

By: Senator(s) Bryan

To: Rules

SENATE BILL NO. 3055  
(As Passed the Senate)

1 AN ACT TO ESTABLISH THE "MISSISSIPPI ICU INFRASTRUCTURE ACT"  
2 TO BE ADMINISTERED BY THE MISSISSIPPI DEPARTMENT OF HEALTH TO  
3 PROVIDE FUNDS TO HOSPITALS TO INCREASE TREATMENT CAPACITY RELATED  
4 TO THE COVID-19 PANDEMIC; TO AUTHORIZE THE MISSISSIPPI DEPARTMENT  
5 OF HEALTH TO PROMULGATE RULES AND REGULATIONS TO GOVERN THE  
6 ADMINISTRATION OF THE PROGRAM; TO ESTABLISH CERTAIN CONDITIONS ON  
7 THE USE OF FUNDS UNDER THE PROGRAM; TO CREATE A SPECIAL FUND IN  
8 THE STATE TREASURY FOR PROGRAM FUNDS; TO SET CERTAIN REQUIREMENTS  
9 ON THE USE AND ACCEPTANCE OF FUNDS UNDER THE PROGRAM; TO REQUIRE  
10 THE DEPARTMENT OF HEALTH TO REPORT ON THE STATUS OF THE PROGRAM;  
11 TO AMEND SECTION 41-7-191, MISSISSIPPI CODE OF 1972, TO EXEMPT THE  
12 CONSTRUCTION OR ADDITION OF INTENSIVE CARE UNITS, ISOLATION ROOMS,  
13 OR NEGATIVE PRESSURE ROOMS FUNDED FROM THIS PROGRAM FROM THE  
14 PROVISIONS OF THE HEALTHCARE CERTIFICATE OF NEED LAW; AND FOR  
15 RELATED PURPOSES.

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

17 **SECTION 1.** Upon the effective date of this act, the State  
18 Fiscal Officer shall transfer to the "ICU Infrastructure Fund" out  
19 of the Budget Contingency Fund..... \$ 10,000,000.00.

20 **SECTION 2.** This act shall be known and may be cited as the  
21 "Mississippi ICU Infrastructure Act."

22 **SECTION 3.** In response to the COVID-19 pandemic, the  
23 Mississippi Department of Health shall establish and administer  
24 the ICU Infrastructure Program for the purpose of providing funds



25 to hospitals to increase treatment capacity related to the  
26 COVID-19 pandemic, including adding intensive care units,  
27 isolation rooms or negative pressure rooms, and related  
28 construction and facilitation costs, but not to include any  
29 administrative expenses or costs or any staffing expenses or  
30 costs. For the purpose of this bill, "related construction and  
31 facilitation costs" is defined as allowing funding for intensive  
32 care units, negative pressure rooms, or isolation rooms, related  
33 medical equipment and any needed HVAC system alterations to  
34 accommodate the negative pressure, isolation rooms and intensive  
35 care units.

36 **SECTION 4.** (1) The Department of Health shall:

37 (a) Promulgate rules and regulations to govern the  
38 administration of the program;

39 (b) Make every effort to expend the funds appropriated  
40 to the program established in this act by October 30, 2020;

41 (c) Require recipients of funds under this program to  
42 certify that there is a need to add intensive care units,  
43 isolation rooms or negative pressure rooms at the facility  
44 receiving funds;

45 (d) Require recipients of funds under this program to  
46 certify that the facility adding intensive care units, isolation  
47 rooms or negative pressure rooms can adequately staff such units  
48 or rooms; and



49 (e) Certify to the Department of Finance and  
50 Administration that each expenditure of the funds appropriated to  
51 the Department of Health under this act is in compliance with the  
52 guidelines, guidance, rules, regulations and/or other criteria, as  
53 may be amended from time to time, of the United States Department  
54 of the Treasury regarding the use of monies from the Coronavirus  
55 Relief Fund established by the CARES Act.

56 (2) No individual hospital shall receive more than  
57 twenty-five percent (25%) of the funds appropriated to this  
58 program.

59 ( \* \* \*3) The Department of Health may retain up to Fifty  
60 Thousand Dollars (\$50,000.00) of the funds appropriated to the  
61 program established in this act to pay reasonable expenses  
62 incurred in the administration of the program.

63 (4) Out of the funds appropriated to this program, the  
64 Department of Health shall expend twenty percent (20%) or more of  
65 such funds for hospitals in Mississippi that are either designated  
66 as a Level III Trauma Center or a Level IV Trauma Center.

67 **SECTION 5.** (1) There is created a special fund in the State  
68 Treasury, to be known as the "ICU Infrastructure Fund," from which  
69 the awards authorized under the ICU Infrastructure Program shall  
70 be disbursed by the Department of Health.

71 (2) (a) All monies shall be disbursed from the fund created  
72 in subsection (1) of this section in compliance with the  
73 guidelines, guidance, rules, regulations or other criteria, as may



74 be amended from time to time, of the United States Department of  
75 the Treasury regarding the use of monies from the Coronavirus  
76 Relief Fund established by the CARES Act. However, unexpended  
77 amounts of any monies unrelated to the Coronavirus Relief Fund,  
78 whether appropriated by the Legislature or donated by any public  
79 or private entity, remaining in the funds at the end of a fiscal  
80 year shall not lapse into the Budget Contingency Fund or the State  
81 General Fund, and any investment earnings or interest earned on  
82 amounts in the program fund shall be deposited to the credit of  
83 the ICU Infrastructure Fund; and

84 (b) If on December 15, 2020, there are unexpended  
85 Coronavirus Relief Fund monies remaining in the fund created in  
86 this section, those funds shall be transferred into the  
87 Unemployment Compensation Fund no later than December 30, 2020.

88 (3) The use of funds allocated under this program shall be  
89 subject to audit by the United States Department of the Treasury's  
90 Office of Inspector General and the Mississippi Office of the  
91 State Auditor. Each person receiving funds under these programs  
92 found to be fully or partially noncompliant with the requirements  
93 in this act shall return to the state all or a portion of the  
94 funds received.

95 **SECTION 6.** If the Office of Inspector General of the United  
96 States Department of the Treasury, or the Office of Inspector  
97 General of any other federal agency having oversight over the use  
98 of monies from the Coronavirus Relief Fund established by the



99 CARES Act (a) determines that the Department of Health or  
100 recipient has expended or otherwise used any of the funds  
101 appropriated to the Department of Health under this act for any  
102 purpose that is not in compliance with the guidelines, guidance,  
103 rules, regulations and/or other criteria, as may be amended from  
104 time to time, of the United States Department of the Treasury  
105 regarding the use of monies from the Coronavirus Relief Fund  
106 established by the CARES Act, and (b) the State of Mississippi is  
107 required to repay the federal government for any of those funds  
108 that the Office of the Inspector General determined were expended  
109 or otherwise used improperly by the Department of Health or  
110 recipient, then the Department of Health or recipient that  
111 expended or otherwise used those funds improperly shall be  
112 required to pay the amount of those funds to the State of  
113 Mississippi for repayment to the federal government.

114 **SECTION 7.** On October 15, 2020, the Department of Health  
115 shall provide the Lieutenant Governor, the Speaker of the House of  
116 Representatives, the Chair of the Senate Public Health and Welfare  
117 Committee, and the Chair of the House Public Health and Human  
118 Services Committee with a status report of the funds appropriated  
119 to it under this act. Thereafter, the Department of Health shall  
120 report weekly on the status of the funds under this act until  
121 October 30, 2020 or until the funds under this act are fully  
122 expended, whichever is later.



123           **SECTION 8.** If any section, paragraph, sentence, clause,  
124 phrase, or any part of this act is declared to be in conflict with  
125 federal law, or if for any reason is declared to be invalid or of  
126 no effect, the remaining sections, paragraphs, sentences, clauses,  
127 phrases or parts thereof shall be in no matter affected thereby  
128 but shall remain in full force and effect.

