

## HB 4139 -7 STAFF MEASURE SUMMARY

### House Committee On Behavioral Health and Health Care

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**Meeting Dates:** 2/13

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#### WHAT THE MEASURE DOES:

The measure excludes specified facility types from having to obtain a certificate of need (CON) from the Oregon Health Authority (OHA) prior to an offering or development. It also removes the requirement that the Director of OHA take least costly settings policy into account when reviewing applications for CON.

#### Detailed Summary

Excludes specified facilities types from having to obtain CON from OHA, including:

- New skilled nurse or intermediate care service or facility;
- New hospitals providing:
  - Inpatient psychiatric services as its primary focus;
  - Inpatient or outpatient mental health services or substance use treatment is its primary focus; or
  - Rehabilitation services for the rehabilitation of individuals with injuries or who have disabilities.

Removes provisions permitting expedited review process for certain long term care facility CON applications. Removes requirement for Director of OHA to take least costly settings policy into account when review CON applications.

#### ISSUES DISCUSSED:

#### EFFECT OF AMENDMENT:

-7 **Replaces the measure.** Limits persons who may request informal hearing with OHA following CON recommendation to CON applicant.

#### BACKGROUND:

Certificate of need (CON) laws are a regulatory mechanism for controlling the amount of health care resources in an area by requiring a hospital or other specified health facility type to demonstrate community need before establishing or expanding a health care facility in services. According to the National Conference of State Legislators (NCSL), 35 states and Washington, D.C. have CON laws. State CON laws can differ widely on things like types of facilities requiring CON and activities that can trigger CON review.