

By: Senator(s) Blackwell

To: Medicaid

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2799

1 AN ACT RELATING TO THE MISSISSIPPI MEDICAID PROGRAM; TO AMEND
2 SECTION 43-13-117, MISSISSIPPI CODE OF 1972, RELATING TO
3 REIMBURSEMENT FOR CARE AND SERVICES UNDER THE MEDICAID PROGRAM; TO
4 DELETE CERTAIN OUTDATED PROVISIONS RELATING TO REIMBURSEMENT OF
5 INPATIENT HOSPITAL SERVICES; TO PROVIDE THAT MEDICAID IS
6 AUTHORIZED TO MAKE PARTIAL PAYMENTS FOR NURSING SERVICES; TO
7 PROVIDE FOR NURSING FACILITY REIMBURSEMENT FOR HOME LEAVE DAYS; TO
8 DELETE CERTAIN OUTDATED PROVISIONS RELATING TO REIMBURSEMENT OF
9 NURSING FACILITY SERVICES; TO PROVIDE FOR REIMBURSEMENT FOR FEES
10 FOR PHYSICIAN SERVICES COVERED ONLY BY MEDICAID; TO AUTHORIZE THE
11 DIVISION TO REIMBURSE OBSTETRICIANS AND GYNECOLOGISTS FOR CERTAIN
12 PRIMARY CARE SERVICES AT 100% OF THE MEDICARE RATE; TO DELETE THE
13 PROVISION THAT REQUIRES THE DIVISION TO ALLOW
14 PHYSICIAN-ADMINISTERED DRUGS TO BE BILLED AND REIMBURSED AS A
15 MEDICAL CLAIM OR PHARMACY POINT-OF-SALE; TO PROVIDE THAT THE
16 DIVISION SHALL MAKE PARTIAL PAYMENTS, AS DETERMINED BY THE
17 DIVISION, TO INTERMEDIATE CARE FACILITY SERVICES AND TO DELETE
18 CERTAIN PROVISIONS RELATING TO FAIR RENTAL REIMBURSEMENT FOR SUCH
19 FACILITIES; TO DEFINE CLINIC SERVICES AS IT RELATES TO THE
20 REIMBURSEMENTS BY MEDICAID FOR THOSE SERVICES; TO AUTHORIZE
21 MEDICAID REIMBURSEMENT FOR THERAPEUTIC AND CASE MANAGEMENT MENTAL
22 HEALTH SERVICES PROVIDED BY SERVICE PROVIDERS ACCREDITED BY THE
23 JOINT COMMISSION OR CERTAIN OTHER ACCREDITING AGENCIES; TO PROVIDE
24 THAT MEDICAID MAY ESTABLISH AN UPPER PAYMENT LIMITS PROGRAM FOR
25 AMBULANCE TRANSPORTATION AND ASSESS PROVIDERS OF SUCH SERVICE; TO
26 REQUIRE THE DIVISION OF MEDICAID TO RECOGNIZE FEDERALLY QUALIFIED
27 HEALTH CENTERS (FQHC), RURAL HEALTH CLINICS (RHC) AND COMMUNITY
28 MENTAL HEALTH CENTERS (CMHC) AS BOTH AN ORIGINATING AND DISTANT
29 SITE PROVIDER FOR THE PURPOSES OF TELEHEALTH REIMBURSEMENT; TO
30 DELETE THE PROVISIONS RELATING TO MEDICAID'S DEVELOPMENT OF AN
31 ALTERNATIVE MODEL FOR DISTRIBUTION OF MEDICAL CLAIMS AND
32 SUPPLEMENTAL PAYMENTS FOR SERVICES; TO AUTHORIZE REIMBURSEMENT FOR
33 CERTAIN PSYCHIATRIC SERVICES; TO CLARIFY THE REIMBURSEMENT OF
34 PEDIATRIC SKILLED NURSING SERVICES, INPATIENT PSYCHIATRIST



35 SERVICES AND NONEMERGENCY TRANSPORTATION SERVICES; TO DELETE THE
36 PROVISION THAT REQUIRES MEDICAID TO REIMBURSE CROSSOVER CLAIMS FOR
37 INPATIENT HOSPITAL SERVICES AND THOSE UNDER MEDICARE PART B; TO
38 DELETE CERTAIN PROVISIONS RELATING TO THE REIMBURSEMENT OF
39 PHYSICIAN ASSISTANT SERVICES; TO PROVIDE THAT THE DIVISION MAY
40 ESTABLISH COPAYMENTS AND COINSURANCE FOR ANY MEDICAID SERVICES; TO
41 ALLOW THE DIVISION TO USE ENHANCED REIMBURSEMENTS AND UPPER
42 PAYMENT LIMIT PROGRAMS FOR ITS REIMBURSEMENT PROGRAM; TO AUTHORIZE
43 REIMBURSEMENT FOR A BARIATRIC SURGERY PROGRAM; TO DELETE THE
44 PROVISION THAT REQUIRES MEDICAID TO REDUCE THE RATE OF
45 REIMBURSEMENT TO CERTAIN PROVIDERS FOR SERVICES BY 5% OF THE
46 ALLOWED AMOUNT FOR THAT SERVICE; TO REQUIRE PROVIDERS TO MAINTAIN
47 RECORDS AS PRESCRIBED BY THE DIVISION AND IN ACCORDANCE WITH
48 FEDERAL LAW; TO DELETE CERTAIN ENROLLMENT LIMITATIONS AND
49 PROVISIONS RELATING TO MANAGED CARE PROGRAMS; TO ALLOW THE
50 DIVISION OF MEDICAID TO APPROVE THE USE OF ALTERNATIVE PAYMENT
51 MODELS FOR REIMBURSEMENT RATES; TO CLARIFY LIMITATIONS ON MEDICAID
52 ELIGIBILITY FOR ENROLLMENT IN MANAGED CARE PROGRAMS; TO DELETE THE
53 PROVISIONS THAT PROVIDE FOR THE COMMISSION ON EXPANDING MEDICAID
54 MANAGED CARE; TO REQUIRE CONTRACTORS RECEIVING PAYMENTS UNDER A
55 MANAGED CARE DELIVERY SYSTEM TO DISCLOSE TO THE CHAIRMEN OF THE
56 SENATE AND HOUSE MEDICAID COMMITTEES THE ADMINISTRATIVE EXPENSES
57 FOR THE PRIOR YEAR, AND THE NUMBER OF EMPLOYEES IN MISSISSIPPI WHO
58 ARE DEDICATED TO MEDICAID AND CHIP LINES OF BUSINESS AS OF JUNE 30
59 OF EACH YEAR; TO PROVIDE FOR REVIEWS OF THE MANAGED CARE PROGRAMS
60 BY THE STATE AUDITOR; TO REQUIRE THAT ALL MANAGED CARE CONTRACTORS
61 SHALL DEVELOP AND IMPLEMENT A UNIFORM CREDENTIALING PROCESS BY
62 WHICH ALL PROVIDERS ARE CREDENTIALLED BY JULY 1, 2022; TO DELETE
63 THE PROVISION THAT THERE SHALL NOT BE CUTS TO INPATIENT AND
64 OUTPATIENT HOSPITAL PAYMENTS; TO EXTEND THE AUTOMATIC REPEALER ON
65 THIS SECTION; TO DIRECT THE DIVISION TO EVALUATE THE FEASIBILITY
66 OF CONTINUING TO ADMINISTER PHARMACY BENEFITS UNDER
67 FEE-FOR-SERVICE AND DENTAL BENEFITS UNDER MANAGED CARE; TO DIRECT
68 MANAGED CARE CONTRACTORS TO IMPLEMENT INNOVATIVE PROGRAMS FOR
69 MEMBERS WITH PREDIABETES AND DIABETES; TO AUTHORIZE THE DIVISION
70 TO NEGOTIATE A LIMITATION ON LIABILITY TO THE STATE OF CERTAIN
71 PROSPECTIVE CONTRACTORS; TO AMEND SECTION 43-13-145, MISSISSIPPI
72 CODE OF 1972, TO PROVIDE THAT NURSING FACILITIES OPERATED BY THE
73 UNIVERSITY OF MISSISSIPPI MEDICAL CENTER ARE NOT EXEMPT FROM THE
74 ANNUAL ASSESSMENT FOR THE SUPPORT OF THE MEDICAID PROGRAM, TO
75 DELETE CERTAIN TECHNICAL PROVISIONS RELATING TO THE ASSESSMENT AND
76 COLLECTION OF THE HOSPITAL ASSESSMENT, TO CLARIFY THE PROCEDURE
77 FOR PAYMENT OF THE HOSPITAL ASSESSMENT FOR THE NONFEDERAL SHARE
78 NECESSARY FOR THE MEDICARE UPPER PAYMENT LIMITS (UPL) PROGRAM AND
79 THE DISPROPORTIONATE SHARE HOSPITAL (DSH) PROGRAM; TO AUTHORIZE
80 AND DIRECT THE DIVISION OF MEDICAID TO PROVIDE UP TO 12 MONTHS OF
81 CONTINUOUS COVERAGE POSTPARTUM FOR ANY INDIVIDUAL WHO QUALIFIES
82 FOR MEDICAID AS A PREGNANT WOMAN TO THE EXTENT ALLOWABLE UNDER
83 FEDERAL LAW; TO EXTEND THE AUTOMATIC REPEALER ON THIS SECTION; TO
84 AMEND SECTION 41-7-191, MISSISSIPPI CODE OF 1972, TO DELETE THE
85 MORATORIUM ON THE AUTHORITY OF THE STATE DEPARTMENT OF HEALTH TO



86 ISSUE A HEALTH CARE CERTIFICATE OF NEED FOR THE CONSTRUCTION OR
87 CONVERSION OF CHILD/ADOLESCENT PSYCHIATRIC OR CHEMICAL DEPENDENCY
88 BEDS PARTICIPATING IN THE MEDICAID PROGRAM AND TO DELETE CERTAIN
89 RESTRICTIONS ON MEDICAID REIMBURSEMENT FOR SUCH BEDS; TO AMEND
90 SECTION 41-75-5, MISSISSIPPI CODE OF 1972, TO DELETE THE
91 RESTRICTION ON POST ACUTE RESIDENTIAL BRAIN INJURY REHABILITATION
92 FACILITIES PARTICIPATION IN THE MEDICAID PROGRAM; TO AMEND SECTION
93 83-9-353, MISSISSIPPI CODE OF 1972, TO DELETE CERTAIN RESTRICTIONS
94 ON REMOTE PATIENT TELEMONITORING SERVICES; AND FOR RELATED
95 PURPOSES.

