

Fellow Mountaineers,

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 Sadly, in West Virginia, outdated, centralized, and unnecessary Certificate-of-Need laws (CON) are standing in the way of keeping our families, friends, and neighbors healthy.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

In states with CON laws, competitors to 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. Imagine if Pepsi and Coca-Cola could decide whether Dr. Pepper can place a new vending machine in a given area. It makes no sense.

This might seem like a strange requirement for a state where 54 of its 55 counties suffer health care shortages. However, unfortunately, our state still has CON laws on the books.

CON laws fail at achieving their supposed ends so much that even the federal government repealed federal CON laws in 1987 because of their negative impact on Americans' health care.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 add new services to care for patients with COVID-19 quickly. 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
- 2,424 fewer hospital beds
- 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 central planning and a needless barrier to healthcare access and innovation with disastrous and potentially deadly results. West Virginia should follow the lead of states who have repealed their harmful certificate-of-need laws without delay.

Sincerely,

