

A191A (Gottfried)

S1451A (Ramos)

MEMORANDUM IN SUPPORT

Amending the Public Health Law to require hospitals that seek Certificate of Need approval to change health services or capacity to submit health equity assessments showing the impact on underserved communities

NYSNA represents more than 42,000 registered nurses throughout New York and is a leading advocate for universal access to high quality health care for all New Yorkers, regardless of ability to pay.

NYSNA has consistently advocated for stronger Certificate of Need (CON) regulations to assert more democratic control over the hospitals and other health care providers and to curb their power to reduce vital health services with minimal oversight and without regard to the needs of local communities.

Current CON regulations reflect an outdated emphasis on limiting unnecessary or duplicative services and reducing bed counts. Hospitals and other providers have taken advantage of the weaknesses in current CON regulations to close hospitals, reduce beds and services, and shed unprofitable services at an alarming and accelerating rate.

Hospital systems and other providers are motivated by a desire to increase revenues and net profits by closing money losing safety net hospitals, reducing unprofitable psychiatric, pediatric, Level 1 trauma and other services, and expanding more profitable services (e.g., surgical, coronary, joint replacement, cancer treatment, etc.) that are aimed at well-insured and more affluent patient populations.

The distortions in current law have directly given rise to a two-tiered health care system in which communities of color, working people, and the poor increasingly face a relative lack of access to vital services, poorer quality of care and worse health outcomes. These inequities have become even more pronounced during the ongoing COVID pandemic, as evidenced by the higher rates of COVID exposure, hospitalization and mortality among Black and Latino communities.

The proposed legislation would require hospitals or other providers seeking approval to establish or construct new facilities, to close, relocate or reduce existing beds or services, or to change or merge ownership or operational control to include in their application a “health equity impact assessment” showing how the proposed project or change in operations would improve services for the uninsured, Medicaid recipients, low income and underserved populations, and local communities. This legislation will require the DOH and the Public Health and Health Planning Council (PHHPC) to make a finding that the proposed project or application would serve to address health care inequities as a condition of approval.

NYSNA strongly supports enactment of A191A/S1451A. This reform of current CON requirements is long overdue and is a necessary first step toward ensuring equal access to high quality care for all New Yorkers.