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

97 **SECTION 1.** Section 43-13-117, Mississippi Code of 1972, is
98 amended as follows:

99 43-13-117. (A) Medicaid as authorized by this article shall
100 include payment of part or all of the costs, at the discretion of
101 the division, with approval of the Governor and the Centers for
102 Medicare and Medicaid Services, of the following types of care and
103 services rendered to eligible applicants who have been determined
104 to be eligible for that care and services, within the limits of
105 state appropriations and federal matching funds:

106 (1) Inpatient hospital services.

107 * * *

108 (* * *a) The division is authorized to implement
109 an All Patient Refined Diagnosis Related Groups (APR-DRG)
110 reimbursement methodology for inpatient hospital services.

111 (* * *b) No service benefits or reimbursement
112 limitations in this subsection (A)(1) shall apply to payments
113 under an APR-DRG or Ambulatory Payment Classification (APC) model
114 or a managed care program or similar model described in subsection



115 (H) of this section unless specifically authorized by the
116 division.

117 (2) Outpatient hospital services.

118 (a) Emergency services.

119 (b) Other outpatient hospital services. The
120 division shall allow benefits for other medically necessary
121 outpatient hospital services (such as chemotherapy, radiation,
122 surgery and therapy), including outpatient services in a clinic or
123 other facility that is not located inside the hospital, but that
124 has been designated as an outpatient facility by the hospital, and
125 that was in operation or under construction on July 1, 2009,
126 provided that the costs and charges associated with the operation
127 of the hospital clinic are included in the hospital's cost report.
128 In addition, the Medicare thirty-five-mile rule will apply to
129 those hospital clinics not located inside the hospital that are
130 constructed after July 1, 2009. Where the same services are
131 reimbursed as clinic services, the division may revise the rate or
132 methodology of outpatient reimbursement to maintain consistency,
133 efficiency, economy and quality of care.

134 (c) The division is authorized to implement an
135 Ambulatory Payment Classification (APC) methodology for outpatient
136 hospital services. The division may give rural hospitals that
137 have fifty (50) or fewer licensed beds the option to not be
138 reimbursed for outpatient hospital services using the APC
139 methodology, but reimbursement for outpatient hospital services



140 provided by those hospitals shall be based on one hundred one
141 percent (101%) of the rate established under Medicare for
142 outpatient hospital services. Those hospitals choosing to not be
143 reimbursed under the APC methodology shall remain under cost-based
144 reimbursement for a two-year period.

145 (d) No service benefits or reimbursement
146 limitations in this subsection (A)(2) shall apply to payments
147 under an APR-DRG or APC model or a managed care program or similar
148 model described in subsection (H) of this section unless
149 specifically authorized by the division.

150 (3) Laboratory and x-ray services.

151 (4) Nursing facility services.

152 (a) The division shall make * * * partial payment
153 in an amount not less than fifty percent (50%) of the per diem
154 rate, as determined by the division, to nursing facilities for
155 each day, not exceeding * * * thirty-five (35) days per year, that
156 a patient is absent from the facility on home leave. Payment may
157 be made for the following home leave days in addition to the * * *
158 thirty-five-day limitation: Christmas, the day before Christmas,
159 the day after Christmas, Thanksgiving, the day before Thanksgiving
160 and the day after Thanksgiving.

161 (b) From and after July 1, 1997, the division
162 shall implement the integrated case-mix payment and quality
163 monitoring system, which includes the fair rental system for
164 property costs and in which recapture of depreciation is



165 eliminated. For the purposes of establishing a facility's per
166 diem rate, the division may * * * adjust the * * * case mix for
167 hospital leave and therapeutic home leave days to the lower of the
168 case-mix category as computed for the resident on leave using the
169 assessment being utilized for payment at that point in time, or a
170 case-mix score of 1.000 for nursing facilities, and shall compute
171 case-mix scores of residents so that only services provided at the
172 nursing facility are considered in calculating a facility's per
173 diem.

174 (c) From and after July 1, 1997, all state-owned
175 nursing facilities shall be reimbursed on a full reasonable cost
176 basis.

177 * * *

178 (* * * d) The division shall develop and
179 implement, not later than January 1, 2001, a case-mix payment
180 add-on determined by time studies and other valid statistical data
181 that will reimburse a nursing facility for the additional cost of
182 caring for a resident who has a diagnosis of Alzheimer's or other
183 related dementia and exhibits symptoms that require special care.
184 Any such case-mix add-on payment shall be supported by a
185 determination of additional cost. The division shall also develop
186 and implement as part of the fair rental reimbursement system for
187 nursing facility beds, an Alzheimer's resident bed depreciation
188 enhanced reimbursement system that will provide an incentive to



189 encourage nursing facilities to convert or construct beds for
190 residents with Alzheimer's or other related dementia.

191 (* * *e) The division shall develop and implement
192 an assessment process for long-term care services. The division
193 may provide the assessment and related functions directly or
194 through contract with the area agencies on aging.

195 The division shall apply for necessary federal waivers to
196 assure that additional services providing alternatives to nursing
197 facility care are made available to applicants for nursing
198 facility care.

199 (5) Periodic screening and diagnostic services for
200 individuals under age twenty-one (21) years as are needed to
201 identify physical and mental defects and to provide health care
202 treatment and other measures designed to correct or ameliorate
203 defects and physical and mental illness and conditions discovered
204 by the screening services, regardless of whether these services
205 are included in the state plan. The division may include in its
206 periodic screening and diagnostic program those discretionary
207 services authorized under the federal regulations adopted to
208 implement Title XIX of the federal Social Security Act, as
209 amended. The division, in obtaining physical therapy services,
210 occupational therapy services, and services for individuals with
211 speech, hearing and language disorders, may enter into a
212 cooperative agreement with the State Department of Education for
213 the provision of those services to handicapped students by public



214 school districts using state funds that are provided from the
215 appropriation to the Department of Education to obtain federal
216 matching funds through the division. The division, in obtaining
217 medical and mental health assessments, treatment, care and
218 services for children who are in, or at risk of being put in, the
219 custody of the Mississippi Department of Human Services may enter
220 into a cooperative agreement with the Mississippi Department of
221 Human Services for the provision of those services using state
222 funds that are provided from the appropriation to the Department
223 of Human Services to obtain federal matching funds through the
224 division.

225 (6) Physician * * * services. * * * Fees for
226 physician's services that are covered only by Medicaid shall
227 be * * * reimbursed at ninety percent (90%) of the rate
228 established on January 1, 2018, and as may be adjusted each July
229 thereafter, under Medicare. The division may provide for a
230 reimbursement rate for physician's services of up to one hundred
231 percent (100%) of the rate established under Medicare for
232 physician's services that are provided after the normal working
233 hours of the physician, as determined in accordance with
234 regulations of the division. The division may reimburse eligible
235 providers, as determined by the * * * division, for certain
236 primary care services * * * at one hundred percent (100%) of the
237 rate established under Medicare. * * * The division shall
238 reimburse obstetricians and gynecologists for certain primary care



239 services as defined by the division at one hundred percent (100%)
240 of the rate established under Medicare.

241 (7) (a) Home health services for eligible persons, not
242 to exceed in cost the prevailing cost of nursing facility
243 services. All home health visits must be precertified as required
244 by the division.

245 (b) [Repealed]

246 (8) Emergency medical transportation services as
247 determined by the division.

248 (9) Prescription drugs and other covered drugs and
249 services as * * * determined by the division.

250 The division shall establish a mandatory preferred drug list.
251 Drugs not on the mandatory preferred drug list shall be made
252 available by utilizing prior authorization procedures established
253 by the division.

254 The division may seek to establish relationships with other
255 states in order to lower acquisition costs of prescription drugs
256 to include single-source and innovator multiple-source drugs or
257 generic drugs. In addition, if allowed by federal law or
258 regulation, the division may seek to establish relationships with
259 and negotiate with other countries to facilitate the acquisition
260 of prescription drugs to include single-source and innovator
261 multiple-source drugs or generic drugs, if that will lower the
262 acquisition costs of those prescription drugs.



