

**Adopted  
SUBSTITUTE NO 1 FOR COMMITTEE AMENDMENT NO 1 PROPOSED  
TO**

**House Bill No. 1202**

**BY: Senator(s) Flowers, Ross, Fillingane, Carmichael,  
Harden, Lee (35th), King, Kirby, White**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

30           **SECTION 1.** Section 41-7-191, Mississippi Code of 1972, is  
31 amended as follows:

32           41-7-191. (1) No person shall engage in any of the  
33 following activities without obtaining the required certificate of  
34 need:

35           (a) The construction, development or other  
36 establishment of a new health care facility, which establishment  
37 shall include the reopening of a health care facility that has  
38 ceased to operate for a period of sixty (60) months or more;

39           (b) The relocation of a health care facility or portion  
40 thereof, or major medical equipment, unless such relocation of a  
41 health care facility or portion thereof, or major medical  
42 equipment, which does not involve a capital expenditure by or on  
43 behalf of a health care facility, is within five thousand two  
44 hundred eighty (5,280) feet from the main entrance of the health  
45 care facility;

46           (c) Any change in the existing bed complement of any  
47 health care facility through the addition or conversion of any

48 beds or the alteration, modernizing or refurbishing of any unit or  
49 department in which the beds may be located; however, if a health  
50 care facility has voluntarily delicensed some of its existing bed  
51 complement, it may later relicense some or all of its delicensed  
52 beds without the necessity of having to acquire a certificate of  
53 need. The State Department of Health shall maintain a record of  
54 the delicensing health care facility and its voluntarily  
55 delicensed beds and continue counting those beds as part of the  
56 state's total bed count for health care planning purposes. If a  
57 health care facility that has voluntarily delicensed some of its  
58 beds later desires to relicense some or all of its voluntarily  
59 delicensed beds, it shall notify the State Department of Health of  
60 its intent to increase the number of its licensed beds. The State  
61 Department of Health shall survey the health care facility within  
62 thirty (30) days of that notice and, if appropriate, issue the  
63 health care facility a new license reflecting the new contingent  
64 of beds. However, in no event may a health care facility that has  
65 voluntarily delicensed some of its beds be reissued a license to  
66 operate beds in excess of its bed count before the voluntary  
67 delicensure of some of its beds without seeking certificate of  
68 need approval;

69 (d) Offering of the following health services if those  
70 services have not been provided on a regular basis by the proposed  
71 provider of such services within the period of twelve (12) months  
72 prior to the time such services would be offered:

- 73 (i) Open heart surgery services;
- 74 (ii) Cardiac catheterization services;
- 75 (iii) Comprehensive inpatient rehabilitation  
76 services;
- 77 (iv) Licensed psychiatric services;
- 78 (v) Licensed chemical dependency services;
- 79 (vi) Radiation therapy services;

80 (vii) Diagnostic imaging services of an invasive  
81 nature, i.e. invasive digital angiography;

82 (viii) Nursing home care as defined in  
83 subparagraphs (iv), (vi) and (viii) of Section 41-7-173(h);

84 (ix) Home health services;

85 (x) Swing-bed services;

86 (xi) Ambulatory surgical services;

87 (xii) Magnetic resonance imaging services;

88 (xiii) [Deleted]

89 (xiv) Long-term care hospital services;

90 (xv) Positron Emission Tomography (PET) services;

91 (e) The relocation of one or more health services from  
92 one physical facility or site to another physical facility or  
93 site, unless such relocation, which does not involve a capital  
94 expenditure by or on behalf of a health care facility, (i) is to a  
95 physical facility or site within five thousand two hundred eighty  
96 (5,280) feet from the main entrance of the health care facility  
97 where the health care service is located, or (ii) is the result of  
98 an order of a court of appropriate jurisdiction or a result of  
99 pending litigation in such court, or by order of the State  
100 Department of Health, or by order of any other agency or legal  
101 entity of the state, the federal government, or any political  
102 subdivision of either, whose order is also approved by the State  
103 Department of Health;

104 (f) The acquisition or otherwise control of any major  
105 medical equipment for the provision of medical services; provided,  
106 however, (i) the acquisition of any major medical equipment used  
107 only for research purposes, and (ii) the acquisition of major  
108 medical equipment to replace medical equipment for which a  
109 facility is already providing medical services and for which the  
110 State Department of Health has been notified before the date of  
111 such acquisition shall be exempt from this paragraph; an

112 acquisition for less than fair market value must be reviewed, if  
113 the acquisition at fair market value would be subject to review;

114 (g) Changes of ownership of existing health care  
115 facilities in which a notice of intent is not filed with the State  
116 Department of Health at least thirty (30) days prior to the date  
117 such change of ownership occurs, or a change in services or bed  
118 capacity as prescribed in paragraph (c) or (d) of this subsection  
119 as a result of the change of ownership; an acquisition for less  
120 than fair market value must be reviewed, if the acquisition at  
121 fair market value would be subject to review;

122 (h) The change of ownership of any health care facility  
123 defined in subparagraphs (iv), (vi) and (viii) of Section  
124 41-7-173(i), in which a notice of intent as described in paragraph  
125 (g) has not been filed and if the Executive Director, Division of  
126 Medicaid, Office of the Governor, has not certified in writing  
127 that there will be no increase in allowable costs to Medicaid from  
128 revaluation of the assets or from increased interest and  
129 depreciation as a result of the proposed change of ownership;

130 (i) Any activity described in paragraphs (a) through  
131 (h) if undertaken by any person if that same activity would  
132 require certificate of need approval if undertaken by a health  
133 care facility;

134 (j) Any capital expenditure or deferred capital  
135 expenditure by or on behalf of a health care facility not covered  
136 by paragraphs (a) through (h);

137 (k) The contracting of a health care facility as  
138 defined in subparagraphs (i) through (viii) of Section 41-7-173(i)  
139 to establish a home office, subunit, or branch office in the space  
140 operated as a health care facility through a formal arrangement  
141 with an existing health care facility as defined in subparagraph  
142 (ix) of Section 41-7-173(i);

143           (1) The replacement or relocation of a health care  
144 facility designated as a critical access hospital shall be exempt  
145 from this Section 41-7-191(1) so long as the critical access  
146 hospital complies with all applicable federal law and regulations  
147 regarding such replacement or relocation;

148           (m) Reopening a health care facility that has ceased to  
149 operate for a period of sixty (60) months or more, which reopening  
150 requires a certificate of need for the establishment of a new  
151 health care facility. Provided, however, that the reopening of  
152 sixteen (16) acute care hospital beds in Kemper County for the  
153 purpose of constructing the "John C. Stennis Memorial Hospital" to  
154 be owned and operated by a two-hundred-fifteen-bed hospital  
155 located in Lauderdale County shall not require the issuance of a  
156 certificate of need, notwithstanding any provision in Section  
157 41-7-171 et seq. to the contrary if the following conditions are  
158 met: The facility shall agree to participate or contract to  
159 participate in the Mississippi Trauma Care System Plan established  
160 by the State Board of Health under Section 41-59-5, and there  
161 shall be significant commencement of construction or conversion of  
162 beds as hereinafter provided. If by July 1, 2009, there has been  
163 no significant commencement of construction of the beds authorized  
164 under this paragraph (m), or no significant action taken to  
165 convert existing beds to the beds authorized under this paragraph  
166 (m), then the authority to construct or convert beds in Kemper  
167 County without the necessity of a certificate of need shall  
168 expire. If the authority to construct or convert beds in Kemper  
169 County expires, the department may accept applications for  
170 issuance of a certificate of need from another applicant for the  
171 beds authorized under this paragraph (m), and the department may  
172 issue a certificate of need to authorize the construction,  
173 expansion or conversion of the beds authorized under this  
174 paragraph (m).

175           (2) The State Department of Health shall not grant approval  
176 for or issue a certificate of need to any person proposing the new  
177 construction of, addition to, or expansion of any health care  
178 facility defined in subparagraphs (iv) (skilled nursing facility)  
179 and (vi) (intermediate care facility) of Section 41-7-173(i) or  
180 the conversion of vacant hospital beds to provide skilled or  
181 intermediate nursing home care, except as hereinafter authorized:

182           (a) The department may issue a certificate of need to  
183 any person proposing the new construction of any health care  
184 facility defined in subparagraphs (iv) and (vi) of Section  
185 41-7-173(i) as part of a life care retirement facility, in any  
186 county bordering on the Gulf of Mexico in which is located a  
187 National Aeronautics and Space Administration facility, not to  
188 exceed forty (40) beds. From and after July 1, 1999, there shall  
189 be no prohibition or restrictions on participation in the Medicaid  
190 program (Section 43-13-101 et seq.) for the beds in the health  
191 care facility that were authorized under this paragraph (a).

192           (b) The department may issue certificates of need in  
193 Harrison County to provide skilled nursing home care for  
194 Alzheimer's disease patients and other patients, not to exceed one  
195 hundred fifty (150) beds. From and after July 1, 1999, there  
196 shall be no prohibition or restrictions on participation in the  
197 Medicaid program (Section 43-13-101 et seq.) for the beds in the  
198 nursing facilities that were authorized under this paragraph (b).

199           (c) The department may issue a certificate of need for  
200 the addition to or expansion of any skilled nursing facility that  
201 is part of an existing continuing care retirement community  
202 located in Madison County, provided that the recipient of the  
203 certificate of need agrees in writing that the skilled nursing  
204 facility will not at any time participate in the Medicaid program  
205 (Section 43-13-101 et seq.) or admit or keep any patients in the  
206 skilled nursing facility who are participating in the Medicaid

207 program. This written agreement by the recipient of the  
208 certificate of need shall be fully binding on any subsequent owner  
209 of the skilled nursing facility, if the ownership of the facility  
210 is transferred at any time after the issuance of the certificate  
211 of need. Agreement that the skilled nursing facility will not  
212 participate in the Medicaid program shall be a condition of the  
213 issuance of a certificate of need to any person under this  
214 paragraph (c), and if such skilled nursing facility at any time  
215 after the issuance of the certificate of need, regardless of the  
216 ownership of the facility, participates in the Medicaid program or  
217 admits or keeps any patients in the facility who are participating  
218 in the Medicaid program, the State Department of Health shall  
219 revoke the certificate of need, if it is still outstanding, and  
220 shall deny or revoke the license of the skilled nursing facility,  
221 at the time that the department determines, after a hearing  
222 complying with due process, that the facility has failed to comply  
223 with any of the conditions upon which the certificate of need was  
224 issued, as provided in this paragraph and in the written agreement  
225 by the recipient of the certificate of need. The total number of  
226 beds that may be authorized under the authority of this paragraph  
227 (c) shall not exceed sixty (60) beds.

