

*****Adopted*****

AMENDMENT No. 1 TO AMENDMENT No. 1 PROPOSED TO

House Bill NO. 897

By Senator(s) Chaney

1 **AMEND by striking lines 1986 through 2273 and substituting**
2 **the following in lieu thereof:**

3 (3) The State Department of Health may grant approval for
4 and issue certificates of need to any person proposing the new
5 construction of, addition to, conversion of beds of or expansion
6 of any health care facility defined in subparagraph (x)
7 (psychiatric residential treatment facility) of Section
8 41-7-173(h). The total number of beds which may be authorized by
9 such certificates of need shall not exceed three hundred
10 thirty-four (334) beds for the entire state.

11 (a) Of the total number of beds authorized under this
12 subsection, the department shall issue a certificate of need to a
13 privately-owned psychiatric residential treatment facility in
14 Simpson County for the conversion of sixteen (16) intermediate
15 care facility for the mentally retarded (ICF-MR) beds to
16 psychiatric residential treatment facility beds, provided that
17 facility agrees in writing that the facility shall give priority
18 for the use of those sixteen (16) beds to Mississippi residents
19 who are presently being treated in out-of-state facilities.

20 (b) The certificate of need issued under authority of
21 this paragraph (b) is hereby rescinded, and any certificate of
22 need issued under authority of this paragraph (b) shall be void
23 and of no effect. * * *

24 * * *

25 (c) Of the total number of beds authorized under this
26 subsection, the department shall issue a certificate of need to a
27 hospital currently operating Medicaid-certified acute psychiatric
28 beds for adolescents in DeSoto County, for the establishment of a
29 forty-bed psychiatric residential treatment facility in DeSoto
30 County, provided that the hospital agrees in writing (i) that the
31 hospital shall give priority for the use of those forty (40) beds
32 to Mississippi residents who are presently being treated in
33 out-of-state facilities, and (ii) that no more than fifteen (15)
34 of the beds at the psychiatric residential treatment facility will
35 be certified for participation in the Medicaid program (Section
36 43-13-101 et seq.), and that no claim will be submitted for
37 Medicaid reimbursement for more than fifteen (15) patients in the
38 psychiatric residential treatment facility in any day or for any
39 patient in the psychiatric residential treatment facility who is
40 in a bed that is not Medicaid-certified. This written agreement
41 by the recipient of the certificate of need shall be a condition
42 of the issuance of the certificate of need under this paragraph,
43 and the agreement shall be fully binding on any subsequent owner
44 of the psychiatric residential treatment facility if the ownership
45 of the facility is transferred at any time after the issuance of
46 the certificate of need. After this written agreement is
47 executed, the Division of Medicaid and the State Department of
48 Health shall not certify more than fifteen (15) of the beds in the
49 psychiatric residential treatment facility for participation in
50 the Medicaid program. If the psychiatric residential treatment
51 facility violates the terms of the written agreement by admitting
52 or keeping in the facility on a regular or continuing basis more
53 than fifteen (15) patients who are participating in the Medicaid
54 program, the State Department of Health shall revoke the license
55 of the facility, at the time that the department determines, after
56 a hearing complying with due process, that the facility has
57 violated the condition upon which the certificate of need was
58 issued, as provided in this paragraph and in the written

59 agreement.

60 (d) Of the total number of beds authorized under this
61 subsection, the department may issue a certificate or certificates
62 of need for the construction or expansion of psychiatric
63 residential treatment facility beds or the conversion of other
64 beds to psychiatric treatment facility beds, not to exceed thirty
65 (30) psychiatric residential treatment facility beds, in either
66 Alcorn, Tishomingo, Prentiss, Lee, Itawamba, Monroe, Chickasaw,
67 Pontotoc, Calhoun, Lafayette, Union, Benton or Tippah County.

68 (e) Of the total number of beds authorized under this
69 subsection (3) the department shall issue a certificate of need to
70 a privately-owned, nonprofit psychiatric residential treatment
71 facility in Hinds County for an eight-bed expansion of the
72 facility, provided that the facility agrees in writing that the
73 facility shall give priority for the use of those eight (8) beds
74 to Mississippi residents who are presently being treated in
75 out-of-state facilities.