129           **SECTION 9.** Section 41-7-191, Mississippi Code of 1972, is  
130 amended as follows:

131           41-7-191. (1) No person shall engage in any of the  
132 following activities without obtaining the required certificate of  
133 need:

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

138                   (b) The relocation of a health care facility or portion  
139 thereof, or major medical equipment, unless such relocation of a  
140 health care facility or portion thereof, or major medical  
141 equipment, which does not involve a capital expenditure by or on  
142 behalf of a health care facility, is within five thousand two  
143 hundred eighty (5,280) feet from the main entrance of the health  
144 care facility;

145                   (c) Any change in the existing bed complement of any  
146 health care facility through the addition or conversion of any  
147 beds or the alteration, modernizing or refurbishing of any unit or



148 department in which the beds may be located; however, if a health  
149 care facility has voluntarily delicensed some of its existing bed  
150 complement, it may later relicense some or all of its delicensed  
151 beds without the necessity of having to acquire a certificate of  
152 need. The State Department of Health shall maintain a record of  
153 the delicensing health care facility and its voluntarily  
154 delicensed beds and continue counting those beds as part of the  
155 state's total bed count for health care planning purposes. If a  
156 health care facility that has voluntarily delicensed some of its  
157 beds later desires to relicense some or all of its voluntarily  
158 delicensed beds, it shall notify the State Department of Health of  
159 its intent to increase the number of its licensed beds. The State  
160 Department of Health shall survey the health care facility within  
161 thirty (30) days of that notice and, if appropriate, issue the  
162 health care facility a new license reflecting the new contingent  
163 of beds. However, in no event may a health care facility that has  
164 voluntarily delicensed some of its beds be reissued a license to  
165 operate beds in excess of its bed count before the voluntary  
166 delicensure of some of its beds without seeking certificate of  
167 need approval;

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

172 (i) Open-heart surgery services;



173 (ii) Cardiac catheterization services;  
174 (iii) Comprehensive inpatient rehabilitation  
175 services;  
176 (iv) Licensed psychiatric services;  
177 (v) Licensed chemical dependency services;  
178 (vi) Radiation therapy services;  
179 (vii) Diagnostic imaging services of an invasive  
180 nature, i.e. invasive digital angiography;  
181 (viii) Nursing home care as defined in  
182 subparagraphs (iv), (vi) and (viii) of Section 41-7-173(h);  
183 (ix) Home health services;  
184 (x) Swing-bed services;  
185 (xi) Ambulatory surgical services;  
186 (xii) Magnetic resonance imaging services;  
187 (xiii) [Deleted]  
188 (xiv) Long-term care hospital services;  
189 (xv) Positron emission tomography (PET) services;  
190 (e) The relocation of one or more health services from  
191 one physical facility or site to another physical facility or  
192 site, unless such relocation, which does not involve a capital  
193 expenditure by or on behalf of a health care facility, (i) is to a  
194 physical facility or site within five thousand two hundred eighty  
195 (5,280) feet from the main entrance of the health care facility  
196 where the health care service is located, or (ii) is the result of  
197 an order of a court of appropriate jurisdiction or a result of





198 pending litigation in such court, or by order of the State  
199 Department of Health, or by order of any other agency or legal  
200 entity of the state, the federal government, or any political  
201 subdivision of either, whose order is also approved by the State  
202 Department of Health;

203 (f) The acquisition or otherwise control of any major  
204 medical equipment for the provision of medical services; however,  
205 (i) the acquisition of any major medical equipment used only for  
206 research purposes, and (ii) the acquisition of major medical  
207 equipment to replace medical equipment for which a facility is  
208 already providing medical services and for which the State  
209 Department of Health has been notified before the date of such  
210 acquisition shall be exempt from this paragraph; an acquisition  
211 for less than fair market value must be reviewed, if the  
212 acquisition at fair market value would be subject to review;

213 (g) Changes of ownership of existing health care  
214 facilities in which a notice of intent is not filed with the State  
215 Department of Health at least thirty (30) days prior to the date  
216 such change of ownership occurs, or a change in services or bed  
217 capacity as prescribed in paragraph (c) or (d) of this subsection  
218 as a result of the change of ownership; an acquisition for less  
219 than fair market value must be reviewed, if the acquisition at  
220 fair market value would be subject to review;

221 (h) The change of ownership of any health care facility  
222 defined in subparagraphs (iv), (vi) and (viii) of Section



223 41-7-173(h), in which a notice of intent as described in paragraph  
224 (g) has not been filed and if the Executive Director, Division of  
225 Medicaid, Office of the Governor, has not certified in writing  
226 that there will be no increase in allowable costs to Medicaid from  
227 revaluation of the assets or from increased interest and  
228 depreciation as a result of the proposed change of ownership;

229 (i) Any activity described in paragraphs (a) through  
230 (h) if undertaken by any person if that same activity would  
231 require certificate of need approval if undertaken by a health  
232 care facility;

233 (j) Any capital expenditure or deferred capital  
234 expenditure by or on behalf of a health care facility not covered  
235 by paragraphs (a) through (h);

236 (k) The contracting of a health care facility as  
237 defined in subparagraphs (i) through (viii) of Section 41-7-173(h)  
238 to establish a home office, subunit, or branch office in the space  
239 operated as a health care facility through a formal arrangement  
240 with an existing health care facility as defined in subparagraph  
241 (ix) of Section 41-7-173(h);

242 (l) The replacement or relocation of a health care  
243 facility designated as a critical access hospital shall be exempt  
244 from subsection (1) of this section so long as the critical access  
245 hospital complies with all applicable federal law and regulations  
246 regarding such replacement or relocation;



247 (m) Reopening a health care facility that has ceased to  
248 operate for a period of sixty (60) months or more, which reopening  
249 requires a certificate of need for the establishment of a new  
250 health care facility.

251 (2) The State Department of Health shall not grant approval  
252 for or issue a certificate of need to any person proposing the new  
253 construction of, addition to, or expansion of any health care  
254 facility defined in subparagraphs (iv) (skilled nursing facility)  
255 and (vi) (intermediate care facility) of Section 41-7-173(h) or  
256 the conversion of vacant hospital beds to provide skilled or  
257 intermediate nursing home care, except as hereinafter authorized:

258 (a) The department may issue a certificate of need to  
259 any person proposing the new construction of any health care  
260 facility defined in subparagraphs (iv) and (vi) of Section  
261 41-7-173(h) as part of a life care retirement facility, in any  
262 county bordering on the Gulf of Mexico in which is located a  
263 National Aeronautics and Space Administration facility, not to  
264 exceed forty (40) beds. From and after July 1, 1999, there shall  
265 be no prohibition or restrictions on participation in the Medicaid  
266 program (Section 43-13-101 et seq.) for the beds in the health  
267 care facility that were authorized under this paragraph (a).

268 (b) The department may issue certificates of need in  
269 Harrison County to provide skilled nursing home care for  
270 Alzheimer's disease patients and other patients, not to exceed one  
271 hundred fifty (150) beds. From and after July 1, 1999, there



272 shall be no prohibition or restrictions on participation in the  
273 Medicaid program (Section 43-13-101 et seq.) for the beds in the  
274 nursing facilities that were authorized under this paragraph (b).

275 (c) The department may issue a certificate of need for  
276 the addition to or expansion of any skilled nursing facility that  
277 is part of an existing continuing care retirement community  
278 located in Madison County, provided that the recipient of the  
279 certificate of need agrees in writing that the skilled nursing  
280 facility will not at any time participate in the Medicaid program  
281 (Section 43-13-101 et seq.) or admit or keep any patients in the  
282 skilled nursing facility who are participating in the Medicaid  
283 program. This written agreement by the recipient of the  
284 certificate of need shall be fully binding on any subsequent owner  
285 of the skilled nursing facility, if the ownership of the facility  
286 is transferred at any time after the issuance of the certificate  
287 of need. Agreement that the skilled nursing facility will not  
288 participate in the Medicaid program shall be a condition of the  
289 issuance of a certificate of need to any person under this  
290 paragraph (c), and if such skilled nursing facility at any time  
291 after the issuance of the certificate of need, regardless of the  
292 ownership of the facility, participates in the Medicaid program or  
293 admits or keeps any patients in the facility who are participating  
294 in the Medicaid program, the State Department of Health shall  
295 revoke the certificate of need, if it is still outstanding, and  
296 shall deny or revoke the license of the skilled nursing facility,



297 at the time that the department determines, after a hearing  
298 complying with due process, that the facility has failed to comply  
299 with any of the conditions upon which the certificate of need was  
300 issued, as provided in this paragraph and in the written agreement  
301 by the recipient of the certificate of need. The total number of  
302 beds that may be authorized under the authority of this paragraph  
303 (c) shall not exceed sixty (60) beds.

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

312 (e) The State Department of Health may issue a  
313 certificate of need for the construction of a nursing facility or  
314 the conversion of beds to nursing facility beds at a personal care  
315 facility for the elderly in Lowndes County that is owned and  
316 operated by a Mississippi nonprofit corporation, not to exceed  
317 sixty (60) beds. From and after July 1, 1999, there shall be no  
318 prohibition or restrictions on participation in the Medicaid  
319 program (Section 43-13-101 et seq.) for the beds in the nursing  
320 facility that were authorized under this paragraph (e).



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

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

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



345 (i) The department may issue a certificate of need for  
346 the new construction of a skilled nursing facility in Leake  
347 County, provided that the recipient of the certificate of need  
348 agrees in writing that the skilled nursing facility will not at  
349 any time participate in the Medicaid program (Section 43-13-101 et  
350 seq.) or admit or keep any patients in the skilled nursing  
351 facility who are participating in the Medicaid program. This  
352 written agreement by the recipient of the certificate of need  
353 shall be fully binding on any subsequent owner of the skilled  
354 nursing facility, if the ownership of the facility is transferred  
355 at any time after the issuance of the certificate of need.  
356 Agreement that the skilled nursing facility will not participate  
357 in the Medicaid program shall be a condition of the issuance of a  
358 certificate of need to any person under this paragraph (i), and if  
359 such skilled nursing facility at any time after the issuance of  
360 the certificate of need, regardless of the ownership of the  
361 facility, participates in the Medicaid program or admits or keeps  
362 any patients in the facility who are participating in the Medicaid  
363 program, the State Department of Health shall revoke the  
364 certificate of need, if it is still outstanding, and shall deny or  
365 revoke the license of the skilled nursing facility, at the time  
366 that the department determines, after a hearing complying with due  
367 process, that the facility has failed to comply with any of the  
368 conditions upon which the certificate of need was issued, as  
369 provided in this paragraph and in the written agreement by the



370 recipient of the certificate of need. The provision of Section  
371 41-7-193(1) regarding substantial compliance of the projection of  
372 need as reported in the current State Health Plan is waived for  
373 the purposes of this paragraph. The total number of nursing  
374 facility beds that may be authorized by any certificate of need  
375 issued under this paragraph (i) shall not exceed sixty (60) beds.  
376 If the skilled nursing facility authorized by the certificate of  
377 need issued under this paragraph is not constructed and fully  
378 operational within eighteen (18) months after July 1, 1994, the  
379 State Department of Health, after a hearing complying with due  
380 process, shall revoke the certificate of need, if it is still  
381 outstanding, and shall not issue a license for the skilled nursing  
382 facility at any time after the expiration of the eighteen-month  
383 period.

