

# The Certificate of Public Need Program in Virginia

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# The Certificate of Public Need Review Process is Established in:

- The Code of Virginia at §32.1-102.1 through §32.1-102.11  
(The Code)
- Virginia Medical Care Facilities Certificate of Public Need  
Rules and Regulations 12VAC 5-220  
(The Regulations)
- The State Medical Facilities Plan 12VAC 5-230 through  
12VAC 5-360  
(The SMFP)

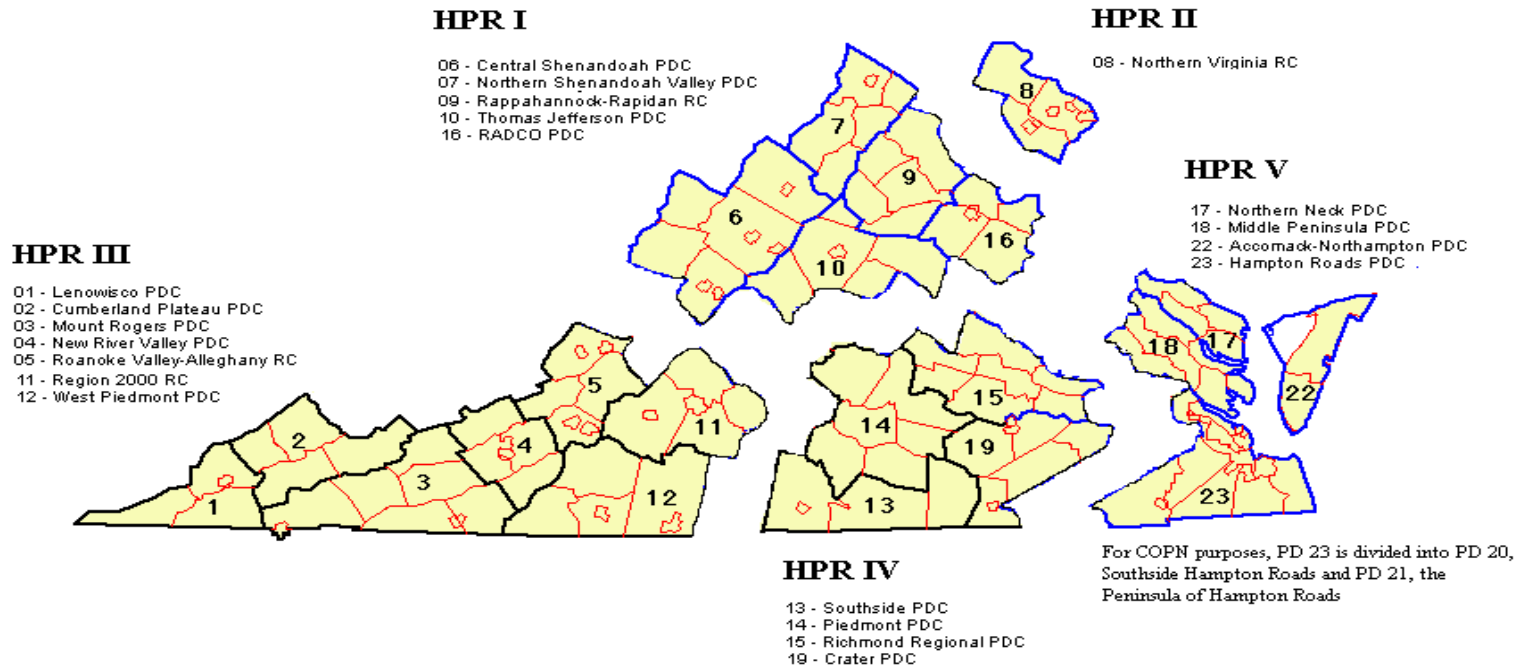
# Projects Requiring COPN Authorization

## (By Batch Group)

- A. General Hospitals and bed additions, obstetrical services, neonatal special care services, general capital expenditures
- B. Open heart surgery, cardiac catheterization, ambulatory surgery centers, operating room additions, transplant services
- C. Psychiatric facilities, substance abuse treatment, mental retardation facilities
- D. Diagnostic imaging facilities and services
- E. Medical rehabilitation beds and services
- F. Radiation therapy, gamma knife surgery and linac based SRS, lithotripsy, diagnostic imaging equipment may be included in an application with radiation therapy
- G. Nursing home facilities and bed additions, nursing home capital expenditures