263 The division may allow for a combination of prescriptions for
264 single-source and innovator multiple-source drugs and generic
265 drugs to meet the needs of the beneficiaries.

266 The executive director may approve specific maintenance drugs
267 for beneficiaries with certain medical conditions, which may be
268 prescribed and dispensed in three-month supply increments.

269 Drugs prescribed for a resident of a psychiatric residential
270 treatment facility must be provided in true unit doses when
271 available. The division may require that drugs not covered by
272 Medicare Part D for a resident of a long-term care facility be
273 provided in true unit doses when available. Those drugs that were
274 originally billed to the division but are not used by a resident
275 in any of those facilities shall be returned to the billing
276 pharmacy for credit to the division, in accordance with the
277 guidelines of the State Board of Pharmacy and any requirements of
278 federal law and regulation. Drugs shall be dispensed to a
279 recipient and only one (1) dispensing fee per month may be
280 charged. The division shall develop a methodology for reimbursing
281 for restocked drugs, which shall include a restock fee as
282 determined by the division not exceeding Seven Dollars and
283 Eighty-two Cents (\$7.82).

284 Except for those specific maintenance drugs approved by the
285 executive director, the division shall not reimburse for any
286 portion of a prescription that exceeds a thirty-one-day supply of
287 the drug based on the daily dosage.



288 The division is authorized to develop and implement a program
289 of payment for additional pharmacist services as * * * determined
290 by the division.

291 All claims for drugs for dually eligible Medicare/Medicaid
292 beneficiaries that are paid for by Medicare must be submitted to
293 Medicare for payment before they may be processed by the
294 division's online payment system.

295 The division shall develop a pharmacy policy in which drugs
296 in tamper-resistant packaging that are prescribed for a resident
297 of a nursing facility but are not dispensed to the resident shall
298 be returned to the pharmacy and not billed to Medicaid, in
299 accordance with guidelines of the State Board of Pharmacy.

300 The division shall develop and implement a method or methods
301 by which the division will provide on a regular basis to Medicaid
302 providers who are authorized to prescribe drugs, information about
303 the costs to the Medicaid program of single-source drugs and
304 innovator multiple-source drugs, and information about other drugs
305 that may be prescribed as alternatives to those single-source
306 drugs and innovator multiple-source drugs and the costs to the
307 Medicaid program of those alternative drugs.

308 Notwithstanding any law or regulation, information obtained
309 or maintained by the division regarding the prescription drug
310 program, including trade secrets and manufacturer or labeler
311 pricing, is confidential and not subject to disclosure except to
312 other state agencies.



313 The dispensing fee for each new or refill prescription,
314 including nonlegend or over-the-counter drugs covered by the
315 division, shall be not less than Three Dollars and Ninety-one
316 Cents (\$3.91), as determined by the division.

317 The division shall not reimburse for single-source or
318 innovator multiple-source drugs if there are equally effective
319 generic equivalents available and if the generic equivalents are
320 the least expensive.

321 It is the intent of the Legislature that the pharmacists
322 providers be reimbursed for the reasonable costs of filling and
323 dispensing prescriptions for Medicaid beneficiaries.

324 The division may allow certain drugs, implantable drug system
325 devices, and medical supplies, with limited distribution or
326 limited access for beneficiaries and administered in an
327 appropriate clinical setting, to be reimbursed as either a medical
328 claim or pharmacy claim, as determined by the division.

329 * * *

330 It is the intent of the Legislature that the division and any
331 managed care entity described in subsection (H) of this section
332 encourage the use of Alpha-Hydroxyprogesterone Caproate (17P) to
333 prevent recurrent preterm birth.

334 (10) Dental and orthodontic services to be determined
335 by the division.



336 This dental services program under this paragraph shall be
337 known as the "James Russell Dumas Medicaid Dental Services
338 Program."

339 The Medical Care Advisory Committee, assisted by the Division
340 of Medicaid, shall annually determine the effect of this incentive
341 by evaluating the number of dentists who are Medicaid providers,
342 the number who and the degree to which they are actively billing
343 Medicaid, the geographic trends of where dentists are offering
344 what types of Medicaid services and other statistics pertinent to
345 the goals of this legislative intent. This data shall annually be
346 presented to the Chair of the Senate Medicaid Committee and the
347 Chair of the House Medicaid Committee.

348 The division shall include dental services as a necessary
349 component of overall health services provided to children who are
350 eligible for services.

351 (11) Eyeglasses for all Medicaid beneficiaries who have
352 (a) had surgery on the eyeball or ocular muscle that results in a
353 vision change for which eyeglasses or a change in eyeglasses is
354 medically indicated within six (6) months of the surgery and is in
355 accordance with policies established by the division, or (b) one
356 (1) pair every five (5) years and in accordance with policies
357 established by the division. In either instance, the eyeglasses
358 must be prescribed by a physician skilled in diseases of the eye
359 or an optometrist, whichever the beneficiary may select.

360 (12) Intermediate care facility services.



361 (a) The division shall make * * * partial payment
362 in an amount not less than fifty percent (50%) of the per diem
363 rate, as determined by the division, to all intermediate care
364 facilities for individuals with intellectual disabilities for each
365 day, not exceeding * * * seventy (70) days per year, that a
366 patient is absent from the facility on home leave. Payment may be
367 made for the following home leave days in addition to the * * *
368 seventy-day limitation: Christmas, the day before Christmas, the
369 day after Christmas, Thanksgiving, the day before Thanksgiving and
370 the day after Thanksgiving.

371 (b) All state-owned intermediate care facilities
372 for individuals with intellectual disabilities shall be reimbursed
373 on a full reasonable cost basis.

374 * * *

375 (13) Family planning services, including drugs,
376 supplies and devices, when those services are under the
377 supervision of a physician or nurse practitioner.

378 (14) Clinic services. * * * Preventive, diagnostic,
379 therapeutic, rehabilitative or palliative services that are
380 furnished by a facility that is not part of a hospital but is
381 organized and operated to provide medical care to outpatients.
382 Clinic services include, but are not limited to:

383 (a) Services provided by ambulatory surgical
384 centers (ACSS) as defined in Section 41-75-1(a); and

385 (b) Dialysis center services.



386 (15) Home- and community-based services for the elderly
387 and disabled, as provided under Title XIX of the federal Social
388 Security Act, as amended, under waivers, subject to the
389 availability of funds specifically appropriated for that purpose
390 by the Legislature.

391 * * *

392 (16) Mental health services. Certain services provided
393 by a psychiatrist shall be reimbursed at up to one hundred percent
394 (100%) of the Medicare rate. Approved therapeutic and case
395 management services (a) provided by an approved regional mental
396 health/intellectual disability center established under Sections
397 41-19-31 through 41-19-39, or by another * * * mental health
398 service provider meeting the requirements of the Department of
399 Mental Health to be an approved mental health/intellectual
400 disability center if determined necessary by the Department of
401 Mental Health, using state funds that are provided in the
402 appropriation to the division to match federal funds, or (b)
403 provided by a facility that is certified by the State Department
404 of Mental Health to provide therapeutic and case management
405 services, to be reimbursed on a fee for service basis, or (c)
406 provided in the community by a facility or program operated by the
407 Department of Mental Health, or (d) provided by a mental health
408 service provider accredited by the Joint Commission on
409 Accreditation of Healthcare Organizations (JCAHO), the Commission
410 on Accreditation of Rehabilitation Facilities (CARF), or the



411 Council on Accreditation (COA) Agencies. Any such services
412 provided by a facility described in subparagraph (b) must have the
413 prior approval of the division to be reimbursable under this
414 section.

415 (17) Durable medical equipment services and medical
416 supplies. Precertification of durable medical equipment and
417 medical supplies must be obtained as required by the division.
418 The Division of Medicaid may require durable medical equipment
419 providers to obtain a surety bond in the amount and to the
420 specifications as established by the Balanced Budget Act of 1997.

421 (18) (a) Notwithstanding any other provision of this
422 section to the contrary, as provided in the Medicaid state plan
423 amendment or amendments as defined in Section 43-13-145(10), the
424 division shall make additional reimbursement to hospitals that
425 serve a disproportionate share of low-income patients and that
426 meet the federal requirements for those payments as provided in
427 Section 1923 of the federal Social Security Act and any applicable
428 regulations. It is the intent of the Legislature that the
429 division shall draw down all available federal funds allotted to
430 the state for disproportionate share hospitals. However, from and
431 after January 1, 1999, public hospitals participating in the
432 Medicaid disproportionate share program may be required to
433 participate in an intergovernmental transfer program as provided
434 in Section 1903 of the federal Social Security Act and any
435 applicable regulations.