384 (j) The department may issue certificates of need to  
385 allow any existing freestanding long-term care facility in  
386 Tishomingo County and Hancock County that on July 1, 1995, is  
387 licensed with fewer than sixty (60) beds. For the purposes of  
388 this paragraph (j), the provisions of Section 41-7-193(1)  
389 requiring substantial compliance with the projection of need as  
390 reported in the current State Health Plan are waived. From and  
391 after July 1, 1999, there shall be no prohibition or restrictions  
392 on participation in the Medicaid program (Section 43-13-101 et  
393 seq.) for the beds in the long-term care facilities that were  
394 authorized under this paragraph (j).





395 (k) The department may issue a certificate of need for  
396 the construction of a nursing facility at a continuing care  
397 retirement community in Lowndes County. The total number of beds  
398 that may be authorized under the authority of this paragraph (k)  
399 shall not exceed sixty (60) beds. From and after July 1, 2001,  
400 the prohibition on the facility participating in the Medicaid  
401 program (Section 43-13-101 et seq.) that was a condition of  
402 issuance of the certificate of need under this paragraph (k) shall  
403 be revised as follows: The nursing facility may participate in  
404 the Medicaid program from and after July 1, 2001, if the owner of  
405 the facility on July 1, 2001, agrees in writing that no more than  
406 thirty (30) of the beds at the facility will be certified for  
407 participation in the Medicaid program, and that no claim will be  
408 submitted for Medicaid reimbursement for more than thirty (30)  
409 patients in the facility in any month or for any patient in the  
410 facility who is in a bed that is not Medicaid-certified. This  
411 written agreement by the owner of the facility shall be a  
412 condition of licensure of the facility, and the agreement shall be  
413 fully binding on any subsequent owner of the facility if the  
414 ownership of the facility is transferred at any time after July 1,  
415 2001. After this written agreement is executed, the Division of  
416 Medicaid and the State Department of Health shall not certify more  
417 than thirty (30) of the beds in the facility for participation in  
418 the Medicaid program. If the facility violates the terms of the  
419 written agreement by admitting or keeping in the facility on a



420 regular or continuing basis more than thirty (30) patients who are  
421 participating in the Medicaid program, the State Department of  
422 Health shall revoke the license of the facility, at the time that  
423 the department determines, after a hearing complying with due  
424 process, that the facility has violated the written agreement.

425           (1) Provided that funds are specifically appropriated  
426 therefor by the Legislature, the department may issue a  
427 certificate of need to a rehabilitation hospital in Hinds County  
428 for the construction of a sixty-bed long-term care nursing  
429 facility dedicated to the care and treatment of persons with  
430 severe disabilities including persons with spinal cord and  
431 closed-head injuries and ventilator dependent patients. The  
432 provisions of Section 41-7-193(1) regarding substantial compliance  
433 with projection of need as reported in the current State Health  
434 Plan are waived for the purpose of this paragraph.

435           (m) The State Department of Health may issue a  
436 certificate of need to a county-owned hospital in the Second  
437 Judicial District of Panola County for the conversion of not more  
438 than seventy-two (72) hospital beds to nursing facility beds,  
439 provided that the recipient of the certificate of need agrees in  
440 writing that none of the beds at the nursing facility will be  
441 certified for participation in the Medicaid program (Section  
442 43-13-101 et seq.), and that no claim will be submitted for  
443 Medicaid reimbursement in the nursing facility in any day or for  
444 any patient in the nursing facility. This written agreement by



445 the recipient of the certificate of need shall be a condition of  
446 the issuance of the certificate of need under this paragraph, and  
447 the agreement shall be fully binding on any subsequent owner of  
448 the nursing facility if the ownership of the nursing facility is  
449 transferred at any time after the issuance of the certificate of  
450 need. After this written agreement is executed, the Division of  
451 Medicaid and the State Department of Health shall not certify any  
452 of the beds in the nursing facility for participation in the  
453 Medicaid program. If the nursing facility violates the terms of  
454 the written agreement by admitting or keeping in the nursing  
455 facility on a regular or continuing basis any patients who are  
456 participating in the Medicaid program, the State Department of  
457 Health shall revoke the license of the nursing facility, at the  
458 time that the department determines, after a hearing complying  
459 with due process, that the nursing facility has violated the  
460 condition upon which the certificate of need was issued, as  
461 provided in this paragraph and in the written agreement. If the  
462 certificate of need authorized under this paragraph is not issued  
463 within twelve (12) months after July 1, 2001, the department shall  
464 deny the application for the certificate of need and shall not  
465 issue the certificate of need at any time after the twelve-month  
466 period, unless the issuance is contested. If the certificate of  
467 need is issued and substantial construction of the nursing  
468 facility beds has not commenced within eighteen (18) months after  
469 July 1, 2001, the State Department of Health, after a hearing



470 complying with due process, shall revoke the certificate of need  
471 if it is still outstanding, and the department shall not issue a  
472 license for the nursing facility at any time after the  
473 eighteen-month period. However, if the issuance of the  
474 certificate of need is contested, the department shall require  
475 substantial construction of the nursing facility beds within six  
476 (6) months after final adjudication on the issuance of the  
477 certificate of need.

478 (n) The department may issue a certificate of need for  
479 the new construction, addition or conversion of skilled nursing  
480 facility beds in Madison County, provided that the recipient of  
481 the certificate of need agrees in writing that the skilled nursing  
482 facility will not at any time participate in the Medicaid program  
483 (Section 43-13-101 et seq.) or admit or keep any patients in the  
484 skilled nursing facility who are participating in the Medicaid  
485 program. This written agreement by the recipient of the  
486 certificate of need shall be fully binding on any subsequent owner  
487 of the skilled nursing facility, if the ownership of the facility  
488 is transferred at any time after the issuance of the certificate  
489 of need. Agreement that the skilled nursing facility will not  
490 participate in the Medicaid program shall be a condition of the  
491 issuance of a certificate of need to any person under this  
492 paragraph (n), and if such skilled nursing facility at any time  
493 after the issuance of the certificate of need, regardless of the  
494 ownership of the facility, participates in the Medicaid program or



495 admits or keeps any patients in the facility who are participating  
496 in the Medicaid program, the State Department of Health shall  
497 revoke the certificate of need, if it is still outstanding, and  
498 shall deny or revoke the license of the skilled nursing facility,  
499 at the time that the department determines, after a hearing  
500 complying with due process, that the facility has failed to comply  
501 with any of the conditions upon which the certificate of need was  
502 issued, as provided in this paragraph and in the written agreement  
503 by the recipient of the certificate of need. The total number of  
504 nursing facility beds that may be authorized by any certificate of  
505 need issued under this paragraph (n) shall not exceed sixty (60)  
506 beds. If the certificate of need authorized under this paragraph  
507 is not issued within twelve (12) months after July 1, 1998, the  
508 department shall deny the application for the certificate of need  
509 and shall not issue the certificate of need at any time after the  
510 twelve-month period, unless the issuance is contested. If the  
511 certificate of need is issued and substantial construction of the  
512 nursing facility beds has not commenced within eighteen (18)  
513 months after July 1, 1998, the State Department of Health, after a  
514 hearing complying with due process, shall revoke the certificate  
515 of need if it is still outstanding, and the department shall not  
516 issue a license for the nursing facility at any time after the  
517 eighteen-month period. However, if the issuance of the  
518 certificate of need is contested, the department shall require  
519 substantial construction of the nursing facility beds within six



520 (6) months after final adjudication on the issuance of the  
521 certificate of need.

