

Advancing Health Care Access: Tennessee's CON Law Overhaul

Tennessee legislators have made significant progress in reforming the burdensome certificate of need (CON) requirements for establishing new health care facilities and services in Tennessee. Tennessee's CON law has historically required approval by the state before entities initiate or expand specific types of facilities and services — the list of which was extensive. On April 23, 2024, lawmakers passed legislation (HB 2269) eliminating the need for the state's prior approval for certain services and encouraging access to care. The law also requires the Health Facilities Commission to create a plan of study of the impact of CON reform and facilities licensure in the health care industry for at least six years — significantly increasing the chance of further reforms in years to come.

What services and facility types are impacted by the current legislation?

The new law eliminates CON requirements for the following:

- Certain new hospital emergency room
- Ambulatory surgical treatment centers
- Intellectual disability institutional habilitation facility
- MRI
- PET
- Long-term care hospital
- Linear accelerator
- Open heart surgery

When do the changes go into effect?

The law staggers the effective date of reforms based on the type of health service.

- On **July 1, 2025**, a CON will no longer be required by a hospital that wishes to establish a satellite emergency department facility at a location within 10 miles of the hospital's main campus if the satellite facility is at least 10 miles away from any actively licensed acute care hospital or satellite emergency department facility.
- On **December 1, 2025**, a CON will no longer be required for MRI or PET services. A license from the Health Facilities Commission will be required to establish or conduct such services. Proof of accreditation by the American College of Radiology is required to establish or conduct PET.
- On **December 1, 2027**, a CON will no longer be required for ambulatory surgical treatment centers, linear accelerator procedures, and long-term care hospitals. A license from the Health Facilities Commission will be required to operate a linear accelerator.
- On **December 1, 2029**, a CON will no longer be required for open heart surgery.

If you plan to initiate new health services and have questions regarding this new law, please contact [Cathy Dorvil](#) or your relationship attorney for more information.