

The Certificate of Public Need Review Process in Virginia

Michigan Department of Community
Health

October 27, 2009

2009 Certificate of Need Seminar

The Certificate of Public Need Review Process is Established in:

- The Code of Virginia at §32.1-102.1 et seq

And is supported through the:

- *Virginia Medical Care Facilities COPN
Rules and Regulations 12VAC 5-220*

And

- *The State Medical Facilities Plan
12VAC 5-230*

Projects Are Batched

- General Hospital, OB Services, Neonatal Special Care, General Capital Expenditures
- Open Heart Surgery, Transplant Services, Cardiac Catheterization, Outpatient Surgical Hospitals, Operating Rooms
- Psychiatric, Substance Abuse and Mental Retardation facilities

Projects Are Batched

- Diagnostic Imaging
- Medical Rehabilitation
- Radiation Therapy, Gamma Knife Surgery, Lithotripsy
- Nursing Home Facilities

The COPN Process Can Be Broken Down Into 3 Basic Phases

- Pre-Review
- Application Review
- Decision

The Pre-Review Phase

- Characterized by:
 - Public Notice of Intent
 - Filing and Completion of the application
 - Payment of application fee

The Pre-Review Phase Summary

Days	Cycle start -70	LOI +7	Cycle start -40	Application +10	Cycle start -5	Cycle start
Action	Letter of Intent (LOI) Received by:	Respond to LOI	Application Rec'd by DCOPN & RHPA	DCOPN Issues Completeness Questions	Responses Due for Completeness Questions	Accept for Review
Code			§ 32.1-102.6 A	§ 32.1-102.6 A		
Regs	12VAC 5-220-180 A	12VAC 5-220-180 A	12VAC 5-220-180 C	12VAC 5-220-190	12VAC 5-220-190	12VAC 5-220-230 A

Application Review Phase

- Characterized by:
 - Regional Health Planning Agency Review
 - Public Hearing
 - State Staff Review

Application Review Phase

- Review Criteria
 - 8 Specific criteria the State Health Commissioner must consider in making a determination of need
 - Includes the project type specific criteria of the State Medical Facilities Plan

Application Review Phase Summary

Days	Cycle start	Cycle start + 60	Cycle start + 70	Cycle start + 70
Action	Review Cycle Start	RHPA Review Complete	RHPA Report Due	DCOPN Review Complete
Code	§ 32.1-102.6 D	§ 32.1-102.6 B	§ 32.1-102.6 B	
Regs	12VAC 5-220-200	12VAC 5-220-230 B	12VAC 5-220-230 B	12VAC 5-220-230 A

Decision Phase

- This phase is characterized by the close of the record, any administrative appeal and the decision by the State Health Commissioner

Decision Phase Summary 1

				Record Closes		
Days	Cycle start + 75	Cycle start + 80	Cycle start + 80 - 90	Cycle start + 80		IFFC + 30
Action	Determination of need for IFFC	Petitions for Good Cause	IFFC Scheduled	Date of Determination of Need for IFFC	Date set for IFFC	IFFC Plus 30 Days
Code	§ 32.1-102.6 E.1	§ 32.1-102.6 E.4	§ 32.1-102.6 E.1	§ 32.1-102.6 E.5		§ 32.1-102.6 E.4
Regs	12VAC 5-220-230 A		12VAC 5-220-230 A			

Decision Phase Summary 2

Days	Record Closes + 45	Record Closes + 70	Cycle start + 190
Action	Commissioner Decision Due	Deemed Approval	End of Review Cycle
Code	§ 32.1-102.6 E.6	§ 32.1-102.6 E.7	§ 32.1-102.6 D
Regs			

Request for Applications (RFA)

- Prospective determination of need for nursing home and psychiatric services made by the State
- Applications only accepted for specifically identified services in specific Planning Districts

Request for Applications

- Need determined based on annual Statewide analysis using State Medical Facilities Plan criteria
- Once RFA is issued the Pre-review, Review and Decision phases the same as basic review

Conditions

- State Health Commissioner has the authority to condition the issuance of a COPN on the applicant's agreement to certain conditions:
 - Provision of indigent care
 - Facilitation of the development and operation of primary care services

Conditions

- 418 Conditioned COPNs Issued
- 182 Conditioned COPNs Active
 - 61 different organizations
 - 111 individual facilities
- 122 Conditioned COPNs not yet completed

Conditions

- \$373.6 million worth of care reported as provided in compliance with conditions
- \$15.1 million in cash contributions to safety net providers made in compliance with conditions

Program Volume

- Average 95 Letters of Intent per year
- Average 80 Applications per year
- Average 73 Decisions per year
 - 86% Approved
 - 14% Denied

Program Volume

- Average of \$1.32 billion in projects approved annually
- Average of \$0.18 billion in projects denied annually

Questions?