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Hospitals oppose oversight; Legislation would regulate maternity ward closings, other programs

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HARTFORD — Hospital officials on Wednesday urged state lawmakers not to adopt a bill that would increase regulation when hospitals want to eliminate a program or service.

The bill was proposed by Rep. Claire L. Janowski, D-Vernon, after Rockville General Hospital's parent company, the Eastern Connecticut Health Network, eliminated the hospital's maternity unit with limited state oversight.

The bill has since been modified by the legislature's Public Health Committee and so far, six other lawmakers have signed on in support, including Sen. Tony Guglielmo, R-Stafford, and Rep. Timothy J. Ackert, R-Coventry.

The measure would force hospitals to undergo an oversight process called a Certificate of Need — a course of action required of them before state law changed in October.

"We kept it as unobtrusive as possible," Janowski said. "Prior to October of last year, this was part of the process to begin with."

Bill regulating closings of maternity wards, other programs

Her measure has the support of nursing unions and the state's Permanent Commission on the Status of Women.

House Speaker Christopher G. Donovan, D-Meriden, also filed a letter in support.

But hospitals don't want the state to revert to the old rules. Doing so would restore a burdensome review process, drive up costs and duplication of services in communities, and put an unfair burden on hospitals because the process doesn't apply to other health care providers, they say.

"This process was overly burdensome and made little sense," the Connecticut Hospital Association said in a letter to lawmakers.

The old rules didn't allow for "the modern pace of health care advances coupled with the need to allow health care providers to budget and plan their business strategies in as nimble a fashion as reasonably possible," the letter said.

Under the old law, hospitals had to get a Certificate of Need from the state, showing a need in the community, before adding programs, services, and certain equipment. Hospital officials also had to prove people wouldn't lose access to care if the hospital removed a program.

That was undone by a measure in the legislature's 11th-hour budget bill that was adopted in May. It removed the Certificate of Need process unless the hospital sought to eliminate emergency rooms, cardiac services, or mental health services. That change became law in October.

The new bill allows hospitals to add programs without the Certificate of Need, but requires the process when a hospital wants to get rid of a program.

Janowski said the important part of the process is that it requires more public notice before a hospital wants to downsize, and allows for the state or residents to demand a public hearing.

"I don't know why hospitals wouldn't want the public to be aware," Janowski said.

She also discounts claims that the process is burdensome. The state health department, which oversees the process, can work to make it more efficient, she said.

ECHN President and CEO Peter J. Karl acknowledged Janowski's bill is a direct response to Rockville General Hospital's closure of its maternity ward. But he contends hospitals already consider all of the issues the state is interested in before they make a change.

"Ensuring patient access to care within our community is a primary responsibility of the ECHN board, and the addition or termination of any service is not taken lightly," Karl said.

ECHN started directing pregnant women seeking services at Rockville General to Manchester Memorial Hospital, which it also owns. The two hospitals are 10 miles apart, Karl said.

The company also would have gone through the Certificate of Need process successfully if it had to, he said.

Officials at other hospitals — including Hartford Hospital and St. Francis Hospital and Medical Center in Hartford — wrote letters to lawmakers urging them to reject the change. They contend the measure places an unfair burden on hospitals because non-hospital health care facilities aren't covered by it.

Nursing unions in Danbury and New London support Janowski's bill. It would give them and others in the community adequate notice and input before hospitals end programs and services, union representatives say.

And the state's Permanent Commission on the Status of Women also filed a letter in support.

It's concerned about women's access to care, and says the Certificate of Need process has allowed the commission to intervene and reach a compromise in certain cases in which a hospital wanted to eliminate a service.