

New Certificate of Need Regulations

FEATURED ATTORNEY



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By Patrick Formato

New regulations governing Certificate of Need (“CON”) applications were approved today by the Public Health and Health Planning Committee of the State Department of Health (“DOH”). Nursing home CON applicants will be particularly impacted, but all applicants should be aware of the new regulations.

Changes to the CON rules include:

1. Requiring that nursing homes applicants notify residents, staff, and union representatives when a CON application is filed with DOH;
2. Revising criteria for character and competence determinations for nursing home applicants, including whether any of the applicant’s existing facilities received a CMS rating of 2 stars or less; and
3. Clarifying the circumstances when violations or other events will preclude a finding that an applicant’s existing facilities provide a consistent high level of care.

These regulations will go into effect when published in the State Register, likely in early March.

A copy of the approved regulations is available [here](#).

The healthcare attorneys at Abrams Fensterman are committed to providing you with the most current and accurate information and guidance. If you have any questions, please contact [Patrick Formato, Esq.](#), [Michael Gurman, Esq.](#), [Barbara Stegun Phair, Esq.](#), [Frank Mazzagatti, Esq.](#), [Michael Bass, Esq.](#), [Richard Thomas, Esq.](#), [Jonathan Rogoff, Esq.](#), or any other attorney in our health law practice group.