228 (d) The State Department of Health may issue a  
229 certificate of need to any hospital located in DeSoto County for  
230 the new construction of a skilled nursing facility, not to exceed  
231 one hundred twenty (120) beds, in DeSoto County. From and after  
232 July 1, 1999, there shall be no prohibition or restrictions on  
233 participation in the Medicaid program (Section 43-13-101 et seq.)  
234 for the beds in the nursing facility that were authorized under  
235 this paragraph (d).

236 (e) The State Department of Health may issue a  
237 certificate of need for the construction of a nursing facility or  
238 the conversion of beds to nursing facility beds at a personal care

239 facility for the elderly in Lowndes County that is owned and  
240 operated by a Mississippi nonprofit corporation, not to exceed  
241 sixty (60) beds. From and after July 1, 1999, there shall be no  
242 prohibition or restrictions on participation in the Medicaid  
243 program (Section 43-13-101 et seq.) for the beds in the nursing  
244 facility that were authorized under this paragraph (e).

245 (f) The State Department of Health may issue a  
246 certificate of need for conversion of a county hospital facility  
247 in Itawamba County to a nursing facility, not to exceed sixty (60)  
248 beds, including any necessary construction, renovation or  
249 expansion. From and after July 1, 1999, there shall be no  
250 prohibition or restrictions on participation in the Medicaid  
251 program (Section 43-13-101 et seq.) for the beds in the nursing  
252 facility that were authorized under this paragraph (f).

253 (g) The State Department of Health may issue a  
254 certificate of need for the construction or expansion of nursing  
255 facility beds or the conversion of other beds to nursing facility  
256 beds in either Hinds, Madison or Rankin County, not to exceed  
257 sixty (60) beds. From and after July 1, 1999, there shall be no  
258 prohibition or restrictions on participation in the Medicaid  
259 program (Section 43-13-101 et seq.) for the beds in the nursing  
260 facility that were authorized under this paragraph (g).

261 (h) The State Department of Health may issue a  
262 certificate of need for the construction or expansion of nursing  
263 facility beds or the conversion of other beds to nursing facility  
264 beds in either Hancock, Harrison or Jackson County, not to exceed  
265 sixty (60) beds. From and after July 1, 1999, there shall be no  
266 prohibition or restrictions on participation in the Medicaid  
267 program (Section 43-13-101 et seq.) for the beds in the facility  
268 that were authorized under this paragraph (h).

269 (i) The department may issue a certificate of need for  
270 the new construction of a skilled nursing facility in Leake



271 County, provided that the recipient of the certificate of need  
272 agrees in writing that the skilled nursing facility will not at  
273 any time participate in the Medicaid program (Section 43-13-101 et  
274 seq.) or admit or keep any patients in the skilled nursing  
275 facility who are participating in the Medicaid program. This  
276 written agreement by the recipient of the certificate of need  
277 shall be fully binding on any subsequent owner of the skilled  
278 nursing facility, if the ownership of the facility is transferred  
279 at any time after the issuance of the certificate of need.

280 Agreement that the skilled nursing facility will not participate  
281 in the Medicaid program shall be a condition of the issuance of a  
282 certificate of need to any person under this paragraph (i), and if  
283 such skilled nursing facility at any time after the issuance of  
284 the certificate of need, regardless of the ownership of the  
285 facility, participates in the Medicaid program or admits or keeps  
286 any patients in the facility who are participating in the Medicaid  
287 program, the State Department of Health shall revoke the  
288 certificate of need, if it is still outstanding, and shall deny or  
289 revoke the license of the skilled nursing facility, at the time  
290 that the department determines, after a hearing complying with due  
291 process, that the facility has failed to comply with any of the  
292 conditions upon which the certificate of need was issued, as  
293 provided in this paragraph and in the written agreement by the  
294 recipient of the certificate of need. The provision of Section  
295 43-7-193(1) regarding substantial compliance of the projection of  
296 need as reported in the current State Health Plan is waived for  
297 the purposes of this paragraph. The total number of nursing  
298 facility beds that may be authorized by any certificate of need  
299 issued under this paragraph (i) shall not exceed sixty (60) beds.

300 If the skilled nursing facility authorized by the certificate of  
301 need issued under this paragraph is not constructed and fully  
302 operational within eighteen (18) months after July 1, 1994, the

303 State Department of Health, after a hearing complying with due  
304 process, shall revoke the certificate of need, if it is still  
305 outstanding, and shall not issue a license for the skilled nursing  
306 facility at any time after the expiration of the eighteen-month  
307 period.

308 (j) The department may issue certificates of need to  
309 allow any existing freestanding long-term care facility in  
310 Tishomingo County and Hancock County that on July 1, 1995, is  
311 licensed with fewer than sixty (60) beds. For the purposes of  
312 this paragraph (j), the provision of Section 41-7-193(1) requiring  
313 substantial compliance with the projection of need as reported in  
314 the current State Health Plan is waived. From and after July 1,  
315 1999, there shall be no prohibition or restrictions on  
316 participation in the Medicaid program (Section 43-13-101 et seq.)  
317 for the beds in the long-term care facilities that were authorized  
318 under this paragraph (j).

319 (k) The department may issue a certificate of need for  
320 the construction of a nursing facility at a continuing care  
321 retirement community in Lowndes County. The total number of beds  
322 that may be authorized under the authority of this paragraph (k)  
323 shall not exceed sixty (60) beds. From and after July 1, 2001,  
324 the prohibition on the facility participating in the Medicaid  
325 program (Section 43-13-101 et seq.) that was a condition of  
326 issuance of the certificate of need under this paragraph (k) shall  
327 be revised as follows: The nursing facility may participate in  
328 the Medicaid program from and after July 1, 2001, if the owner of  
329 the facility on July 1, 2001, agrees in writing that no more than  
330 thirty (30) of the beds at the facility will be certified for  
331 participation in the Medicaid program, and that no claim will be  
332 submitted for Medicaid reimbursement for more than thirty (30)  
333 patients in the facility in any month or for any patient in the  
334 facility who is in a bed that is not Medicaid-certified. This

335 written agreement by the owner of the facility shall be a  
336 condition of licensure of the facility, and the agreement shall be  
337 fully binding on any subsequent owner of the facility if the  
338 ownership of the facility is transferred at any time after July 1,  
339 2001. After this written agreement is executed, the Division of  
340 Medicaid and the State Department of Health shall not certify more  
341 than thirty (30) of the beds in the facility for participation in  
342 the Medicaid program. If the facility violates the terms of the  
343 written agreement by admitting or keeping in the facility on a  
344 regular or continuing basis more than thirty (30) patients who are  
345 participating in the Medicaid program, the State Department of  
346 Health shall revoke the license of the facility, at the time that  
347 the department determines, after a hearing complying with due  
348 process, that the facility has violated the written agreement.

349 (l) Provided that funds are specifically appropriated  
350 therefor by the Legislature, the department may issue a  
351 certificate of need to a rehabilitation hospital in Hinds County  
352 for the construction of a sixty-bed long-term care nursing  
353 facility dedicated to the care and treatment of persons with  
354 severe disabilities including persons with spinal cord and  
355 closed-head injuries and ventilator-dependent patients. The  
356 provision of Section 41-7-193(1) regarding substantial compliance  
357 with projection of need as reported in the current State Health  
358 Plan is hereby waived for the purpose of this paragraph.

359 (m) The State Department of Health may issue a  
360 certificate of need to a county-owned hospital in the Second  
361 Judicial District of Panola County for the conversion of not more  
362 than seventy-two (72) hospital beds to nursing facility beds,  
363 provided that the recipient of the certificate of need agrees in  
364 writing that none of the beds at the nursing facility will be  
365 certified for participation in the Medicaid program (Section  
366 43-13-101 et seq.), and that no claim will be submitted for

367 Medicaid reimbursement in the nursing facility in any day or for  
368 any patient in the nursing facility. This written agreement by  
369 the recipient of the certificate of need shall be a condition of  
370 the issuance of the certificate of need under this paragraph, and  
371 the agreement shall be fully binding on any subsequent owner of  
372 the nursing facility if the ownership of the nursing facility is  
373 transferred at any time after the issuance of the certificate of  
374 need. After this written agreement is executed, the Division of  
375 Medicaid and the State Department of Health shall not certify any  
376 of the beds in the nursing facility for participation in the  
377 Medicaid program. If the nursing facility violates the terms of  
378 the written agreement by admitting or keeping in the nursing  
379 facility on a regular or continuing basis any patients who are  
380 participating in the Medicaid program, the State Department of  
381 Health shall revoke the license of the nursing facility, at the  
382 time that the department determines, after a hearing complying  
383 with due process, that the nursing facility has violated the  
384 condition upon which the certificate of need was issued, as  
385 provided in this paragraph and in the written agreement. If the  
386 certificate of need authorized under this paragraph is not issued  
387 within twelve (12) months after July 1, 2001, the department shall  
388 deny the application for the certificate of need and shall not  
389 issue the certificate of need at any time after the twelve-month  
390 period, unless the issuance is contested. If the certificate of  
391 need is issued and substantial construction of the nursing  
392 facility beds has not commenced within eighteen (18) months after  
393 July 1, 2001, the State Department of Health, after a hearing  
394 complying with due process, shall revoke the certificate of need  
395 if it is still outstanding, and the department shall not issue a  
396 license for the nursing facility at any time after the  
397 eighteen-month period. Provided, however, that if the issuance of  
398 the certificate of need is contested, the department shall require

399 substantial construction of the nursing facility beds within six  
400 (6) months after final adjudication on the issuance of the  
401 certificate of need.

