

By: Representative Holland

To: Public Health and Human Services

HOUSE BILL NO. 927

1 AN ACT TO AMEND SECTION 41-7-188, MISSISSIPPI CODE OF 1972,  
2 TO INCREASE THE AUTHORIZED FEE CHARGED BY THE STATE DEPARTMENT OF  
3 HEALTH FOR REVIEWING APPLICATIONS FOR CERTIFICATES OF NEED; AND  
4 FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 41-7-188, Mississippi Code of 1972, is  
7 amended as follows:

8 41-7-188. (1) The State Department of Health is \* \* \*  
9 authorized and empowered to assess fees for reviewing applications  
10 for certificates of need. The State Department of Health shall  
11 promulgate such rules and regulations as are necessary to  
12 effectuate the intent of this section in keeping with the  
13 following standards \* \* \*:

14 (a) The fees assessed shall be uniform to all  
15 applicants.

16 (b) The fees assessed shall be nonrefundable.

17 (c) The fee shall be .5 of 1% of the amount of a  
18 proposed capital expenditure.

19 (d) The minimum fee shall not be less than Five Hundred  
20 Dollars (\$500.00) regardless of the amount of the proposed capital  
21 expenditure, and the maximum fee permitted shall not exceed Forty  
22 Thousand Dollars (\$40,000.00), regardless of category.

23 (e) No application shall be deemed complete for the  
24 review process until the required fee is received by the State  
25 Department of Health.

26 (f) The required fee shall be paid to the State  
27 Department of Health and may be paid by check, draft or money  
28 order.

29           (g) There shall be no filing fee requirement for any  
30 application submitted by an agency, department, institution or  
31 facility that is operated, owned by and/or controlled by the State  
32 of Mississippi and that received operating and/or capital  
33 expenditure funds solely by appropriations from the Legislature of  
34 the state.

35           (h) There shall be no filing fee requirement for any  
36 health care facility submitting an application for repairs or  
37 renovations determined by the State Department of Health in  
38 writing, to be necessary in order to avoid revocation of license  
39 and/or loss of certification for participation in the Medicaid  
40 and/or Medicare programs. Any proposed expenditure in excess of  
41 the amount determined by the State Department of Health to be  
42 necessary to accomplish the stated purposes shall be subject to  
43 the fee requirements of this section.

44           (2) The revenue derived from the fees imposed in subsection  
45 (1) of this section shall be deposited by the State Department of  
46 Health in a special fund that is created in the State Treasury,  
47 which is earmarked for use by the State Department of Health in  
48 conducting its health planning and certificate of need review  
49 activities. It is the intent of the Legislature that the health  
50 planning and certificate of need programs be continued for the  
51 protection of the individuals within the state requiring health  
52 care.

53           (3) The State Department of Health is authorized and  
54 empowered to assess fees for reviewing applications for  
55 certificates of authority for health maintenance organizations and  
56 for the issuance and renewal of those certificates of authority.  
57 The fees assessed shall be uniform to all applicants and to all  
58 holders of certificates of authority, and shall be nonrefundable.  
59 The fees for applications, original certificates of authority and  
60 renewals of certificates of authority shall not exceed Five  
61 Thousand Dollars (\$5,000.00) each. The revenues derived from the

62 fees assessed under this subsection shall be deposited by the  
63 department in a special fund that is created in the State  
64 Treasury, which is earmarked for the use of the department in its  
65 regulation of the operation of health maintenance organizations.

66       **SECTION 2.** This act shall take effect and be in force from  
67 and after July 1, 2007.