

MAR 04 2025

SENATE CONCURRENT RESOLUTION

REQUESTING THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY AND DEPARTMENT OF HEALTH TO HOLD A PUBLIC MEETING FOR ALL CERTIFICATE OF NEED APPLICATIONS FOR ANY PROPOSED SPECIAL TREATMENT FACILITY IN NEIGHBORHOODS WITH COMMUNITY ASSOCIATIONS.

1 WHEREAS, a certificate of need is an authorization issued
2 by the State Health Planning and Development Agency, which is
3 administratively attached to the Department of Health, to
4 construct, expand, alter, or convert certain health care
5 facilities or to initiate, expand, develop, or modify certain
6 health care services; and

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8 WHEREAS, an application for a certificate of need generally
9 goes through an administrative review or standard review
10 process; and

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12 WHEREAS, a certificate of need application may be subject
13 to the administrative review process if the application meets
14 certain criteria, including but not limited to:

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16 (1) Bed or service changes that have a capital expense of
17 \$1,000,000 or less, and have an increased annual
18 operating expense of less than \$500,000;

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20 (2) An acquisition of a health care facility or service
21 which will result in a lower annual operating expense;
22 and

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24 (3) Any proposal that will not have a significant impact
25 on the health care system; and

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27 WHEREAS, certificate of need applications that do not fall
28 under the administrative review process, emergency situations,
29 or unusual circumstances, will be subject to the standard review
30 process; and



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2 WHEREAS, the standard review process requires at least one
3 public meeting, during which any person may present written or
4 oral arguments and evidence relevant to the application and any
5 person directly affected by the application may conduct
6 reasonable questioning of persons who make factual allegations
7 relevant to the application; and
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9 WHEREAS, unlike the standard review process, the
10 administrative review process does not require a public meeting
11 for the application, unless the State Health Planning and
12 Development Agency receives a written request from interested
13 persons; and
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15 WHEREAS, certificate of need applications for certain
16 special treatment facilities have been approved without a public
17 meeting; and
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19 WHEREAS, uninformed neighbors, community associations, and
20 area neighborhood boards have expressed frustration at the
21 inability to offer public input on certain special treatment
22 facilities in their neighborhoods applying for a certificate of
23 need; and
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25 WHEREAS, pursuant to Hawaii's Sunshine Law, it is the
26 policy of the State that the formation and conduct of public
27 policy, including the discussions, deliberations, decisions, and
28 action of government agencies, shall be conducted as openly as
29 possible; now, therefore,
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31 BE IT RESOLVED by the Senate of the Thirty-third
32 Legislature of the State of Hawaii, Regular Session of 2025, the
33 House of Representatives concurring, that the State Health
34 Planning and Development Agency and Department of Health are
35 requested to hold a public meeting for all certificate of need
36 applications for any proposed special treatment facility in
37 neighborhoods with community associations; and
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39 BE IT FURTHER RESOLVED that, in addition to the current
40 statutory requirements to obtain a certificate of need, the
41 State Health Planning and Development Agency is requested to
42 adopt rules to require certificate of need applicants to appear



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1 before the neighborhood board for the area where a proposed
2 special treatment facility is located as part of the application
3 process; and

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5 BE IT FURTHER RESOLVED that certified copies of this
6 Concurrent Resolution be transmitted to the Director of Health
7 and Administrator of the State Health Planning and Development
8 Agency.

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OFFERED BY: _____

A handwritten signature in black ink, appearing to be "R. J. ...", is written over a horizontal line.