522 (o) The department may issue a certificate of need for  
523 the new construction, addition or conversion of skilled nursing  
524 facility beds in Leake County, provided that the recipient of the  
525 certificate of need agrees in writing that the skilled nursing  
526 facility will not at any time participate in the Medicaid program  
527 (Section 43-13-101 et seq.) or admit or keep any patients in the  
528 skilled nursing facility who are participating in the Medicaid  
529 program. This written agreement by the recipient of the  
530 certificate of need shall be fully binding on any subsequent owner  
531 of the skilled nursing facility, if the ownership of the facility  
532 is transferred at any time after the issuance of the certificate  
533 of need. Agreement that the skilled nursing facility will not  
534 participate in the Medicaid program shall be a condition of the  
535 issuance of a certificate of need to any person under this  
536 paragraph (o), and if such skilled nursing facility at any time  
537 after the issuance of the certificate of need, regardless of the  
538 ownership of the facility, participates in the Medicaid program or  
539 admits or keeps any patients in the facility who are participating  
540 in the Medicaid program, the State Department of Health shall  
541 revoke the certificate of need, if it is still outstanding, and  
542 shall deny or revoke the license of the skilled nursing facility,  
543 at the time that the department determines, after a hearing  
544 complying with due process, that the facility has failed to comply



545 with any of the conditions upon which the certificate of need was  
546 issued, as provided in this paragraph and in the written agreement  
547 by the recipient of the certificate of need. The total number of  
548 nursing facility beds that may be authorized by any certificate of  
549 need issued under this paragraph (o) shall not exceed sixty (60)  
550 beds. If the certificate of need authorized under this paragraph  
551 is not issued within twelve (12) months after July 1, 2001, the  
552 department shall deny the application for the certificate of need  
553 and shall not issue the certificate of need at any time after the  
554 twelve-month period, unless the issuance is contested. If the  
555 certificate of need is issued and substantial construction of the  
556 nursing facility beds has not commenced within eighteen (18)  
557 months after July 1, 2001, the State Department of Health, after a  
558 hearing complying with due process, shall revoke the certificate  
559 of need if it is still outstanding, and the department shall not  
560 issue a license for the nursing facility at any time after the  
561 eighteen-month period. However, if the issuance of the  
562 certificate of need is contested, the department shall require  
563 substantial construction of the nursing facility beds within six  
564 (6) months after final adjudication on the issuance of the  
565 certificate of need.

566 (p) The department may issue a certificate of need for  
567 the construction of a municipally owned nursing facility within  
568 the Town of Belmont in Tishomingo County, not to exceed sixty (60)  
569 beds, provided that the recipient of the certificate of need



570 agrees in writing that the skilled nursing facility will not at  
571 any time participate in the Medicaid program (Section 43-13-101 et  
572 seq.) or admit or keep any patients in the skilled nursing  
573 facility who are participating in the Medicaid program. This  
574 written agreement by the recipient of the certificate of need  
575 shall be fully binding on any subsequent owner of the skilled  
576 nursing facility, if the ownership of the facility is transferred  
577 at any time after the issuance of the certificate of need.  
578 Agreement that the skilled nursing facility will not participate  
579 in the Medicaid program shall be a condition of the issuance of a  
580 certificate of need to any person under this paragraph (p), and if  
581 such skilled nursing facility at any time after the issuance of  
582 the certificate of need, regardless of the ownership of the  
583 facility, participates in the Medicaid program or admits or keeps  
584 any patients in the facility who are participating in the Medicaid  
585 program, the State Department of Health shall revoke the  
586 certificate of need, if it is still outstanding, and shall deny or  
587 revoke the license of the skilled nursing facility, at the time  
588 that the department determines, after a hearing complying with due  
589 process, that the facility has failed to comply with any of the  
590 conditions upon which the certificate of need was issued, as  
591 provided in this paragraph and in the written agreement by the  
592 recipient of the certificate of need. The provision of Section  
593 41-7-193(1) regarding substantial compliance of the projection of  
594 need as reported in the current State Health Plan is waived for





595 the purposes of this paragraph. If the certificate of need  
596 authorized under this paragraph is not issued within twelve (12)  
597 months after July 1, 1998, the department shall deny the  
598 application for the certificate of need and shall not issue the  
599 certificate of need at any time after the twelve-month period,  
600 unless the issuance is contested. If the certificate of need is  
601 issued and substantial construction of the nursing facility beds  
602 has not commenced within eighteen (18) months after July 1, 1998,  
603 the State Department of Health, after a hearing complying with due  
604 process, shall revoke the certificate of need if it is still  
605 outstanding, and the department shall not issue a license for the  
606 nursing facility at any time after the eighteen-month period.  
607 However, if the issuance of the certificate of need is contested,  
608 the department shall require substantial construction of the  
609 nursing facility beds within six (6) months after final  
610 adjudication on the issuance of the certificate of need.

611 (q) (i) Beginning on July 1, 1999, the State  
612 Department of Health shall issue certificates of need during each  
613 of the next four (4) fiscal years for the construction or  
614 expansion of nursing facility beds or the conversion of other beds  
615 to nursing facility beds in each county in the state having a need  
616 for fifty (50) or more additional nursing facility beds, as shown  
617 in the fiscal year 1999 State Health Plan, in the manner provided  
618 in this paragraph (q). The total number of nursing facility beds



619 that may be authorized by any certificate of need authorized under  
620 this paragraph (q) shall not exceed sixty (60) beds.

621 (ii) Subject to the provisions of subparagraph  
622 (v), during each of the next four (4) fiscal years, the department  
623 shall issue six (6) certificates of need for new nursing facility  
624 beds, as follows: During fiscal years 2000, 2001 and 2002, one  
625 (1) certificate of need shall be issued for new nursing facility  
626 beds in the county in each of the four (4) Long-Term Care Planning  
627 Districts designated in the fiscal year 1999 State Health Plan  
628 that has the highest need in the district for those beds; and two  
629 (2) certificates of need shall be issued for new nursing facility  
630 beds in the two (2) counties from the state at large that have the  
631 highest need in the state for those beds, when considering the  
632 need on a statewide basis and without regard to the Long-Term Care  
633 Planning Districts in which the counties are located. During  
634 fiscal year 2003, one (1) certificate of need shall be issued for  
635 new nursing facility beds in any county having a need for fifty  
636 (50) or more additional nursing facility beds, as shown in the  
637 fiscal year 1999 State Health Plan, that has not received a  
638 certificate of need under this paragraph (q) during the three (3)  
639 previous fiscal years. During fiscal year 2000, in addition to  
640 the six (6) certificates of need authorized in this subparagraph,  
641 the department also shall issue a certificate of need for new  
642 nursing facility beds in Amite County and a certificate of need  
643 for new nursing facility beds in Carroll County.



644 (iii) Subject to the provisions of subparagraph  
645 (v), the certificate of need issued under subparagraph (ii) for  
646 nursing facility beds in each Long-Term Care Planning District  
647 during each fiscal year shall first be available for nursing  
648 facility beds in the county in the district having the highest  
649 need for those beds, as shown in the fiscal year 1999 State Health  
650 Plan. If there are no applications for a certificate of need for  
651 nursing facility beds in the county having the highest need for  
652 those beds by the date specified by the department, then the  
653 certificate of need shall be available for nursing facility beds  
654 in other counties in the district in descending order of the need  
655 for those beds, from the county with the second highest need to  
656 the county with the lowest need, until an application is received  
657 for nursing facility beds in an eligible county in the district.

658 (iv) Subject to the provisions of subparagraph  
659 (v), the certificate of need issued under subparagraph (ii) for  
660 nursing facility beds in the two (2) counties from the state at  
661 large during each fiscal year shall first be available for nursing  
662 facility beds in the two (2) counties that have the highest need  
663 in the state for those beds, as shown in the fiscal year 1999  
664 State Health Plan, when considering the need on a statewide basis  
665 and without regard to the Long-Term Care Planning Districts in  
666 which the counties are located. If there are no applications for  
667 a certificate of need for nursing facility beds in either of the  
668 two (2) counties having the highest need for those beds on a



669 statewide basis by the date specified by the department, then the  
670 certificate of need shall be available for nursing facility beds  
671 in other counties from the state at large in descending order of  
672 the need for those beds on a statewide basis, from the county with  
673 the second highest need to the county with the lowest need, until  
674 an application is received for nursing facility beds in an  
675 eligible county from the state at large.

676                   (v) If a certificate of need is authorized to be  
677 issued under this paragraph (q) for nursing facility beds in a  
678 county on the basis of the need in the Long-Term Care Planning  
679 District during any fiscal year of the four-year period, a  
680 certificate of need shall not also be available under this  
681 paragraph (q) for additional nursing facility beds in that county  
682 on the basis of the need in the state at large, and that county  
683 shall be excluded in determining which counties have the highest  
684 need for nursing facility beds in the state at large for that  
685 fiscal year. After a certificate of need has been issued under  
686 this paragraph (q) for nursing facility beds in a county during  
687 any fiscal year of the four-year period, a certificate of need  
688 shall not be available again under this paragraph (q) for  
689 additional nursing facility beds in that county during the  
690 four-year period, and that county shall be excluded in determining  
691 which counties have the highest need for nursing facility beds in  
692 succeeding fiscal years.



693                   (vi) If more than one (1) application is made for  
694 a certificate of need for nursing home facility beds available  
695 under this paragraph (q), in Yalobusha, Newton or Tallahatchie  
696 County, and one (1) of the applicants is a county-owned hospital  
697 located in the county where the nursing facility beds are  
698 available, the department shall give priority to the county-owned  
699 hospital in granting the certificate of need if the following  
700 conditions are met:

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

704                   2. The county-owned hospital's qualifications  
705 for the certificate of need, as shown in its application and as  
706 determined by the department, are at least equal to the  
707 qualifications of the other applicants for the certificate of  
708 need.

709                   (r) (i) Beginning on July 1, 1999, the State  
710 Department of Health shall issue certificates of need during each  
711 of the next two (2) fiscal years for the construction or expansion  
712 of nursing facility beds or the conversion of other beds to  
713 nursing facility beds in each of the four (4) Long-Term Care  
714 Planning Districts designated in the fiscal year 1999 State Health  
715 Plan, to provide care exclusively to patients with Alzheimer's  
716 disease.



