

Puerto Rico Department of Health Relaxes Certificate of Need and Convenience Requirements for Hospitals Seeking to Add Patient Beds During the COVID-19 Crisis

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PRACTICE AREAS

- Health Care

An McV Health Care Alert

March 30, 2020

On March 24, 2020, the Secretary of Health issued Administrative Order No. 427 ("AO 427") to relax certain Certificate of Need and Convenience (CON) requirements and expedite the issuance of CONs for hospitals seeking to add beds for patients with COVID-19.

Pursuant to AO 427, hospitals that need to increase the number of patient beds during the COVID-19 emergency period may apply for a CON by filing with the Department of Health (i) an explanatory letter; (ii) a copy of the most recent CON issued to the facility; (iii) a copy of the hospital's operational license; (iv) a certificate of good standing issued by the Puerto Rico Department of State, and (v) a certificate of corporate resolutions. Hospitals will not need to submit a feasibility report nor subject themselves to the public hearing ordinarily required in CON proceedings.

Once the COVID-19 emergency period ends, if the hospital desires to maintain the beds added by virtue of AO 427, it must comply with the ordinary CON application process, which includes filing a feasibility report that evidences the need for the beds in the applicable area of service and participating in a public hearing.

AO 427 became effective March 24, 2020.

If you have any questions or need assistance with AO 427, please contact any of the McV Emergency Task Force attorneys listed below. They are working remotely and can be reached by email or by phone.

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