# The 5 Virginia COPN Health Planning Regions and 22 Planning Districts

## Virginia's Health Planning Regions Virginia's Planning Districts



# COPN Review Criteria and Standards - Required Considerations

1. Increase in geographic access to needed services for residents;
2. The extent to which the project will meet the needs of the residents of the area to be served;
3. The extent to which the application is consistent with the State Medical Facilities Plan;
4. The extent to which the application fosters institutional competition that benefits the area to be served;

# Required Considerations

5. The relationship of the project to the existing health care system of the area to be served;
6. The feasibility of the project;
7. The extent to which the project provides improvements or innovations in the financing and delivery of health services,
8. Impact on a teaching hospital associated with a public institution of higher education or a medical school in the area to be served,

# State Medial Facilities Plan

Any decision to issue or approve the issuance of a certificate shall be consistent with the most recent applicable provisions of the SMFP.

The SMFP is a set of regulations providing service/facility specific criteria for determining public need.

Last comprehensive update effective 2009.

Proposed regulatory stage for SMFP Task Force amendments to the Cardiac Catheterization and Nursing Home chapters.

# The Review Process

## Pre-Application Phase

- Letter of Intent from the applicant due 70 days prior to cycle start.
- Application from the applicant due 40 days prior to cycle start.
- DCOPN (and HSANV, if in PD 8) reviews the application for completeness and transmits follow-up questions to the applicant within 10 days of receipt of the application.
- Responses to completeness questions received from the applicant not later than 5 days prior to cycle start.



# Application Review Phase

- Each 190-day review cycle begins on the 10<sup>th</sup> of the month.
- Public Hearing
- Recommendation

# Decision Phase

- If non-competing COPN requests are recommended for approval by the DCOPN (and HSANV if PD8), no Informal Fact Finding Conference is needed.
- Contested COPN Requests and/or those recommended for denial by either/both the HSANV and/or the DCOPN will be heard at an Informal Fact Finding Conference.
- Recommendations and the record are made available to the State Health Commission for decision.

# Request for Applications (RFA)

- Prospective determination of need for nursing home beds made by the State.
- Applications for requests that increase the number of nursing home beds in a planning district can only be accepted when in response to an RFA.

# Request for Applications

- Need determined based on annual Statewide analysis using SMFP criteria.
- Once RFA is issued the Pre-review, Review and Decision phases are the same as in the basic review

# Conditions

- State Health Commissioner has the authority to condition the issuance of a COPN on the applicant's agreement to:
  - Provide indigent care
  - Facilitate the development and operation of primary care services
  - Accept patients requiring specialized care

# Conditions

- 762 Conditioned COPNs Issued
- 308 Conditioned COPNs Active
- 69 Conditioned COPNs not yet completed

# Program Volume

	2010-2014 Avg	2017
Letters of Intent	87	75
Applications	59	53
Informal Fact Finding Conference	16	11
Decisions	52	34
Approval	85.7%	100%
Denial	14.3%	0%

# Program Revenue

Fiscal Year

	2005	2010	2017
Application Fees	\$3,296,978	\$870,350	\$715,002
FOIA Recovery	\$2,488	\$12,691	\$6,141
Total	\$3,299,466	\$883,041	\$721,143



# Program Staffing

	<u>2010</u>	<u>2018</u>
Director	1.0	0.3
Supervisor	1.0	1.0
Analysts	4.5	3.5
Clerical	2.0	2.0
<u>Adjudication Officer</u>	<u>1.0</u>	<u>1.0</u>
Total FTEs	9.5	7.8

# Questions?