.

3 WHEREAS, the Certificate of Need (CON) Task Force established April 26, 2023,
4 by the Legislative Research Commission convened seven times during the 2023 Interim;
5 and

6 WHEREAS, the CON Task Force heard testimony from several individual
7 stakeholders and agencies and received numerous written public comments during the
8 2023 Interim; and

9 WHEREAS, the CON Task Force found that one position on Kentucky's existing
10 CON requirements is that certificate of need laws limit competition by protecting
11 incumbent providers and creating a burdensome approval process for establishing new or
12 expanding health services and facilities and that there is little evidence that certificate of
13 need laws control costs, improve quality, or ensure access to healthcare; and

14 WHEREAS, the CON Task Force found that another position on Kentucky's
15 existing CON requirements is that healthcare service delivery does not operate in a free
16 market, thus certificate of need laws are necessary to control costs, improve quality, and
17 ensure access to healthcare for all people in all geographic areas. Existing certificate of
18 need laws may be improved with modifications for some healthcare facilities and
19 services; and

20 WHEREAS, the December 14, 2023, memorandum submitted by the CON Task
21 Force to the Legislative Research Commission for consideration and referral to the
22 appropriate committee or committees recommended that further study may provide
23 additional information to guide statutory and regulatory changes in Kentucky's CON
24 program; and

25 WHEREAS, the need for some health facilities and services continues in several
26 geographic areas of Kentucky;

27 NOW, THEREFORE,

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

3 ➔Section 1. (1) The Legislative Research Commission is hereby directed to
4 reestablish the Certificate of Need (CON) Task Force to:

5 (a) Consider structural reforms to the CON program, including the application,
6 approval, and appeal processes for obtaining a CON;

7 (b) Consider reforms to the oversight responsibilities of the CON program
8 including the content and approval of the State Health Plan;

9 (c) Consider changes in CON requirements for health facilities and services
10 currently included in the State Health Plan;

11 (d) Consider any other issues that may assist in improving the CON process to
12 help control health care costs and increase access to health services; and

13 (e) Submit any findings and recommendations regarding CON to the Legislative
14 Research Commission by December 1, 2024.

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

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

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

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

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

26 (3) Provisions of this Resolution to the contrary notwithstanding, the Legislative
27 Research Commission shall have the authority to alternatively assign the issues

1 identified herein to an interim joint committee or subcommittee thereof, and to
2 designate a study completion date.