

By: Senator(s) Burton

To: Public Health and
Welfare; Appropriations

SENATE BILL NO. 2666

1 AN ACT TO AMEND SECTION 41-7-205, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE STATE DEPARTMENT OF HEALTH TO PROVIDE AN
3 EXPEDITED NONSUBSTANTIVE REVIEW FOR THE TRANSFER OF A CERTIFICATE
4 OF NEED FOR CHILD/ADOLESCENT PSYCHIATRIC BEDS OR PSYCHIATRIC
5 RESIDENTIAL TREATMENT FACILITY BEDS FROM ONE COUNTY TO ANOTHER
6 COUNTY WHERE THERE HAS BEEN NO SIGNIFICANT COMMENCEMENT OF
7 CONSTRUCTION OF THE BEDS ORIGINALLY AUTHORIZED FOR A PERIOD OF AT
8 LEAST 5 YEARS; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 41-7-205, Mississippi Code of 1972, is
11 amended as follows:

12 41-7-205. The State Department of Health shall provide an
13 expedited review for those projects which it determines to warrant
14 such action. All requests for such an expedited review by the
15 applicant must be made in writing to the State Department of
16 Health. The State Department of Health shall make a determination
17 as to whether expedited review is appropriate within fifteen (15)
18 days after receipt of a written request. The State Department of
19 Health shall render its decision concerning the issuance of a
20 certificate of need within ninety (90) days after the receipt of a
21 completed application. A project is subject to expedited review
22 only if it meets one (1) of the following criteria:

23 (a) A transfer or change of ownership of a health care
24 facility wherein the facility continues to operate under the same
25 category of license or permit as it possessed prior to the date of
26 the proposed change of ownership and none of the other activities
27 described in Section 41-7-191(1) take place in conjunction with
28 such transfer;

29 (b) Replacement of equipment with used equipment of
30 similar capability if the equipment is included in the facility's
31 annual capital expenditure budget or plan;

32 (c) A request for project cost overruns that exceed the
33 rate of inflation as determined by the State Department of Health;

34 (d) A request for relocation of services or facilities
35 if the relocation of such services or facilities (i) involves a
36 capital expenditure by or on behalf of a health care facility, or
37 (ii) is more than one thousand three hundred twenty (1,320) feet
38 from the main entrance of the health care facility or the facility
39 where the service is located;

40 (e) A request for a certificate of need to comply with
41 duly recognized fire, building, or life safety codes, or to comply
42 with state licensure standards or accreditation standards required
43 for reimbursements;

44 (f) A request for the transfer or change of ownership
45 of a certificate of need for psychiatric residential treatment
46 facility (PRTF) beds or child/adolescent psychiatric beds from a
47 location in one county to a location in another county, wherein
48 there has been no significant commencement of construction of the
49 beds authorized under the original certificate of need for a
50 period of at least five (5) years from the date of issuance.

51 **SECTION 2.** This act shall take effect and be in force from
52 and after its passage.