

**Certificate of Need Task Force
Minutes
November 21, 2016**

Members Present: Lieutenant Governor Nancy Wyman (Chair); John Canham-Clyne (Unite Here Union); Tekisha Everette (Health Equity Solutions); Fred Hyde (Columbia Business School/ Consultant); Alan Kaye (Radiological Society of CT); Susan Martin (Middlesex Hospital); Margaret Morelli (Leading Age); Robert Patricelli (Women’s Health USA), Commissioner Raul Pino (Department of Public Health); Gary Price (Center for Aesthetic Surgery); Jennifer Smith (SEIU District 1199); Keith Stover (CT Association of Health Plans); Joseph Wankerl (ConnectiCare); and David Whitehead (Hartford Health Care)

Members Absent: Commissioner Roderick Bremby (Department of Social Services); Anne Foley (Office of Policy and Management); and Jeff Walter (Formerly of the CT Non-profit Alliance)

Meeting called to order at 1:05 p.m. by Chair, Lt. Governor Nancy Wyman

- I. **Welcome and Introductions:** Members introduced themselves.
- II. **Public Comment:** Public comment was submitted by the following:
 - (a) Peter Rockholz, Behavioral Health Consultant, Comments Forthcoming
 - (b) Heather Howlett, AFT 5099, [Read Comments Here](#)
 - (c) Andrea Riley, AFT 5099, [Read Comments Here](#)
 - (d) John Brady, AFT-CT, [Read Comments Here](#)
 - (e) Matthew Barrett, CT Association of Health Care Facilities, Comments Forthcoming
 - (f) Lynne Ide, Universal Health Care Foundation of CT, Comments Forthcoming
 - (g) Deborah Chernoff, 1199 SEIU, [Read Comments Here](#)
- III. **Approve October 17, 2016 Meeting Minutes:** Approval of the October 17, 2016 meeting [minutes](#) was moved by Jennifer Smith and seconded by Fred Hyde. Robert Patricelli requested the minutes be revised to reflect the inclusion of large group practices in the discussion regarding transfer of ownership. A motion to amend the October 17, 2016 minutes was moved by Robert Patricelli and seconded by Keith Stover. Minutes as amended were approved unanimously on a voice vote.
- IV. **Discussion of Proposed Recommendations for the Decision-Making Processes:** Lieutenant Governor Nancy Wyman informed Task Force members that Anne Foley was not present due to a death in the family and Victoria Veltri, Chief Health policy Advisor, Office of the Lieutenant Governor would facilitate the meeting in her place.

Melissa Morton, Planning Analyst, Office of Policy and Management [presented](#) the results of a survey on the CON decision-making process completed by Task Force members in September and the resulting draft recommendations.
- V. **Presentation by the Office of Health Care Access (OHCA) on Current Decision-Making Processes:** Kimberly Martone, Director, OHCA, [presented](#) an overview of the current CON public hearing process, appeals process, and methods of informing the public about CON applications and public hearings and mechanisms for providing public input. Ms. Martone clarified that while members of the public may request a public hearing on CON applications, they cannot request a public hearing on a CON determination. She also explained the CON decision-making process, as well as the current reconsideration process.

VI. Discussion regarding the CON Decision-Making Process: Victoria Veltri opened the meeting for group discussion on the recommendations presented by Melissa Morton and the process overview provided by Kimberly Martone.

Several Task Force members expressed concerns about the proposed scope of changes to the CON process, indicating they wanted to discuss broader and more substantial revisions. Discussion ensued about the upcoming focus of the Task Force, including:

- The feasibility of including price controls in the CON process in a meaningful way;
- Transitioning to the development of general recommendations that address major issues such as health care market consolidation or areas of the CON program that need change, instead of specifically tailored to each aspect of the existing CON processes;
- The creation of varying levels of regulation and oversight based on the specific action being conducted;
- The need for a state health plan to play a larger role in the CON process and identify areas of need in order to provide the context necessary for a regulatory process to operate; and
- The potential use of voting mechanisms for final approval of recommendations.

VII. Presentation: CON Application Process, Post Approval Compliance Mechanisms, and Relocating Services: Melissa Morton, Planning Analyst, Office of Policy and Management, [presented](#) proposed recommendations regarding the CON application process, post approval compliance mechanisms, and the regulation of relocation of services. Highlights of discussion include:

- Clarification of the definition of “independent monitor” and what entities should be allowed to serve in this capacity. Victoria Veltri instructed members to send suggestions on the definition of ‘independent monitor’ to Melissa Morton;
- A brief [presentation](#) from Kimberly Martone on the current process for the relocation of services and the difference between relocation and termination;
- Explanation of the role of licensure in addressing issues of access and quality;
- Discussion of a definition for “reduction of services”; and
- Addition of a section of the report that includes an area for open issues that require further examination.

VIII. Presentation: CON Evaluation Mechanisms: Melissa Morton, Policy Analyst, Office of Policy and Management briefly [presented](#) draft recommendations for the ongoing evaluation of the effectiveness of the CON program in achieving the program goals. In reviewing other states with CON programs, Task Force staff was unable to find examples of how the programs are evaluated. Task Force members were asked to submit ideas for the ongoing evaluation of the CON program in order to monitor effectiveness.

Members also discussed the benefits and challenges of measuring quality, including the role of OHCA and the DPH licensure staff in quality evaluation. Kimberly Martone noted that OHCA reviews best practices and practice standards and requires providers to adhere to those quality standards. OHCA also works with licensure to review the history of practitioners operating in other states to ensure there are no practice violations on record.

IX. Presentation: Revised Recommendations for Actions Subject to CON and CON Application Criteria: Melissa Morton, Policy Analyst, Office of Policy and Management briefly reviewed a [summary document](#) outlining the revised recommendations for actions subject to CON and application criteria. She asked that

members take time to review the recommendations and submit comment. Melissa Morton noted that some of the CON categories have multiple options listed due to the Task Force not reaching consensus and noted that multiple options can be put forward in the final report to the Governor.

X. Next Steps:

- Vicki Veltri instructed members to send no more than five “big picture” suggestions for the CON process to Melissa Morton.
- At the request of members, staff will circulate a clean set of recommendations as revised to date and an e-mail outlining what is needed from members prior to recommendations being released for public comment.
- The next meeting of the Task Force will convene on December 19, 2016 from 1:00 P.M. – 3:00 P.M. in Room 1D of the LOB.

XI. Adjournment: John Canham-Clyne motioned to adjourn, which was seconded by Robert Patricelli. The meeting adjourned at 4:06 P.M.