A certificate of need (CON) generally refers to a certificate given by a governmental body authorizing a health care provider or organization to construct new or expanded health care facilities, change bed capacity, or expand covered clinical services. It is often an affirmative finding that a proposed project meets specified criteria. CON programs were intended to hold down costs associated with the development or expansion of health care facilities. Previously, the federal government required every state to have a CON program but this requirement has been lifted. Some states have maintained their programs, while others have either eliminated or modified them. This survey identifies statutes pertaining to when a CON is required and the requirements for obtaining a CON. A CON may also be referred to as a “determination of need,” “certificate of necessity,” or “certificate of public review.”

**Alabama**

AL ST § 22-4-3 State Board of Health designated as State Health Planning and Development Agency; powers and duties generally
AL ST § 22-4-8 Statewide Health Coordinating Council -- Functions
AL ST § 22-4-13 Preparation, review and revision of State Medical Facilities Plan
AL ST § 22-21-260 Definitions
AL ST § 22-21-261 Legislative findings; purpose of article
AL ST § 22-21-263 New institutional health services subject to review
AL ST § 22-21-264 Criteria for state agency review
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AL ST § 22-21-265.1 Certificates of need -- No legislative intent to ratify illegal actions or false information of applicants, agents, etc
AL ST § 22-21-265.2 Certificates of need -- Legislative intent reiterated
AL ST § 22-21-265.3 Certificates of need -- All-digital, automated hospital exempt from review process
AL ST § 22-21-266 Certificates of need -- Required findings for inpatient facilities
AL ST § 22-21-267 Certificates of need -- Application for certificate or modification thereto and extensions thereof, Et seq.
AL ST § 22-21-336 Transfer of funds and assets to authority
AL ST § 22-21-341 Reincorporation of existing corporations
AL ST § 27-21A-23 Statutory construction and relationship to other laws
AL ST § 31-5A-11 Certification process, Et seq.

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AK ST § 18.07.021 Administration
AK ST § 18.07.031 Certificate of need required; relocations
AK ST § 18.07.035 Application and fees
AK ST § 18.07.041 Standard of review for applications for certificates of need relating to non-nursing home beds and services
AK ST § 18.07.043 Standard of review for applications for certificates of need relating to nursing homes, nursing home beds, and residential psychiatric treatment centers
AK ST § 18.07.045 Time standards for review of applications for certificates of need
AK ST § 18.07.051 Terms of issuance of the certificate
AK ST § 18.07.061 Modification and termination of activities
AK ST § 18.07.071 Temporary and emergency certificates
AK ST § 18.07.081 Proceedings for modification, suspension, and revocation
AK ST § 18.07.091 Injunctive relief; penalties; right of action
AK ST § 18.07.101 Regulations
AK ST § 18.07.111 Definitions
AK ST § 18.26.220 Facility compliance with health and safety laws and licensing requirements
AK ST § 21.86.030 Powers of a health maintenance organization
AK ST § 47.80.140 Licensing and certificates of need

Arizona
AZ ST § 36-2202 Duties of the director; qualifications of medical director
AZ ST § 36-2232 Director; powers and duties; regulation of ambulance services; inspections; response time compliance
AZ ST § 36-2233 Certificate of necessity to operate an ambulance service; termination; exceptions; service areas
AZ ST § 36-2234 Hearings; waiver of hearing; emergency action; judicial review
AZ ST § 36-2235 Terms of certificates of necessity; initial term; renewal
AZ ST § 36-2236 Nature of certificates of necessity; transfer; suspension; service area
AZ ST § 36-2237 Required insurance, financial responsibility or bond; revocation for failure to comply
AZ ST § 36-2238 Termination of service under certificate of necessity
AZ ST § 36-2239 Rates or charges of ambulance service
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AZ ST § 36-2241 Required records; inspection by the department, Et seq.

