HOUSE BILL NO. 513

AN ACT TO AMEND SECTION 43-13-145, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE ASSESSMENT ON NURSING HOMES SHALL BE LEVIED ONLY ON BEDS THAT ARE CERTIFIED FOR PARTICIPATION IN THE MEDICAID PROGRAM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 43-13-145, Mississippi Code of 1972, is amended as follows:

43-13-145. (1) Upon each nursing facility licensed by the State of Mississippi and each intermediate care facility for the mentally retarded licensed by the State of Mississippi, there is levied an assessment in an amount set by the division not exceeding Two Dollars ($2.00) per day, or fraction thereof, for each patient in a licensed bed of the facility that is certified for participation in the Medicaid program. The division may apply for a waiver from the U.S. Secretary of Health and Human Services to exempt nonprofit, public, charitable or religious facilities from the assessment levied under this subsection, and if a waiver is granted, such facilities shall be exempt from any assessment levied under this subsection after the date that the division receives notice that the waiver has been granted.

(2) The assessment levied under this section shall be collected by the division each quarter beginning on July 1, 1992, and shall be based on data for the quarter ending three (3) months before the date the assessments are to be collected.

(3) All assessments collected under this section shall be deposited in the Medical Care Fund created by Section 43-13-143.

(4) The assessment levied under this section shall be in addition to any other assessments, taxes or fees levied by law.
The assessment levied under this section shall constitute a debt due the State of Mississippi from the time the assessment is due until it is paid. If any facility liable for payment of such assessment does not pay the assessment when it is due, the division shall give written notice to the facility demanding payment of the assessment within ten (10) days from the date of delivery of the notice. Such notice shall be sent by certified or registered mail or delivered to the facility by an agent of the division. If any facility liable for the assessment fails or refuses to pay it after receiving the notice and demand, the division may withhold the Medicaid reimbursement payments that are otherwise scheduled to be made to the facility from the time the assessment is due until it is paid by the facility.

SECTION 2. This act shall take effect and be in force from and after July 1, 2002.