

The CON Game: Certificate of Need Laws Hurt Ga. Healthcare Costs, Choice

ATLANTA, GEORGIA, UNITED STATES, May 25, 2021 /EINPresswire.com/ -- By Matt Bolch, Investigative Journalist for the Georgia Public Policy Foundation

Physicians Hugo Ribot Jr. and Malcolm Barfield fought Georgia's certificate of need law all the way to the state Supreme Court, but the CON won.

"Basically, the Supreme Court punted," Ribot, co-owner of The Georgia Advanced Surgery Center for Women, says of the 2017 decision.

"From what I could tell from their comments — because we attended [the hearing] — they politically punted and said this was a matter the Legislature should decide. I thought it was a weaselly avoidance of something we thought was constitutionally valid."

Their battle began in 2015, when the ambulatory surgery center (ASC) applied for a certificate of need to add a second operating room and allow OB/GYNs from other practices to operate there. Three months after the state denied the CON, and supported by the Goldwater Institute free-market advocacy group, the physicians sued the state then appealed the subsequent denial to the state Supreme Court.

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Georgia's CON law requires providers "to obtain permission before they open or expand their practices or purchase certain devices or new technologies. Applicants must prove that the community 'needs' the new or expanded service, and existing providers are invited to challenge would-be competitors' applications."

Other providers can object to a hospital expansion, a new

home health agency, new CT scanners or nearly two dozen other categories of healthcare



services — and they nearly always do. This delays projects and creates mounds of paperwork and hefty attorney fees. In 2019, the Legislature mandated a 35-mile radius in which where providers can object, but lawmakers continue to ignore the higher healthcare costs in states with CON laws versus those without. In Georgia, the healthcare spending difference equates to an additional \$187 per person, with 45% of that being direct physician costs.

“Sadly, it wasn’t a question about quality of care, which is higher, or infection rates and costs, both of which are drastically lower,” Ribot says of their denied expansion. “It’s all about lobbying and who’s the strongest lobby, which of course are hospital lobbyists.”

Simply put, Georgians pay more for healthcare, receive lower-quality care, and are denied freedom of choice because of CON regulations.

READ MORE AT ['The CON Game.'](#)

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