Arkansas
AR ST § 20-7-117 State Hospice Office
AR ST § 20-7-308 Repealer
AR ST § 20-8-101 Definitions
AR ST § 20-8-103 Health Services Permit Commission--Powers and duties
AR ST § 20-8-104 Health Services Permit Agency--Powers and duties
AR ST § 20-8-106 Health Services Program--Permits generally.
AR ST § 20-8-107 Health facilities; expansion or construction
AR ST § 20-8-109 Approval of new projects--Repeal of Acts 1975, Act 558, s 5--Transfer of duties
AR ST § 20-8-113 Findings
AR ST § 20-9-218 Hospital emergency services facilities generally
AR ST § 20-10-103 Head injury rehabilitation facilities
AR ST § 20-10-105 Residential care facility--Ineligibility for reimbursement--Exclusions
AR ST § 20-10-813 Transfer of licenses and permits upon dissolution
AR ST § 20-10-1704 Assisted living program
AR ST § 20-10-1707 Licensure
AR ST § 20-10-1709 Permit of approval
AR ST § 20-81-105 Veterans' Home established

California
CA HLTH & S § 1205.5 Chronic dialysis or surgical clinics; certificate of need; exemptions
CA HLTH & S § 1250.1 Regulations defining bed classifications for health facilities
CA HLTH & S § 1250.8 Single consolidated general acute care hospital license; criteria; location of supplemental service and category of beds; requirements; transfer approval and regulations; facility; Medi-Cal program; report; application of amendments; authorized actions; facilities located more than 15 miles from health facility
CA HLTH & S § 1251.3 Conversion of licensure category to acute psychiatric hospital without certificate of need; conditions
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CA HLTH & S § 1253.1 Skilled nursing facilities; intermediate care facilities; intermediate care for developmentally disabled; exemptions from certificate of need or change in licensure or bed classifications; conditions; change of ownership
CA HLTH & S § 1254 Health facilities; inspection and licensing; separate license for provision of basic services; exemptions
CA HLTH & S § 1268 License or permit; issuance; denial
CA HLTH & S § 1271.1 Voluntary suspension of licensed bed capacity
CA HLTH & S § 1339.8 Swing beds; review and approval of number that may be designated; certificate of need; approval of projects
CA HLTH & S § 127145 Approval of plan; advice to state department; data from public agencies; review of applications for certificate of need
CA HLTH & S § 127150 Regulations; provision suspension; legislative intent; agreement prohibition
CA HLTH & S § 127165 Applications; criteria for decisions
CA HLTH & S § 127170 Projects requiring certificate of need; definitions
CA HLTH & S § 127175 Projects not previously subject to review; certificate of exemption
CA HLTH & S § 127180 Freestanding skilled nursing facility; conversion to chemical dependency recovery hospital; certificate of exemption
CA HLTH & S § 127185 Additional exemption; chemical dependency recovery hospitals
CA HLTH & S § 127190 Facilities providing free care to indigents; exemption; certificate of need
CA HLTH & S § 127195 Projects for freestanding outpatient surgery units performing only cataract surgery under Medi-Cal program or programs providing services covered by prepaid health care; exemptions from certificate-of-need requirement
CA HLTH & S § 127200 Certificates of need; criteria; financial impact evaluation; applications by health maintenance organizations; establishment of procedures
CA HLTH & S § 127210 Certificate of need applications; form and contents
CA HLTH & S § 127215 Fees; inclusion with application for certificate of need
CA HLTH & S § 127220 Determination of completeness of application; notice of incompleteness; additional information or request for review notwithstanding incompleteness; amendment or withdrawal; public record
CA HLTH & S § 127225 Notice of intent to apply for certificate of need; failure to notify
CA HLTH & S § 127230 Transmittal of application to area health planning agency; review and comment at public hearing
CA HLTH & S § 127235 Approval or hearing; decision
CA HLTH & S § 127240 Discretionary informal hearing; procedure; conclusion; final decision; notice
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CA HLTH & S § 127295 Loss of federal funding
CA HLTH & S § 127300 Suspension of requirement to apply for certificate of need or certificates of exemption
CA HLTH & S § 127350 Mission statement of hospital; assessment of community needs; community benefits plan
CA WEL & INST § 14087.6 Provision of services by contracting county; subcontracts; basis for payment; preference for use of existing resources
CA WEL & INST § 14105.6 Health facility failing to obtain certificate of need; payments to be withheld or terminated