402 (n) The department may issue a certificate of need for  
403 the new construction, addition or conversion of skilled nursing  
404 facility beds in Madison County, provided that the recipient of  
405 the certificate of need agrees in writing that the skilled nursing  
406 facility will not at any time participate in the Medicaid program  
407 (Section 43-13-101 et seq.) or admit or keep any patients in the  
408 skilled nursing facility who are participating in the Medicaid  
409 program. This written agreement by the recipient of the  
410 certificate of need shall be fully binding on any subsequent owner  
411 of the skilled nursing facility, if the ownership of the facility  
412 is transferred at any time after the issuance of the certificate  
413 of need. Agreement that the skilled nursing facility will not  
414 participate in the Medicaid program shall be a condition of the  
415 issuance of a certificate of need to any person under this  
416 paragraph (n), and if such skilled nursing facility at any time  
417 after the issuance of the certificate of need, regardless of the  
418 ownership of the facility, participates in the Medicaid program or  
419 admits or keeps any patients in the facility who are participating  
420 in the Medicaid program, the State Department of Health shall  
421 revoke the certificate of need, if it is still outstanding, and  
422 shall deny or revoke the license of the skilled nursing facility,  
423 at the time that the department determines, after a hearing  
424 complying with due process, that the facility has failed to comply  
425 with any of the conditions upon which the certificate of need was  
426 issued, as provided in this paragraph and in the written agreement  
427 by the recipient of the certificate of need. The total number of  
428 nursing facility beds that may be authorized by any certificate of  
429 need issued under this paragraph (n) shall not exceed sixty (60)  
430 beds. If the certificate of need authorized under this paragraph

431 is not issued within twelve (12) months after July 1, 1998, the  
432 department shall deny the application for the certificate of need  
433 and shall not issue the certificate of need at any time after the  
434 twelve-month period, unless the issuance is contested. If the  
435 certificate of need is issued and substantial construction of the  
436 nursing facility beds has not commenced within eighteen (18)  
437 months after the effective date of July 1, 1998, the State  
438 Department of Health, after a hearing complying with due process,  
439 shall revoke the certificate of need if it is still outstanding,  
440 and the department shall not issue a license for the nursing  
441 facility at any time after the eighteen-month period. Provided,  
442 however, that if the issuance of the certificate of need is  
443 contested, the department shall require substantial construction  
444 of the nursing facility beds within six (6) months after final  
445 adjudication on the issuance of the certificate of need.

446 (o) The department may issue a certificate of need for  
447 the new construction, addition or conversion of skilled nursing  
448 facility beds in Leake County, provided that the recipient of the  
449 certificate of need agrees in writing that the skilled nursing  
450 facility will not at any time participate in the Medicaid program  
451 (Section 43-13-101 et seq.) or admit or keep any patients in the  
452 skilled nursing facility who are participating in the Medicaid  
453 program. This written agreement by the recipient of the  
454 certificate of need shall be fully binding on any subsequent owner  
455 of the skilled nursing facility, if the ownership of the facility  
456 is transferred at any time after the issuance of the certificate  
457 of need. Agreement that the skilled nursing facility will not  
458 participate in the Medicaid program shall be a condition of the  
459 issuance of a certificate of need to any person under this  
460 paragraph (o), and if such skilled nursing facility at any time  
461 after the issuance of the certificate of need, regardless of the  
462 ownership of the facility, participates in the Medicaid program or

463 admits or keeps any patients in the facility who are participating  
464 in the Medicaid program, the State Department of Health shall  
465 revoke the certificate of need, if it is still outstanding, and  
466 shall deny or revoke the license of the skilled nursing facility,  
467 at the time that the department determines, after a hearing  
468 complying with due process, that the facility has failed to comply  
469 with any of the conditions upon which the certificate of need was  
470 issued, as provided in this paragraph and in the written agreement  
471 by the recipient of the certificate of need. The total number of  
472 nursing facility beds that may be authorized by any certificate of  
473 need issued under this paragraph (o) shall not exceed sixty (60)  
474 beds. If the certificate of need authorized under this paragraph  
475 is not issued within twelve (12) months after July 1, 2001, the  
476 department shall deny the application for the certificate of need  
477 and shall not issue the certificate of need at any time after the  
478 twelve-month period, unless the issuance is contested. If the  
479 certificate of need is issued and substantial construction of the  
480 nursing facility beds has not commenced within eighteen (18)  
481 months after the effective date of July 1, 2001, the State  
482 Department of Health, after a hearing complying with due process,  
483 shall revoke the certificate of need if it is still outstanding,  
484 and the department shall not issue a license for the nursing  
485 facility at any time after the eighteen-month period. Provided,  
486 however, that if the issuance of the certificate of need is  
487 contested, the department shall require substantial construction  
488 of the nursing facility beds within six (6) months after final  
489 adjudication on the issuance of the certificate of need.

490 (p) The department may issue a certificate of need for  
491 the construction of a municipally owned nursing facility within  
492 the Town of Belmont in Tishomingo County, not to exceed sixty (60)  
493 beds, provided that the recipient of the certificate of need  
494 agrees in writing that the skilled nursing facility will not at

495 any time participate in the Medicaid program (Section 43-13-101 et  
496 seq.) or admit or keep any patients in the skilled nursing  
497 facility who are participating in the Medicaid program. This  
498 written agreement by the recipient of the certificate of need  
499 shall be fully binding on any subsequent owner of the skilled  
500 nursing facility, if the ownership of the facility is transferred  
501 at any time after the issuance of the certificate of need.  
502 Agreement that the skilled nursing facility will not participate  
503 in the Medicaid program shall be a condition of the issuance of a  
504 certificate of need to any person under this paragraph (p), and if  
505 such skilled nursing facility at any time after the issuance of  
506 the certificate of need, regardless of the ownership of the  
507 facility, participates in the Medicaid program or admits or keeps  
508 any patients in the facility who are participating in the Medicaid  
509 program, the State Department of Health shall revoke the  
510 certificate of need, if it is still outstanding, and shall deny or  
511 revoke the license of the skilled nursing facility, at the time  
512 that the department determines, after a hearing complying with due  
513 process, that the facility has failed to comply with any of the  
514 conditions upon which the certificate of need was issued, as  
515 provided in this paragraph and in the written agreement by the  
516 recipient of the certificate of need. The provision of Section  
517 43-7-193(1) regarding substantial compliance of the projection of  
518 need as reported in the current State Health Plan is waived for  
519 the purposes of this paragraph. If the certificate of need  
520 authorized under this paragraph is not issued within twelve (12)  
521 months after July 1, 1998, the department shall deny the  
522 application for the certificate of need and shall not issue the  
523 certificate of need at any time after the twelve-month period,  
524 unless the issuance is contested. If the certificate of need is  
525 issued and substantial construction of the nursing facility beds  
526 has not commenced within eighteen (18) months after July 1, 1998,



527 the State Department of Health, after a hearing complying with due  
528 process, shall revoke the certificate of need if it is still  
529 outstanding, and the department shall not issue a license for the  
530 nursing facility at any time after the eighteen-month period.  
531 Provided, however, that if the issuance of the certificate of need  
532 is contested, the department shall require substantial  
533 construction of the nursing facility beds within six (6) months  
534 after final adjudication on the issuance of the certificate of  
535 need.

536 (q) (i) Beginning on July 1, 1999, the State  
537 Department of Health shall issue certificates of need during each  
538 of the next four (4) fiscal years for the construction or  
539 expansion of nursing facility beds or the conversion of other beds  
540 to nursing facility beds in each county in the state having a need  
541 for fifty (50) or more additional nursing facility beds, as shown  
542 in the fiscal year 1999 State Health Plan, in the manner provided  
543 in this paragraph (q). The total number of nursing facility beds  
544 that may be authorized by any certificate of need authorized under  
545 this paragraph (q) shall not exceed sixty (60) beds.

546 (ii) Subject to the provisions of subparagraph  
547 (v), during each of the next four (4) fiscal years, the department  
548 shall issue six (6) certificates of need for new nursing facility  
549 beds, as follows: During fiscal years 2000, 2001 and 2002, one  
550 (1) certificate of need shall be issued for new nursing facility  
551 beds in the county in each of the four (4) Long-Term Care Planning  
552 Districts designated in the fiscal year 1999 State Health Plan  
553 that has the highest need in the district for those beds; and two  
554 (2) certificates of need shall be issued for new nursing facility  
555 beds in the two (2) counties from the state at large that have the  
556 highest need in the state for those beds, when considering the  
557 need on a statewide basis and without regard to the Long-Term Care  
558 Planning Districts in which the counties are located. During

559 fiscal year 2003, one (1) certificate of need shall be issued for  
560 new nursing facility beds in any county having a need for fifty  
561 (50) or more additional nursing facility beds, as shown in the  
562 fiscal year 1999 State Health Plan, that has not received a  
563 certificate of need under this paragraph (q) during the three (3)  
564 previous fiscal years. During fiscal year 2000, in addition to  
565 the six (6) certificates of need authorized in this subparagraph,  
566 the department also shall issue a certificate of need for new  
567 nursing facility beds in Amite County and a certificate of need  
568 for new nursing facility beds in Carroll County.

569 (iii) Subject to the provisions of subparagraph  
570 (v), the certificate of need issued under subparagraph (ii) for  
571 nursing facility beds in each Long-Term Care Planning District  
572 during each fiscal year shall first be available for nursing  
573 facility beds in the county in the district having the highest  
574 need for those beds, as shown in the fiscal year 1999 State Health  
575 Plan. If there are no applications for a certificate of need for  
576 nursing facility beds in the county having the highest need for  
577 those beds by the date specified by the department, then the  
578 certificate of need shall be available for nursing facility beds  
579 in other counties in the district in descending order of the need  
580 for those beds, from the county with the second highest need to  
581 the county with the lowest need, until an application is received  
582 for nursing facility beds in an eligible county in the district.

