

NEWS ALERT

HEALTH CARE



Temporary Certificate of Need Waivers During Covid-19 Public Health Emergency

By Stephanie Sprague Sobkowiak and Daniel J. Kagan | March 23, 2020

Pursuant to Governor Lamont's Executive Order 7B, the Office of Health Strategy ("OHS") may waive certificate of need statutory and regulatory requirements for certain transactions, which are intended to increase access to critical healthcare services to manage the COVID-19 public health emergency. To obtain a waiver, a healthcare entity must complete a COVID-19 Waiver Form, register for OHS' online portal, upload the Waiver Form as a "Determination," and email a copy of the Waiver Form to Michaela.Mitchell@ct.gov.

On the Waiver Form, a healthcare entity must identify the gaps in service that the proposal will fulfill; how the proposal will enhance the state's ability to manage the COVID-19 public health emergency; how the proposal will enhance or support the public's access for evaluation/treatment of COVID-19; the primary service area; and if obtaining equipment, how the healthcare facility will acquire the equipment and on what terms. OHS notes that, with regard to imaging equipment, a lease is preferred given the short-term nature of any approval. OHS will provide decisions on waiver proposals within twenty-four (24) hours.

These temporary certificate of need waivers are effective until Governor Lamont lifts the COVID-19 public health emergency. If a healthcare facility wants to continue its proposal after such time, it must follow the state's certificate of need statutory and regulatory requirements.

If you have any questions about obtaining a Temporary Certificate of Need Waiver or need assistance with regard to Department of Public Health matters, please contact: Stephanie Sobkowiak, 203.772.7782 (ssobkowiak@murthalaw.com) Dan Kagan, 203.772.7726 (dkagan@murthalaw.com).

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