Colorado
None

Connecticut
CT ST § 4-101a Office of Policy and Management grants, technical assistance or consultation service to nongovernmental acute care general hospitals
CT ST § 10a-256 Hospital Insurance Fund. Exemption from certain provisions of chapter 368z
CT ST § 12-412 Exemptions
CT ST § 17b-28c Application for a federal waiver for pilot program based on principles of national Program of All-Inclusive Care for the Elderly (PACE)
CT ST § 17b-238 State payments to hospitals
CT ST § 17b-340 Rates of payment to nursing homes, chronic disease hospitals associated with chronic and convalescent homes, rest homes with nursing supervision, residential care homes and residential facilities for the mentally retarded
CT ST § 17b-352 Certificate of need for nursing home facilities; transfer of ownership or control; introduction of additional function or service; termination or decrease of service. Notice to Office of the Long-Term Care Ombudsman. Notice and public hearing requirements. Regulations
CT ST § 17b-353 Certificate of need; capital expenditure or acquisition of major medical equipment. Hearings. Regulations
CT ST § 17b-355 Certificate of need for capital expenditures; transfer of ownership or control; criteria
CT ST § 19a-486a Sale of nonprofit hospitals: Certificate of need determination letter. Application for approval
CT ST § 19a-486b Sale of nonprofit hospitals: Approval by commissioner and Attorney General
CT ST § 19a-486d Sale of nonprofit hospitals: Disapproval by commissioner. Powers of commissioner
CT ST § 19a-638 Certificate of need. When required and not required. Request for office determination. Policies, procedures and regulations
CT ST § 19a-639 Certificate of need guidelines and principles
CT ST § 19a-639a Certificate of need application process. Issuance of decision. Public hearings. Policies, procedures and regulations
CT ST § 19a-639b Certificate of Need. Exemption for nonprofit institutions; application
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DE ST TI § 9302 Definitions
DE ST TI § 9303 Delaware Health Resources Board
DE ST TI § 9304 Activities subject to review
DE ST TI § 9305 Procedures for review
DE ST TI § 9306 Review considerations
DE ST TI § 9307 Period of effectiveness of Certificate of Public Review
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DE ST TI § 9309 Surrender, revocation and transfer of Certificate of Public Review
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District of Columbia
DC CODE § 44-110.12 Certificate of Need
DC CODE § 44-401 Definitions
DC CODE § 44-402 State Health Planning and Development Agency; establishment and responsibilities
DC CODE § 44-403 Statewide Health Coordinating Council; establishment and responsibilities
DC CODE § 44-404 Health systems plan; development, publication, updating, and implementation
DC CODE § 44-405 Reporting, analysis, and publication of utilization, financial, and other health-related data; regulations, reporting periods, format, and forms
DC CODE § 44-406 Certificate of need requirements
DC CODE § 44-407 Activities exempt from certificate of need review
DC CODE § 44-408 Activities subject to expedited administrative certificate of need reviews
DC CODE § 44-409 Adoption of procedures and criteria for review by the SHPDA governing application and review
DC CODE § 44-410 Criteria for review and required findings, Et seq.
DC CODE § 44-503 Authority of Mayor
DC CODE § 44-605 Mandatory condition precedent

