

CHAPTER 16: INTERMEDIATE CARE FACILITIES FOR INDIVIDUALS WITH INTELLECTUAL DISABILITIES

Proposed Language Revision to State Medical Facilities Plan

Current Language (2021 SMFP, Page 302):

The SMFP does not have a methodology to project the need for additional ICF/IID beds. Entities may only develop ICF/IID beds by transferring existing beds from state developmental centers. To develop new beds (in an existing or new facility) applicants must obtain a certificate of need pursuant to Policy ICF/IID -5 in Chapter 4 of the SMFP.

Proposed Language:

The SMFP does not have a methodology to project the need for additional ICF/IID beds. A summer petition is required to place a need determination in the upcoming SMFP to develop new beds. A need determination is not required to transfer beds from state developmental centers. However, it is necessary to obtain a certificate of need pursuant to Policy ICF/IID -5 in Chapter 4 of the SMFP to transfer beds from a state developmental center.

Rationale:

For quite a few years, it has been assumed that there is a moratorium on the development of new ICF/IID beds. In light of the assumed moratorium, the SMFP language states that beds in the community can only be developed by transferring them from state developmental centers. (Beds transferred from state facilities are not new beds.)

However, after researching the issue, it has become clear that no moratorium exists. There are directives in place that strongly discourage the development of new beds, but there is no statutory or policy-based prohibition. Therefore, we need to change the language to reflect the correct situation.

Having said that, no new ICF/IID beds have been proposed since the early-mid 1990s. New facilities have been developed, but their beds were relocated from existing community-based facilities or state developmental centers. The purpose of the language change is to reflect the accurate situation; we do not expect that it will change any requests from providers nor lead to additional CON applications.

The last CON application was received in 2018; the provider was approved to replace an existing facility. From 2013 to 2016, CON typically received no more than one application per year. Between 2009 and 2012, CON received no applications pertaining to ICF/IID beds.