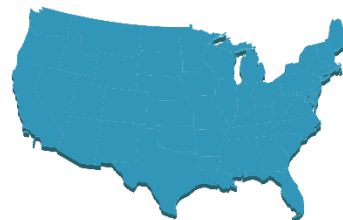


# Keep Certificate Of Need for Kentucky's Long Term Care Facilities

Kentucky's CON program has not prohibited competition in LTC. Repealing CON would result in underutilization of existing resources and infrastructure.



## *In Kentucky...*

1. The CON program allows nursing facility beds to be relocated within the same county, to contiguous counties, or within an Area Development District. This system enables LTC providers to move beds to a county where there is a need/demand for more services. This flexibility was added to the state health plan in 2015 at the request of the KAHCF.
2. Existing LTC facilities have the capacity and the infrastructure to meet both current demands and future growth. Therefore, in most counties, potential residents and families have multiple options when choosing a LTC facility.
3. Nursing facilities do not operate in a free market system. They do not set the price of care or the services they provide. Most residents in Kentucky's nursing facilities are covered by government payors such as Medicare or Medicaid.
4. CON helps nursing facilities retain their market value. A reduction in value makes it difficult to attract investment for renovations, upgrades, and modernization, which is important to the residents and to improve quality of care.

- ✓ 35 states, including all states bordering Kentucky, operate a CON program
- and*
- ✓ ALL include LONG TERM CARE facilities in their CON program

## What happened in other states when CON was repealed...

### INDIANA

- Repealed CON in 1994.
- In 2006, it enacted a moratorium on nursing home beds and prohibited construction of new facilities.
- In 2018, it re-enacted CON laws for nursing facilities.

### SOUTH CAROLINA

- Repealed CON in 2023 - with a sunset date in 2027.
- However, it specifically EXCLUDED nursing facilities from the CON repeal.
- CON for nursing facilities will continue.

Florida, Montana, Ohio, West Virginia, Arkansas, and Nebraska have restricted CON laws (for two or three facility types) and/or moratoriums, but all require CON for nursing facilities.