
A BILL FOR AN ACT

RELATING TO HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 323D-43, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§323D-43 Certificates of need.** (a) No person, public or
4 private, nonprofit or for profit, shall:

5 (1) Construct, expand, alter, convert, develop, initiate,
6 or modify a health care facility or health care
7 services in the [~~State~~] state that requires a total
8 capital expenditure in excess of the expenditure
9 minimum; or

10 (2) Substantially modify or increase the scope or type of
11 health service rendered; or

12 (3) Increase, decrease, or change the class of usage of
13 the bed complement of a health care facility, or
14 relocate beds from one physical facility or site to
15 another,

16 unless a certificate of need therefor has first been issued by
17 the state agency.



1 (b) No certificate of need shall be issued unless the
2 state agency has determined that:

3 (1) There is a public need for the facility or the
4 service; and

5 (2) The cost of the facility or service will not be
6 unreasonable in the light of the benefits it will
7 provide and its impact on health care costs.

8 (c) The state agency may adopt criteria for certificate of
9 need review ~~[which]~~ that are consistent with this section.

10 ~~[Such]~~ The criteria may include ~~[but are not limited to]~~ need,
11 cost, quality, accessibility, availability, and acceptability.

12 Each decision of the state agency to issue a certificate of
13 need ~~[shall]~~, except in an emergency situation that poses a
14 threat to public health, shall be consistent with the state
15 health services and facilities plan in effect under section
16 323D-15. Each certificate of need issued shall be valid for a
17 period of one year from the date of issuance unless the period
18 is extended for good cause by the state agency and expenditures
19 for the project shall not exceed the maximum amount of the
20 expenditures approved in the certificate of need.

21 (d) In the case of a renal dialysis facility:



1 (1) To be issued a certificate of need, a proposed renal
2 dialysis facility shall meet the criterion of minimum
3 average annual utilization rate as follows:

4 (A) At the proposed facility, the utilization rate
5 shall be projected to reach seventy-five per cent
6 by the third year of operation; and

7 (B) At all other existing renal dialysis facilities
8 in the same health service area, the utilization
9 rate shall be at least eighty per cent;

10 and

11 (2) For expansion of services at an existing renal
12 dialysis facility, the facility's average annual
13 utilization rate shall be at least eighty per cent.

14 For the purposes of this subsection, a minimum of 3.5 treatments
15 per dialysis station per day shall be considered full
16 utilization. A minimum of six dialysis stations shall be
17 considered the optimum facility size."

18 SECTION 2. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 3. This Act shall take effect on July 1, 2010 and
21 shall be repealed on June 30, 2013.



Report Title:

Certificate of Need; Renal Dialysis Facility

Description:

Sets requirements for obtaining a certificate of need for a proposed renal dialysis facility and the amount of health care services that must be provided by new and existing renal dialysis facilities to continue to qualify under the certificate of need process. (PROPOSED SB2099 HD1)

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