

May 1, 2020

Via: dsheth@ij.org

Via: bfallon@ij.org

Darpana Sheth
Senior Attorney
Institute for Justice
901 North Glebe Road, Suite 900
Arlington, VA 22203

Brooke Fallon
Associate Director
Institute for Justice
901 North Glebe Road, Suite 900
Arlington, VA 22203

Re: Certificate of Need Waivers during COVID-19 Pandemic

Dear Ms. Sheth and Ms. Fallon:

I am responding to the letter to Mayor Bowser dated May 1, 2020 requesting that the District's certificate of need (CON) requirements be lifted during the COVID-19 pandemic.

After Mayor Bowser declared both a public emergency and a public health emergency, the Department of Health has provided temporary CON exemptions to health care facilities to increase capacity within 24-48 hours after complete CON exemption requests were submitted. These CON exemptions are based on submissions from health care facilities on how they can quickly expand their capacities.

I (Director of the Department of Health) have reviewed each request and issued a declaration, pursuant to D.C. Official Code § 44-407(b)(10), that the health care facility be exempt from the CON requirements for the period of the public health emergency (plus thirty additional days after the end of the public health emergency to allow a transition back to normal). Upon issuance of my declarations, Terri Thompson (Interim Director of the State Health Planning and Development Agency) issued the temporary CON for each the applicant. No requests have been denied.

The process for applying for and processing requests for temporary CON exemptions will continue as long as the public health emergency is in place.

Sincerely,



LaQuandra S. Nesbitt
Director

cc: Muriel Bowser
John Falcicchio
Karl A. Racine