

# Certificate of Need and Licensure for Facilities and Services

## Overview

While every industry has its growing pains, health care often has more onerous obstacles than other fields. Health care providers who own or manage facilities or services located in 36 states, including Kentucky, are subject to Certificate of Need (CON) laws. Our team helps such health care providers understand and comply with any necessary CON obligations so that they may build bigger health care institutions offering new services.

CON laws generally require a health care entity to obtain a CON prior to establishing a new facility or service, making a “substantial change” to an existing health facility or service, adding beds or surgical suites, obligating capital expenditures, or making major medical equipment expenditures over a certain amount.

Our lawyers are familiar with how the complex statutory schemes involved in CON work, which generally provide for comparative hearings between applicants with competing claims.

Our services related to CON laws and licensure for facilities and services include:

- Developmental planning, including an initial advisory opinion to determine necessity of obtaining a CON
- Guidance through the CON application process
- Preparation of CON applications
- Representation of providers during review of their CON applications
- Appearing before administrative tribunals supporting and/or opposing applicants
- Post-hearing representation during appellate proceedings
- Assistance through any CON review process
- Advice with respect to physician exemptions from any CON requirements
- Assistance with advocating for any changes to the statutory framework at the legislative level

## Your Key Contacts

### United States



**Daniel E. Fisher**  
Partner, Louisville  
D+1 502 587 3620  
[daniel.fisher@dentons.com](mailto:daniel.fisher@dentons.com)



**Kimberly Kerry**  
Partner, San Francisco/Oakland  
D+1 415 882 0147  
[kimberly.kerry@dentons.com](mailto:kimberly.kerry@dentons.com)