Legislative Update: FMMA 2017

“Combating the Health Care CON”

“Unleashing Free Market Medicine”

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CON Laws

Limit the ability to obtain medical treatment

Have no public health or safety justification

“Competitor veto law”
CON Laws

How Did We Get Here?

First introduced by New York in 1964

In 1974, the federal government incentivized states to implement CON laws

Federal law was repealed in 1987

Today, 35 states in the U.S. still have CON laws in their statues and enforce them
CERTIFICATE-OF-NEED (CON) REGULATION IN THE UNITED STATES (1980)


Produced by Matthew Mitchell and Christopher Koopman, September 2016.
CERTIFICATE-OF-NEED (CON) REGULATION IN THE UNITED STATES (Present)


Produced by Matthew Mitchell and Christopher Koopman, September 2016.
CON Laws

Medical Office

[Image of a medical office]

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CON Laws

Ultrasound
Cardiac Catheterization
CON Laws

Ambulatory Surgery Center 27
Hospital Beds
Number of CON Laws by State

Oklahoma
Number of CON Laws by State

- Vermont: 14
- Oklahoma: 11
- California: 0

States with CON Laws: 50
Average - CON States: 14
Average - Overall: 11

13 Other States:
Claimed Benefits of CON

Ensure an adequate supply of healthcare resources

Ensure access to health care for rural communities

Promote high-quality health care

Ensure charity care for those unable to pay

Restrain the cost of healthcare services
CON Laws in Practice = Barrier to Entry

Letter of Intent

Application Form with an up a $45,000 non-refundable application fee

Public hearing

Fact Finding Conference at the state agency
CON Laws

CON = Barrier to Entry

Winners: Established hospitals
CON holders with a monopoly

Losers: Innovators

Losers: “YOU” and all other patients
Application Approval Rates - Georgia

No Contribution

Mean Approved
Mean Denied

Contribution

Mean Approved
Mean Denied
CON Laws

When States have No CON Laws….

More access to medical care for both urban and rural populations

Better quality care

More competition – lowers health care cost

Less corruption in the political process
Legislative Update: Direct Primary Care
Direct Primary Care

National initiatives

Primary Care Enhancement Act of 2017

Regulatory changes

Executive orders
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