

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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HOUSE BILL 2598

Short Title: CON/DHHS Review/Study. (Public)

Sponsors: Representatives Howard; Current, Faison, Justus, Lewis, and Lucas.

Referred to: Appropriations.

May 28, 2008

A BILL TO BE ENTITLED

1
2 AN ACT TO DIRECT THE NORTH CAROLINA DEPARTMENT OF HEALTH
3 AND HUMAN SERVICES, IN MAKING CERTIFICATE OF NEED
4 DETERMINATIONS FOR NEW CONSTRUCTION AND EXPANSION OR
5 RENOVATION OF EXISTING HEALTH CARE FACILITIES, TO TAKE INTO
6 CONSIDERATION CERTAIN FACTORS WITH RESPECT TO THE
7 AVAILABILITY OF SUITABLE HEALTH CARE FACILITIES SERVING
8 COUNTIES WITH RELATIVELY SMALL POPULATIONS; TO DIRECT THE
9 DEPARTMENT TO STUDY THE IMPACT OF CERTIFICATE OF NEED
10 REQUIREMENTS ON THE AVAILABILITY OF LOCAL HOSPITAL
11 SERVICES; AND TO APPROPRIATE FUNDS FOR A DHHS STUDY OF
12 CERTIFICATE OF NEED REVIEW CRITERIA.

13 Whereas, State law provides "that access to health care services and health
14 care facilities is critical to the welfare of rural North Carolinians, and to the continued
15 viability of rural communities," and that the needs of rural North Carolinians should be
16 considered in the certificate of need review process; and

17 Whereas, rapid access to emergency medical care is crucial with respect to
18 certain medical conditions such as heart attack and stroke, conditions that could result in
19 death or brain damage if not treated within a few minutes of occurrence; and

20 Whereas, one of the statutory review criteria for Certificate of Need
21 applications requires the applicant to identify the population to be served and to
22 demonstrate the extent to which all residents of the area and, in particular, low-income
23 persons, racial and ethnic minorities, women, handicapped persons, the elderly, and
24 other underserved groups are likely to have access to the services; and

25 Whereas, the health conditions of the overall population being served by
26 health care facilities should be considered when reviewing applications for new or
27 expanded health care facilities; Now, therefore,

28 The General Assembly of North Carolina enacts:

1 **SECTION 1.** When the Department of Health and Human Services reviews
2 applications for certificate of need pertaining to health care facilities and services in
3 rural areas of the State, the Department shall ensure that the availability of existing
4 services and facilities is maintained at levels sufficient to continue to adequately serve
5 the area population, keeping in mind that prompt access to emergency and other health
6 care services and health care facilities is critical to the welfare of rural North
7 Carolinians and to the continued viability of rural communities. Specifically, if a health
8 care facility in a rural community is currently licensed to provide acute care beds and
9 corresponding services but the physical condition of the facility is such that repair,
10 renovation, or new construction is critically needed to serve the facility's population, the
11 Department shall give serious consideration to certificate of need applications designed
12 to continue to provide that population with emergency and other medical services in the
13 most accessible, efficient, and effective manner.

14 **SECTION 2.** There is appropriated from the General Fund to the
15 Department of Health and Human Services the sum of ten thousand dollars (\$10,000)
16 for the 2008-2009 fiscal year. These funds shall be used by the Department to have an
17 independent study conducted to review the impact of Certificate of Need review criteria
18 on the availability of hospital services in rural areas of the State.

19 **SECTION 3.** This act is effective when it becomes law.