

WASHINGTON STATE MEDICAL ASSOCIATION  
HOUSE OF DELEGATES

Resolution: B-18  
(A-20)

Subject: Permanent Repeal of Certificate of Need Regulations

Introduced by: Charles Peterson, II, MD, Alternate Delegate  
King County Medical Society

Referred to: Reference Committee B

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1 WHEREAS, Certificate of Need (CoN) statutes are a holdover from a 1974 federal law that was  
2 repealed in 1984; and

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4 WHEREAS, Washington State has retained the CoN statute while most states have not; and

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6 WHEREAS, evidence strongly suggests that health outcomes are worse in states that have  
7 retained CoN statutes than those that did not;<sup>1</sup> and

8  
9 WHEREAS, states with CoN statutes have more limited access to care particularly in rural  
10 areas;<sup>2</sup> and

11  
12 WHEREAS, states with CoN statutes have fewer beds per capita than states without, which  
13 limits their ability to respond to emergencies such as the COVID-19 pandemic; and

14  
15 WHEREAS, Governor Inslee's temporary suspension of CoN restrictions following the ban on  
16 elective procedures was a tacit acknowledgement that existing limitations on the number and  
17 utilization of health care facilities served to undermine Washington State's preparedness to deal  
18 with the pandemic, and future crises that would potentially require mobilization of health care  
19 resources; THEREFORE BE IT

20  
21 RESOLVED, that the Washington State Medical Association advocate for permanent repeal of  
22 Certificate of Need requirements as they apply to construction and utilization of healthcare  
23 facilities such as ambulatory surgery centers.

Fiscal Note: None

HOUSE ACTION: ADOPTED \_\_\_\_\_ ADOPTED AS AMENDED \_\_\_\_\_  
FILED \_\_\_\_\_ REFERRED \_\_\_\_\_ NOT ADOPTED \_\_\_\_\_

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<sup>1</sup> Bailey J. The Effect of Certificate of Need Laws on All-Cause Mortality. Health Serv Res. 2018 Feb;53(1):49-62.

<sup>2</sup> <https://thehill.com/opinion/healthcare/470316-cancer-therapy-dispute-highlights-need-to-repeal-con-laws>. Accessed April 7, 2020