717                   (ii) Not more than twenty (20) beds may be  
718 authorized by any certificate of need issued under this paragraph  
719 (r), and not more than a total of sixty (60) beds may be  
720 authorized in any Long-Term Care Planning District by all  
721 certificates of need issued under this paragraph (r). However,  
722 the total number of beds that may be authorized by all  
723 certificates of need issued under this paragraph (r) during any  
724 fiscal year shall not exceed one hundred twenty (120) beds, and  
725 the total number of beds that may be authorized in any Long-Term  
726 Care Planning District during any fiscal year shall not exceed  
727 forty (40) beds. Of the certificates of need that are issued for  
728 each Long-Term Care Planning District during the next two (2)  
729 fiscal years, at least one (1) shall be issued for beds in the  
730 northern part of the district, at least one (1) shall be issued  
731 for beds in the central part of the district, and at least one (1)  
732 shall be issued for beds in the southern part of the district.

733                   (iii) The State Department of Health, in  
734 consultation with the Department of Mental Health and the Division  
735 of Medicaid, shall develop and prescribe the staffing levels,  
736 space requirements and other standards and requirements that must  
737 be met with regard to the nursing facility beds authorized under  
738 this paragraph (r) to provide care exclusively to patients with  
739 Alzheimer's disease.

740                   (s) The State Department of Health may issue a  
741 certificate of need to a nonprofit skilled nursing facility using



742 the Green House model of skilled nursing care and located in Yazoo  
743 City, Yazoo County, Mississippi, for the construction, expansion  
744 or conversion of not more than nineteen (19) nursing facility  
745 beds. For purposes of this paragraph (s), the provisions of  
746 Section 41-7-193(1) requiring substantial compliance with the  
747 projection of need as reported in the current State Health Plan  
748 and the provisions of Section 41-7-197 requiring a formal  
749 certificate of need hearing process are waived. There shall be no  
750 prohibition or restrictions on participation in the Medicaid  
751 program for the person receiving the certificate of need  
752 authorized under this paragraph (s).

753 (t) The State Department of Health shall issue  
754 certificates of need to the owner of a nursing facility in  
755 operation at the time of Hurricane Katrina in Hancock County that  
756 was not operational on December 31, 2005, because of damage  
757 sustained from Hurricane Katrina to authorize the following: (i)  
758 the construction of a new nursing facility in Harrison County;  
759 (ii) the relocation of forty-nine (49) nursing facility beds from  
760 the Hancock County facility to the new Harrison County facility;  
761 (iii) the establishment of not more than twenty (20) non-Medicaid  
762 nursing facility beds at the Hancock County facility; and (iv) the  
763 establishment of not more than twenty (20) non-Medicaid beds at  
764 the new Harrison County facility. The certificates of need that  
765 authorize the non-Medicaid nursing facility beds under  
766 subparagraphs (iii) and (iv) of this paragraph (t) shall be



767 subject to the following conditions: The owner of the Hancock  
768 County facility and the new Harrison County facility must agree in  
769 writing that no more than fifty (50) of the beds at the Hancock  
770 County facility and no more than forty-nine (49) of the beds at  
771 the Harrison County facility will be certified for participation  
772 in the Medicaid program, and that no claim will be submitted for  
773 Medicaid reimbursement for more than fifty (50) patients in the  
774 Hancock County facility in any month, or for more than forty-nine  
775 (49) patients in the Harrison County facility in any month, or for  
776 any patient in either facility who is in a bed that is not  
777 Medicaid-certified. This written agreement by the owner of the  
778 nursing facilities shall be a condition of the issuance of the  
779 certificates of need under this paragraph (t), and the agreement  
780 shall be fully binding on any later owner or owners of either  
781 facility if the ownership of either facility is transferred at any  
782 time after the certificates of need are issued. After this  
783 written agreement is executed, the Division of Medicaid and the  
784 State Department of Health shall not certify more than fifty (50)  
785 of the beds at the Hancock County facility or more than forty-nine  
786 (49) of the beds at the Harrison County facility for participation  
787 in the Medicaid program. If the Hancock County facility violates  
788 the terms of the written agreement by admitting or keeping in the  
789 facility on a regular or continuing basis more than fifty (50)  
790 patients who are participating in the Medicaid program, or if the  
791 Harrison County facility violates the terms of the written





792 agreement by admitting or keeping in the facility on a regular or  
793 continuing basis more than forty-nine (49) patients who are  
794 participating in the Medicaid program, the State Department of  
795 Health shall revoke the license of the facility that is in  
796 violation of the agreement, at the time that the department  
797 determines, after a hearing complying with due process, that the  
798 facility has violated the agreement.

799           (u) The State Department of Health shall issue a  
800 certificate of need to a nonprofit venture for the establishment,  
801 construction and operation of a skilled nursing facility of not  
802 more than sixty (60) beds to provide skilled nursing care for  
803 ventilator dependent or otherwise medically dependent pediatric  
804 patients who require medical and nursing care or rehabilitation  
805 services to be located in a county in which an academic medical  
806 center and a children's hospital are located, and for any  
807 construction and for the acquisition of equipment related to those  
808 beds. The facility shall be authorized to keep such ventilator  
809 dependent or otherwise medically dependent pediatric patients  
810 beyond age twenty-one (21) in accordance with regulations of the  
811 State Board of Health. For purposes of this paragraph (u), the  
812 provisions of Section 41-7-193(1) requiring substantial compliance  
813 with the projection of need as reported in the current State  
814 Health Plan are waived, and the provisions of Section 41-7-197  
815 requiring a formal certificate of need hearing process are waived.  
816 The beds authorized by this paragraph shall be counted as



817 pediatric skilled nursing facility beds for health planning  
818 purposes under Section 41-7-171 et seq. There shall be no  
819 prohibition of or restrictions on participation in the Medicaid  
820 program for the person receiving the certificate of need  
821 authorized by this paragraph.

822 (3) The State Department of Health may grant approval for  
823 and issue certificates of need to any person proposing the new  
824 construction of, addition to, conversion of beds of or expansion  
825 of any health care facility defined in subparagraph (x)  
826 (psychiatric residential treatment facility) of Section  
827 41-7-173(h). The total number of beds which may be authorized by  
828 such certificates of need shall not exceed three hundred  
829 thirty-four (334) beds for the entire state.

830 (a) Of the total number of beds authorized under this  
831 subsection, the department shall issue a certificate of need to a  
832 privately owned psychiatric residential treatment facility in  
833 Simpson County for the conversion of sixteen (16) intermediate  
834 care facility for the mentally retarded (ICF-MR) beds to  
835 psychiatric residential treatment facility beds, provided that  
836 facility agrees in writing that the facility shall give priority  
837 for the use of those sixteen (16) beds to Mississippi residents  
838 who are presently being treated in out-of-state facilities.

839 (b) Of the total number of beds authorized under this  
840 subsection, the department may issue a certificate or certificates  
841 of need for the construction or expansion of psychiatric



842 residential treatment facility beds or the conversion of other  
843 beds to psychiatric residential treatment facility beds in Warren  
844 County, not to exceed sixty (60) psychiatric residential treatment  
845 facility beds, provided that the facility agrees in writing that  
846 no more than thirty (30) of the beds at the psychiatric  
847 residential treatment facility will be certified for participation  
848 in the Medicaid program (Section 43-13-101 et seq.) for the use of  
849 any patients other than those who are participating only in the  
850 Medicaid program of another state, and that no claim will be  
851 submitted to the Division of Medicaid for Medicaid reimbursement  
852 for more than thirty (30) patients in the psychiatric residential  
853 treatment facility in any day or for any patient in the  
854 psychiatric residential treatment facility who is in a bed that is  
855 not Medicaid-certified. This written agreement by the recipient  
856 of the certificate of need shall be a condition of the issuance of  
857 the certificate of need under this paragraph, and the agreement  
858 shall be fully binding on any subsequent owner of the psychiatric  
859 residential treatment facility if the ownership of the facility is  
860 transferred at any time after the issuance of the certificate of  
861 need. After this written agreement is executed, the Division of  
862 Medicaid and the State Department of Health shall not certify more  
863 than thirty (30) of the beds in the psychiatric residential  
864 treatment facility for participation in the Medicaid program for  
865 the use of any patients other than those who are participating  
866 only in the Medicaid program of another state. If the psychiatric



867 residential treatment facility violates the terms of the written  
868 agreement by admitting or keeping in the facility on a regular or  
869 continuing basis more than thirty (30) patients who are  
870 participating in the Mississippi Medicaid program, the State  
871 Department of Health shall revoke the license of the facility, at  
872 the time that the department determines, after a hearing complying  
873 with due process, that the facility has violated the condition  
874 upon which the certificate of need was issued, as provided in this  
875 paragraph and in the written agreement.

876         The State Department of Health, on or before July 1, 2002,  
877 shall transfer the certificate of need authorized under the  
878 authority of this paragraph (b), or reissue the certificate of  
879 need if it has expired, to River Region Health System.

