To: Public Health and Human Services

MISSISSIPPI LEGISLATURE
REGULAR SESSION 2007
By: Representative Holland

HOUSE BILL NO. 927

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

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

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

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

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

(b) The fees assessed shall be nonrefundable.

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

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

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

(f) The required fee shall be paid to the State Department of Health and may be paid by check, draft or money order.
(g) There shall be no filing fee requirement for any application submitted by an agency, department, institution or facility that is operated, owned by and/or controlled by the State of Mississippi and that received operating and/or capital expenditure funds solely by appropriations from the Legislature of the state.

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

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

(3) The State Department of Health is authorized and empowered to assess fees for reviewing applications for certificates of authority for health maintenance organizations and for the issuance and renewal of those certificates of authority. The fees assessed shall be uniform to all applicants and to all holders of certificates of authority, and shall be nonrefundable. The fees for applications, original certificates of authority and renewals of certificates of authority shall not exceed Five Thousand Dollars ($5,000.00) each. The revenues derived from the
fees assessed under this subsection shall be deposited by the
department in a special fund **that is** created in the State
Treasury, which is earmarked for the use of the department in its
regulation of the operation of health maintenance organizations.

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