

By: Senator(s) Nunnelee

To: Public Health and Welfare

SENATE BILL NO. 2591

1 AN ACT TO AMEND SECTION 41-7-188, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE AUTHORIZE 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. Certificate of need program; assessment of fees
9 for reviewing applications; revenue from fees to be deposited in
10 special funds for certain uses by State Department of Health.

11 (1). The State Department of Health is hereby authorized and
12 empowered to assess fees for reviewing applications for
13 certificates of need. The State Department of Health shall
14 promulgate such rules and regulations as are necessary to
15 effectuate the intent of this section in keeping with the
16 standards herein below:

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

19 (b) The fees assessed shall be nonrefundable.

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

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

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

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

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

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

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

56 (3) The State Department of Health is authorized and
57 empowered to assess fees for reviewing applications for
58 certificates of authority for health maintenance organizations and
59 for the issuance and renewal of such certificates of authority.
60 The fees assessed shall be uniform to all applicants and to all
61 holders of certificates of authority, and shall be nonrefundable.

62 The fees for applications, original certificates of authority and
63 renewals of certificates of authority shall not exceed Five
64 Thousand Dollars (\$5,000.00) each. The revenues derived from the
65 fees assessed under this subsection shall be deposited by the
66 department in a special fund hereby created in the State Treasury,
67 which is earmarked for the use of the department in its regulation
68 of the operation of health maintenance organizations.

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