

A Vital Safeguard for West Virginia's Health Care System is the Certificate of Need Program

As debates rage about health care regulation, West Virginia's Certificate of Need (CON) law has come under increased scrutiny, but the reality is this program plays an important role in helping ensure access to care for all West Virginians. Critics argue that this program stifles competition and drives up costs. However, removing the CON program would devastate our state's delicate rural health care ecosystem and ultimately harm the very communities these critics claim to champion.

West Virginia's rugged geography and sparse population create unique health care challenges. Our rural hospitals operate on razor-thin margins, serving communities where every health care dollar matters. The CON law ensures these facilities remain viable by preventing unnecessary duplication of services that would drain limited resources and medical personnel from existing facilities.

Consider what happens without CON: large out-of-state health care corporations cherry-pick profitable services in populous areas, establishing facilities that cater to well-insured patients while ignoring rural communities. This leaves existing hospitals with a disproportionate share of government payers and more complex cases, while these corporations ship West Virginia dollars out of state. As these dollars leave West Virginia, so does the hospital's ability to support needed community services like emergency rooms, mental health and maternal care.

According to the Rural Health Research Gateway, from 2005 through 2022, 186 hospitals have closed and most have been in small rural areas, followed by large rural areas. Once a rural hospital closes, the impact ripples throughout the community – emergency response times increase, specialized care becomes harder to access, and local economies suffer. And most importantly, lifesaving care is now hours away which truly could mean life or death for our family, friends and neighbors.

Critics often point to free market principles, but health care is not a typical market. When emergencies strike, patients cannot shop around for the best deal. Rural communities need stable, accessible health care facilities that provide comprehensive services – not a patchwork of specialty centers that prioritize profit over public health. Further, the health care system in West Virginia is not a free market as 75 percent of the payments to West Virginia hospitals, for example, are set by government (PEIA, Medicare and Medicaid), below the cost of care. This payer mix, which is one of the worst in the country, results in a limited supply of services and presents challenges to health care provider recruitment.

West Virginia's CON law also promotes strategic health care planning. By requiring providers to demonstrate genuine community need before expanding services, we ensure health care resources are distributed efficiently across our state. This process encourages collaboration between facilities and helps maintain essential services in underserved areas.

Furthermore, the law protects quality of care. When health care services are fragmented among too many providers, none achieve the volume necessary to maintain expertise in complex procedures. CON requirements help concentrate services where they can be delivered most effectively and safely.



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The solution is not to dismantle CON but to work together to promote innovation while protecting essential health care services.

As we navigate health care transformation, we must remember that West Virginia's health care challenges require West Virginia solutions. Our CON law represents a careful balance between competition and stability, between innovation and preservation of essential services. Dismantling the CON program would jeopardize access to care for our most vulnerable citizens.

The choice before us is not between regulation and freedom – it is between thoughtful oversight and health care chaos. Let us preserve our CON law, ensuring all West Virginians maintain access to quality health care, regardless of where they live.

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