

**Adopted  
AMENDMENT NO 2 TO COMMITTEE AMENDMENT NO 1 PROPOSED  
TO**

**Senate Bill No. 2859**

**BY: Representatives Woods, Franks**

1           **AMEND** by inserting the following new subsections (16) and  
2 (17) after line 1119 and renumbering the succeeding subsection:  
3           "(17) The State Department of Health shall issue a  
4 certificate of need for the construction of a new comprehensive  
5 general acute care hospital in Lee County, with not less than one  
6 hundred (100) nor more than two hundred and fifty (250) acute care  
7 beds. As a condition of the issuance of the certificate of need  
8 under this subsection, the recipient of the certificate of need  
9 must agree in writing to participate in all state and federal  
10 health care reimbursement programs, including, but not limited to,  
11 Medicare, Medicaid, CHAMPUS, CHIP, and to provide treatment to  
12 patients who are beneficiaries of the State and School Employees  
13 Health Insurance Program. This written agreement by the recipient  
14 of the certificate of need shall be fully binding on any later  
15 owner of the hospital, if the ownership of the hospital is  
16 transferred at any time after the issuance of the certificate of  
17 need. If, after the issuance of the certificate of need, the  
18 hospital fails to participate in the state and federal health care  
19 reimbursement programs as required under this subsection, the  
20 State Department of Health shall revoke the certificate of need,  
21 if it is still outstanding, and shall deny, suspend or revoke the  
22 license of the hospital, at the time that the department

23 determines, after a hearing complying with due process, that the  
24 hospital has failed to comply with the conditions upon which the  
25 certificate of need was issued, as provided in this subsection and  
26 in the written agreement by the recipient of the certificate of  
27 need. For purposes of this subsection, the provisions of Section  
28 41-7-193(1) requiring substantial compliance with the projection  
29 of need as reported in the current State Health Plan are waived.

30 (18) The State Department of Health shall issue a  
31 certificate of need for the construction of a new acute care  
32 hospital in the City of Olive Branch in DeSoto County, not to  
33 exceed one hundred fifty (150) acute care beds. For purposes of  
34 this subsection, the provisions of Section 41-7-193(1) requiring  
35 substantial compliance with the projection of need as reported in  
36 the current State Health Plan are waived."

37 **AMEND FURTHER** the title on line 6 by inserting the following  
38 after the semicolon:

39 "TO PROVIDE THAT THE STATE DEPARTMENT OF HEALTH SHALL ISSUE A  
40 CERTIFICATE OF NEED FOR THE CONSTRUCTION OF A NEW COMPREHENSIVE  
41 GENERAL ACUTE CARE HOSPITAL IN LEE COUNTY; TO PROVIDE THAT, AS A  
42 CONDITION OF THE ISSUANCE OF THE CERTIFICATE OF NEED, THE  
43 RECIPIENT OF THE CERTIFICATE OF NEED MUST AGREE IN WRITING TO  
44 PARTICIPATE IN ALL STATE AND FEDERAL HEALTH CARE REIMBURSEMENT  
45 PROGRAMS OR THE DEPARTMENT WILL SUSPEND OR REVOKE THE LICENSE OF  
46 THE HOSPITAL; TO PROVIDE THAT THE STATE DEPARTMENT OF HEALTH SHALL  
47 ISSUE A CERTIFICATE OF NEED FOR THE CONSTRUCTION OF A NEW ACUTE  
48 CARE HOSPITAL IN THE CITY OF OLIVE BRANCH IN DESOTO COUNTY;"