436 (b) (i) The division may establish a Medicare
437 Upper Payment Limits Program, as defined in Section 1902(a)(30) of
438 the federal Social Security Act and any applicable federal
439 regulations, or an allowable delivery system or provider payment
440 initiative authorized under 42 CFR 438.6(c), for hospitals, * * *
441 nursing facilities, * * * physicians employed or contracted
442 by * * * hospitals, and emergency ambulance transportation
443 providers. * * *

444 (ii) The division shall assess each
445 hospital * * *, * * * nursing facility, and emergency ambulance
446 transportation provider for the sole purpose of financing the
447 state portion of the Medicare Upper Payment Limits Program or
448 other program(s) authorized under this subsection (A)(18)(b). The
449 hospital assessment shall be as provided in Section
450 43-13-145(4)(a), and the nursing facility * * * and the emergency
451 ambulance transportation assessments, if established, shall be
452 based on Medicaid utilization or other appropriate method, as
453 determined by the division, consistent with federal regulations.
454 The assessments will remain in effect as long as the state
455 participates in the Medicare Upper Payment Limits Program or other
456 program(s) authorized under this subsection (A)(18)(b). * * * In
457 addition to the hospital assessment provided in Section
458 43-13-145(4)(a), hospitals with physicians participating in the
459 Medicare Upper Payment Limits Program or other program(s)
460 authorized under this subsection (A)(18)(b) shall be required to



461 participate in an intergovernmental transfer * * * or assessment,
462 as determined by the division, for the purpose of financing the
463 state portion of the physician UPL payments or other payment(s)
464 authorized under this subsection (A) (18) (b).

465 * * * (iii) Subject to approval by the
466 Centers for Medicare and Medicaid Services (CMS) and the
467 provisions of this subsection (A) (18) (b), the division shall make
468 additional reimbursement to hospitals * * *, * * * nursing
469 facilities, and emergency ambulance transportation providers for
470 the Medicare Upper Payment Limits Program or other program(s)
471 authorized under this subsection (A) (18) (b), and, if the program
472 is established for physicians, shall make additional reimbursement
473 for physicians, as defined in Section 1902(a) (30) of the federal
474 Social Security Act and any applicable federal regulations,
475 provided the assessment in this subsection (A) (18) (b) is in
476 effect.

477 (iv) Notwithstanding any other provision of
478 this article to the contrary, effective upon implementation of the
479 Mississippi Hospital Access Program (MHAP) provided in
480 subparagraph (c) (i) below, the hospital portion of the inpatient
481 Upper Payment Limits Program shall transition into and be replaced
482 by the MHAP program. However, the division is authorized to
483 develop and implement an alternative fee-for-service Upper Payment
484 Limits model in accordance with federal laws and regulations if
485 necessary to preserve supplemental funding. Further, the



486 division, in consultation with the Mississippi Hospital
487 Association and a governmental hospital located in a county
488 bordering the Gulf of Mexico and the State of Alabama shall
489 develop alternative models for distribution of medical claims and
490 supplemental payments for inpatient and outpatient hospital
491 services, and such models may include, but shall not be limited to
492 the following: increasing rates for inpatient and outpatient
493 services; creating a low-income utilization pool of funds to
494 reimburse hospitals for the costs of uncompensated care, charity
495 care and bad debts as permitted and approved pursuant to federal
496 regulations and the Centers for Medicare and Medicaid Services;
497 supplemental payments based upon Medicaid utilization, quality,
498 service lines and/or costs of providing such services to Medicaid
499 beneficiaries and to uninsured patients. The goals of such
500 payment models shall be to ensure access to inpatient and
501 outpatient care and to maximize any federal funds that are
502 available to reimburse hospitals for services provided. Any such
503 documents required to achieve the goals described in this
504 paragraph shall be submitted to the Centers for Medicare and
505 Medicaid Services, with a proposed effective date of July 1, 2019,
506 to the extent possible, but in no event shall the effective date
507 of such payment models be later than July 1, 2020. The Chairmen
508 of the Senate and House Medicaid Committees shall be provided a
509 copy of the proposed payment model(s) prior to submission.
510 Effective July 1, 2018, and until such time as any payment



511 model(s) as described above become effective, the division, in
512 consultation with the Mississippi Hospital Association and a
513 governmental hospital located in a county bordering the Gulf of
514 Mexico and the State of Alabama is authorized to implement a
515 transitional program for inpatient and outpatient payments and/or
516 supplemental payments (including, but not limited to, MHAP and
517 directed payments), to redistribute available supplemental funds
518 among hospital providers, provided that when compared to a
519 hospital's prior year supplemental payments, supplemental payments
520 made pursuant to any such transitional program shall not result in
521 a decrease of more than five percent (5%) and shall not increase
522 by more than the amount needed to maximize the distribution of the
523 available funds.

524 (c) (i) Not later than December 1, 2015, the
525 division shall, subject to approval by the Centers for Medicare
526 and Medicaid Services (CMS), establish, implement and operate a
527 Mississippi Hospital Access Program (MHAP) for the purpose of
528 protecting patient access to hospital care through hospital
529 inpatient reimbursement programs provided in this section designed
530 to maintain total hospital reimbursement for inpatient services
531 rendered by in-state hospitals and the out-of-state hospital that
532 is authorized by federal law to submit intergovernmental transfers
533 (IGTs) to the State of Mississippi and is classified as Level I
534 trauma center located in a county contiguous to the state line at
535 the maximum levels permissible under applicable federal statutes



536 and regulations, at which time the current inpatient Medicare
537 Upper Payment Limits (UPL) Program for hospital inpatient services
538 shall transition to the MHAP.

539 (ii) Subject * * * to approval by the Centers
540 for Medicare and Medicaid Services (CMS) * * *, the MHAP shall
541 provide increased inpatient capitation (PMPM) payments to managed
542 care entities contracting with the division pursuant to subsection
543 (H) of this section to support availability of hospital services
544 or such other payments permissible under federal law necessary to
545 accomplish the intent of this subsection.

546 (iii) The intent of this subparagraph (c) is
547 that effective for all inpatient hospital Medicaid services during
548 state fiscal year 2016, and so long as this provision shall remain
549 in effect hereafter, the division shall to the fullest extent
550 feasible replace the additional reimbursement for hospital
551 inpatient services under the inpatient Medicare Upper Payment
552 Limits (UPL) Program with additional reimbursement under the MHAP
553 and other payment programs for inpatient and/or outpatient
554 payments which may be developed under the authority of this
555 paragraph.

556 (iv) The division shall assess each hospital
557 as provided in Section 43-13-145(4) (a) for the purpose of
558 financing the state portion of the MHAP, supplemental payments and
559 such other purposes as specified in Section 43-13-145. The



560 assessment will remain in effect as long as the MHAP and
561 supplemental payments are in effect.

562 (19) (a) Perinatal risk management services. The
563 division shall promulgate regulations to be effective from and
564 after October 1, 1988, to establish a comprehensive perinatal
565 system for risk assessment of all pregnant and infant Medicaid
566 recipients and for management, education and follow-up for those
567 who are determined to be at risk. Services to be performed
568 include case management, nutrition assessment/counseling,
569 psychosocial assessment/counseling and health education. The
570 division shall contract with the State Department of Health to
571 provide * * * services within this paragraph (Perinatal High Risk
572 Management/Infant Services System (PHRM/ISS)). The State
573 Department of Health as the agency for PHRM/ISS for the Division
574 of Medicaid shall be reimbursed on a full reasonable cost basis
575 for services provided under this subparagraph (a).

576 (b) Early intervention system services. The
577 division shall cooperate with the State Department of Health,
578 acting as lead agency, in the development and implementation of a
579 statewide system of delivery of early intervention services, under
580 Part C of the Individuals with Disabilities Education Act (IDEA).
581 The State Department of Health shall certify annually in writing
582 to the executive director of the division the dollar amount of
583 state early intervention funds available that will be utilized as
584 a certified match for Medicaid matching funds. Those funds then



585 shall be used to provide expanded targeted case management
586 services for Medicaid eligible children with special needs who are
587 eligible for the state's early intervention system.

588 Qualifications for persons providing service coordination shall be
589 determined by the State Department of Health and the Division of
590 Medicaid.

591 (20) Home- and community-based services for physically
592 disabled approved services as allowed by a waiver from the United
593 States Department of Health and Human Services for home- and
594 community-based services for physically disabled people using
595 state funds that are provided from the appropriation to the State
596 Department of Rehabilitation Services and used to match federal
597 funds under a cooperative agreement between the division and the
598 department, provided that funds for these services are
599 specifically appropriated to the Department of Rehabilitation
600 Services.

601 (21) Nurse practitioner services. Services furnished
602 by a registered nurse who is licensed and certified by the
603 Mississippi Board of Nursing as a nurse practitioner, including,
604 but not limited to, nurse anesthetists, nurse midwives, family
605 nurse practitioners, family planning nurse practitioners,
606 pediatric nurse practitioners, obstetrics-gynecology nurse
607 practitioners and neonatal nurse practitioners, under regulations
608 adopted by the division. Reimbursement for those services shall
609 not exceed ninety percent (90%) of the reimbursement rate for



610 comparable services rendered by a physician. The division may
611 provide for a reimbursement rate for nurse practitioner services
612 of up to one hundred percent (100%) of the reimbursement rate for
613 comparable services rendered by a physician for nurse practitioner
614 services that are provided after the normal working hours of the
615 nurse practitioner, as determined in accordance with regulations
616 of the division.

