

# CERTIFICATE OF NEED RESEARCH CONFERENCE

June 2nd-3rd, 2023



Morgantown, West Virginia  
Reynolds Hall

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## CONFERENCE HOST:



## WEBSITE:



## CONFERENCE LOCATION:

**Morgantown, West Virginia**  
**John Chambers College of  
Business & Economics**  
**Reynolds Hall**







# CONFERENCE INTRODUCTION

Thank you all for participating in this conference. It is fantastic to welcome you all to Morgantown to see the Knee Center's new home in Reynolds Hall.

Beginning with this academic year, certificate of need is now one of the three areas of emphasis for the Knee Center. We hope that by bringing the top scholars in this area to Morgantown we can both improve existing research and also brainstorm new research ideas for the future.

As most of you already know, the Knee Center prides itself in bridging the gap between academic research and policy. We were fortunate to have the opportunity to partner with the Pacific Legal Foundation for this event and include some opportunity for dialogue between researchers and policymakers.

I look forward to talking with all of you while you are here!

Warm regards,

*Ed Timmons*

Ed Timmons







# PACIFIC LEGAL FOUNDATION

**PLF has been successfully challenging CON laws in the moving industry for over a decade.**

- The moving industry can provide a quick route to entrepreneurship and employment. A person needs only grit, insurance, and a truck to get started.
- But many states' licensing laws have made this endeavor impossible, preventing would-be entrepreneurs from starting businesses. By stopping new business enterprises from starting, the government deprives people of jobs.
- PLF has pursued cases leading to legislative or executive repeals in four states and a federal court opinion striking down a Kentucky competitor's veto law as a violation of the constitutional right to earn an honest living.

**Learn more:**





# PACIFIC LEGAL FOUNDATION

## **Competitor's veto laws are also prevalent in the medical industry, where the consequences are the most severe.**

- CON laws limit the number of providers and keep prices artificially high. A 2017 study from the Mercatus Center found that Certificate of Need states have 30% fewer hospitals per 100,000 residents than states without such restrictions.
- Competition among providers is vital to containing cost and ensuring that there is enough supply for people to get the care they need.
- PLF has expanded its litigation to challenging CON laws in healthcare. We now represent a non-emergency ambulance service in Kentucky and a social worker in Louisiana who wants to provide respite care to families with special needs children.
- During the coronavirus pandemic, PLF has asked state governors and legislators to suspend or repeal CON laws, which are especially problematic when medical providers must respond quickly to changing circumstances.



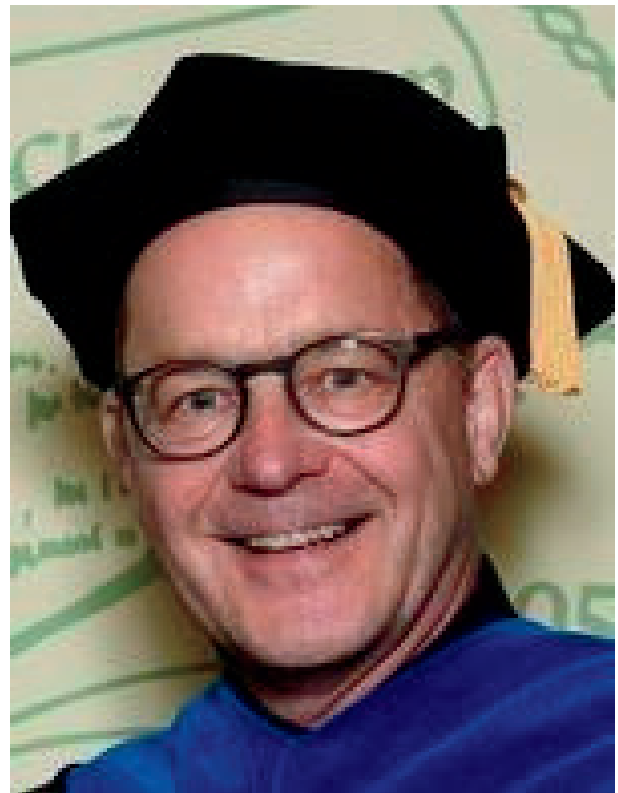
# KEYNOTE SPEAKER

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## THOMAS STRATMANN

### LOBBYING FOR CONS: POLITICAL INFLUENCE AND CON APPROVALS

Thomas Stratmann has a Ph.D in economics from the University of Maryland and is currently University Professor of Economics and Law at George Mason University. He has written on topics of political economy and health economics and has published in journals such as the American Economic Review, the American Journal of Political Science, the American Political Science Review, the Journal of Political Economy, the Journal of Law and Economics, and the Review of Economics and Statistics.





