



Partial Repeal of Certificate of Need (CON) Program

Act 20 (Effective May 16, 2023)





Facilities and Services Still Requiring CON

- Nursing homes
- Home health agencies
- Hospitals (general & specialized) before undertaking:
 - the construction or other establishment of a hospital (except **1**) relocation of a hospital in the same county, **2**) construction of a new hospital up to 50 beds in a county currently without a hospital, and/or **3**) the merger or acquisition of hospital)
 - the addition of beds or the change in licensing classification of beds
 - **Note:** Effective Jan. 1, 2027, CON is repealed for hospital projects.
- MUSC acquisitions of hospitals



Facilities and Services No Longer Requiring CON

- Ambulatory surgical facilities (ASFs)
- Opioid (narcotic) treatment programs
- Freestanding emergency departments
- Hospice facilities
- Residential treatment facilities for children and adolescents
- Cardiovascular care services
- Radiation therapy services (linear accelerators)



New Indigent/Charity Care Requirement for ASFs

- To be licensed, new ASFs must provide uncompensated **indigent/charity care of 2% (Medicaid) or 3% (non-Medicaid)** or greater of the facility's adjusted gross revenue.
- Goes into effect after a new ASF has been in operation for **2 calendar years**.
- Applies only to ASFs established or constructed **after May 16, 2023**.
- Requirement does not apply to ASFs licensed **before May 16, 2023**.

Licensure Requirement for Freestanding EDs

- A freestanding emergency department (FSED) is an extension of an existing hospital's emergency department.
- As a result, **an FSED will require licensure** under the hospital's license.

Requirement for Acquisition of Medical Equipment

- CON requirement applies **only to nursing homes** for acquisition of medical equipment to be used for diagnosis or treatment.
- **Monetary threshold is set** in regulation.
 - Currently \$600,000



Agency Staff Actions

- **Notified CON holders of projects no longer requiring CON review or reports** (quarterly progress, final completion).
- **Notified applicants of projects still requiring CON review** that their applications will be processed.
- **Notifying applicants of projects no longer requiring CON review** that their submitted applications will not be processed.
- **Publishing Frequently Asked Questions** on the website soon.
- **Developing guidance** to help the regulated community navigate and obtain any applicable Healthcare Quality approval(s).



Contact Us

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