617 (22) Ambulatory services delivered in federally
618 qualified health centers, rural health centers and clinics of the
619 local health departments of the State Department of Health for
620 individuals eligible for Medicaid under this article based on
621 reasonable costs as determined by the division. Federally
622 qualified health centers shall be reimbursed by the Medicaid
623 prospective payment system as approved by the Centers for Medicare
624 and Medicaid Services. The division shall recognize federally
625 qualified health centers (FQHCs), rural health clinics (RHCs) and
626 community mental health centers (CMHCs) as both an originating and
627 distant site provider for the purposes of telehealth
628 reimbursement. The division is further authorized and directed to
629 reimburse FQHCs, RHCs and CMHCs for both distant site and
630 originating site services when such services are appropriately
631 provided by the same organization.

632 (23) Inpatient psychiatric services.

633 (a) Inpatient psychiatric services to be
634 determined by the division for recipients under age twenty-one



635 (21) that are provided under the direction of a physician in an
636 inpatient program in a licensed acute care psychiatric facility or
637 in a licensed psychiatric residential treatment facility, before
638 the recipient reaches age twenty-one (21) or, if the recipient was
639 receiving the services immediately before he or she reached age
640 twenty-one (21), before the earlier of the date he or she no
641 longer requires the services or the date he or she reaches age
642 twenty-two (22), as provided by federal regulations. From and
643 after January 1, 2015, the division shall update the fair rental
644 reimbursement system for psychiatric residential treatment
645 facilities. Precertification of inpatient days and residential
646 treatment days must be obtained as required by the division. From
647 and after July 1, 2009, all state-owned and state-operated
648 facilities that provide inpatient psychiatric services to persons
649 under age twenty-one (21) who are eligible for Medicaid
650 reimbursement shall be reimbursed for those services on a full
651 reasonable cost basis.

652 (b) The division may reimburse for services
653 provided by a licensed freestanding psychiatric hospital to
654 Medicaid recipients over the age of twenty-one (21) in a method
655 and manner consistent with the provisions of Section 43-13-117.5.

656 (24) [Deleted]

657 (25) [Deleted]

658 (26) Hospice care. As used in this paragraph, the term
659 "hospice care" means a coordinated program of active professional



660 medical attention within the home and outpatient and inpatient
661 care that treats the terminally ill patient and family as a unit,
662 employing a medically directed interdisciplinary team. The
663 program provides relief of severe pain or other physical symptoms
664 and supportive care to meet the special needs arising out of
665 physical, psychological, spiritual, social and economic stresses
666 that are experienced during the final stages of illness and during
667 dying and bereavement and meets the Medicare requirements for
668 participation as a hospice as provided in federal regulations.

669 (27) Group health plan premiums and cost-sharing if it
670 is cost-effective as defined by the United States Secretary of
671 Health and Human Services.

672 (28) Other health insurance premiums that are
673 cost-effective as defined by the United States Secretary of Health
674 and Human Services. Medicare eligible must have Medicare Part B
675 before other insurance premiums can be paid.

676 (29) The Division of Medicaid may apply for a waiver
677 from the United States Department of Health and Human Services for
678 home- and community-based services for developmentally disabled
679 people using state funds that are provided from the appropriation
680 to the State Department of Mental Health and/or funds transferred
681 to the department by a political subdivision or instrumentality of
682 the state and used to match federal funds under a cooperative
683 agreement between the division and the department, provided that
684 funds for these services are specifically appropriated to the



685 Department of Mental Health and/or transferred to the department
686 by a political subdivision or instrumentality of the state.

687 (30) Pediatric skilled nursing services * * * as
688 determined by the division.

689 (31) Targeted case management services for children
690 with special needs, under waivers from the United States
691 Department of Health and Human Services, using state funds that
692 are provided from the appropriation to the Mississippi Department
693 of Human Services and used to match federal funds under a
694 cooperative agreement between the division and the department.

695 (32) Care and services provided in Christian Science
696 Sanatoria listed and certified by the Commission for Accreditation
697 of Christian Science Nursing Organizations/Facilities, Inc.,
698 rendered in connection with treatment by prayer or spiritual means
699 to the extent that those services are subject to reimbursement
700 under Section 1903 of the federal Social Security Act.

701 (33) Podiatrist services.

702 (34) Assisted living services as provided through
703 home- and community-based services under Title XIX of the federal
704 Social Security Act, as amended, subject to the availability of
705 funds specifically appropriated for that purpose by the
706 Legislature.

707 (35) Services and activities authorized in Sections
708 43-27-101 and 43-27-103, using state funds that are provided from
709 the appropriation to the Mississippi Department of Human Services



710 and used to match federal funds under a cooperative agreement
711 between the division and the department.

712 (36) Nonemergency transportation services for
713 Medicaid-eligible persons * * * as determined by the division.

714 The PEER Committee shall conduct a performance evaluation of the
715 nonemergency transportation program to evaluate the administration
716 of the program and the providers of transportation services to
717 determine the most cost-effective ways of providing nonemergency
718 transportation services to the patients served under the program.
719 The performance evaluation shall be completed and provided to the
720 members of the Senate Medicaid Committee and the House Medicaid
721 Committee not later than January 1, 2019, and every two (2) years
722 thereafter.

723 (37) [Deleted]

724 (38) Chiropractic services. A chiropractor's manual
725 manipulation of the spine to correct a subluxation, if x-ray
726 demonstrates that a subluxation exists and if the subluxation has
727 resulted in a neuromusculoskeletal condition for which
728 manipulation is appropriate treatment, and related spinal x-rays
729 performed to document these conditions. Reimbursement for
730 chiropractic services shall not exceed Seven Hundred Dollars
731 (\$700.00) per year per beneficiary.

732 (39) Dually eligible Medicare/Medicaid beneficiaries.
733 The division shall pay the Medicare deductible and coinsurance



734 amounts for services available under Medicare, as determined by
735 the division. * * *

736 (40) [Deleted]

737 (41) Services provided by the State Department of
738 Rehabilitation Services for the care and rehabilitation of persons
739 with spinal cord injuries or traumatic brain injuries, as allowed
740 under waivers from the United States Department of Health and
741 Human Services, using up to seventy-five percent (75%) of the
742 funds that are appropriated to the Department of Rehabilitation
743 Services from the Spinal Cord and Head Injury Trust Fund
744 established under Section 37-33-261 and used to match federal
745 funds under a cooperative agreement between the division and the
746 department.

747 (42) [Deleted]

748 (43) The division shall provide reimbursement,
749 according to a payment schedule developed by the division, for
750 smoking cessation medications for pregnant women during their
751 pregnancy and other Medicaid-eligible women who are of
752 child-bearing age.

753 (44) Nursing facility services for the severely
754 disabled.

755 (a) Severe disabilities include, but are not
756 limited to, spinal cord injuries, closed-head injuries and
757 ventilator-dependent patients.



758 (b) Those services must be provided in a long-term
759 care nursing facility dedicated to the care and treatment of
760 persons with severe disabilities.

761 (45) Physician assistant services. Services furnished
762 by a physician assistant who is licensed by the State Board of
763 Medical Licensure and is practicing with physician supervision
764 under regulations adopted by the board, under regulations adopted
765 by the division. Reimbursement for those services shall not
766 exceed ninety percent (90%) of the reimbursement rate for
767 comparable services rendered by a physician. The division may
768 provide for a reimbursement rate for physician assistant services
769 of up to one hundred percent (100%) or the reimbursement rate for
770 comparable services rendered by a physician for physician
771 assistant services that are provided after the normal working
772 hours of the physician assistant, as determined in accordance with
773 regulations of the division.

774 (46) The division shall make application to the federal
775 Centers for Medicare and Medicaid Services (CMS) for a waiver to
776 develop and provide services for children with serious emotional
777 disturbances as defined in Section 43-14-1(1), which may include
778 home- and community-based services, case management services or
779 managed care services through mental health providers certified by
780 the Department of Mental Health. The division may implement and
781 provide services under this waived program only if funds for
782 these services are specifically appropriated for this purpose by



783 the Legislature, or if funds are voluntarily provided by affected
784 agencies.

785 (47) (a) The division may develop and implement
786 disease management programs for individuals with high-cost chronic
787 diseases and conditions, including the use of grants, waivers,
788 demonstrations or other projects as necessary.

789 (b) Participation in any disease management
790 program implemented under this paragraph (47) is optional with the
791 individual. An individual must affirmatively elect to participate
792 in the disease management program in order to participate, and may
793 elect to discontinue participation in the program at any time.

794 (48) Pediatric long-term acute care hospital services.

795 (a) Pediatric long-term acute care hospital
796 services means services provided to eligible persons under
797 twenty-one (21) years of age by a freestanding Medicare-certified
798 hospital that has an average length of inpatient stay greater than
799 twenty-five (25) days and that is primarily engaged in providing
800 chronic or long-term medical care to persons under twenty-one (21)
801 years of age.

802 (b) The services under this paragraph (48) shall
803 be reimbursed as a separate category of hospital services.

804 (49) The division * * * may establish copayments and/or
805 coinsurance for * * * any Medicaid services for which copayments
806 and/or coinsurance are allowable under federal law or regulation.



807 (50) Services provided by the State Department of
808 Rehabilitation Services for the care and rehabilitation of persons
809 who are deaf and blind, as allowed under waivers from the United
810 States Department of Health and Human Services to provide home-
811 and community-based services using state funds that are provided
812 from the appropriation to the State Department of Rehabilitation
813 Services or if funds are voluntarily provided by another agency.