583 (iv) Subject to the provisions of subparagraph  
584 (v), the certificate of need issued under subparagraph (ii) for  
585 nursing facility beds in the two (2) counties from the state at  
586 large during each fiscal year shall first be available for nursing  
587 facility beds in the two (2) counties that have the highest need  
588 in the state for those beds, as shown in the fiscal year 1999  
589 State Health Plan, when considering the need on a statewide basis  
590 and without regard to the Long-Term Care Planning Districts in

591 which the counties are located. If there are no applications for  
592 a certificate of need for nursing facility beds in either of the  
593 two (2) counties having the highest need for those beds on a  
594 statewide basis by the date specified by the department, then the  
595 certificate of need shall be available for nursing facility beds  
596 in other counties from the state at large in descending order of  
597 the need for those beds on a statewide basis, from the county with  
598 the second highest need to the county with the lowest need, until  
599 an application is received for nursing facility beds in an  
600 eligible county from the state at large.

601 (v) If a certificate of need is authorized to be  
602 issued under this paragraph (q) for nursing facility beds in a  
603 county on the basis of the need in the Long-Term Care Planning  
604 District during any fiscal year of the four-year period, a  
605 certificate of need shall not also be available under this  
606 paragraph (q) for additional nursing facility beds in that county  
607 on the basis of the need in the state at large, and that county  
608 shall be excluded in determining which counties have the highest  
609 need for nursing facility beds in the state at large for that  
610 fiscal year. After a certificate of need has been issued under  
611 this paragraph (q) for nursing facility beds in a county during  
612 any fiscal year of the four-year period, a certificate of need  
613 shall not be available again under this paragraph (q) for  
614 additional nursing facility beds in that county during the  
615 four-year period, and that county shall be excluded in determining  
616 which counties have the highest need for nursing facility beds in  
617 succeeding fiscal years.

618 (vi) If more than one (1) application is made for  
619 a certificate of need for nursing home facility beds available  
620 under this paragraph (q), in Yalobusha, Newton or Tallahatchie  
621 County, and one (1) of the applicants is a county-owned hospital  
622 located in the county where the nursing facility beds are

623 available, the department shall give priority to the county-owned  
624 hospital in granting the certificate of need if the following  
625 conditions are met:

626                   1. The county-owned hospital fully meets all  
627 applicable criteria and standards required to obtain a certificate  
628 of need for the nursing facility beds; and

629                   2. The county-owned hospital's qualifications  
630 for the certificate of need, as shown in its application and as  
631 determined by the department, are at least equal to the  
632 qualifications of the other applicants for the certificate of  
633 need.

634                   (r) (i) Beginning on July 1, 1999, the State  
635 Department of Health shall issue certificates of need during each  
636 of the next two (2) fiscal years for the construction or expansion  
637 of nursing facility beds or the conversion of other beds to  
638 nursing facility beds in each of the four (4) Long-Term Care  
639 Planning Districts designated in the fiscal year 1999 State Health  
640 Plan, to provide care exclusively to patients with Alzheimer's  
641 disease.

642                   (ii) Not more than twenty (20) beds may be  
643 authorized by any certificate of need issued under this paragraph  
644 (r), and not more than a total of sixty (60) beds may be  
645 authorized in any Long-Term Care Planning District by all  
646 certificates of need issued under this paragraph (r). However,  
647 the total number of beds that may be authorized by all  
648 certificates of need issued under this paragraph (r) during any  
649 fiscal year shall not exceed one hundred twenty (120) beds, and  
650 the total number of beds that may be authorized in any Long-Term  
651 Care Planning District during any fiscal year shall not exceed  
652 forty (40) beds. Of the certificates of need that are issued for  
653 each Long-Term Care Planning District during the next two (2)  
654 fiscal years, at least one (1) shall be issued for beds in the

655 northern part of the district, at least one (1) shall be issued  
656 for beds in the central part of the district, and at least one (1)  
657 shall be issued for beds in the southern part of the district.

658 (iii) The State Department of Health, in  
659 consultation with the Department of Mental Health and the Division  
660 of Medicaid, shall develop and prescribe the staffing levels,  
661 space requirements and other standards and requirements that must  
662 be met with regard to the nursing facility beds authorized under  
663 this paragraph (r) to provide care exclusively to patients with  
664 Alzheimer's disease.

665 (s) The State Department of Health may issue a  
666 certificate of need to a nonprofit skilled nursing facility using  
667 the Green House model of skilled nursing care and located in Yazoo  
668 City, Yazoo County, Mississippi, for the construction, expansion  
669 or conversion of not more than nineteen (19) nursing facility  
670 beds. For purposes of this paragraph (s), the provisions of  
671 Section 41-7-193(1) requiring substantial compliance with the  
672 projection of need as reported in the current State Health Plan  
673 and the provisions of Section 41-7-197 requiring a formal  
674 certificate of need hearing process are waived. There shall be no  
675 prohibition or restrictions on participation in the Medicaid  
676 program for the person receiving the certificate of need  
677 authorized under this paragraph (s).

678 (t) The State Department of Health shall issue  
679 certificates of need to the owner of a nursing facility in  
680 operation at the time of Hurricane Katrina in Hancock County that  
681 was not operational on December 31, 2005, because of damage  
682 sustained from Hurricane Katrina to authorize the following: (i)  
683 the construction of a new nursing facility in Harrison County;  
684 (ii) the relocation of forty-nine (49) nursing facility beds from  
685 the Hancock County facility to the new Harrison County facility;  
686 (iii) the establishment of not more than twenty (20) non-Medicaid

687 nursing facility beds at the Hancock County facility; and (iv) the  
688 establishment of not more than twenty (20) non-Medicaid beds at  
689 the new Harrison County facility. The certificates of need that  
690 authorize the non-Medicaid nursing facility beds under  
691 subparagraphs (iii) and (iv) of this paragraph (t) shall be  
692 subject to the following conditions: The owner of the Hancock  
693 County facility and the new Harrison County facility must agree in  
694 writing that no more than fifty (50) of the beds at the Hancock  
695 County facility and no more than forty-nine (49) of the beds at  
696 the Harrison County facility will be certified for participation  
697 in the Medicaid program, and that no claim will be submitted for  
698 Medicaid reimbursement for more than fifty (50) patients in the  
699 Hancock County facility in any month, or for more than forty-nine  
700 (49) patients in the Harrison County facility in any month, or for  
701 any patient in either facility who is in a bed that is not  
702 Medicaid-certified. This written agreement by the owner of the  
703 nursing facilities shall be a condition of the issuance of the  
704 certificates of need under this paragraph (t), and the agreement  
705 shall be fully binding on any later owner or owners of either  
706 facility if the ownership of either facility is transferred at any  
707 time after the certificates of need are issued. After this  
708 written agreement is executed, the Division of Medicaid and the  
709 State Department of Health shall not certify more than fifty (50)  
710 of the beds at the Hancock County facility or more than forty-nine  
711 (49) of the beds at the Harrison County facility for participation  
712 in the Medicaid program. If the Hancock County facility violates  
713 the terms of the written agreement by admitting or keeping in the  
714 facility on a regular or continuing basis more than fifty (50)  
715 patients who are participating in the Medicaid program, or if the  
716 Harrison County facility violates the terms of the written  
717 agreement by admitting or keeping in the facility on a regular or  
718 continuing basis more than forty-nine (49) patients who are

719 participating in the Medicaid program, the State Department of  
720 Health shall revoke the license of the facility that is in  
721 violation of the agreement, at the time that the department  
722 determines, after a hearing complying with due process, that the  
723 facility has violated the agreement.

724 (u) The State Department of Health shall issue a  
725 certificate of need for the construction of a nursing facility in  
726 Hinds County, not to exceed sixty (60) beds, to a legal entity  
727 using the Green House model of skilled nursing care. For purposes  
728 of this paragraph (u), the provisions of Section 41-7-193(1)  
729 requiring substantial compliance with the projection of need as  
730 reported in the current State Health Plan and the provisions of  
731 Section 41-7-197 requiring a formal certificate of need hearing  
732 process are waived. There shall be no prohibition or restrictions  
733 on participation in the Medicaid program for the person receiving  
734 the certificate of need authorized under this paragraph (u). It  
735 is the intention of the Legislature that this nursing facility be  
736 located in an underserved minority zip code area located in Hinds  
737 County in which not less than seventy-five percent (75%) of the  
738 population in the zip code area are racial minorities. If by July  
739 1, 2009, there has been no significant commencement of  
740 construction of the beds authorized under this paragraph, or no  
741 significant action taken to convert existing beds to the beds  
742 authorized under this paragraph, then the certificate of need that  
743 was previously issued under this paragraph shall expire and the  
744 department shall revoke the certificate of need if it is still  
745 outstanding. This condition by the recipient of the certificate  
746 of need shall be fully binding on any subsequent owner of the  
747 certificate of need if the ownership is transferred at any time  
748 after the issuance of the certificate of need. If the previously  
749 issued certificate of need expires, the department may accept  
750 applications for issuance of another certificate of need for the

751 beds authorized under this paragraph, and may issue a certificate  
752 of need to authorize the construction expansion or conversion of  
753 the beds authorized under this paragraph under the same  
754 conditions.

755 (3) The State Department of Health may grant approval for  
756 and issue certificates of need to any person proposing the new  
757 construction of, addition to, conversion of beds of or expansion  
758 of any health care facility defined in subparagraph (x)  
759 (psychiatric residential treatment facility) of Section  
760 41-7-173(i). The total number of beds which may be authorized by  
761 such certificates of need shall not exceed three hundred  
762 forty-eight (348) beds for the entire state.

