

Fellow Mountaineers,

The undersigned organizations believe that higher-quality, affordable health care is crucial to the well-being of all West Virginians. In West Virginia, outdated, centralized, and unnecessary Certificate-of-Need laws (CON) are standing in the way of keeping our families, friends, and neighbors healthy.

Under CON laws, our state's trusted health care providers cannot provide new health services in their communities without a permission slip from unelected government bureaucrats and, typically, their competitors. In states with CON laws, competitors of a healthcare provider seeking to offer more services to West Virginians are given the opportunity to object to the certificate application. This "competitors' veto" has no place in a free-market economy.

This might seem like a strange requirement for a state in which [53 of its 55 counties](#) suffer health care shortages.

A recent example of the failure of CON laws is the Hunt Club Urgent Care facility in Short Gap, West Virginia, which averaged around 30 visits per day. It treated patients who suffered from a range of emergency medical issues, including burns, bleeding, broken bones, infections, and animal bites.

For 28 years, the facility provided urgent care for community members in need. However, last year, [the state shut down the facility](#) because the Hunt Club was lacking a certificate-of-need.

The facility had applied for one, but a competitor objected – opening the Hunt Club up to months of hearings, rulings, and appeals. So, it withdrew the application rather than expose itself to an expensive, bureaucratic nightmare that it could not afford. Now, for folks who live near the Hunt Club facility and need immediate care, to reach the closest urgent care provider — the one which, incidentally, filed the objection to the Hunt Club's CON application — you'd need to drive approximately 20 extra miles. This is an unacceptable and potentially life-threatening delay for those who require urgent care.

CON laws fail at achieving their supposed ends so much that even the federal government repealed federal CON laws in 1987 because of their negative impact on Americans' health care. CON's failure is also why Governors around the country [suspended their state's CON requirements](#) to allow hospitals to quickly add new services to care for patients with COVID-19. These swift emergency actions saved countless lives.

In West Virginia, the 5th most extensively regulated CON state, research demonstrates that CON laws have the following negative impacts on the state's and nation's healthcare system:

- Per-capita healthcare spending is \$232 higher
- 11.6 fewer rural hospitals and 25.6 fewer total hospitals

- 1,461 fewer MRI machines and 5,524 fewer CT scanners
- On average, citizens in states with CON laws must drive further to obtain health care
- On average, states with CON laws have 14 percent fewer ambulatory surgery centers

In sum, certificate-of-need laws resemble something more akin to Soviet-style central planning with disastrous and potentially deadly results.

Sincerely,