814 (51) Upon determination of Medicaid eligibility and in
815 association with annual redetermination of Medicaid eligibility,
816 beneficiaries shall be encouraged to undertake a physical
817 examination that will establish a base-line level of health and
818 identification of a usual and customary source of care (a medical
819 home) to aid utilization of disease management tools. This
820 physical examination and utilization of these disease management
821 tools shall be consistent with current United States Preventive
822 Services Task Force or other recognized authority recommendations.

823 For persons who are determined ineligible for Medicaid, the
824 division will provide information and direction for accessing
825 medical care and services in the area of their residence.

826 (52) Notwithstanding any provisions of this article,
827 the division may pay enhanced reimbursement fees related to trauma
828 care, as determined by the division in conjunction with the State
829 Department of Health, using funds appropriated to the State
830 Department of Health for trauma care and services and used to
831 match federal funds under a cooperative agreement between the



832 division and the State Department of Health. The division, in
833 conjunction with the State Department of Health, may use grants,
834 waivers, demonstrations, enhanced reimbursements, Upper Payment
835 Limits Programs, supplemental payments, or other projects as
836 necessary in the development and implementation of this
837 reimbursement program.

838 (53) Targeted case management services for high-cost
839 beneficiaries may be developed by the division for all services
840 under this section.

841 (54) [Deleted]

842 (55) Therapy services. The plan of care for therapy
843 services may be developed to cover a period of treatment for up to
844 six (6) months, but in no event shall the plan of care exceed a
845 six-month period of treatment. The projected period of treatment
846 must be indicated on the initial plan of care and must be updated
847 with each subsequent revised plan of care. Based on medical
848 necessity, the division shall approve certification periods for
849 less than or up to six (6) months, but in no event shall the
850 certification period exceed the period of treatment indicated on
851 the plan of care. The appeal process for any reduction in therapy
852 services shall be consistent with the appeal process in federal
853 regulations.

854 (56) Prescribed pediatric extended care centers
855 services for medically dependent or technologically dependent
856 children with complex medical conditions that require continual



857 care as prescribed by the child's attending physician, as
858 determined by the division.

859 (57) No Medicaid benefit shall restrict coverage for
860 medically appropriate treatment prescribed by a physician and
861 agreed to by a fully informed individual, or if the individual
862 lacks legal capacity to consent by a person who has legal
863 authority to consent on his or her behalf, based on an
864 individual's diagnosis with a terminal condition. As used in this
865 paragraph (57), "terminal condition" means any aggressive
866 malignancy, chronic end-stage cardiovascular or cerebral vascular
867 disease, or any other disease, illness or condition which a
868 physician diagnoses as terminal.

869 (58) Treatment services for persons with opioid
870 dependency or other highly addictive substance use disorders. The
871 division is authorized to reimburse eligible providers for
872 treatment of opioid dependency and other highly addictive
873 substance use disorders, as determined by the division. Treatment
874 related to these conditions shall not count against any physician
875 visit limit imposed under this section.

876 (59) The division shall allow beneficiaries between the
877 ages of ten (10) and eighteen (18) years to receive vaccines
878 through a pharmacy venue. The division and the State Department
879 of Health shall coordinate and notify OB-GYN providers that the
880 Vaccines for Children program is available to providers free of
881 charge.



882 (60) Bariatric surgery as determined by the division
883 and as allowed by federal law and regulation.

884 (61) The division is authorized and directed to provide
885 up to twelve (12) months of continuous coverage postpartum for any
886 individual who qualifies for Medicaid coverage under this section
887 as a pregnant woman, to the extent allowable under federal law and
888 as determined by the division. It is the intent of the
889 Legislature that the division shall reduce the application time
890 and simplify application procedures for pregnant women applying
891 for Medicaid coverage postpartum. Not later than July 1, 2022,
892 the division or its designee shall develop a report to the
893 Legislature evaluating the effectiveness of extending Medicaid
894 coverage for pregnant women from sixty (60) days postpartum to
895 three hundred sixty-five (365) days postpartum.

896 (B) * * * [Deleted]

897 (C) The division may pay to those providers who participate
898 in and accept patient referrals from the division's emergency room
899 redirection program a percentage, as determined by the division,
900 of savings achieved according to the performance measures and
901 reduction of costs required of that program. Federally qualified
902 health centers may participate in the emergency room redirection
903 program, and the division may pay those centers a percentage of
904 any savings to the Medicaid program achieved by the centers'
905 accepting patient referrals through the program, as provided in
906 this subsection (C).



907 (D) [Deleted]

908 (E) Notwithstanding any provision of this article, no new
909 groups or categories of recipients and new types of care and
910 services may be added without enabling legislation from the
911 Mississippi Legislature, except that the division may authorize
912 those changes without enabling legislation when the addition of
913 recipients or services is ordered by a court of proper authority.

914 (F) The executive director shall keep the Governor advised
915 on a timely basis of the funds available for expenditure and the
916 projected expenditures. Notwithstanding any other provisions of
917 this article, if current or projected expenditures of the division
918 are reasonably anticipated to exceed the amount of funds
919 appropriated to the division for any fiscal year, the Governor,
920 after consultation with the executive director, shall take all
921 appropriate measures to reduce costs, which may include, but are
922 not limited to:

923 (1) Reducing or discontinuing any or all services that
924 are deemed to be optional under Title XIX of the Social Security
925 Act;

926 (2) Reducing reimbursement rates for any or all service
927 types to the extent allowed under federal law to first include the
928 administrative fee portion of capitated payments to organizations
929 described in subsection (H) (1) of this section before enacting
930 reimbursement rate reductions for health care providers;



931 (3) Imposing additional assessments on health care
932 providers; or

933 (4) Any additional cost-containment measures deemed
934 appropriate by the Governor.

935 Beginning in fiscal year 2010 and in fiscal years thereafter,
936 when Medicaid expenditures are projected to exceed funds available
937 for the fiscal year, the division shall submit the expected
938 shortfall information to the PEER Committee not later than
939 December 1 of the year in which the shortfall is projected to
940 occur. PEER shall review the computations of the division and
941 report its findings to the Legislative Budget Office not later
942 than January 7 in any year.

943 (G) Notwithstanding any other provision of this article, it
944 shall be the duty of each provider participating in the Medicaid
945 program to keep and maintain books, documents and other records as
946 prescribed by the Division of Medicaid in * * * accordance with
947 federal laws and regulations.

948 (H) (1) Notwithstanding any other provision of this
949 article, the division is authorized to implement (a) a managed
950 care program, (b) a coordinated care program, (c) a coordinated
951 care organization program, (d) a health maintenance organization
952 program, (e) a patient-centered medical home program, (f) an
953 accountable care organization program, (g) provider-sponsored
954 health plan, or (h) any combination of the above programs. * * *
955 As a condition for the approval of any program under this



956 subsection (H) (1), the division shall require that no managed care
957 program may:

958 (a) Pay providers at a rate that is less than the
959 Medicaid All Patient Refined Diagnosis Related Groups (APR-DRG)
960 reimbursement rate;

961 (b) Override the medical decisions of hospital
962 physicians or staff regarding patients admitted to a hospital for
963 an emergency medical condition as defined by 42 US Code Section
964 1395dd. This restriction (b) does not prohibit the retrospective
965 review of the appropriateness of the determination that an
966 emergency medical condition exists by chart review or coding
967 algorithm, nor does it prohibit prior authorization for
968 nonemergency hospital admissions;

969 (c) Pay providers at a rate that is less than the
970 normal Medicaid reimbursement rate. However, the division may
971 approve use of alternative payment models, including quality and
972 value-based payment arrangements, provided both parties, the
973 health care provider and the organization described in this
974 subsection (H) (1), mutually agree and the Division of Medicaid
975 approves of said models. It is the intent of the Legislature that
976 all managed care entities described in this subsection (H), in
977 collaboration with the division, develop and implement innovative
978 payment models that incentivize improvements in health care
979 quality, outcomes, or value, as determined by the division.
980 Participation in the provider network of any managed care,



981 coordinated care, provider-sponsored health plan, or similar
982 contractor shall not be conditioned on the provider's agreement to
983 accept such alternative payment models;

984 (d) Implement a prior authorization program for
985 medical services, transportation services and prescription drugs
986 that is more stringent than the prior authorization processes used
987 by the division in its administration of the Medicaid program;

988 (e) [Deleted]

989 (f) Implement a preferred drug list that is more
990 stringent than the mandatory preferred drug list established by
991 the division under subsection (A)(9) of this section;

992 (g) Implement a policy which denies beneficiaries
993 with hemophilia access to the federally funded hemophilia
994 treatment centers as part of the Medicaid Managed Care network of
995 providers. * * *

996 All health maintenance organizations, coordinated care
997 organizations, provider-sponsored health plans, or other
998 organization paid for services on a capitated basis by the
999 division under any managed care program or coordinated care
1000 program implemented by the division under this section shall
1001 implement a Level of Care Guidelines in the determination of
1002 medical necessity and in all utilization management practices,
1003 including the prior authorization process, concurrent reviews,
1004 retrospective reviews and payments.