# CERTIFICATE OF NEED RESEARCH CONFERENCE

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**Reynolds Hall**

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FRIDAY • 6-02-2023

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**Welcome/Introduction**

**4:30 PM - 4:45 PM**

Reynolds Hall - REH 6201

**Paper Session 1**

**4:45 PM - 5:15 PM**

Certificate-of-Need Laws in Health Care:  
A Comprehensive Review of the Literature

**Matthew Mitchell**

**Paper Session 2**

**5:15 PM - 5:45 PM**

Certificate of Need and the Labor Market

**James Bailey**

**BREAK**

**5:45 PM - 6:00 PM**

Move to Esbenshade Auditorium

**Keynote Session (*Esbenshade Auditorium*)**

**6:00 PM - 7:00 PM**

Keynote Speaker:

**Thomas Stratmann**

Lobbying for CONs:  
Political Influence and CON Approvals

**Break to Dinner**

**7:00 PM - 7:30 PM**

**Dinner**

**7:30 PM**

*Oliverio's Ristorante on the Wharf*

# CERTIFICATE OF NEED RESEARCH CONFERENCE

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SATURDAY • 6-03-2023

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<b>Breakfast</b> Reynolds Hall - REH 6201	<b>7:30 AM - 8:30 AM</b>
<b>Paper Session 3</b> CON Laws and Misallocation in Healthcare Labor Market <b>Moiz Bhai</b>	<b>8:30 AM - 9:00 AM</b>
<b>Paper Session 4</b> Why are Nursing Homes so Heavily Regulated? The Effects of Nursing Homes Certificate of Need Laws <b>Vitor Melo</b>	<b>9:00 AM - 9:30 AM</b>
<b>BREAK</b>	<b>9:30 AM - 9:45 AM</b>
<b>Paper Session 5</b> Impacts of Certificate of Need State Laws on Substance Use Treatment Facilities and Services <b>Shishir Shayka</b>	<b>9:45 AM - 10:15 AM</b>
<b>Paper Session 6</b> Permission to Care: An Analysis of Certificate-of-Need Application Data in Seven States <b>Thomas Kimbrell</b>	<b>10:15 AM - 10:45 AM</b>
<b>BREAK</b>	<b>10:45 AM - 11:00 AM</b>
<b>Paper Session 7</b> Impact of Psychiatric Substance Abuse CON Laws on Deaths of Despair <b>Agnitra Roy Choudhury</b>	<b>11:00 AM - 11:30AM</b>
<b>Hospitality Break</b>	<b>11:30 AM - 12:00 PM</b>
<b>Working Lunch</b> <i>Introduction Remarks:</i> Milan Puskar Dean - <b>Joshua Hall</b> <i>Pacific Legal Foundation Panel Discussion</i>	<b>12:00 PM - 1:00 PM</b>
<b>Paper Session 8</b> Special Interest Group Theory & CON Laws: Evidence from lobby expenditures <b>Conor Norris</b>	<b>1:00 PM - 1:30 PM</b>
<b>Paper Session 9</b> The Political Economy of CON Law Boards <b>Sriparna Ghosh</b>	<b>1:30 PM - 2:00 PM</b>
<b>Closing Remarks</b>	<b>2:00 PM - 2:15 PM</b>

# PACIFIC LEGAL FOUNDATION PANEL DISCUSSION

The research presented at this conference will add to the growing body of CON scholarship, which can also have a powerful effect on public policy reform and public interest litigation. At this afternoon's working lunch, panelists will discuss how CON research has been used in both legislative reform efforts and public interest litigation to eliminate or overturn pernicious barrier to occupational opportunities.



## Joshua Polk

Joshua is a litigator with the Pacific Legal Foundation. He specializes in multiple legal areas, including property rights and economic opportunity. He has represented several entrepreneurs challenging certificate of need laws across the United States, including ongoing litigation in Kentucky and Georgia.



## Del. Chris Pritt

Del. Chris Pritt represents the 53rd district in the West Virginia House of Delegates. He is the deputy majority whip, sponsor or co-sponsor of many CON bills, and was an outspoken advocate and supporter of SB 613, a bill signed into law this year by Gov. Justice that reformed CON laws relating to birthing centers and hospital services in the state. He and his wife Kelly are attorneys and partners with Pritt & Pritt, PLLC, which operates in Charleston, WV.



## Jessi Troyan

Jessi is director of policy and research at the Cardinal Institute for West Virginia Policy. She was raised in Pinch, WV. She graduated from West Virginia University in 2011 with a BA in economics and a minor in Spanish, George Mason University with an MA in economics in 2013, and recently completed her PhD in economics from George Mason University.



## Edward Timmons

Dr. Edward Timmons is a Service Associate Professor of Economics and Director of the Knee Center for the Study of Occupational Regulation at the John Chambers School of Business and Economics at West Virginia University. He is a Senior Affiliated Scholar at the Mercatus Center and a Senior Research Fellow with the Archbridge Institute.



# RESEARCH PRESENTERS



**Matthew Mitchell**  
West Virginia University



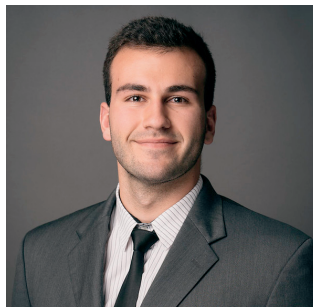
**James Bailey**  
Providence College



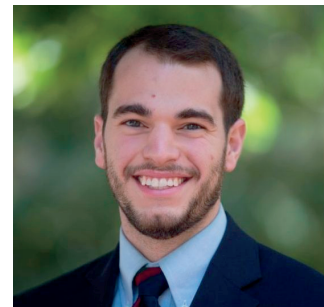
**Agnitra Roy  
Choudhury**  
Auburn University  
at Montgomery



**Moiz Bhai**  
University of Arkansas  
Little Rock



**Vitor Melo**  
Clemson University



**Conor Norris**  
West Virginia University



**Shishir Shakya**  
Shippensburg University



**Thomas Kimbrell**  
Americans For Prosperity  
Foundation



**Sriparna Ghosh**  
University of Cincinnati



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**NONPARTISAN RESEARCH CENTER.**