

By: Representative Snowden

To: Public Health and Welfare

HOUSE BILL NO. 1000

1 AN ACT TO AMEND SECTION 43-13-145, MISSISSIPPI CODE OF 1972,
2 TO DIRECT THE DIVISION OF MEDICAID TO APPLY FOR A WAIVER FROM
3 ASSESSMENT LEVIED ON CERTAIN HEALTH CARE FACILITIES, UPON THE
4 WRITTEN REQUEST OF ANY NONPROFIT, PUBLIC, CHARITABLE OR RELIGIOUS
5 FACILITY; AND FOR RELATED PURPOSES.

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

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

9 43-13-145. (1) (a) Upon each nursing facility and each
10 intermediate care facility for the mentally retarded licensed by
11 the State of Mississippi, there is levied an assessment in the
12 amount of Three Dollars (\$3.00) per day for each licensed and/or
13 certified bed of the facility. The division promptly shall apply
14 for a waiver from the United States Secretary of Health and Human
15 Services to exempt nonprofit, public, charitable or religious
16 facilities from the assessment levied under this subsection, upon
17 the written request of any such nonprofit, public, charitable or
18 religious facilities, and if a waiver is granted, those facilities
19 shall be exempt from any assessment levied under this subsection
20 after the date that the division receives notice that the waiver
21 has been granted.

22 (b) A nursing facility or intermediate care facility
23 for the mentally retarded is exempt from the assessment levied
24 under this subsection if the facility is operated under the
25 direction and control of:

26 (i) The United States Veterans Administration or
27 other agency or department of the United States government;

28 (ii) The State Veterans Affairs Board;



29 (iii) The University of Mississippi Medical
30 Center; or

31 (iv) A state agency or a state facility that
32 either provides its own state match through intergovernmental
33 transfer or certification of funds to the division.

34 (2) (a) Upon each psychiatric residential treatment
35 facility licensed by the State of Mississippi, there is levied an
36 assessment in the amount of Three Dollars (\$3.00) per day for each
37 licensed and/or certified bed of the facility.

38 (b) A psychiatric residential treatment facility is
39 exempt from the assessment levied under this subsection if the
40 facility is operated under the direction and control of:

41 (i) The United States Veterans Administration or
42 other agency or department of the United States government;

43 (ii) The University of Mississippi Medical Center;

44 (iii) A state agency or a state facility that
45 either provides its own state match through intergovernmental
46 transfer or certification of funds to the division.

47 (3) (a) Upon each hospital licensed by the State of
48 Mississippi, there is levied an assessment in the amount of One
49 Dollar and Fifty Cents (\$1.50) per day for each licensed inpatient
50 acute care bed of the hospital.

51 (b) A hospital is exempt from the assessment levied
52 under this subsection if the hospital is operated under the
53 direction and control of:

54 (i) The United States Veterans Administration or
55 other agency or department of the United States government;

56 (ii) The University of Mississippi Medical Center;

57 or

58 (iii) A state agency or a state facility that
59 either provides its own state match through intergovernmental
60 transfer or certification of funds to the division.



61 (4) Each health care facility that is subject to the
62 provisions of this section shall keep and preserve such suitable
63 books and records as may be necessary to determine the amount of
64 assessment for which it is liable under this section. The books
65 and records shall be kept and preserved for a period of not less
66 than five (5) years, and those books and records shall be open for
67 examination during business hours by the division, the State Tax
68 Commission, the Office of the Attorney General and the State
69 Department of Health.

70 (5) The assessment levied under this section shall be
71 collected by the division each month beginning on April 12, 2002.

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

74 (7) The assessment levied under this section shall be in
75 addition to any other assessments, taxes or fees levied by law,
76 and the assessment shall constitute a debt due the State of
77 Mississippi from the time the assessment is due until it is paid.

78 (8) (a) If a health care facility that is liable for
79 payment of the assessment levied under this section does not pay
80 the assessment when it is due, the division shall give written
81 notice to the health care facility by certified or registered mail
82 demanding payment of the assessment within ten (10) days from the
83 date of delivery of the notice. If the health care facility
84 fails or refuses to pay the assessment after receiving the notice
85 and demand from the division, the division shall withhold from any
86 Medicaid reimbursement payments that are due to the health care
87 facility the amount of the unpaid assessment and a penalty of ten
88 percent (10%) of the amount of the assessment, plus the legal rate
89 of interest until the assessment is paid in full. If the health
90 care facility does not participate in the Medicaid program, the
91 division shall turn over to the Office of the Attorney General the
92 collection of the unpaid assessment by civil action. In any such
93 civil action, the Office of the Attorney General shall collect the



94 amount of the unpaid assessment and a penalty of ten percent (10%)
95 of the amount of the assessment, plus the legal rate of interest
96 until the assessment is paid in full.

97 (b) As an additional or alternative method for
98 collecting unpaid assessments under this section, if a health care
99 facility fails or refuses to pay the assessment after receiving
100 notice and demand from the division, the division may file a
101 notice of a tax lien with the circuit clerk of the county in which
102 the health care facility is located, for the amount of the unpaid
103 assessment and a penalty of ten percent (10%) of the amount of the
104 assessment, plus the legal rate of interest until the assessment
105 is paid in full. Immediately upon receipt of notice of the tax
106 lien for the assessment, the circuit clerk shall enter the notice
107 of the tax lien as a judgment upon the judgment roll and show in
108 the appropriate columns the name of the health care facility as
109 judgment debtor, the name of the division as judgment creditor,
110 the amount of the unpaid assessment, and the date and time or
111 enrollment. The judgment shall be valid as against mortgagees,
112 pledgees, entrusters, purchasers, judgment creditors and other
113 persons from the time of filing with the clerk. The amount of the
114 judgment shall be a debt due the State of Mississippi and remain a
115 lien upon the tangible property of the health care facility until
116 the judgment is satisfied. The judgment shall be the equivalent
117 of any enrolled judgment of a court of record and shall serve as
118 authority for the issuance of writs of execution, writs of
119 attachment or other remedial writs.

120 **SECTION 2.** This act shall take effect and be in force from
121 and after July 1, 2003.

