

**Adopted  
AMENDMENT NO 2 PROPOSED TO**

**Cmte Sub for Senate Bill No. 2859**

**BY: Senator(s) Bryan**

1           **AMEND** by deleting the language beginning after the comma on  
2 line 86 through the comma on line 102 and renumber the following  
3 subsections.

4           **FURTHER, AMEND** by inserting after line 1109 the following  
5 language:

6           (16) The State Department of Health shall issue any  
7 certificates of need necessary for Mississippi State University  
8 and a public or private health care provider to jointly acquire  
9 and operate a linear accelerator and a magnetic resonance imaging  
10 unit. Those certificates of need shall cover all capital  
11 expenditures related to the project between Mississippi State  
12 University and the health care provider, including, but not  
13 limited to, the acquisition of the linear accelerator, the  
14 magnetic resonance imaging unit and other radiological modalities;  
15 the offering of linear accelerator and magnetic resonance imaging  
16 services; and the cost of construction of facilities in which to  
17 locate these services. The linear accelerator and the magnetic  
18 resonance imaging unit shall be (a) located in the City of  
19 Starkville, Oktibbeha County, Mississippi; (b) operated jointly by  
20 Mississippi State University and the public or private health care  
21 provider selected by the Board of Trustees of State Institutions  
22 of Higher Learning through a request for proposals (RFP) process  
23 in which the Board of Trustees of State Institutions of Higher

24 Learning selects the health care provider that makes the best  
25 overall proposal; (c) available to Mississippi State University  
26 for research purposes two-thirds (2/3) of the time that the linear  
27 accelerator and magnetic resonance imaging unit are operational;  
28 and (d) available to the public or private health care provider  
29 selected by the Board of Trustees of State Institutions of Higher  
30 Learning one-third (1/3) of the time for clinical, diagnostic and  
31 treatment purposes. As a condition to the issuance of any of the  
32 certificate(s) of need under this subsection (16), the health care  
33 provider selected by the Board of Trustees of State Institutions  
34 of Higher Learning shall agree in writing (i) to participate in  
35 all state and federal health care reimbursement programs,  
36 including, but not limited to, Medicare, Medicaid, CHAMPUS, CHIP  
37 and (ii) to treat patients of whom at least one-third (1/3) are  
38 Medicaid beneficiaries and of whom one-third (1/3) are  
39 beneficiaries of the State and School Employees Health Insurance  
40 programs. For purposes of this subsection, the provisions of  
41 Section 41-7-193(1) requiring substantial compliance with the  
42 projection of need as reported in the current State Health Plan  
43 are waived.

44 **AMEND the title by striking it in its entirety and**  
45 **substituting in lieu thereof:**

46 AN ACT TO AMEND SECTION 41-7-191, MISSISSIPPI CODE OF 1972,  
47 TO DIRECT THE STATE DEPARTMENT OF HEALTH TO ISSUE CERTIFICATES OF  
48 NEED FOR MISSISSIPPI STATE UNIVERSITY AND A PUBLIC OR PRIVATE  
49 HEALTH CARE PROVIDER SELECTED THROUGH AN RFP PROCESS TO ACQUIRE  
50 AND JOINTLY OPERATE A LINEAR ACCELERATOR AND A MAGNETIC RESONANCE  
51 IMAGING UNIT IN THE CITY OF STARKVILLE, MISSISSIPPI; AND FOR  
52 RELATED PURPOSES.

53 **FURTHER, AMEND the short title to conform.**