880         (c) Of the total number of beds authorized under this  
881 subsection, the department shall issue a certificate of need to a  
882 hospital currently operating Medicaid-certified acute psychiatric  
883 beds for adolescents in DeSoto County, for the establishment of a  
884 forty-bed psychiatric residential treatment facility in DeSoto  
885 County, provided that the hospital agrees in writing (i) that the  
886 hospital shall give priority for the use of those forty (40) beds  
887 to Mississippi residents who are presently being treated in  
888 out-of-state facilities, and (ii) that no more than fifteen (15)  
889 of the beds at the psychiatric residential treatment facility will  
890 be certified for participation in the Medicaid program (Section  
891 43-13-101 et seq.), and that no claim will be submitted for



892 Medicaid reimbursement for more than fifteen (15) patients in the  
893 psychiatric residential treatment facility in any day or for any  
894 patient in the psychiatric residential treatment facility who is  
895 in a bed that is not Medicaid-certified. This written agreement  
896 by the recipient of the certificate of need shall be a condition  
897 of the issuance of the certificate of need under this paragraph,  
898 and the agreement shall be fully binding on any subsequent owner  
899 of the psychiatric residential treatment facility if the ownership  
900 of the facility is transferred at any time after the issuance of  
901 the certificate of need. After this written agreement is  
902 executed, the Division of Medicaid and the State Department of  
903 Health shall not certify more than fifteen (15) of the beds in the  
904 psychiatric residential treatment facility for participation in  
905 the Medicaid program. If the psychiatric residential treatment  
906 facility violates the terms of the written agreement by admitting  
907 or keeping in the facility on a regular or continuing basis more  
908 than fifteen (15) patients who are participating in the Medicaid  
909 program, the State Department of Health shall revoke the license  
910 of the facility, at the time that the department determines, after  
911 a hearing complying with due process, that the facility has  
912 violated the condition upon which the certificate of need was  
913 issued, as provided in this paragraph and in the written  
914 agreement.

915 (d) Of the total number of beds authorized under this  
916 subsection, the department may issue a certificate or certificates



917 of need for the construction or expansion of psychiatric  
918 residential treatment facility beds or the conversion of other  
919 beds to psychiatric treatment facility beds, not to exceed thirty  
920 (30) psychiatric residential treatment facility beds, in either  
921 Alcorn, Tishomingo, Prentiss, Lee, Itawamba, Monroe, Chickasaw,  
922 Pontotoc, Calhoun, Lafayette, Union, Benton or Tippah County.

923 (e) Of the total number of beds authorized under this  
924 subsection (3) the department shall issue a certificate of need to  
925 a privately owned, nonprofit psychiatric residential treatment  
926 facility in Hinds County for an eight-bed expansion of the  
927 facility, provided that the facility agrees in writing that the  
928 facility shall give priority for the use of those eight (8) beds  
929 to Mississippi residents who are presently being treated in  
930 out-of-state facilities.

931 (f) The department shall issue a certificate of need to  
932 a one-hundred-thirty-four-bed specialty hospital located on  
933 twenty-nine and forty-four one-hundredths (29.44) commercial acres  
934 at 5900 Highway 39 North in Meridian (Lauderdale County),  
935 Mississippi, for the addition, construction or expansion of  
936 child/adolescent psychiatric residential treatment facility beds  
937 in Lauderdale County. As a condition of issuance of the  
938 certificate of need under this paragraph, the facility shall give  
939 priority in admissions to the child/adolescent psychiatric  
940 residential treatment facility beds authorized under this  
941 paragraph to patients who otherwise would require out-of-state



942 placement. The Division of Medicaid, in conjunction with the  
943 Department of Human Services, shall furnish the facility a list of  
944 all out-of-state patients on a quarterly basis. Furthermore,  
945 notice shall also be provided to the parent, custodial parent or  
946 guardian of each out-of-state patient notifying them of the  
947 priority status granted by this paragraph. For purposes of this  
948 paragraph, the provisions of Section 41-7-193(1) requiring  
949 substantial compliance with the projection of need as reported in  
950 the current State Health Plan are waived. The total number of  
951 child/adolescent psychiatric residential treatment facility beds  
952 that may be authorized under the authority of this paragraph shall  
953 be sixty (60) beds. There shall be no prohibition or restrictions  
954 on participation in the Medicaid program (Section 43-13-101 et  
955 seq.) for the person receiving the certificate of need authorized  
956 under this paragraph or for the beds converted pursuant to the  
957 authority of that certificate of need.

958 (4) (a) From and after July 1, 1993, the department shall  
959 not issue a certificate of need to any person for the new  
960 construction of any hospital, psychiatric hospital or chemical  
961 dependency hospital that will contain any child/adolescent  
962 psychiatric or child/adolescent chemical dependency beds, or for  
963 the conversion of any other health care facility to a hospital,  
964 psychiatric hospital or chemical dependency hospital that will  
965 contain any child/adolescent psychiatric or child/adolescent  
966 chemical dependency beds, or for the addition of any



967 child/adolescent psychiatric or child/adolescent chemical  
968 dependency beds in any hospital, psychiatric hospital or chemical  
969 dependency hospital, or for the conversion of any beds of another  
970 category in any hospital, psychiatric hospital or chemical  
971 dependency hospital to child/adolescent psychiatric or  
972 child/adolescent chemical dependency beds, except as hereinafter  
973 authorized:

974 (i) The department may issue certificates of need  
975 to any person for any purpose described in this subsection,  
976 provided that the hospital, psychiatric hospital or chemical  
977 dependency hospital does not participate in the Medicaid program  
978 (Section 43-13-101 et seq.) at the time of the application for the  
979 certificate of need and the owner of the hospital, psychiatric  
980 hospital or chemical dependency hospital agrees in writing that  
981 the hospital, psychiatric hospital or chemical dependency hospital  
982 will not at any time participate in the Medicaid program or admit  
983 or keep any patients who are participating in the Medicaid program  
984 in the hospital, psychiatric hospital or chemical dependency  
985 hospital. This written agreement by the recipient of the  
986 certificate of need shall be fully binding on any subsequent owner  
987 of the hospital, psychiatric hospital or chemical dependency  
988 hospital, if the ownership of the facility is transferred at any  
989 time after the issuance of the certificate of need. Agreement  
990 that the hospital, psychiatric hospital or chemical dependency  
991 hospital will not participate in the Medicaid program shall be a





992 condition of the issuance of a certificate of need to any person  
993 under this subparagraph (i), and if such hospital, psychiatric  
994 hospital or chemical dependency hospital at any time after the  
995 issuance of the certificate of need, regardless of the ownership  
996 of the facility, participates in the Medicaid program or admits or  
997 keeps any patients in the hospital, psychiatric hospital or  
998 chemical dependency hospital who are participating in the Medicaid  
999 program, the State Department of Health shall revoke the  
1000 certificate of need, if it is still outstanding, and shall deny or  
1001 revoke the license of the hospital, psychiatric hospital or  
1002 chemical dependency hospital, at the time that the department  
1003 determines, after a hearing complying with due process, that the  
1004 hospital, psychiatric hospital or chemical dependency hospital has  
1005 failed to comply with any of the conditions upon which the  
1006 certificate of need was issued, as provided in this subparagraph  
1007 (i) and in the written agreement by the recipient of the  
1008 certificate of need.

1009                   (ii) The department may issue a certificate of  
1010 need for the conversion of existing beds in a county hospital in  
1011 Choctaw County from acute care beds to child/adolescent chemical  
1012 dependency beds. For purposes of this subparagraph (ii), the  
1013 provisions of Section 41-7-193(1) requiring substantial compliance  
1014 with the projection of need as reported in the current State  
1015 Health Plan are waived. The total number of beds that may be  
1016 authorized under authority of this subparagraph shall not exceed



1017 twenty (20) beds. There shall be no prohibition or restrictions  
1018 on participation in the Medicaid program (Section 43-13-101 et  
1019 seq.) for the hospital receiving the certificate of need  
1020 authorized under this subparagraph or for the beds converted  
1021 pursuant to the authority of that certificate of need.

1022 (iii) The department may issue a certificate or  
1023 certificates of need for the construction or expansion of  
1024 child/adolescent psychiatric beds or the conversion of other beds  
1025 to child/adolescent psychiatric beds in Warren County. For  
1026 purposes of this subparagraph (iii), the provisions of Section  
1027 41-7-193(1) requiring substantial compliance with the projection  
1028 of need as reported in the current State Health Plan are waived.  
1029 The total number of beds that may be authorized under the  
1030 authority of this subparagraph shall not exceed twenty (20) beds.  
1031 There shall be no prohibition or restrictions on participation in  
1032 the Medicaid program (Section 43-13-101 et seq.) for the person  
1033 receiving the certificate of need authorized under this  
1034 subparagraph or for the beds converted pursuant to the authority  
1035 of that certificate of need.

1036 If by January 1, 2002, there has been no significant  
1037 commencement of construction of the beds authorized under this  
1038 subparagraph (iii), or no significant action taken to convert  
1039 existing beds to the beds authorized under this subparagraph, then  
1040 the certificate of need that was previously issued under this  
1041 subparagraph shall expire. If the previously issued certificate



1042 of need expires, the department may accept applications for  
1043 issuance of another certificate of need for the beds authorized  
1044 under this subparagraph, and may issue a certificate of need to  
1045 authorize the construction, expansion or conversion of the beds  
1046 authorized under this subparagraph.

