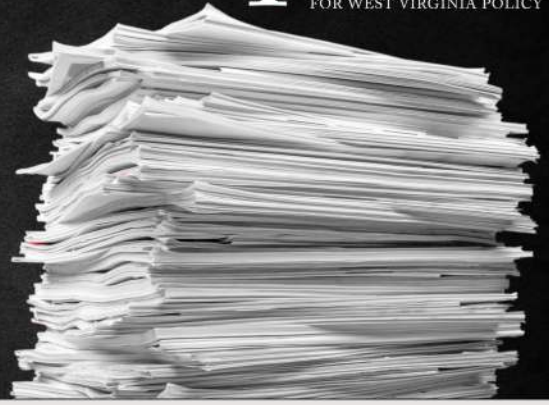


WEST VIRGINIA'S CERTIFICATE OF NEED PROCESS: A BARRIER TO BETTER HEALTHCARE



A Bureaucratic Bottleneck

West Virginia's Certificate of Need (CON) process has become a bureaucratic nightmare, hindering healthcare providers and delaying critical access to services for patients. Designed to ensure access and efficiency, the system has proven to be a cumbersome, permission-based model that stifles innovation, entrenches incumbents, and worsens health outcomes for local communities.

The Burdensome Application Process

The CON process demands that healthcare providers navigate a labyrinth of paperwork and regulations. Consider these steps:

1. Letter of Intent:

- Providers must submit a Letter of Intent 10 days before the full application.
- Every detail in the final application—capital costs, service area, etc.—must match the letter exactly. Any discrepancies result in outright rejection.

2. The Application:

- Spanning over 150 pages, the application requires:
 - Detailed capital expenditure breakdowns.
 - Schematic drawings and precise construction timelines.
 - Staffing plans, financial audits, and service area maps.
- Format requirements include:
 - Submission in a three-ring binder with alphabetized tabs.
 - An unbound, unstapled duplicate copy.
- No digital submissions allowed.
- **And there is a filing fee that can be as much as \$30,000.**

**GENERAL APPLICATION
FOR
CERTIFICATE OF NEED REVIEW**

Favoring Incumbents Over Competition

One section highlights how the CON process shields existing providers from competition. Applicants must:

- Demonstrate the project's relationship to existing healthcare systems.
- Prove "need" by:
 - Calculating service demand using state-mandated formulas.
 - Providing maps and population estimates.
 - Listing existing providers and showing why their services are insufficient.

This structure heavily favors established players. New providers must ensure they won't challenge incumbents, prioritizing cooperation over competition. Even if community demand is evident, applicants must prove that the current system is causing "serious problems"—an impossibly high bar that entrenches the status quo.

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Section H
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SECTION H: RELATIONSHIP TO EXISTING HEALTH CARE SYSTEM

1. Describe the project's relationship to the existing health care system in the service area with regard to accessibility and continuity of services.
2. Describe how patients will experience serious problems in obtaining care of the type proposed in the absence of the proposed new service.
3. List and describe the nature of all working relationships and/or formal arrangements that have been made to assure shared and support services. Attach copies of all agreements or proposed agreements.

The Real Toll on Providers

A state legislator's 2023 experience illustrates the burden:

- **Eight CON applications** submitted, each over 150 pages long.
- **2,400 pages** printed and hand-delivered (two full copies per application).
- **18 months later**, still waiting for a decision.

Any misstep—missing reports, incomplete financial disclosures, or state filing errors—can derail the process entirely. A system intended to streamline healthcare access has instead created costly, time-consuming obstacles.

Source: <https://www.washingtonpost.com/business/2025/01/02/certificate-of-need-competition-health-care/>

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The Consequences:

1. Innovation is stifled.
2. Incumbents face little competition.
3. New providers are buried under administrative costs and delays.
4. Patients are left waiting for improved care.

Time to End CON

While providers struggle to expand and communities wait for better care, the CON process prioritizes bureaucracy over patients. This outdated, permission-based regulation serves entrenched interests, not public health.

Repealing West Virginia's CON process will:

- Encourage competition and innovation.
- Reduce administrative burdens on healthcare providers.
- Speed up access to better healthcare for patients.

WEST VIRGINIA DESERVES A MODERN HEALTHCARE SYSTEM THAT PUTS PATIENTS FIRST. IT'S TIME TO REPEAL CERTIFICATE OF NEED.



About the Cardinal Institute:

Mission

Founded in 2014, the Cardinal Institute for West Virginia Policy, Inc. is a 501c(3) non-profit dedicated to researching, developing, and communicating effective free-market public policies for West Virginia.

Vision - The West Virginia Miracle

The Cardinal Institute envisions an economic turnaround that will transform West Virginia into a beacon of prosperity and hope. For this miracle to occur, it must be built on four pillars: economic freedom, education freedom, worker freedom, and a culture of freedom encapsulated in the state's motto and founding ethos, *Montani Semper Liberi* — Mountaineers Are Always Free.

For more information, please visit our website: <https://cardinalinstitute.com/>

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