

1 AN ACT relating to the authority of local governments and declaring an  
2 emergency.

3 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

4 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO  
5 READ AS FOLLOWS:

6 *(1) As used in this section:*

7 *(a) "Health facility" has the same meaning as in KRS 216B.015;*

8 *(b) "Health service" has same meaning as "health services" in KRS 216B.015;*

9 *and*

10 *(c) "Local government" means a city, county, charter county, urban-county*  
11 *government, consolidated local government, or unified local government.*

12 *(2) Notwithstanding any law to the contrary, a local government that has conducted*  
13 *a public hearing for the purpose of demonstrating that an imperative need exists*  
14 *within its jurisdiction for a health facility or health service may exempt such a*  
15 *health facility or health service from any requirement to obtain a certificate of*  
16 *need under KRS Chapter 216B to establish that health facility or health service*  
17 *within the jurisdiction of that local government.*

18 *(3) An exemption for a certificate of need under subsection (2) of this section shall*  
19 *be in force for the useful lifetime of any health facility established or equipment*  
20 *purchased.*

21 *(4) A health facility or health service established under subsection (2) of this section*  
22 *shall be eligible for reimbursement for health services covered under KRS*  
23 *Chapter 205.*

24 *(5) This section shall not apply to:*

25 *(a) A pain management facility as defined in KRS 218A.175;*

26 *(b) An abortion facility that requires licensure pursuant to KRS 216B.0431;*

27 *(c) An ambulance service licensed under KRS Chapter 311A; or*

1        (d) A long-term care facility as defined in KRS 216.510.

2        (6) An entity that established a health facility or health service under a certificate of  
3        need exemption granted in accordance with this section shall not oppose, testify  
4        against, or provide evidence against an application for a certificate of need to  
5        establish the same health facility or health service by a different entity.

6        (7) The Cabinet for Health and Family Services shall not consider health facilities or  
7        health services established under a certificate of need exemption granted in  
8        accordance with this section when reviewing an application for a certificate of  
9        need for a health facility or health service proposed by a different entity.

10       ➔Section 2. Whereas the need for specific types of health care facilities and  
11 services has increased dramatically, and a timely response to needs precipitated by  
12 unforeseen growth or pandemics is best determined by local governments because they  
13 are most aware of the health care needs of their residents, an emergency is declared to  
14 exist and this Act takes effect upon its passage and approval by the Governor or upon its  
15 otherwise becoming a law.