76 (f) The department shall issue a certificate of need to
77 a one-hundred-thirty-four-bed specialty hospital located on
78 twenty-nine and forty-four one-hundredths (29.44) commercial acres
79 at 5900 Highway 39 North in Meridian (Lauderdale County),
80 Mississippi, for the addition, construction or expansion of
81 child/adolescent psychiatric residential treatment facility beds
82 in Lauderdale County. As a condition of issuance of the
83 certificate of need under this paragraph, the facility shall give
84 priority in admissions to the child/adolescent psychiatric
85 residential treatment facility beds authorized under this
86 paragraph to patients who otherwise would require out-of-state
87 placement. The Division of Medicaid, in conjunction with the
88 Department of Human Services, shall furnish the facility a list of
89 all out-of-state patients on a quarterly basis. Furthermore,
90 notice shall also be provided to the parent, custodial parent or
91 guardian of each out-of-state patient notifying them of the
92 priority status granted by this paragraph. For purposes of this
93 paragraph, the provisions of Section 41-7-193(1) requiring

94 substantial compliance with the projection of need as reported in
95 the current State Health Plan are waived. The total number of
96 child/adolescent psychiatric residential treatment facility beds
97 that may be authorized under the authority of this paragraph shall
98 be sixty (60) beds. There shall be no prohibition or restrictions
99 on participation in the Medicaid program (Section 43-13-101 et
100 seq.) for the person receiving the certificate of need authorized
101 under this paragraph or for the beds converted pursuant to the
102 authority of that certificate of need.

103 (g) Of the total number of beds authorized under this
104 subsection, the department shall, immediately upon passage of this
105 House Bill No. 897, 2003 Regular Session, issue a certificate of
106 need for the construction or expansion of psychiatric residential
107 treatment facility beds or the conversion of other beds to
108 psychiatric residential treatment facility beds in Warren County,
109 not to exceed sixty (60) psychiatric residential treatment
110 facility beds, provided that the facility agrees in writing that
111 no more than thirty (30) of the beds at the psychiatric
112 residential treatment facility will be certified for participation
113 in the Medicaid program (Section 43-13-101 et seq.) for the use of
114 any patients other than those who are participating only in the
115 Medicaid program of another state, and that no claim will be
116 submitted to the Division of Medicaid for Medicaid reimbursement
117 for more than thirty (30) patients in the psychiatric residential
118 treatment facility in any day or for any patient in the
119 psychiatric residential treatment facility who is in a bed that is
120 not Medicaid-certified. This written agreement by the recipient
121 of the certificate of need shall be a condition of the issuance of
122 the certificate of need under this paragraph, and the agreement
123 shall be fully binding on any subsequent owner of the psychiatric
124 residential treatment facility if the ownership of the facility is
125 transferred at any time after the issuance of the certificate of
126 need. After this written agreement is executed, the Division of
127 Medicaid and the State Department of Health shall not certify more
128 than thirty (30) of the beds in the psychiatric residential

129 treatment facility for participation in the Medicaid program for
130 the use of any patients other than those who are participating
131 only in the Medicaid program of another state. If the psychiatric
132 residential treatment facility violates the terms of the written
133 agreement by admitting or keeping in the facility on a regular or
134 continuing basis more than thirty (30) patients who are
135 participating in the Mississippi Medicaid program, the State
136 Department of Health shall revoke the license of the facility, at
137 the time that the department determines, after a hearing complying
138 with due process, that the facility has violated the condition
139 upon which the certificate of need was issued, as provided in this
140 paragraph and in the written agreement.

141 (4) (a) From and after July 1, 1993, the department shall
142 not issue a certificate of need to any person for the new
143 construction of any hospital, psychiatric hospital or chemical
144 dependency hospital that will contain any child/adolescent
145 psychiatric or child/adolescent chemical dependency beds, or for
146 the conversion of any other health care facility to a hospital,
147 psychiatric hospital or chemical dependency hospital that will
148 contain any child/adolescent psychiatric or child/adolescent
149 chemical dependency beds, or for the addition of any
150 child/adolescent psychiatric or child/adolescent chemical
151 dependency beds in any hospital, psychiatric hospital or chemical
152 dependency hospital, or for the conversion of any beds of another
153 category in any hospital, psychiatric hospital or chemical
154 dependency hospital to child/adolescent psychiatric or
155 child/adolescent chemical dependency beds, except as hereinafter
156 authorized:

157 (i) The department may issue certificates of need
158 to any person for any purpose described in this subsection,
159 provided that the hospital, psychiatric hospital or chemical
160 dependency hospital does not participate in the Medicaid program
161 (Section 43-13-101 et seq.) at the time of the application for the
162 certificate of need and the owner of the hospital, psychiatric
163 hospital or chemical dependency hospital agrees in writing that

164 the hospital, psychiatric hospital or chemical dependency hospital
165 will not at any time participate in the Medicaid program or admit
166 or keep any patients who are participating in the Medicaid program
167 in the hospital, psychiatric hospital or chemical dependency
168 hospital. This written agreement by the recipient of the
169 certificate of need shall be fully binding on any subsequent owner
170 of the hospital, psychiatric hospital or chemical dependency
171 hospital, if the ownership of the facility is transferred at any
172 time after the issuance of the certificate of need. Agreement
173 that the hospital, psychiatric hospital or chemical dependency
174 hospital will not participate in the Medicaid program shall be a
175 condition of the issuance of a certificate of need to any person
176 under this subparagraph (a)(i), and if such hospital, psychiatric
177 hospital or chemical dependency hospital at any time after the
178 issuance of the certificate of need, regardless of the ownership
179 of the facility, participates in the Medicaid program or admits or
180 keeps any patients in the hospital, psychiatric hospital or
181 chemical dependency hospital who are participating in the Medicaid
182 program, the State Department of Health shall revoke the
183 certificate of need, if it is still outstanding, and shall deny or
184 revoke the license of the hospital, psychiatric hospital or
185 chemical dependency hospital, at the time that the department
186 determines, after a hearing complying with due process, that the
187 hospital, psychiatric hospital or chemical dependency hospital has
188 failed to comply with any of the conditions upon which the
189 certificate of need was issued, as provided in this subparagraph
190 and in the written agreement by the recipient of the certificate
191 of need.

192 (ii) The department may issue a certificate of
193 need for the conversion of existing beds in a county hospital in
194 Choctaw County from acute care beds to child/adolescent chemical
195 dependency beds. For purposes of this subparagraph, the
196 provisions of Section 41-7-193(1) requiring substantial compliance
197 with the projection of need as reported in the current State
198 Health Plan is waived. The total number of beds that may be

199 authorized under authority of this subparagraph shall not exceed
200 twenty (20) beds. There shall be no prohibition or restrictions
201 on participation in the Medicaid program (Section 43-13-101 et
202 seq.) for the hospital receiving the certificate of need
203 authorized under this subparagraph (a) (ii) or for the beds
204 converted pursuant to the authority of that certificate of need.

205 (iii) The certificate of need issued under
206 authority of this subparagraph (iii) is hereby rescinded, and any
207 certificate of need issued under authority of this subparagraph
208 (iii) shall be void and of no effect. * * *

209 * * *

210 (iv) The department shall issue a certificate of
211 need to the Region 7 Mental Health/Retardation Commission for the
212 construction or expansion of child/adolescent psychiatric beds or
213 the conversion of other beds to child/adolescent psychiatric beds
214 in any of the counties served by the commission. For purposes of
215 this subparagraph, the provisions of Section 41-7-193(1) requiring
216 substantial compliance with the projection of need as reported in
217 the current State Health Plan is waived. The total number of beds
218 that may be authorized under the authority of this subparagraph
219 shall not exceed twenty (20) beds. There shall be no prohibition
220 or restrictions on participation in the Medicaid program (Section
221 43-13-101 et seq.) for the person receiving the certificate of
222 need authorized under this subparagraph (a) (iv) or for the beds
223 converted pursuant to the authority of that certificate of need.