1047 (iv) The department shall issue a certificate of  
1048 need to the Region 7 Mental Health/Retardation Commission for the  
1049 construction or expansion of child/adolescent psychiatric beds or  
1050 the conversion of other beds to child/adolescent psychiatric beds  
1051 in any of the counties served by the commission. For purposes of  
1052 this subparagraph (iv), the provisions of Section 41-7-193(1)  
1053 requiring substantial compliance with the projection of need as  
1054 reported in the current State Health Plan are waived. The total  
1055 number of beds that may be authorized under the authority of this  
1056 subparagraph shall not exceed twenty (20) beds. There shall be no  
1057 prohibition or restrictions on participation in the Medicaid  
1058 program (Section 43-13-101 et seq.) for the person receiving the  
1059 certificate of need authorized under this subparagraph or for the  
1060 beds converted pursuant to the authority of that certificate of  
1061 need.

1062 (v) The department may issue a certificate of need  
1063 to any county hospital located in Leflore County for the  
1064 construction or expansion of adult psychiatric beds or the  
1065 conversion of other beds to adult psychiatric beds, not to exceed  
1066 twenty (20) beds, provided that the recipient of the certificate



1067 of need agrees in writing that the adult psychiatric beds will not  
1068 at any time be certified for participation in the Medicaid program  
1069 and that the hospital will not admit or keep any patients who are  
1070 participating in the Medicaid program in any of such adult  
1071 psychiatric beds. This written agreement by the recipient of the  
1072 certificate of need shall be fully binding on any subsequent owner  
1073 of the hospital if the ownership of the hospital is transferred at  
1074 any time after the issuance of the certificate of need. Agreement  
1075 that the adult psychiatric beds will not be certified for  
1076 participation in the Medicaid program shall be a condition of the  
1077 issuance of a certificate of need to any person under this  
1078 subparagraph (v), and if such hospital at any time after the  
1079 issuance of the certificate of need, regardless of the ownership  
1080 of the hospital, has any of such adult psychiatric beds certified  
1081 for participation in the Medicaid program or admits or keeps any  
1082 Medicaid patients in such adult psychiatric beds, the State  
1083 Department of Health shall revoke the certificate of need, if it  
1084 is still outstanding, and shall deny or revoke the license of the  
1085 hospital at the time that the department determines, after a  
1086 hearing complying with due process, that the hospital has failed  
1087 to comply with any of the conditions upon which the certificate of  
1088 need was issued, as provided in this subparagraph and in the  
1089 written agreement by the recipient of the certificate of need.

1090 (vi) The department may issue a certificate or  
1091 certificates of need for the expansion of child psychiatric beds



1092 or the conversion of other beds to child psychiatric beds at the  
1093 University of Mississippi Medical Center. For purposes of this  
1094 subparagraph (vi), the provisions of Section 41-7-193(1) requiring  
1095 substantial compliance with the projection of need as reported in  
1096 the current State Health Plan are waived. The total number of  
1097 beds that may be authorized under the authority of this  
1098 subparagraph shall not exceed fifteen (15) beds. There shall be  
1099 no prohibition or restrictions on participation in the Medicaid  
1100 program (Section 43-13-101 et seq.) for the hospital receiving the  
1101 certificate of need authorized under this subparagraph or for the  
1102 beds converted pursuant to the authority of that certificate of  
1103 need.

1104 (b) From and after July 1, 1990, no hospital,  
1105 psychiatric hospital or chemical dependency hospital shall be  
1106 authorized to add any child/adolescent psychiatric or  
1107 child/adolescent chemical dependency beds or convert any beds of  
1108 another category to child/adolescent psychiatric or  
1109 child/adolescent chemical dependency beds without a certificate of  
1110 need under the authority of subsection (1)(c) of this section.

1111 (5) The department may issue a certificate of need to a  
1112 county hospital in Winston County for the conversion of fifteen  
1113 (15) acute care beds to geriatric psychiatric care beds.

1114 (6) The State Department of Health shall issue a certificate  
1115 of need to a Mississippi corporation qualified to manage a  
1116 long-term care hospital as defined in Section 41-7-173(h)(xii) in



1117 Harrison County, not to exceed eighty (80) beds, including any  
1118 necessary renovation or construction required for licensure and  
1119 certification, provided that the recipient of the certificate of  
1120 need agrees in writing that the long-term care hospital will not  
1121 at any time participate in the Medicaid program (Section 43-13-101  
1122 et seq.) or admit or keep any patients in the long-term care  
1123 hospital who are participating in the Medicaid program. This  
1124 written agreement by the recipient of the certificate of need  
1125 shall be fully binding on any subsequent owner of the long-term  
1126 care hospital, if the ownership of the facility is transferred at  
1127 any time after the issuance of the certificate of need. Agreement  
1128 that the long-term care hospital will not participate in the  
1129 Medicaid program shall be a condition of the issuance of a  
1130 certificate of need to any person under this subsection (6), and  
1131 if such long-term care hospital at any time after the issuance of  
1132 the certificate of need, regardless of the ownership of the  
1133 facility, participates in the Medicaid program or admits or keeps  
1134 any patients in the facility who are participating in the Medicaid  
1135 program, the State Department of Health shall revoke the  
1136 certificate of need, if it is still outstanding, and shall deny or  
1137 revoke the license of the long-term care hospital, at the time  
1138 that the department determines, after a hearing complying with due  
1139 process, that the facility has failed to comply with any of the  
1140 conditions upon which the certificate of need was issued, as  
1141 provided in this subsection and in the written agreement by the



1142 recipient of the certificate of need. For purposes of this  
1143 subsection, the provisions of Section 41-7-193(1) requiring  
1144 substantial compliance with the projection of need as reported in  
1145 the current State Health Plan are waived.

1146 (7) The State Department of Health may issue a certificate  
1147 of need to any hospital in the state to utilize a portion of its  
1148 beds for the "swing-bed" concept. Any such hospital must be in  
1149 conformance with the federal regulations regarding such swing-bed  
1150 concept at the time it submits its application for a certificate  
1151 of need to the State Department of Health, except that such  
1152 hospital may have more licensed beds or a higher average daily  
1153 census (ADC) than the maximum number specified in federal  
1154 regulations for participation in the swing-bed program. Any  
1155 hospital meeting all federal requirements for participation in the  
1156 swing-bed program which receives such certificate of need shall  
1157 render services provided under the swing-bed concept to any  
1158 patient eligible for Medicare (Title XVIII of the Social Security  
1159 Act) who is certified by a physician to be in need of such  
1160 services, and no such hospital shall permit any patient who is  
1161 eligible for both Medicaid and Medicare or eligible only for  
1162 Medicaid to stay in the swing beds of the hospital for more than  
1163 thirty (30) days per admission unless the hospital receives prior  
1164 approval for such patient from the Division of Medicaid, Office of  
1165 the Governor. Any hospital having more licensed beds or a higher  
1166 average daily census (ADC) than the maximum number specified in



1167 federal regulations for participation in the swing-bed program  
1168 which receives such certificate of need shall develop a procedure  
1169 to insure that before a patient is allowed to stay in the swing  
1170 beds of the hospital, there are no vacant nursing home beds  
1171 available for that patient located within a fifty-mile radius of  
1172 the hospital. When any such hospital has a patient staying in the  
1173 swing beds of the hospital and the hospital receives notice from a  
1174 nursing home located within such radius that there is a vacant bed  
1175 available for that patient, the hospital shall transfer the  
1176 patient to the nursing home within a reasonable time after receipt  
1177 of the notice. Any hospital which is subject to the requirements  
1178 of the two (2) preceding sentences of this subsection may be  
1179 suspended from participation in the swing-bed program for a  
1180 reasonable period of time by the State Department of Health if the  
1181 department, after a hearing complying with due process, determines  
1182 that the hospital has failed to comply with any of those  
1183 requirements.

1184 (8) The Department of Health shall not grant approval for or  
1185 issue a certificate of need to any person proposing the new  
1186 construction of, addition to or expansion of a health care  
1187 facility as defined in subparagraph (viii) of Section 41-7-173(h),  
1188 except as hereinafter provided: The department may issue a  
1189 certificate of need to a nonprofit corporation located in Madison  
1190 County, Mississippi, for the construction, expansion or conversion  
1191 of not more than twenty (20) beds in a community living program





1192 for developmentally disabled adults in a facility as defined in  
1193 subparagraph (viii) of Section 41-7-173(h). For purposes of this  
1194 subsection (8), the provisions of Section 41-7-193(1) requiring  
1195 substantial compliance with the projection of need as reported in  
1196 the current State Health Plan and the provisions of Section  
1197 41-7-197 requiring a formal certificate of need hearing process  
1198 are waived. There shall be no prohibition or restrictions on  
1199 participation in the Medicaid program for the person receiving the  
1200 certificate of need authorized under this subsection (8).

1201 (9) The Department of Health shall not grant approval for or  
1202 issue a certificate of need to any person proposing the  
1203 establishment of, or expansion of the currently approved territory  
1204 of, or the contracting to establish a home office, subunit or  
1205 branch office within the space operated as a health care facility  
1206 as defined in Section 41-7-173(h) (i) through (viii) by a health  
1207 care facility as defined in subparagraph (ix) of Section  
1208 41-7-173(h).