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FL ST § 20.42 Agency for Health Care Administration
FL ST § 154.205 Definitions
FL ST § 154.213 Agreements of lease
FL ST § 154.219 Revenue bonds
FL ST § 154.245 Agency for Health Care Administration certificate of need required as a condition to bond validation and project construction
FL ST § 189.415 Special district public facilities report
FL ST § 395.1055 Rules and enforcement
FL ST § 395.6025 Rural hospital replacement facilities
FL ST § 395.603 Deactivation of general hospital beds; rural hospital impact statement
FL ST § 395.605 Emergency care hospitals
FL ST § 400.071 Application for license
FL ST § 400.602 Licensure required; prohibited acts; exemptions; display, transferability of license
FL ST § 400.606 License; application; renewal; conditional license or permit; certificate of need
FL ST § 400.6085 Contractual services
FL ST § 408.032 Definitions relating to Health Facility and Services Development Act
FL ST § 408.033 Local and state health planning
FL ST § 408.034 Duties and responsibilities of agency; rules
FL ST § 408.035 Review criteria
FL ST § 408.036 Projects subject to review; exemptions
FL ST § 408.0361 Cardiology services and burn unit licensure
FL ST § 408.037 Application content
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FL ST § 408.806 License application process
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FL ST § 651.118 Agency for Health Care Administration; certificates of need; sheltered beds; community beds

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GA ST § 31-6-21 Department of Community Health authorized to administer certificate of need program
GA ST § 31-6-21.1 Adoption, promulgation, and implementation of rules
GA ST § 31-6-40 Certificate of need required
GA ST § 31-6-40.1 Notification of acquisition of facility; limitations upon times when applications for certificates of need may be made; determination and notification; conditions for grant of certificate; penalties
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GA ST § 31-6-48 State Health Planning and Development Agency, State-wide Health Coordinating Council, and State Health Planning Review Board abolished and successors named
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Hawaii
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HI ST § 323D-12 Health planning and development functions; state agency
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HI ST § 323D-45 Subarea council, review panel, and statewide council recommendations for issuance or denial of certificates of need
HI ST § 323D-45.1 Ex parte contacts prohibited
HI ST § 323D-45.3 Approval of applications required to meet safety, licensure, or accreditation standards
HI ST § 323D-46 Conditional certification
HI ST § 323D-73 Notice; procedures
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Idaho
None

Illinois
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IL ST CH 20 § 3960/1 Short title
IL ST CH 20 § 3960/2 Purpose of Act
IL ST CH 20 § 3960/3 Definitions
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IL ST CH 20 § 3960/5 Construction, modification or establishment of health care facilities or acquisition of major medical equipment; permits or exemptions
IL ST CH 20 § 3960/5.1 Health care facility alternative health care model; permit
IL ST CH 20 § 3960/5.1a Permit required for freestanding emergency centers
IL ST CH 20 § 3960/5.2 Permits; establishment, construction or modification of facility for outpatient surgical procedures by out-of-state entities
IL ST CH 20 § 3960/5.3 Annual report of capital expenditures
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IL ST CH 20 § 3960/6 Application for permit or exemption; exemption regulations, Et seq.
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IL ST CH 210 § 40/2 Definitions
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Indiana
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IN ST 16-29-4-3 Recommendation of preliminary approval of proposed project; condition
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IA ST § 135.62 Department to administer division--health facilities council established--appointments--powers and duties
IA ST § 135.63 Certificate of need required--exclusions
IA ST § 135.64 Criteria for evaluation of applications
IA ST § 135.65 Letter of intent to precede application--review and comment
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IA ST § 135.67 Summary review procedure
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IA ST § 135.69 Council to make final decision
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IA ST § 135.72 Authority to adopt rules
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IA ST § 231C.3 Certification of assisted living programs