763 (a) Of the total number of beds authorized under this  
764 subsection, the department shall issue a certificate of need to a  
765 privately-owned psychiatric residential treatment facility in  
766 Simpson County for the conversion of sixteen (16) intermediate  
767 care facility for the mentally retarded (ICF-MR) beds to  
768 psychiatric residential treatment facility beds, provided that  
769 facility agrees in writing that the facility shall give priority  
770 for the use of those sixteen (16) beds to Mississippi residents  
771 who are presently being treated in out-of-state facilities.

772 (b) Of the total number of beds authorized under this  
773 subsection, the department may issue a certificate or certificates  
774 of need for the construction or expansion of psychiatric  
775 residential treatment facility beds or the conversion of other  
776 beds to psychiatric residential treatment facility beds in Warren  
777 County, not to exceed sixty (60) psychiatric residential treatment  
778 facility beds, provided that the facility agrees in writing that  
779 no more than thirty (30) of the beds at the psychiatric  
780 residential treatment facility will be certified for participation  
781 in the Medicaid program (Section 43-13-101 et seq.) for the use of  
782 any patients other than those who are participating only in the



783 Medicaid program of another state, and that no claim will be  
784 submitted to the Division of Medicaid for Medicaid reimbursement  
785 for more than thirty (30) patients in the psychiatric residential  
786 treatment facility in any day or for any patient in the  
787 psychiatric residential treatment facility who is in a bed that is  
788 not Medicaid-certified. This written agreement by the recipient  
789 of the certificate of need shall be a condition of the issuance of  
790 the certificate of need under this paragraph, and the agreement  
791 shall be fully binding on any subsequent owner of the psychiatric  
792 residential treatment facility if the ownership of the facility is  
793 transferred at any time after the issuance of the certificate of  
794 need. After this written agreement is executed, the Division of  
795 Medicaid and the State Department of Health shall not certify more  
796 than thirty (30) of the beds in the psychiatric residential  
797 treatment facility for participation in the Medicaid program for  
798 the use of any patients other than those who are participating  
799 only in the Medicaid program of another state. If the psychiatric  
800 residential treatment facility violates the terms of the written  
801 agreement by admitting or keeping in the facility on a regular or  
802 continuing basis more than thirty (30) patients who are  
803 participating in the Mississippi Medicaid program, the State  
804 Department of Health shall revoke the license of the facility, at  
805 the time that the department determines, after a hearing complying  
806 with due process, that the facility has violated the condition  
807 upon which the certificate of need was issued, as provided in this  
808 paragraph and in the written agreement.

809       The State Department of Health, on or before July 1, 2002,  
810 shall transfer the certificate of need authorized under the  
811 authority of this paragraph (b) to 3531 Lakeland Drive in Flowood  
812 (Rankin County), Mississippi, for the construction, expansion or  
813 conversion of psychiatric residential treatment beds in Rankin  
814 County. For purposes of this paragraph (b), the provisions of

815 Section 41-7-193(1) requiring substantial compliance with the  
816 projection of need as reported in the current State Health Plan  
817 and the provisions of Section 41-7-197 requiring a formal  
818 certificate of need hearing process are waived. The total number  
819 of beds that may be authorized under the authority of this  
820 paragraph (b) shall not exceed sixty (60) beds, no more than  
821 thirty (30) of which will be certified for participation in the  
822 Medicaid program, as specified in this paragraph (b). For  
823 purposes of the relocation of beds authorized by Section  
824 41-7-191(3)(b), the State Department of Health shall treat the  
825 beds so authorized as if they were licensed and operating, even if  
826 the beds are not yet licensed and operating, and the department  
827 shall issue an amendment for the relocation of all beds authorized  
828 by said section. If by July 1, 2009, there has been no  
829 significant commencement of construction of the beds authorized  
830 under this paragraph, or no significant action taken to convert  
831 existing beds to the beds authorized under this paragraph, then  
832 the certificate of need that was previously issued under this  
833 paragraph shall expire and the department shall revoke the  
834 certificate of need if it is still outstanding. This condition by  
835 the recipient of the certificate of need shall be fully binding on  
836 any subsequent owner of the certificate of need if the ownership  
837 is transferred at any time after the issuance of the certificate  
838 of need. If the previously issued certificate of need expires,  
839 the department may accept applications for issuance of another  
840 certificate of need for the beds authorized under this paragraph,  
841 and may issue a certificate of need to authorize the construction  
842 expansion or conversion of the beds authorized under this  
843 paragraph under the same conditions.

844 (c) Of the total number of beds authorized under this  
845 subsection, the department shall issue a certificate of need to a  
846 hospital currently operating Medicaid-certified acute psychiatric

847 beds for adolescents in DeSoto County, for the establishment of a  
848 forty-bed psychiatric residential treatment facility in DeSoto  
849 County, provided that the hospital agrees in writing (i) that the  
850 hospital shall give priority for the use of those forty (40) beds  
851 to Mississippi residents who are presently being treated in  
852 out-of-state facilities, and (ii) that no more than fifteen (15)  
853 of the beds at the psychiatric residential treatment facility will  
854 be certified for participation in the Medicaid program (Section  
855 43-13-101 et seq.), and that no claim will be submitted for  
856 Medicaid reimbursement for more than fifteen (15) patients in the  
857 psychiatric residential treatment facility in any day or for any  
858 patient in the psychiatric residential treatment facility who is  
859 in a bed that is not Medicaid-certified. This written agreement  
860 by the recipient of the certificate of need shall be a condition  
861 of the issuance of the certificate of need under this paragraph,  
862 and the agreement shall be fully binding on any subsequent owner  
863 of the psychiatric residential treatment facility if the ownership  
864 of the facility is transferred at any time after the issuance of  
865 the certificate of need. After this written agreement is  
866 executed, the Division of Medicaid and the State Department of  
867 Health shall not certify more than fifteen (15) of the beds in the  
868 psychiatric residential treatment facility for participation in  
869 the Medicaid program. If the psychiatric residential treatment  
870 facility violates the terms of the written agreement by admitting  
871 or keeping in the facility on a regular or continuing basis more  
872 than fifteen (15) patients who are participating in the Medicaid  
873 program, the State Department of Health shall revoke the license  
874 of the facility, at the time that the department determines, after  
875 a hearing complying with due process, that the facility has  
876 violated the condition upon which the certificate of need was  
877 issued, as provided in this paragraph and in the written  
878 agreement.

879 (d) Of the total number of beds authorized under this  
880 subsection, the department may issue a certificate or certificates  
881 of need for the construction or expansion of psychiatric  
882 residential treatment facility beds or the conversion of other  
883 beds to psychiatric treatment facility beds, not to exceed thirty  
884 (30) psychiatric residential treatment facility beds, in either  
885 Alcorn, Tishomingo, Prentiss, Lee, Itawamba, Monroe, Chickasaw,  
886 Pontotoc, Calhoun, Lafayette, Union, Benton or Tippah County.

887 (e) Of the total number of beds authorized under this  
888 subsection (3) the department shall issue a certificate of need to  
889 a privately-owned, nonprofit psychiatric residential treatment  
890 facility in Hinds County for an eight-bed expansion of the  
891 facility, provided that the facility agrees in writing that the  
892 facility shall give priority for the use of those eight (8) beds  
893 to Mississippi residents who are presently being treated in  
894 out-of-state facilities.

895 (f) The department shall issue a certificate of need to  
896 a one-hundred-thirty-four-bed specialty hospital located on  
897 twenty-nine and forty-four one-hundredths (29.44) commercial acres  
898 at 5900 Highway 39 North in Meridian (Lauderdale County),  
899 Mississippi, for the addition, construction or expansion of  
900 child/adolescent psychiatric residential treatment facility beds  
901 in Lauderdale County. As a condition of issuance of the  
902 certificate of need under this paragraph, the facility shall give  
903 priority in admissions to the child/adolescent psychiatric  
904 residential treatment facility beds authorized under this  
905 paragraph to patients who otherwise would require out-of-state  
906 placement. The Division of Medicaid, in conjunction with the  
907 Department of Human Services, shall furnish the facility a list of  
908 all out-of-state patients on a quarterly basis. Furthermore,  
909 notice shall also be provided to the parent, custodial parent or  
910 guardian of each out-of-state patient notifying them of the

911 priority status granted by this paragraph. For purposes of this  
912 paragraph, the provisions of Section 41-7-193(1) requiring  
913 substantial compliance with the projection of need as reported in  
914 the current State Health Plan are waived. The total number of  
915 child/adolescent psychiatric residential treatment facility beds  
916 that may be authorized under the authority of this paragraph shall  
917 be sixty (60) beds. There shall be no prohibition or restrictions  
918 on participation in the Medicaid program (Section 43-13-101 et  
919 seq.) for the person receiving the certificate of need authorized  
920 under this paragraph or for the beds converted pursuant to the  
921 authority of that certificate of need.

922 (g) Of the total number of beds authorized under this  
923 subsection, the department shall issue a certificate of need to a  
924 privately owned psychiatric residential treatment facility (PRTF)  
925 in Simpson County for the construction, expansion or conversion of  
926 fourteen (14) psychiatric residential treatment facility (PRTF)  
927 beds to be used to develop a specialized unit for the subacute  
928 treatment of children and adolescents, provided that the facility  
929 agrees in writing that the facility shall give priority for the  
930 use of those fourteen (14) beds to Mississippi residents who are  
931 presently being treated in out-of-state facilities. For purposes  
932 of this paragraph (g), the provisions of Section 41-7-193(1)  
933 requiring substantial compliance with the projection of need as  
934 reported in the current State Health Plan and the provisions of  
935 Section 41-7-197 requiring a formal certificate of need hearing  
936 process are waived. There shall be no prohibition or restrictions  
937 on participation in the Medicaid program (Section 43-13-101 et  
938 seq.) for the person receiving the certificate of need pursuant to  
939 the authority of the certificate of need authorized under this  
940 paragraph (g). If by July 1, 2009, there has been no significant  
941 commencement of construction of the beds authorized under this  
942 paragraph, or no significant action taken to convert existing beds

943 to the beds authorized under this paragraph, then the certificate  
944 of need that was previously issued under this paragraph shall  
945 expire and the department shall revoke the certificate of need if  
946 it is still outstanding. This condition by the recipient of the  
947 certificate of need shall be fully binding on any subsequent owner  
948 of the certificate of need if the ownership is transferred at any  
949 time after the issuance of the certificate of need. If the  
950 previously issued certificate of need expires, the department may  
951 accept applications for issuance of another certificate of need  
952 for the beds authorized under this paragraph, and may issue a  
953 certificate of need to authorize the construction expansion or  
954 conversion of the beds authorized under this paragraph under the  
955 same conditions.

