

BE IT ENACTED BY THE PEOPLE OF ALASKA:

The Consumer's Access to Competitive Health Care Act

“An Act amending the certificate of need requirements to apply only to health care facilities and nursing homes located in a borough with a population of not more than 25,000 in the unorganized borough, or in a community with a critical access hospital.”

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* **Section 1.** AS 18.07.031(a) is amended to read:

(a) Except as provided in (c) and (d) of this section, a person may not make an expenditure of \$1,000,000 or more for any of the following **in a borough with a population of not more than 25,000 in the unorganized borough, or in a community in which a facility has been designated by the department as a critical access hospital**, unless authorized under the terms of a certificate of need issued by the department:

- (1) construction of a health care facility;
- (2) alteration of the bed capacity of a health care facility; or
- (3) addition of a category of health services provided by a health care facility.

* **Sec. 2.** AS 18.07.031(b) is amended to read:

(b) Notwithstanding the expenditure threshold in (a) of this section, a person may not convert a building or part of a building to a nursing home that requires licensure under AS 18.20.020 **located in a borough with a population of not more than 25,000, in the unorganized borough, or in a community in which a facility has been designated as a critical access hospital** unless authorized under the terms of a certificate of need issued by the department.

* **Sec. 3.** AS 18.07.031 is amended by adding a new subsection to read:

(f) In this section, reference to the department's designation of a facility as a critical access hospital means action taken by regulatory authority exercised under AS 18.05 or AS 18.20 by which a facility eligible for designation as a critical access hospital has been so identified.

* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. Sections 1 – 3 of this Act apply to health care facilities and nursing homes in existence or proposed on or after the effective date of this Act. A decision of the Department of Health and Social Services denying or granting a certificate of need that has been applied for or issued for a health care facility or nursing home located in an area of the state other than in a borough with a population of not more than 25,000, the unorganized borough, or a community in which a facility has been designated as a critical access hospital before the effective date of this Act shall be void and unnecessary. A pending application for a certificate of need for a health care facility or nursing home located in an area of the state other than in a borough with a population of not more than 25,000, the unorganized borough, or a community in which a facility has been designated as a critical access hospital before the effective date of this Act shall be returned to the applicant.