Kansas
KS ST 65-452 Same; exceptions

Kentucky
KY ST § 13B.020 Application of chapter; exemptions
KY ST § 194A.010 Cabinet for Health and Family Services; functions
KY ST § 194A.030 Major organizational units of cabinet
KY ST § 205.634 Payments prohibited to out-of-state health facility providing services without required certificate of need; nonreimbursement of out-of-state providers of residential care for children; exception; administrative regulations
KY ST § 211.184 Enforcement of KRS 211.182 by cabinet and secretary of the Cabinet for Health and Family Services
KY ST § 216.361 Services and facilities that a hospital may offer in counties contiguous to its hospital district
KY ST § 216.380 Critical access hospitals; designation by secretary; licensure; required and authorized services; staffing requirements; medicaid reimbursement
KY ST § 216.577 Action of secretary against facility for failure to correct a violation
KY ST § 216.885 Requirement of licensing for PPEC center
KY ST § 216.905 Network license required
KY ST § 216.935 Definitions for KRS 216.935 to 216.939
KY ST § 216B.010 Legislative findings and purposes
KY ST § 216B.015 Definitions for chapter
KY ST § 216B.020 Certificate of need; exemptions; requirements for issuance of certificate of need
KY ST § 216B.025 Commission of Health Economics Control in Kentucky
KY ST § 216B.035 Administrative staff assistance; records; oaths
KY ST § 216B.040 Functions of cabinet in administering chapter; regulatory authority
KY ST § 216B.042 Licenses; authority to enter upon premises; authority for administrative regulations
KY ST § 216B.0445 Outpatient health facility operated by hospital; licensure; certificate of need
KY ST § 216B.061 Actions requiring certificates of need; prohibitions against dividing projects to evade expenditure minimums and against ex parte contacts; ambulatory surgical centers
KY ST § 216B.0615 Prohibition against transferring a certificate of need; penalty
KY ST § 216B.062 Timetable for submission of application for certificate of need to be established by administrative regulation; review procedure
KY ST § 216B.065 Notification of intent to acquire facility or equipment; conditions requiring a certificate of need for acquisition
KY ST § 216B.066 Cabinet to be notified prior to acquiring certain major medical equipment, a health service is offered, or a capital expenditure is made or obligated; certificate of need may be required
KY ST § 216B.071 Long-term care facilities for patients with Alzheimer's disease exempt from certificate of need
KY ST § 216B.085 Hearing procedures; notification of cabinet's decisions; appeals
KY ST § 216B.086 Revocation of certificate of need; hearings; prohibition against ex parte contacts
KY ST § 216B.090 Reconsideration of cabinet's decisions
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KY ST § 216B.332 Requirements for certificate of compliance; assessment of residents in nursing home beds; limitations upon admission to nursing home beds, move-out notice and alternative living arrangements; certificate of need not required to provide home health services to on-campus residents
KY ST § 216B.339 Monitoring of establishment of nursing home beds; collection of data; secretary's report to General Assembly
KY ST § 216B.455 Certificate-of-need requirement for psychiatric residential treatment facilities; licensure; certification; restriction on location; restriction on number of beds; services for specialized populations
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KY ST § 304.17-312 Definitions
KY ST § 304.17-313 Individual health insurers to offer home health care coverage; conditions
KY ST § 304.17-317 Ambulatory surgical centers, coverage
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KY ST § 304.18-037 Group or blanket health insurers to offer home health care coverage to master policyholder; conditions
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KY ST § 304.38-020 Purpose
KY ST § 304.38-040 Establishment of health maintenance organizations
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KY ST § 304.48-030 Groups covered; compliance by existing groups by July 15, 1995
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KY ST § 311.760 Minimum standards for performance of abortion
KY ST § 311A.030 Administrative regulations relating to ambulance services, first-response providers, and emergency medical services training institutions
KY ST § 311A.035 Functions of chapter to be carried out by board
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Louisiana
LA R.S. 40:2009.1 Rules and regulations; nursing home advisory committee
LA R.S. 40:2109 Rules, regulations, and minimum standards
LA R.S. 40:2115.11 Requirement for approval of hospital acquisitions
LA R.S. 40:2115.17 Criteria for decision; attorney general
LA R.S. 40:2115.18 Additional criteria for decision; attorney general
LA R.S. 40:2116 Facility need review

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ME ST T. 22 § 327 Declaration of findings and purposes
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ME ST T. 22 § 1849 Effect of filing an application under this chapter; applicability
ME ST T. 22 § 2061 Procedure before issuance of bonds
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ME ST T. 24-A § 6203 Requirements for issuance of certificate
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ME ST T. 24-A § 6951 Maine Quality Forum
ME ST T. 35-A § 10122 Health care facility program
ME ST T. 37-B § 610 Support and maintenance fund, Et seq.

