

# Certificate of Need

Senate Health Policy Committee

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SHAPING CHANGE

# How does Certificate of Need (CON) intersect with State Government

- ▶ **CON has elements in all 3 branches of Government**

- ▶ EXECUTIVE

- ▶ The Governor appoints CON Commissioners (MCL 333.22211).
    - ▶ 11 members 6/5 political split with the majority the same party as the Governor.

## EXECUTIVE (continued)

- ▶ The Department of Health & Human Services (DHHS) executes the policy developed by the CON Commission.
- ▶ The Department of Licensing and Regulatory Affairs (LARA) coordinates with the CON Section to issue licenses for CON approved services.

# LEGISLATIVE

- ▶ The Legislature passed and amended the CON Statute (P.A. 368 of 1978; P.A. 619 of 2002)
  - ▶ Additional amendments have been passed to address CON application fees and other miscellaneous items.
  - ▶ Almost every legislative session includes a bill to amend CON.

# LEGISLATIVE (continued)

- ▶ P.A. 619 of 2002 created the Joint Legislative Committee (MCL 333.22219)
  - ▶ The 6 members include the Chairs and Vice Chairs of both the House and Senate Health Policy Committees; Committee is co-chaired by the 2 Chairs.
  - ▶ The Committee can examine CON applications and make recommendations on the CON Standards developed by the CON Commission.

# JUDICIAL

- ▶ CON applications that are not approved by DHHS can be appealed to an Administrative Law Judge within DHHS.
- ▶ If a matter is not resolved to an applicant's liking by an ALJ, the dispute can be appealed to Circuit Court.
- ▶ The Department of Attorney General defends the State in all CON related disputes.

**HEALTHCARE IS  
COMPLICATED?!**



**WHO KNEW?!**

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