

CERTIFICATE-OF-NEED LAWS



WISCONSIN STATE PROFILE

Certificate-of-need (CON) laws require healthcare 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. CON laws have persisted in spite of mounting evidence from health economists, regulatory economists, and antitrust lawyers showing that these laws fail to achieve their intended goals.



HEALTHCARE SERVICES THAT REQUIRE A CON IN WISCONSIN AS OF JANUARY 2020

Cap on Hospital Beds
(Acute, General Licensed,
Med-Surg, etc.)*

Cap on Intermediate Care
Facilities (ICFs) for Individuals
with Intellectual Disabilities

Cap on New Hospitals or
Hospital-Sized Investments

Cap on Nursing Home Beds/
Long-Term Care Beds
Cap on Psychiatric Services

* Wisconsin's hospital bed cap is set at a sufficiently high level that it is not binding and is not expected to bind for several decades.

When a state caps a service, it sets a numerical limit on the number of such services that may exist in the state. While a cap is not the same thing as a CON, we include these because they may have similar effects.