1005 (2) Notwithstanding any provision of this section, the
1006 recipients eligible for enrollment into a Medicaid managed care
1007 program authorized under this subsection (H) shall include only
1008 those categories of recipients eligible for participation in the
1009 Medicaid managed care program as of January 1, 2019, and the
1010 Children's Health Insurance Program (CHIP), CMS approved Section
1011 1115 demonstration waivers in operation as of January 1, 2021, and
1012 a demonstration waiver to extend postpartum coverage for pregnant
1013 women up to twelve (12) months or a period of time as may
1014 otherwise be authorized under this article. No expansion of
1015 Medicaid managed care program contracts may be implemented by the
1016 division without enabling legislation from the Mississippi
1017 Legislature. * * *

1018 * * *

1019 (3) (a) Any contractors * * * receiving capitated
1020 payments under a managed care * * * delivery system established in
1021 this section shall provide to the Legislature and the division
1022 statistical data to be shared with provider groups in order to
1023 improve patient access, appropriate utilization, cost savings and
1024 health outcomes not later than October 1 of each year.
1025 Additionally, each contractor shall disclose to the Chairmen of
1026 the Senate and House Medicaid Committees the administrative
1027 expenses costs for the prior calendar year, and the number of
1028 full-equivalent employees located in the State of Mississippi



1029 dedicated to the Medicaid and CHIP lines of business as of June 30
1030 of the current year.

1031 (b) The division and the contractors participating
1032 in the managed care program, a coordinated care program or a
1033 provider-sponsored health plan shall be subject to annual program
1034 reviews or audits performed by the Office of the State Auditor,
1035 the PEER Committee and/or * * * independent third * * * parties.

1036 (c) Those * * * reviews shall * * * include, but
1037 not be limited to, at least two (2) of the following items * * *:

1038 (i) The financial benefit to the State of
1039 Mississippi of the managed care program,

1040 (ii) The difference between the premiums paid
1041 to the managed care contractors and the payments made by those
1042 contractors to health care providers, * * *

1043 (iii) Compliance with performance measures
1044 required under the contracts,

1045 (iv) Administrative expense allocation
1046 methodologies,

1047 (v) Whether nonprovider payments assigned as
1048 medical expenses are appropriate,

1049 (vi) Capitated arrangements with related
1050 party subcontractors,

1051 (vii) Reasonableness of corporate
1052 allocations,



1053 (viii) Value-added benefits and the extent to
1054 which they are used,

1055 (ix) The effectiveness of subcontractor
1056 oversight, including subcontractor review,

1057 (x) Whether * * * health care outcomes * * *
1058 have been improved, and

1059 (xi) The most common claim denial codes to
1060 determine the reasons for the denials.

1061 * * * The audit reports shall be considered * * * public
1062 documents and shall be posted in * * * their entirety on the
1063 division's website.

1064 (4) * * * [Deleted]

1065 (5) No health maintenance organization, coordinated
1066 care organization, provider-sponsored health plan, or other
1067 organization paid for services on a capitated basis by the
1068 division under any managed care program or coordinated care
1069 program implemented by the division under this section shall
1070 require its providers or beneficiaries to use any pharmacy that
1071 ships, mails or delivers prescription drugs or legend drugs or
1072 devices.

1073 (6) Not later than July 1, 2022, any contractors
1074 receiving capitated payments under a managed care delivery system
1075 established in this section shall develop and implement a uniform
1076 credentialing process by which all providers will be credentialed.
1077 If the provisions of this subsection are not met by July 1, 2022,



1078 the division shall establish a uniform credentialing or screening
1079 process, and no health maintenance organization, coordinated care
1080 organization, provider-sponsored health plan, or other
1081 organization paid for services on a capitated basis by the
1082 division under any managed care program or coordinated care
1083 program implemented by the division under this section shall
1084 require its providers to be credentialed by the organization in
1085 order to receive reimbursement from the organization, but those
1086 organizations shall recognize the credentialing or screening of
1087 the providers by the division.

1088 (7) It is the intent of the Legislature that the
1089 division evaluate the feasibility of continuing to administer
1090 pharmacy benefits under the fee-for-service delivery system.

1091 (8) It is the intent of the Legislature that the
1092 division evaluate the feasibility of utilizing a single vendor to
1093 administer dental benefits provided under a managed care delivery
1094 system established in this section.

1095 (9) It is the intent of the Legislature that any
1096 contractor receiving capitated payments under a managed care
1097 delivery system established in this section shall implement
1098 innovative programs to improve the health and well-being of
1099 members diagnosed with prediabetes and diabetes.

1100 (I) [Deleted]

1101 (J) * * * [Deleted]



1102 (K) In the negotiation and execution of such contracts
1103 involving services performed by actuarial firms, the Executive
1104 Director of the Division of Medicaid may negotiate a limitation on
1105 liability to the state of prospective contractors.

1106 (* * *L) This section shall stand repealed on July 1, * * *
1107 2022.

1108 **SECTION 2.** Section 43-13-145, Mississippi Code of 1972, is
1109 amended as follows:

1110 43-13-145. (1) (a) Upon each nursing facility licensed by
1111 the State of Mississippi, there is levied an assessment in an
1112 amount set by the division, equal to the maximum rate allowed by
1113 federal law or regulation, for each licensed and occupied bed of
1114 the facility.

1115 (b) A nursing facility is exempt from the assessment
1116 levied under this subsection if the facility is operated under the
1117 direction and control of:

1118 (i) The United States Veterans Administration or
1119 other agency or department of the United States government; or

1120 (ii) The State Veterans Affairs Board * * *.

1121 * * *

1122 (2) (a) Upon each intermediate care facility for
1123 individuals with intellectual disabilities licensed by the State
1124 of Mississippi, there is levied an assessment in an amount set by
1125 the division, equal to the maximum rate allowed by federal law or
1126 regulation, for each licensed and occupied bed of the facility.



1127 (b) An intermediate care facility for individuals with
1128 intellectual disabilities is exempt from the assessment levied
1129 under this subsection if the facility is operated under the
1130 direction and control of:

1131 (i) The United States Veterans Administration or
1132 other agency or department of the United States government;

1133 (ii) The State Veterans Affairs Board; or

1134 (iii) The University of Mississippi Medical
1135 Center.

1136 (3) (a) Upon each psychiatric residential treatment
1137 facility licensed by the State of Mississippi, there is levied an
1138 assessment in an amount set by the division, equal to the maximum
1139 rate allowed by federal law or regulation, for each licensed and
1140 occupied bed of the facility.

1141 (b) A psychiatric residential treatment facility is
1142 exempt from the assessment levied under this subsection if the
1143 facility is operated under the direction and control of:

1144 (i) The United States Veterans Administration or
1145 other agency or department of the United States government;

1146 (ii) The University of Mississippi Medical Center;
1147 or

1148 (iii) A state agency or a state facility that
1149 either provides its own state match through intergovernmental
1150 transfer or certification of funds to the division.

1151 (4) Hospital assessment.



1152 (a) (i) Subject to and upon fulfillment of the
1153 requirements and conditions of paragraph (f) below, and
1154 notwithstanding any other provisions of this section, * * * an
1155 annual assessment on each hospital licensed in the state is
1156 imposed on each non-Medicare hospital inpatient day as defined
1157 below at a rate that is determined by dividing the sum prescribed
1158 in this subparagraph (i), plus the nonfederal share necessary to
1159 maximize the Disproportionate Share Hospital (DSH) and Medicare
1160 Upper Payment Limits (UPL) Program payments and hospital access
1161 payments and such other supplemental payments as may be developed
1162 pursuant to Section 43-13-117(A)(18), by the total number of
1163 non-Medicare hospital inpatient days as defined below for all
1164 licensed Mississippi hospitals, except as provided in paragraph
1165 (d) below. If the state_matching funds percentage for the
1166 Mississippi Medicaid program is sixteen percent (16%) or less, the
1167 sum used in the formula under this subparagraph (i) shall be
1168 Seventy-four Million Dollars (\$74,000,000.00). If the
1169 state_matching funds percentage for the Mississippi Medicaid
1170 program is twenty-four percent (24%) or higher, the sum used in
1171 the formula under this subparagraph (i) shall be One Hundred Four
1172 Million Dollars (\$104,000,000.00). If the state_matching funds
1173 percentage for the Mississippi Medicaid program is between sixteen
1174 percent (16%) and twenty-four percent (24%), the sum used in the
1175 formula under this subparagraph (i) shall be a pro rata amount
1176 determined as follows: the current state_matching funds



1177 percentage rate minus sixteen percent (16%) divided by eight
1178 percent (8%) multiplied by Thirty Million Dollars (\$30,000,000.00)
1179 and add that amount to Seventy-four Million Dollars
1180 (\$74,000,000.00). However, no assessment in a quarter under this
1181 subparagraph (i) may exceed the assessment in the previous quarter
1182 by more than Three Million Seven Hundred Fifty Thousand Dollars
1183 (\$3,750,000.00) (which would be Fifteen Million Dollars
1184 (\$15,000,000.00) on an annualized basis). The division shall
1185 publish the state-matching funds percentage rate applicable to the
1186 Mississippi Medicaid program on the tenth day of the first month
1187 of each quarter and the assessment determined under the formula
1188 prescribed above shall be applicable in the quarter following any
1189 adjustment in that state-matching funds percentage rate. The
1190 division shall notify each hospital licensed in the state as to
1191 any projected increases or decreases in the assessment determined
1192 under this subparagraph (i). However, if the Centers for Medicare
1193 and Medicaid Services (CMS) does not approve the provision in
1194 Section 43-13-117(39) requiring the division to reimburse
1195 crossover claims for inpatient hospital services and crossover
1196 claims covered under Medicare Part B for dually eligible
1197 beneficiaries in the same manner that was in effect on January 1,
1198 2008, the sum that otherwise would have been used in the formula
1199 under this subparagraph (i) shall be reduced by Seven Million
1200 Dollars (\$7,000,000.00).