Maryland
MD HEALTH GEN § 2-105 Policies and standards
MD HEALTH GEN § 2-401 Duties of agency; funding
MD HEALTH GEN § 19-114 Definitions
MD HEALTH GEN § 19-116 Study of systems capacity in health services
MD HEALTH GEN § 19-118 State health plan; contents, review
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MD HEALTH GEN § 19-122 Certificate of need not required for domiciliary care projects
MD HEALTH GEN § 19-123 Continuing care communities; certificate of need exemption
MD HEALTH GEN § 19-124 Continuing care communities; comprehensive care nursing bed admissions
MD HEALTH GEN § 19-125 Ambulatory care facility certificate of need
MD HEALTH GEN § 19-126 Notice by Commission of certificate of need filing
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MD HEALTH GEN § 19-128 Appeal of decision
MD HEALTH GEN § 19-319 Qualifications
MD HEALTH GEN § 19-3A-07 Freestanding medical facility pilot project
MD HEALTH GEN § 19-3B-04 Application for license
MD HEALTH GEN § 19-404 Rules and regulations
MD HEALTH GEN § 19-4A-05 Qualifications for license
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MA ST 12C § 19 Review and comment upon capital expenditure projects requiring determination of need under Sec. 25C of chapter 111
MA ST 111 § 25B Definitions
MA ST 111 § 25C Determination of need
MA ST 111 § 25C ½ Exemption from determination of need of projects related to inpatient services
MA ST 111 § 25D Financing; notice of intent; necessity of application for determination of need; acceptance of gifts; governmental bodies as applicant; report
MA ST 111 § 25E Administrative appeal; hearing; decision; judicial review
MA ST 111 § 51 Hospitals, institutions for unwed mothers, or clinics; licensing
MA ST 111 § 71 Licensing of convalescent and nursing homes, infirmaries, etc
MA ST 176G § 12 Health regulations not limited

Michigan
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MI ST 325.2004 Definitions
MI ST 331.77 Certificate of need
MI ST 333.2612 Center for rural health; establishment of nonprofit corporation, purpose, board, internal management committee
MI ST 333.20143 Applicants for license or certificate; compliance with certificate of need requirements
MI ST 333.20145 Construction, additions, modernizations, or conversions of health facility or agency; construction permit; submission of information and plans; waiver; fees
MI ST 333.20161 Fees and assessments for health facility and agency licenses and certificates of need; use of funds; quality assurance assessment
MI ST 333.20164 Licenses or certifications; operative period; transfer
MI ST 333.20165 Denial, limitation, suspension or revocation of license or certification; grounds
MI ST 333.20166 Notice of intent to deny, limit, suspend or revoke license or certification; hearing; determination
MI ST 333.21420 Exemption from license and certificate of need fees
MI ST 333.21551 Rural community hospitals; application for temporary delicensure of beds; extension form, contents; relicensure; permanent delicensure; definitions
MI ST 333.22201 Meaning of words and phrases; principles of construction
MI ST 333.22203 Definitions; commencing with "a" through "f"
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MI ST 333.22207 Definitions; commencing with "m" to "s"
MI ST 333.22208 Definitions; terms commencing "t"
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MI ST 333.22210 Hospital certificates of need; extended care services programs
MI ST 333.22211 Certificate of need commission, establishment; membership; contracts; standards of conduct; lobbying
MI ST 333.22213 Certificate of need commission, establishment; membership; contracts; standards of conduct; lobbying
MI ST 333.22215 Commission; duties; hearings; certificate of need, review standards, fees, Et seq.
MI ST 333.26324 Redesignation of medical services administration and community public health agency; transfer of powers and duties of various boards and commissions to department of community health; community health advisory council, establishment
MI ST 550.1401 Offering of health care benefits; general powers, rights, duties, and prohibitions
MI ST 550.1414a Treatment for substance abuse; contracting providers; demonstration projects for care to adolescent patients

Minnesota
MN ST § 144.551 Hospital construction moratorium
MN ST § 144.553 Alternative approval process
MN ST § 252.291 Limitation on determination of need

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