

HB 2355 -- Missouri Health Facilities Review Committee

Sponsor: Flook

This bill changes the laws regarding the Missouri Health Facilities Review Committee for the Certificate of Need Program. Currently, the committee is composed of two members of the Senate, two members of the House of Representatives, and five members appointed by the Governor. The bill changes the membership of the committee to:

- (1) One member who is professionally qualified in health insurance plan sales and administration;
- (2) One member who has professionally qualified experience in commercial development, financing, and lending;
- (3) Two members with a doctorate of philosophy in economics;
- (4) Two members who are professionally qualified as medical doctors or doctors of osteopathy, but who are not employees of a hospital or consultants to a hospital;
- (5) Two members who are professionally experienced in hospital administration, but are not employed by a hospital or as consultants to a hospital; and
- (6) One member who is a registered nurse, but who is not an employee of a hospital or a consultant to a hospital.

All members will be appointed by the Governor with the advice and consent of the Senate and serve a four-year term. No more than five members can be from the same political party.

For all hearings held by the committee, the bill:

- (1) Requires all testimony and other evidence taken during the hearings to be under oath and subject to the penalty of perjury;
- (2) Specifies that the committee can, upon a majority vote of the committee, subpoena witnesses and require the attendance of witnesses, the giving of testimony, and the production of records;
- (3) Prohibits all ex parte communications between members of the committee and any interested party or witness regarding the subject matter of the hearing at any time prior to, during, or after the hearing;
- (4) Requires any party opposing the issuance of a certificate of

need to show by clear and convincing evidence that the need does not exist or that the new facility will cause a substantial and continuing loss of medical services within the affected region or community;

(5) Specifies that all committee hearings will be governed by rules adopted by the committee but not be bound by the technical rules of evidence; and

(6) Authorizes the committee, upon a majority vote, to assess the costs of court reporting transcription or the issuance of subpoenas to one or both of the involved parties.