956 (4) (a) From and after July 1, 1993, the department shall  
957 not issue a certificate of need to any person for the new  
958 construction of any hospital, psychiatric hospital or chemical  
959 dependency hospital that will contain any child/adolescent  
960 psychiatric or child/adolescent chemical dependency beds, or for  
961 the conversion of any other health care facility to a hospital,  
962 psychiatric hospital or chemical dependency hospital that will  
963 contain any child/adolescent psychiatric or child/adolescent  
964 chemical dependency beds, or for the addition of any  
965 child/adolescent psychiatric or child/adolescent chemical  
966 dependency beds in any hospital, psychiatric hospital or chemical  
967 dependency hospital, or for the conversion of any beds of another  
968 category in any hospital, psychiatric hospital or chemical  
969 dependency hospital to child/adolescent psychiatric or  
970 child/adolescent chemical dependency beds, except as hereinafter  
971 authorized:

972 (i) The department may issue certificates of need  
973 to any person for any purpose described in this subsection,  
974 provided that the hospital, psychiatric hospital or chemical

975 dependency hospital does not participate in the Medicaid program  
976 (Section 43-13-101 et seq.) at the time of the application for the  
977 certificate of need and the owner of the hospital, psychiatric  
978 hospital or chemical dependency hospital agrees in writing that  
979 the hospital, psychiatric hospital or chemical dependency hospital  
980 will not at any time participate in the Medicaid program or admit  
981 or keep any patients who are participating in the Medicaid program  
982 in the hospital, psychiatric hospital or chemical dependency  
983 hospital. This written agreement by the recipient of the  
984 certificate of need shall be fully binding on any subsequent owner  
985 of the hospital, psychiatric hospital or chemical dependency  
986 hospital, if the ownership of the facility is transferred at any  
987 time after the issuance of the certificate of need. Agreement  
988 that the hospital, psychiatric hospital or chemical dependency  
989 hospital will not participate in the Medicaid program shall be a  
990 condition of the issuance of a certificate of need to any person  
991 under this subparagraph \* \* \* (i), and if such hospital,  
992 psychiatric hospital or chemical dependency hospital at any time  
993 after the issuance of the certificate of need, regardless of the  
994 ownership of the facility, participates in the Medicaid program or  
995 admits or keeps any patients in the hospital, psychiatric hospital  
996 or chemical dependency hospital who are participating in the  
997 Medicaid program, the State Department of Health shall revoke the  
998 certificate of need, if it is still outstanding, and shall deny or  
999 revoke the license of the hospital, psychiatric hospital or  
1000 chemical dependency hospital, at the time that the department  
1001 determines, after a hearing complying with due process, that the  
1002 hospital, psychiatric hospital or chemical dependency hospital has  
1003 failed to comply with any of the conditions upon which the  
1004 certificate of need was issued, as provided in this subparagraph  
1005 (i) and in the written agreement by the recipient of the  
1006 certificate of need.

1007                   (ii) The department may issue a certificate of  
1008 need for the conversion of existing beds in a county hospital in  
1009 Choctaw County from acute care beds to child/adolescent chemical  
1010 dependency beds. For purposes of this subparagraph (ii), the  
1011 provisions of Section 41-7-193(1) requiring substantial compliance  
1012 with the projection of need as reported in the current State  
1013 Health Plan is waived. The total number of beds that may be  
1014 authorized under authority of this subparagraph shall not exceed  
1015 twenty (20) beds. There shall be no prohibition or restrictions  
1016 on participation in the Medicaid program (Section 43-13-101 et  
1017 seq.) for the hospital receiving the certificate of need  
1018 authorized under this subparagraph \* \* \* or for the beds converted  
1019 pursuant to the authority of that certificate of need.

1020                   (iii) The department may issue a certificate or  
1021 certificates of need for the construction or expansion of  
1022 child/adolescent psychiatric beds or the conversion of other beds  
1023 to child/adolescent psychiatric beds in Warren County. For  
1024 purposes of this subparagraph (iii), the provisions of Section  
1025 41-7-193(1) requiring substantial compliance with the projection  
1026 of need as reported in the current State Health Plan are waived.  
1027 The total number of beds that may be authorized under the  
1028 authority of this subparagraph shall not exceed twenty (20) beds.  
1029 There shall be no prohibition or restrictions on participation in  
1030 the Medicaid program (Section 43-13-101 et seq.) for the person  
1031 receiving the certificate of need authorized under this  
1032 subparagraph \* \* \* or for the beds converted pursuant to the  
1033 authority of that certificate of need.

1034 \* \* \*

1035                   The State Department of Health, on or before July 1, 2007,  
1036 shall transfer the certificate of need authorized under the  
1037 authority of this paragraph (a)(iii) to 5900 Highway 39 North in  
1038 Meridian (Lauderdale County), Mississippi, for the addition,



1039 construction or expansion of child/adolescent psychiatric  
1040 residential treatment facility beds in Lauderdale County. For  
1041 purposes of this subparagraph, the provisions of Section  
1042 41-7-193(1) requiring substantial compliance with the projection  
1043 of need as reported in the current State Health Plan and the  
1044 provisions of Section 41-7-197 requiring a formal certificate of  
1045 need hearing process are waived. The total number of beds that  
1046 may be authorized under the authority of this subparagraph shall  
1047 not exceed twenty (20) beds. There shall be no prohibition or  
1048 restrictions on participation in the Medicaid program (Section  
1049 43-13-101 et seq.) for the hospital receiving the certificate of  
1050 need authorized under this subparagraph (a)(iii) or for the beds  
1051 covered pursuant to the authority of that certificate of need.  
1052 For purposes of the relocation of beds authorized by Section  
1053 41-7-191(4)(a)(iii), the State Department of Health shall treat  
1054 the beds so authorized as if they were licensed and operating,  
1055 even if the beds are not yet licensed and operating, and the  
1056 department shall issue an amendment for the relocation of all beds  
1057 authorized by said section. If by July 1, 2009, there has been no  
1058 significant commencement of construction of the beds authorized  
1059 under this paragraph, or no significant action taken to convert  
1060 existing beds to the beds authorized under this paragraph, then  
1061 the certificate of need that was previously issued under this  
1062 paragraph shall expire and the department shall revoke the  
1063 certificate of need if it is still outstanding. This condition by  
1064 the recipient of the certificate of need shall be fully binding on  
1065 any subsequent owner of the certificate of need if the ownership  
1066 is transferred at any time after the issuance of the certificate  
1067 of need. If the previously issued certificate of need expires,  
1068 the department may accept applications for issuance of another  
1069 certificate of need for the beds authorized under this paragraph,  
1070 and may issue a certificate of need to authorize the construction

1071 expansion or conversion of the beds authorized under this  
1072 paragraph under the same conditions.

1073 (iv) The department shall issue a certificate of  
1074 need to the Region 7 Mental Health/Retardation Commission for the  
1075 construction or expansion of child/adolescent psychiatric beds or  
1076 the conversion of other beds to child/adolescent psychiatric beds  
1077 in any of the counties served by the commission. For purposes of  
1078 this subparagraph (iv), the provisions of Section 41-7-193(1)  
1079 requiring substantial compliance with the projection of need as  
1080 reported in the current State Health Plan is waived. The total  
1081 number of beds that may be authorized under the authority of this  
1082 subparagraph shall not exceed twenty (20) beds. There shall be no  
1083 prohibition or restrictions on participation in the Medicaid  
1084 program (Section 43-13-101 et seq.) for the person receiving the  
1085 certificate of need authorized under this subparagraph \* \* \* or  
1086 for the beds converted pursuant to the authority of that  
1087 certificate of need.

1088 (v) The department may issue a certificate of need  
1089 to any county hospital located in Leflore County for the  
1090 construction or expansion of adult psychiatric beds or the  
1091 conversion of other beds to adult psychiatric beds, not to exceed  
1092 twenty (20) beds, provided that the recipient of the certificate  
1093 of need agrees in writing that the adult psychiatric beds will not  
1094 at any time be certified for participation in the Medicaid program  
1095 and that the hospital will not admit or keep any patients who are  
1096 participating in the Medicaid program in any of such adult  
1097 psychiatric beds. This written agreement by the recipient of the  
1098 certificate of need shall be fully binding on any subsequent owner  
1099 of the hospital if the ownership of the hospital is transferred at  
1100 any time after the issuance of the certificate of need. Agreement  
1101 that the adult psychiatric beds will not be certified for  
1102 participation in the Medicaid program shall be a condition of the

1103 issuance of a certificate of need to any person under this  
1104 subparagraph \* \* \* (v), and if such hospital at any time after the  
1105 issuance of the certificate of need, regardless of the ownership  
1106 of the hospital, has any of such adult psychiatric beds certified  
1107 for participation in the Medicaid program or admits or keeps any  
1108 Medicaid patients in such adult psychiatric beds, the State  
1109 Department of Health shall revoke the certificate of need, if it  
1110 is still outstanding, and shall deny or revoke the license of the  
1111 hospital at the time that the department determines, after a  
1112 hearing complying with due process, that the hospital has failed  
1113 to comply with any of the conditions upon which the certificate of  
1114 need was issued, as provided in this subparagraph and in the  
1115 written agreement by the recipient of the certificate of need.