1209 (10) Health care facilities owned and/or operated by the  
1210 state or its agencies are exempt from the restraints in this  
1211 section against issuance of a certificate of need if such addition  
1212 or expansion consists of repairing or renovation necessary to  
1213 comply with the state licensure law. This exception shall not  
1214 apply to the new construction of any building by such state  
1215 facility. This exception shall not apply to any health care  
1216 facilities owned and/or operated by counties, municipalities,



1217 districts, unincorporated areas, other defined persons, or any  
1218 combination thereof.

1219 (11) The new construction, renovation or expansion of or  
1220 addition to any health care facility defined in subparagraph (ii)  
1221 (psychiatric hospital), subparagraph (iv) (skilled nursing  
1222 facility), subparagraph (vi) (intermediate care facility),  
1223 subparagraph (viii) (intermediate care facility for the mentally  
1224 retarded) and subparagraph (x) (psychiatric residential treatment  
1225 facility) of Section 41-7-173(h) which is owned by the State of  
1226 Mississippi and under the direction and control of the State  
1227 Department of Mental Health, and the addition of new beds or the  
1228 conversion of beds from one category to another in any such  
1229 defined health care facility which is owned by the State of  
1230 Mississippi and under the direction and control of the State  
1231 Department of Mental Health, shall not require the issuance of a  
1232 certificate of need under Section 41-7-171 et seq.,  
1233 notwithstanding any provision in Section 41-7-171 et seq. to the  
1234 contrary.

1235 (12) The new construction, renovation or expansion of or  
1236 addition to any veterans homes or domiciliaries for eligible  
1237 veterans of the State of Mississippi as authorized under Section  
1238 35-1-19 shall not require the issuance of a certificate of need,  
1239 notwithstanding any provision in Section 41-7-171 et seq. to the  
1240 contrary.



1241 (13) The repair or the rebuilding of an existing, operating  
1242 health care facility that sustained significant damage from a  
1243 natural disaster that occurred after April 15, 2014, in an area  
1244 that is proclaimed a disaster area or subject to a state of  
1245 emergency by the Governor or by the President of the United States  
1246 shall be exempt from all of the requirements of the Mississippi  
1247 Certificate of Need Law (Section 41-7-171 et seq.) and any and all  
1248 rules and regulations promulgated under that law, subject to the  
1249 following conditions:

1250 (a) The repair or the rebuilding of any such damaged  
1251 health care facility must be within one (1) mile of the  
1252 pre-disaster location of the campus of the damaged health care  
1253 facility, except that any temporary post-disaster health care  
1254 facility operating location may be within five (5) miles of the  
1255 pre-disaster location of the damaged health care facility;

1256 (b) The repair or the rebuilding of the damaged health  
1257 care facility (i) does not increase or change the complement of  
1258 its bed capacity that it had before the Governor's or the  
1259 President's proclamation, (ii) does not increase or change its  
1260 levels and types of health care services that it provided before  
1261 the Governor's or the President's proclamation, and (iii) does not  
1262 rebuild in a different county; however, this paragraph does not  
1263 restrict or prevent a health care facility from decreasing its bed  
1264 capacity that it had before the Governor's or the President's  
1265 proclamation, or from decreasing the levels of or decreasing or



1266 eliminating the types of health care services that it provided  
1267 before the Governor's or the President's proclamation, when the  
1268 damaged health care facility is repaired or rebuilt;

1269 (c) The exemption from Certificate of Need Law provided  
1270 under this subsection (13) is valid for only five (5) years from  
1271 the date of the Governor's or the President's proclamation. If  
1272 actual construction has not begun within that five-year period,  
1273 the exemption provided under this subsection is inapplicable; and

1274 (d) The Division of Health Facilities Licensure and  
1275 Certification of the State Department of Health shall provide the  
1276 same oversight for the repair or the rebuilding of the damaged  
1277 health care facility that it provides to all health care facility  
1278 construction projects in the state.

1279 For the purposes of this subsection (13), "significant  
1280 damage" to a health care facility means damage to the health care  
1281 facility requiring an expenditure of at least One Million Dollars  
1282 (\$1,000,000.00).

1283 (14) The State Department of Health shall issue a  
1284 certificate of need to any hospital which is currently licensed  
1285 for two hundred fifty (250) or more acute care beds and is located  
1286 in any general hospital service area not having a comprehensive  
1287 cancer center, for the establishment and equipping of such a  
1288 center which provides facilities and services for outpatient  
1289 radiation oncology therapy, outpatient medical oncology therapy,  
1290 and appropriate support services including the provision of



1291 radiation therapy services. The provisions of Section 41-7-193(1)  
1292 regarding substantial compliance with the projection of need as  
1293 reported in the current State Health Plan are waived for the  
1294 purpose of this subsection.

1295 (15) The State Department of Health may authorize the  
1296 transfer of hospital beds, not to exceed sixty (60) beds, from the  
1297 North Panola Community Hospital to the South Panola Community  
1298 Hospital. The authorization for the transfer of those beds shall  
1299 be exempt from the certificate of need review process.

1300 (16) The State Department of Health shall issue any  
1301 certificates of need necessary for Mississippi State University  
1302 and a public or private health care provider to jointly acquire  
1303 and operate a linear accelerator and a magnetic resonance imaging  
1304 unit. Those certificates of need shall cover all capital  
1305 expenditures related to the project between Mississippi State  
1306 University and the health care provider, including, but not  
1307 limited to, the acquisition of the linear accelerator, the  
1308 magnetic resonance imaging unit and other radiological modalities;  
1309 the offering of linear accelerator and magnetic resonance imaging  
1310 services; and the cost of construction of facilities in which to  
1311 locate these services. The linear accelerator and the magnetic  
1312 resonance imaging unit shall be (a) located in the City of  
1313 Starkville, Oktibbeha County, Mississippi; (b) operated jointly by  
1314 Mississippi State University and the public or private health care  
1315 provider selected by Mississippi State University through a



1316 request for proposals (RFP) process in which Mississippi State  
1317 University selects, and the Board of Trustees of State  
1318 Institutions of Higher Learning approves, the health care provider  
1319 that makes the best overall proposal; (c) available to Mississippi  
1320 State University for research purposes two-thirds (2/3) of the  
1321 time that the linear accelerator and magnetic resonance imaging  
1322 unit are operational; and (d) available to the public or private  
1323 health care provider selected by Mississippi State University and  
1324 approved by the Board of Trustees of State Institutions of Higher  
1325 Learning one-third (1/3) of the time for clinical, diagnostic and  
1326 treatment purposes. For purposes of this subsection, the  
1327 provisions of Section 41-7-193(1) requiring substantial compliance  
1328 with the projection of need as reported in the current State  
1329 Health Plan are waived.

1330 (17) The State Department of Health shall issue a  
1331 certificate of need for the construction of an acute care hospital  
1332 in Kemper County, not to exceed twenty-five (25) beds, which shall  
1333 be named the "John C. Stennis Memorial Hospital." In issuing the  
1334 certificate of need under this subsection, the department shall  
1335 give priority to a hospital located in Lauderdale County that has  
1336 two hundred fifteen (215) beds. For purposes of this subsection,  
1337 the provisions of Section 41-7-193(1) requiring substantial  
1338 compliance with the projection of need as reported in the current  
1339 State Health Plan and the provisions of Section 41-7-197 requiring  
1340 a formal certificate of need hearing process are waived. There



1341 shall be no prohibition or restrictions on participation in the  
1342 Medicaid program (Section 43-13-101 et seq.) for the person or  
1343 entity receiving the certificate of need authorized under this  
1344 subsection or for the beds constructed under the authority of that  
1345 certificate of need.

1346 (18) The planning, design, construction, renovation,  
1347 addition, furnishing and equipping of a clinical research unit at  
1348 any health care facility defined in Section 41-7-173(h) that is  
1349 under the direction and control of the University of Mississippi  
1350 Medical Center and located in Jackson, Mississippi, and the  
1351 addition of new beds or the conversion of beds from one (1)  
1352 category to another in any such clinical research unit, shall not  
1353 require the issuance of a certificate of need under Section  
1354 41-7-171 et seq., notwithstanding any provision in Section  
1355 41-7-171 et seq. to the contrary.

1356 (19) [Repealed]

1357 (20) Nothing in this section or in any other provision of  
1358 Section 41-7-171 et seq. shall prevent any nursing facility from  
1359 designating an appropriate number of existing beds in the facility  
1360 as beds for providing care exclusively to patients with  
1361 Alzheimer's disease.

1362 (21) Nothing in this section or any other provision of  
1363 Section 41-7-171 et seq. shall prevent any health care facility  
1364 from the new construction, renovation, conversion or expansion of  
1365 new beds in the facility designated as intensive care units,



1366 negative pressure rooms, or isolation rooms pursuant to the  
1367 provisions of Senate Bill Number 3055, 2020 Regular Session. For  
1368 purposes of this subsection, the provisions of Section 41-7-193(1)  
1369 requiring substantial compliance with the projection of need as  
1370 reported in the current State Health Plan and the provisions of  
1371 Section 41-7-197 requiring a formal certificate of need hearing  
1372 process are waived.

1373         **SECTION 10.** This act shall take effect and be in force from  
1374 and after its passage.