224 (v) The department may issue a certificate of need
225 to any county hospital located in Leflore County for the
226 construction or expansion of adult psychiatric beds or the
227 conversion of other beds to adult psychiatric beds, not to exceed
228 twenty (20) beds, provided that the recipient of the certificate
229 of need agrees in writing that the adult psychiatric beds will not
230 at any time be certified for participation in the Medicaid program
231 and that the hospital will not admit or keep any patients who are
232 participating in the Medicaid program in any of such adult
233 psychiatric beds. This written agreement by the recipient of the

234 certificate of need shall be fully binding on any subsequent owner
235 of the hospital if the ownership of the hospital is transferred at
236 any time after the issuance of the certificate of need. Agreement
237 that the adult psychiatric beds will not be certified for
238 participation in the Medicaid program shall be a condition of the
239 issuance of a certificate of need to any person under this
240 subparagraph (a)(v), and if such hospital at any time after the
241 issuance of the certificate of need, regardless of the ownership
242 of the hospital, has any of such adult psychiatric beds certified
243 for participation in the Medicaid program or admits or keeps any
244 Medicaid patients in such adult psychiatric beds, the State
245 Department of Health shall revoke the certificate of need, if it
246 is still outstanding, and shall deny or revoke the license of the
247 hospital at the time that the department determines, after a
248 hearing complying with due process, that the hospital has failed
249 to comply with any of the conditions upon which the certificate of
250 need was issued, as provided in this subparagraph and in the
251 written agreement by the recipient of the certificate of need.

252 (vi) The department may issue a certificate or
253 certificates of need for the expansion of child psychiatric beds
254 or the conversion of other beds to child psychiatric beds at the
255 University of Mississippi Medical Center. For purposes of this
256 subparagraph (a)(vi), the provision of Section 41-7-193(1)
257 requiring substantial compliance with the projection of need as
258 reported in the current State Health Plan is waived. The total
259 number of beds that may be authorized under the authority of this
260 subparagraph (a)(vi) shall not exceed fifteen (15) beds. There
261 shall be no prohibition or restrictions on participation in the
262 Medicaid program (Section 43-13-101 et seq.) for the hospital
263 receiving the certificate of need authorized under this
264 subparagraph (a)(vi) or for the beds converted pursuant to the
265 authority of that certificate of need.

266 (vii) The department shall, immediately upon
267 passage of this House Bill No. 897, 2003 Regular Session, issue a
268 certificate of need for the construction or expansion of

269 child/adolescent psychiatric beds or the conversion of other beds
270 to child/adolescent psychiatric beds in Warren County. For
271 purposes of this subparagraph, the provisions of Section
272 41-7-193(1) requiring substantial compliance with the projection
273 of need as reported in the current State Health Plan are waived.
274 The total number of beds that may be authorized under the
275 authority of this subparagraph shall not exceed twenty (20) beds.
276 There shall be no prohibition or restrictions on participation in
277 the Medicaid program (Section 43-13-101 et seq.) for the person
278 receiving the certificate of need authorized under this
279 subparagraph (a) (vii) or for the beds converted pursuant to the
280 authority of that certificate of need.

281 (b) From and after July 1, 1990, no hospital,
282 psychiatric hospital or chemical dependency hospital shall be
283 authorized to add any child/adolescent psychiatric or
284 child/adolescent chemical dependency beds or convert any beds of
285 another category to child/adolescent psychiatric or
286 child/adolescent chemical dependency beds without a certificate of
287 need under the authority of subsection (1)(c) of this section.

288 **FURTHER, amend the title amendment by inserting the following**
289 **after the semicolon on line 57:**

290 TO RESCIND A CERTAIN CERTIFICATE OF NEED AUTHORIZING PSYCHIATRIC
291 RESIDENTIAL TREATMENT FACILITY BEDS IN WARREN COUNTY AND TO
292 RESCIND A CERTAIN CERTIFICATE OF NEED AUTHORIZING CHILD/ADOLESCENT
293 PSYCHIATRIC BEDS IN WARREN COUNTY; TO DIRECT THE STATE DEPARTMENT
294 OF HEALTH TO ISSUE A NEW CERTIFICATE OF NEED AUTHORIZING
295 PSYCHIATRIC RESIDENTIAL TREATMENT FACILITY BEDS AND A NEW
296 CERTIFICATE OF NEED AUTHORIZING CHILD/ADOLESCENT PSYCHIATRIC BEDS
297 IN WARREN COUNTY;