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HOUSE JOINT RESOLUTION NO. 681

Offered January 9, 2019

Prefiled January 9, 2019

Directing the Joint Legislative Audit and Review Commission to study the impact of recent changes in health care financing and delivery on charity care. Report.

Patron—Byron

Referred to Committee on Rules

WHEREAS, the Commonwealth's certificate of public need laws prohibit any medical care facility from commencing any project, as those terms are defined in § 32.1-102.1 of the Code of Virginia, without first obtaining a certificate indicating that the Commissioner of Health has determined that a public need for such project exists; and

WHEREAS, in cases in which the Commissioner has determined that a public need for a project exists and a certificate is issued, the Commissioner may impose conditions, including conditions related to the schedule for completion for the project, maximum capital expenditures for the project, or the delivery of charity care, on such certificate that must be met by the medical care facility; and

WHEREAS, charity care conditions imposed on a certificate may include conditions relating to the agreement of the applicant to provide a specified amount of health care services to indigent individuals at a reduced rate, to accept patients requiring specialized care, or to facilitate the development and operation of primary medical care services in designated medically underserved areas of the applicant's service area; and

WHEREAS, charity care is defined as health care services delivered to a patient who has a family income at or below 200 percent of the federal poverty level and for which it is determined that no payment is expected (i) at the time the service is provided because the patient meets the facility's criteria for the provision of care without charge due to the patient's status as an indigent person or (ii) at some time following the time the service was provided because the patient met the facility's criteria for the provision of care without charge due to the patient's status as an indigent person; and

WHEREAS, recent changes in the financing and delivery of health care in the Commonwealth, including expansion of Medicaid and enactment of assessments on providers of health care services, will affect the demand for charity care and ability of health care providers to meet charity care requirements imposed on certificates of public need, as well as the organization and operation of medical care facilities subject to the Commonwealth's certificate of public need laws; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Legislative Audit and Review Commission be directed to study the impact of recent changes in health care financing and delivery on charity care.

In conducting its study, the Joint Legislative Audit and Review Commission shall evaluate how recent changes in health care financing and delivery in the Commonwealth, including Medicaid expansion and enactment of assessments on providers of health care services, will affect the demand for charity care and ability of health care providers to meet charity care requirements imposed on certificates of public need, as well as the organization and operation of medical care facilities subject to the Commonwealth's certificate of public need laws.

Technical assistance shall be provided to the Joint Legislative Audit and Review Commission by the Department of Health. All agencies of the Commonwealth shall provide assistance to the Joint Legislative Audit and Review Commission for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings for the first year by November 30, 2019, and for the second year by November 30, 2020, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the Joint Legislative Audit and Review Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

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