March 16, 2020

Guidance Regarding the Certificate of Need Process

and the

State's Response to COVID-19 Outbreak

OHS_HSP Guidance 20-001

Effective immediately, pursuant to Governor Lamont's Executive Order 7B, the Executive Director of the Office of Health Strategy (OHS) may waive Certificate of Need (CON) statutory and regulatory requirements for certain transactions, covered under Chapter 368z of the Connecticut General Statutes, intended to increase access to critical healthcare services for the management of the COVID-19 public health emergency.

Additionally, until further notice, any public hearing the Executive Director deems necessary for any CON application, pursuant to Conn. Gen. Stat. §§ 19a-639a(d) through 19a-639a(f) shall be conducted remotely. Notice will be given to parties, intervenors and the public regarding how these proceedings will be conducted.

Any Applicant seeking a temporary waiver of the CON requirements for a transaction intended to promote the State's ability to respond to and manage the COVID-19 public health emergency shall submit a letter to the Executive Director of the OHS containing:

1. The name of the Applicant requesting the waiver, including a point of contact and mailing and email address, and phone number.
2. A description of the Proposal, including:
    a. The identification of gap(s) in service or need that the Proposal will fill.

   b. How the Proposal will support or enhance the State's ability to manage the COVID-19 public health emergency.
   c. How the Proposal will support or enhance the public's access to services for evaluation for and/or treatment of the COVID-19 virus.
   d. The primary service area for the proposed service(s) or facility.
   e. For any equipment acquisition, the method by which the Applicant will acquire said equipment, and the terms of said acquisition.
3. An attestation that the facility, service or equipment for which the waiver is requested is intended to be used for the management and treatment of the COVID-19 virus.
4. The Executive Director of OHS, or designee, will review the request and determine whether additional information is needed. The Executive Director, upon receipt of a complete request, will issue a decision within twenty-four (24) business hours.

Waivers granted pursuant to this Guidance, as authorized by Governor Lamont's Executive Order 7B, shall only be effective until the public health emergency is lifted by the Governor. Thereafter, any Applicant wishing to continue to use any equipment or operate any facilities or services for which a waiver was approved must file a CON application, consistent with the established statutory and regulatory CON requirements.

For any questions, please contact the Office of Health Strategy, Health Systems Planning Unit at 860-418-7008.