1116 (vi) The department may issue a certificate or  
1117 certificates of need for the expansion of child psychiatric beds  
1118 or the conversion of other beds to child psychiatric beds at the  
1119 University of Mississippi Medical Center. For purposes of this  
1120 subparagraph \* \* \* (vi), the provision of Section 41-7-193(1)  
1121 requiring substantial compliance with the projection of need as  
1122 reported in the current State Health Plan is waived. The total  
1123 number of beds that may be authorized under the authority of this  
1124 subparagraph \* \* \* shall not exceed fifteen (15) beds. There  
1125 shall be no prohibition or restrictions on participation in the  
1126 Medicaid program (Section 43-13-101 et seq.) for the hospital  
1127 receiving the certificate of need authorized under this  
1128 subparagraph \* \* \* or for the beds converted pursuant to the  
1129 authority of that certificate of need.

1130 (b) From and after July 1, 1990, no hospital,  
1131 psychiatric hospital or chemical dependency hospital shall be  
1132 authorized to add any child/adolescent psychiatric or  
1133 child/adolescent chemical dependency beds or convert any beds of  
1134 another category to child/adolescent psychiatric or

1135 child/adolescent chemical dependency beds without a certificate of  
1136 need under the authority of subsection (1)(c) of this section.

1137 (5) The department may issue a certificate of need to a  
1138 county hospital in Winston County for the conversion of fifteen  
1139 (15) acute care beds to geriatric psychiatric care beds.

1140 (6) The State Department of Health shall issue a certificate  
1141 of need to a Mississippi corporation qualified to manage a  
1142 long-term care hospital as defined in Section 41-7-173(i)(xii) in  
1143 Harrison County, not to exceed eighty (80) beds, including any  
1144 necessary renovation or construction required for licensure and  
1145 certification, provided that the recipient of the certificate of  
1146 need agrees in writing that the long-term care hospital will not  
1147 at any time participate in the Medicaid program (Section 43-13-101  
1148 et seq.) or admit or keep any patients in the long-term care  
1149 hospital who are participating in the Medicaid program. This  
1150 written agreement by the recipient of the certificate of need  
1151 shall be fully binding on any subsequent owner of the long-term  
1152 care hospital, if the ownership of the facility is transferred at  
1153 any time after the issuance of the certificate of need. Agreement  
1154 that the long-term care hospital will not participate in the  
1155 Medicaid program shall be a condition of the issuance of a  
1156 certificate of need to any person under this subsection (6), and  
1157 if such long-term care hospital at any time after the issuance of  
1158 the certificate of need, regardless of the ownership of the  
1159 facility, participates in the Medicaid program or admits or keeps  
1160 any patients in the facility who are participating in the Medicaid  
1161 program, the State Department of Health shall revoke the  
1162 certificate of need, if it is still outstanding, and shall deny or  
1163 revoke the license of the long-term care hospital, at the time  
1164 that the department determines, after a hearing complying with due  
1165 process, that the facility has failed to comply with any of the  
1166 conditions upon which the certificate of need was issued, as

1167 provided in this subsection and in the written agreement by the  
1168 recipient of the certificate of need. For purposes of this  
1169 subsection, the provision of Section 41-7-193(1) requiring  
1170 substantial compliance with the projection of need as reported in  
1171 the current State Health Plan is hereby waived.

1172 (7) The State Department of Health may issue a certificate  
1173 of need to any hospital in the state to utilize a portion of its  
1174 beds for the "swing-bed" concept. Any such hospital must be in  
1175 conformance with the federal regulations regarding such swing-bed  
1176 concept at the time it submits its application for a certificate  
1177 of need to the State Department of Health, except that such  
1178 hospital may have more licensed beds or a higher average daily  
1179 census (ADC) than the maximum number specified in federal  
1180 regulations for participation in the swing-bed program. Any  
1181 hospital meeting all federal requirements for participation in the  
1182 swing-bed program which receives such certificate of need shall  
1183 render services provided under the swing-bed concept to any  
1184 patient eligible for Medicare (Title XVIII of the Social Security  
1185 Act) who is certified by a physician to be in need of such  
1186 services, and no such hospital shall permit any patient who is  
1187 eligible for both Medicaid and Medicare or eligible only for  
1188 Medicaid to stay in the swing beds of the hospital for more than  
1189 thirty (30) days per admission unless the hospital receives prior  
1190 approval for such patient from the Division of Medicaid, Office of  
1191 the Governor. Any hospital having more licensed beds or a higher  
1192 average daily census (ADC) than the maximum number specified in  
1193 federal regulations for participation in the swing-bed program  
1194 which receives such certificate of need shall develop a procedure  
1195 to insure that before a patient is allowed to stay in the swing  
1196 beds of the hospital, there are no vacant nursing home beds  
1197 available for that patient located within a fifty-mile radius of  
1198 the hospital. When any such hospital has a patient staying in the

1199 swing beds of the hospital and the hospital receives notice from a  
1200 nursing home located within such radius that there is a vacant bed  
1201 available for that patient, the hospital shall transfer the  
1202 patient to the nursing home within a reasonable time after receipt  
1203 of the notice. Any hospital which is subject to the requirements  
1204 of the two (2) preceding sentences of this subsection may be  
1205 suspended from participation in the swing-bed program for a  
1206 reasonable period of time by the State Department of Health if the  
1207 department, after a hearing complying with due process, determines  
1208 that the hospital has failed to comply with any of those  
1209 requirements.

1210 (8) The Department of Health shall not grant approval for or  
1211 issue a certificate of need to any person proposing the new  
1212 construction of, addition to or expansion of a health care  
1213 facility as defined in subparagraph (viii) of Section 41-7-173(i),  
1214 except as hereinafter provided: The department may issue a  
1215 certificate of need to a nonprofit corporation located in Madison  
1216 County, Mississippi, for the construction, expansion or conversion  
1217 of not more than twenty (20) beds in a community living program  
1218 for developmentally disabled adults in a facility as defined in  
1219 subparagraph (viii) of Section 41-7-173(i). For purposes of this  
1220 subsection (8), the provisions of Section 41-7-193(1) requiring  
1221 substantial compliance with the projection of need as reported in  
1222 the current State Health Plan and the provisions of Section  
1223 41-7-197 requiring a formal certificate of need hearing process  
1224 are waived. There shall be no prohibition or restrictions on  
1225 participation in the Medicaid program for the person receiving the  
1226 certificate of need authorized under this subsection (8).

1227 (9) The Department of Health shall not grant approval for or  
1228 issue a certificate of need to any person proposing the  
1229 establishment of, or expansion of the currently approved territory  
1230 of, or the contracting to establish a home office, subunit or

1231 branch office within the space operated as a health care facility  
1232 as defined in Section 41-7-173(i)(i) through (viii) by a health  
1233 care facility as defined in subparagraph (ix) of Section  
1234 41-7-173(i).

1235 (10) Health care facilities owned and/or operated by the  
1236 state or its agencies are exempt from the restraints in this  
1237 section against issuance of a certificate of need if such addition  
1238 or expansion consists of repairing or renovation necessary to  
1239 comply with the state licensure law. This exception shall not  
1240 apply to the new construction of any building by such state  
1241 facility. This exception shall not apply to any health care  
1242 facilities owned and/or operated by counties, municipalities,  
1243 districts, unincorporated areas, other defined persons, or any  
1244 combination thereof.

1245 (11) The new construction, renovation or expansion of or  
1246 addition to any health care facility defined in subparagraph (ii)  
1247 (psychiatric hospital), subparagraph (iv) (skilled nursing  
1248 facility), subparagraph (vi) (intermediate care facility),  
1249 subparagraph (viii) (intermediate care facility for the mentally  
1250 retarded) and subparagraph (x) (psychiatric residential treatment  
1251 facility) of Section 41-7-173(i) which is owned by the State of  
1252 Mississippi and under the direction and control of the State  
1253 Department of Mental Health, and the addition of new beds or the  
1254 conversion of beds from one category to another in any such  
1255 defined health care facility which is owned by the State of  
1256 Mississippi and under the direction and control of the State  
1257 Department of Mental Health, shall not require the issuance of a  
1258 certificate of need under Section 41-7-171 et seq.,  
1259 notwithstanding any provision in Section 41-7-171 et seq. to the  
1260 contrary.

1261 (12) The new construction, renovation or expansion of or  
1262 addition to any veterans homes or domiciliaries for eligible

1263 veterans of the State of Mississippi as authorized under Section  
1264 35-1-19 shall not require the issuance of a certificate of need,  
1265 notwithstanding any provision in Section 41-7-171 et seq. to the  
1266 contrary.

1267       (13) The new construction of a nursing facility or nursing  
1268 facility beds or the conversion of other beds to nursing facility  
1269 beds shall not require the issuance of a certificate of need,  
1270 notwithstanding any provision in Section 41-7-171 et seq. to the  
1271 contrary, if the conditions of this subsection are met.

1272       (a) Before any construction or conversion may be  
1273 undertaken without a certificate of need, the owner of the nursing  
1274 facility, in the case of an existing facility, or the applicant to  
1275 construct a nursing facility, in the case of new construction,  
1276 first must file a written notice of intent and sign a written  
1277 agreement with the State Department of Health that the entire  
1278 nursing facility will not at any time participate in or have any  
1279 beds certified for participation in the Medicaid program (Section  
1280 43-13-101 et seq.), will not admit or keep any patients in the  
1281 nursing facility who are participating in the Medicaid program,  
1282 and will not submit any claim for Medicaid reimbursement for any  
1283 patient in the facility. This written agreement by the owner or  
1284 applicant shall be a condition of exercising the authority under  
1285 this subsection without a certificate of need, and the agreement  
1286 shall be fully binding on any subsequent owner of the nursing  
1287 facility if the ownership of the facility is transferred at any  
1288 time after the agreement is signed. After the written agreement  
1289 is signed, the Division of Medicaid and the State Department of  
1290 Health shall not certify any beds in the nursing facility for  
1291 participation in the Medicaid program. If the nursing facility  
1292 violates the terms of the written agreement by participating in  
1293 the Medicaid program, having any beds certified for participation  
1294 in the Medicaid program, admitting or keeping any patient in the



1295 facility who is participating in the Medicaid program, or  
1296 submitting any claim for Medicaid reimbursement for any patient in  
1297 the facility, the State Department of Health shall revoke the  
1298 license of the nursing facility at the time that the department  
1299 determines, after a hearing complying with due process, that the  
1300 facility has violated the terms of the written agreement.

1301 (b) For the purposes of this subsection, participation  
1302 in the Medicaid program by a nursing facility includes Medicaid  
1303 reimbursement of coinsurance and deductibles for recipients who  
1304 are qualified Medicare beneficiaries and/or those who are dually  
1305 eligible. Any nursing facility exercising the authority under  
1306 this subsection may not bill or submit a claim to the Division of  
1307 Medicaid for services to qualified Medicare beneficiaries and/or  
1308 those who are dually eligible.

1309 (c) The new construction of a nursing facility or  
1310 nursing facility beds or the conversion of other beds to nursing  
1311 facility beds described in this section must be either a part of a  
1312 completely new continuing care retirement community, as described  
1313 in the latest edition of the Mississippi State Health Plan, or an  
1314 addition to existing personal care and independent living  
1315 components, and so that the completed project will be a continuing  
1316 care retirement community, containing (i) independent living  
1317 accommodations, (ii) personal care beds, and (iii) the nursing  
1318 home facility beds. The three (3) components must be located on a  
1319 single site and be operated as one (1) inseparable facility. The  
1320 nursing facility component must contain a minimum of thirty (30)  
1321 beds. Any nursing facility beds authorized by this section will  
1322 not be counted against the bed need set forth in the State Health  
1323 Plan, as identified in Section 41-7-171 et seq.

1324 \* \* \*

1325 (14) The State Department of Health shall issue a  
1326 certificate of need to any hospital which is currently licensed

1327 for two hundred fifty (250) or more acute care beds and is located  
1328 in any general hospital service area not having a comprehensive  
1329 cancer center, for the establishment and equipping of such a  
1330 center which provides facilities and services for outpatient  
1331 radiation oncology therapy, outpatient medical oncology therapy,  
1332 and appropriate support services including the provision of  
1333 radiation therapy services. The provision of Section 41-7-193(1)  
1334 regarding substantial compliance with the projection of need as  
1335 reported in the current State Health Plan is waived for the  
1336 purpose of this subsection.

1337 (15) The State Department of Health may authorize the  
1338 transfer of hospital beds, not to exceed sixty (60) beds, from the  
1339 North Panola Community Hospital to the South Panola Community  
1340 Hospital. The authorization for the transfer of those beds shall  
1341 be exempt from the certificate of need review process.

1342 (16) The State Department of Health shall issue any  
1343 certificates of need necessary for Mississippi State University  
1344 and a public or private health care provider to jointly acquire  
1345 and operate a linear accelerator and a magnetic resonance imaging  
1346 unit. Those certificates of need shall cover all capital  
1347 expenditures related to the project between Mississippi State  
1348 University and the health care provider, including, but not  
1349 limited to, the acquisition of the linear accelerator, the  
1350 magnetic resonance imaging unit and other radiological modalities;  
1351 the offering of linear accelerator and magnetic resonance imaging  
1352 services; and the cost of construction of facilities in which to  
1353 locate these services. The linear accelerator and the magnetic  
1354 resonance imaging unit shall be (a) located in the City of  
1355 Starkville, Oktibbeha County, Mississippi; (b) operated jointly by  
1356 Mississippi State University and the public or private health care  
1357 provider selected by Mississippi State University through a  
1358 request for proposals (RFP) process in which Mississippi State

1359 University selects, and the Board of Trustees of State  
1360 Institutions of Higher Learning approves, the health care provider  
1361 that makes the best overall proposal; (c) available to Mississippi  
1362 State University for research purposes two-thirds (2/3) of the  
1363 time that the linear accelerator and magnetic resonance imaging  
1364 unit are operational; and (d) available to the public or private  
1365 health care provider selected by Mississippi State University and  
1366 approved by the Board of Trustees of State Institutions of Higher  
1367 Learning one-third (1/3) of the time for clinical, diagnostic and  
1368 treatment purposes. For purposes of this subsection, the  
1369 provisions of Section 41-7-193(1) requiring substantial compliance  
1370 with the projection of need as reported in the current State  
1371 Health Plan are waived.

1372 (17) Nothing in this section or in any other provision of  
1373 Section 41-7-171 et seq. shall prevent any nursing facility from  
1374 designating an appropriate number of existing beds in the facility  
1375 as beds for providing care exclusively to patients with  
1376 Alzheimer's disease.

1377 (18) The State Department of Health shall issue a  
1378 certificate of need for the construction, addition or conversion  
1379 of acute care hospital beds in a county located in a standard  
1380 metropolitan statistical area (SMSA) as defined in the latest  
1381 federal decennial census which shall experience a population  
1382 growth of five percent (5%) or more, not to exceed one hundred  
1383 (100) beds. The recipient of such certificate of need shall be a  
1384 hospital which has continuous participation, or agrees to contract  
1385 to participate, in the Mississippi Trauma Care System Plan  
1386 established by the State Board of Health under Section 41-59-5.  
1387 For purposes of this subsection (18), "five percent (5%) or more  
1388 population growth" shall be defined by the Mississippi population  
1389 projections for 2010-2015 prepared by the Office of Policy  
1390 Research and Planning of the State Institutions of Higher

1391 Learning. For purposes of this subsection (18), the provisions of  
1392 Section 41-7-193(1) requiring substantial compliance with the  
1393 projection of need as reported in the current State Health Plan  
1394 and the provisions of Section 41-7-197 requiring a formal  
1395 certificate of need hearing process are waived. There shall be no  
1396 prohibition or restrictions on participation in the Medicaid  
1397 program for the person receiving the certificate of need  
1398 authorized under this subsection (18). If by July 1, 2009, there  
1399 has been no significant commencement of construction of the beds  
1400 authorized under this paragraph, or no significant action taken to  
1401 convert existing beds to the beds authorized under this paragraph,  
1402 then the certificate of need that was previously issued under this  
1403 paragraph shall expire and the department shall revoke the  
1404 certificate of need if it is still outstanding. This condition by  
1405 the recipient of the certificate of need shall be fully binding on  
1406 any subsequent owner of the certificate of need if the ownership  
1407 is transferred at any time after the issuance of the certificate  
1408 of need. If the previously issued certificate of need expires,  
1409 the department may accept applications for issuance of another  
1410 certificate of need for the beds authorized under this paragraph,  
1411 and may issue a certificate of need to authorize the construction  
1412 expansion or conversion of the beds authorized under this  
1413 paragraph under the same conditions.

1414       **SECTION 2.** This act shall take effect and be in force from  
1415 and after its passage.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1       AN ACT TO AMEND SECTION 41-7-191, MISSISSIPPI CODE OF 1972,  
2 TO EXEMPT THE REOPENING OF 16 ACUTE CARE HOSPITAL BEDS IN KEMPER  
3 COUNTY FOR THE CONSTRUCTION OF "THE JOHN C. STENNIS MEMORIAL  
4 HOSPITAL" FROM THE REQUIREMENT OF A CERTIFICATE OF NEED; TO DIRECT  
5 THE STATE DEPARTMENT OF HEALTH TO ISSUE A CERTIFICATE OF NEED FOR  
6 THE CONSTRUCTION OF ACUTE CARE HOSPITAL BEDS IN ANY COUNTY LOCATED  
7 IN A METROPOLITAN STATISTICAL AREA WHICH HAS EXPERIENCED A  
8 POPULATION GROWTH OF 5% OR MORE ACCORDING TO THE PROJECTIONS OF  
9 THE STATE INSTITUTIONS OF HIGHER LEARNING OFFICE OF POLICY

10 RESEARCH AND PLANNING TO ANY HOSPITAL WHICH HAS CONTINUOUS  
11 PARTICIPATION IN THE MISSISSIPPI TRAUMA CARE SYSTEM PLAN; TO  
12 RESTORE THE PROCEDURE UNDER THE CERTIFICATE OF NEED LAW WHICH  
13 EXEMPTS THE NEW CONSTRUCTION OR ADDITION OF PRIVATE-PAY NURSING  
14 FACILITY BEDS WHICH ARE A PART OF A CONTINUING CARE RETIREMENT  
15 COMMUNITY CONTAINING INDEPENDENT LIVING ACCOMMODATIONS FROM THE  
16 CERTIFICATE OF NEED REQUIREMENT; TO PROVIDE THAT THE STATE  
17 DEPARTMENT OF HEALTH SHALL TRANSFER A CERTIFICATE OF NEED FOR  
18 PSYCHIATRIC RESIDENTIAL TREATMENT FACILITY BEDS FROM WARREN COUNTY  
19 TO RANKIN COUNTY; TO AUTHORIZE AND DIRECT THE STATE DEPARTMENT OF  
20 HEALTH TO ISSUE A CERTIFICATE OF NEED FOR 14 PSYCHIATRIC  
21 RESIDENTIAL TREATMENT FACILITY (PRTF) BEDS IN SIMPSON COUNTY FOR A  
22 SPECIALIZED UNIT FOR THE SUBACUTE TREATMENT OF CHILDREN AND  
23 ADOLESCENTS; TO PROVIDE THAT THE STATE DEPARTMENT OF HEALTH SHALL  
24 TRANSFER A CERTIFICATE OF NEED FOR CHILD/ADOLESCENT PSYCHIATRIC  
25 BEDS FROM WARREN COUNTY TO LAUDERDALE COUNTY; TO AUTHORIZE THE  
26 ISSUANCE OF A HEALTH CARE CERTIFICATE OF NEED FOR THE CONSTRUCTION  
27 OF A 60-BED NURSING FACILITY IN ANY UNDERSERVED MINORITY ZIP CODE  
28 AREA IN THE STATE; AND FOR RELATED PURPOSES.