1201 (ii) In addition to the assessment provided under
1202 subparagraph (i), * * * an additional annual assessment on each
1203 hospital licensed in the state is imposed on each non-Medicare
1204 hospital inpatient day as defined below at a rate that is
1205 determined by dividing twenty-five percent (25%) of any provider
1206 reductions in the Medicaid program as authorized in Section
1207 43-13-117(F) for that fiscal year up to the following maximum
1208 amount, plus the nonfederal share necessary to maximize the
1209 Disproportionate Share Hospital (DSH) and inpatient Medicare Upper
1210 Payment Limits (UPL) Program payments and inpatient hospital
1211 access payments, by the total number of non-Medicare hospital
1212 inpatient days as defined below for all licensed Mississippi
1213 hospitals: in fiscal year 2010, the maximum amount shall be
1214 Twenty-four Million Dollars (\$24,000,000.00); in fiscal year 2011,
1215 the maximum amount shall be Thirty-two Million Dollars
1216 (\$32,000,000.00); and in fiscal year 2012 and thereafter, the
1217 maximum amount shall be Forty Million Dollars (\$40,000,000.00).
1218 Any such deficit in the Medicaid program shall be reviewed by the
1219 PEER Committee as provided in Section 43-13-117(F).

1220 (iii) In addition to the assessments provided in
1221 subparagraphs (i) and (ii), * * * an additional annual assessment
1222 on each hospital licensed in the state is imposed pursuant to the
1223 provisions of Section 43-13-117(F) if the cost_containment
1224 measures described therein have been implemented and there are
1225 insufficient funds in the Health Care Trust Fund to reconcile any



1226 remaining deficit in any fiscal year. If the Governor institutes
1227 any other additional cost_containment measures on any program or
1228 programs authorized under the Medicaid program pursuant to Section
1229 43-13-117(F), hospitals shall be responsible for twenty-five
1230 percent (25%) of any such additional imposed provider cuts, which
1231 shall be in the form of an additional assessment not to exceed the
1232 twenty-five percent (25%) of provider expenditure reductions.
1233 Such additional assessment shall be imposed on each non-Medicare
1234 hospital inpatient day in the same manner as assessments are
1235 imposed under subparagraphs (i) and (ii).

1236 (b) * * * Definitions.

1237 (i) * * * [Deleted]

1238 (ii) * * * For purposes of this subsection (4):

1239 1. "Non-Medicare hospital inpatient day"

1240 means total hospital inpatient days including subcomponent days
1241 less Medicare inpatient days including subcomponent days from the
1242 hospital's most recent Medicare cost report for the second
1243 calendar year preceding the beginning of the state fiscal year, on
1244 file with CMS per the CMS HCRIS database, or cost report submitted
1245 to the Division if the HCRIS database is not available to the
1246 division, as of June 1 of each year.

1247 a. Total hospital inpatient days shall
1248 be the sum of Worksheet S-3, Part 1, column 8 row 14, column 8 row
1249 16, and column 8 row 17, excluding column 8 rows 5 and 6.



1250 b. Hospital Medicare inpatient days
1251 shall be the sum of Worksheet S-3, Part 1, column 6 row 14, column
1252 6 row 16.00, and column 6 row 17, excluding column 6 rows 5 and 6.

1253 c. Inpatient days shall not include
1254 residential treatment or long-term care days.

1255 2. "Subcomponent inpatient day" means the
1256 number of days of care charged to a beneficiary for inpatient
1257 hospital rehabilitation and psychiatric care services in units of
1258 full days. A day begins at midnight and ends twenty-four (24)
1259 hours later. A part of a day, including the day of admission and
1260 day on which a patient returns from leave of absence, counts as a
1261 full day. However, the day of discharge, death, or a day on which
1262 a patient begins a leave of absence is not counted as a day unless
1263 discharge or death occur on the day of admission. If admission
1264 and discharge or death occur on the same day, the day is
1265 considered a day of admission and counts as one (1) subcomponent
1266 inpatient day.

1267 (c) The assessment provided in this subsection is
1268 intended to satisfy and not be in addition to the assessment and
1269 intergovernmental transfers provided in Section 43-13-117(A) (18).
1270 Nothing in this section shall be construed to authorize any state
1271 agency, division or department, or county, municipality or other
1272 local governmental unit to license for revenue, levy or impose any
1273 other tax, fee or assessment upon hospitals in this state not
1274 authorized by a specific statute.



1275 (d) Hospitals operated by the United States Department
1276 of Veterans Affairs and state-operated facilities that provide
1277 only inpatient and outpatient psychiatric services shall not be
1278 subject to the hospital assessment provided in this subsection.

1279 (e) Multihospital systems, closure, merger, change of
1280 ownership and new hospitals.

1281 (i) If a hospital conducts, operates or maintains
1282 more than one (1) hospital licensed by the State Department of
1283 Health, the provider shall pay the hospital assessment for each
1284 hospital separately.

1285 (ii) Notwithstanding any other provision in this
1286 section, if a hospital subject to this assessment operates or
1287 conducts business only for a portion of a fiscal year, the
1288 assessment for the state fiscal year shall be adjusted by
1289 multiplying the assessment by a fraction, the numerator of which
1290 is the number of days in the year during which the hospital
1291 operates, and the denominator of which is three hundred sixty-five
1292 (365). Immediately upon ceasing to operate, the hospital shall
1293 pay the assessment for the year as so adjusted (to the extent not
1294 previously paid).

1295 (iii) The division shall determine the tax for new
1296 hospitals and hospitals that undergo a change of ownership in
1297 accordance with this section, using the best available
1298 information, as determined by the division.

1299 (f) Applicability.



1300 The hospital assessment imposed by this subsection shall not
1301 take effect and/or shall cease to be imposed if:

1302 (i) The assessment is determined to be an
1303 impermissible tax under Title XIX of the Social Security Act; or

1304 (ii) CMS revokes its approval of the division's
1305 2009 Medicaid State Plan Amendment for the methodology for DSH
1306 payments to hospitals under Section 43-13-117(A) (18).

1307 * * *

1308 (5) Each health care facility that is subject to the
1309 provisions of this section shall keep and preserve such suitable
1310 books and records as may be necessary to determine the amount of
1311 assessment for which it is liable under this section. The books
1312 and records shall be kept and preserved for a period of not less
1313 than five (5) years, during which time those books and records
1314 shall be open for examination during business hours by the
1315 division, the Department of Revenue, the Office of the Attorney
1316 General and the State Department of Health.

1317 (6) * * * [Deleted]

1318 (7) All assessments collected under this section shall be
1319 deposited in the Medical Care Fund created by Section 43-13-143.

1320 (8) The assessment levied under this section shall be in
1321 addition to any other assessments, taxes or fees levied by law,
1322 and the assessment shall constitute a debt due the State of
1323 Mississippi from the time the assessment is due until it is paid.



1324 (9) (a) If a health care facility that is liable for
1325 payment of an assessment levied by the division does not pay the
1326 assessment when it is due, the division shall give written notice
1327 to the health care facility * * * demanding payment of the
1328 assessment within ten (10) days from the date of delivery of the
1329 notice. If the health care facility fails or refuses to pay the
1330 assessment after receiving the notice and demand from the
1331 division, the division shall withhold from any Medicaid
1332 reimbursement payments that are due to the health care facility
1333 the amount of the unpaid assessment and a penalty of ten percent
1334 (10%) of the amount of the assessment, plus the legal rate of
1335 interest until the assessment is paid in full. If the health care
1336 facility does not participate in the Medicaid program, the
1337 division shall turn over to the Office of the Attorney General the
1338 collection of the unpaid assessment by civil action. In any such
1339 civil action, the Office of the Attorney General shall collect the
1340 amount of the unpaid assessment and a penalty of ten percent (10%)
1341 of the amount of the assessment, plus the legal rate of interest
1342 until the assessment is paid in full.

1343 (b) As an additional or alternative method for
1344 collecting unpaid assessments levied by the division, if a health
1345 care facility fails or refuses to pay the assessment after
1346 receiving notice and demand from the division, the division may
1347 file a notice of a tax lien with the chancery clerk of the county
1348 in which the health care facility is located, for the amount of



1349 the unpaid assessment and a penalty of ten percent (10%) of the
1350 amount of the assessment, plus the legal rate of interest until
1351 the assessment is paid in full. Immediately upon receipt of
1352 notice of the tax lien for the assessment, the chancery clerk
1353 shall forward the notice to the circuit clerk who shall enter the
1354 notice of the tax lien as a judgment upon the judgment roll and
1355 show in the appropriate columns the name of the health care
1356 facility as judgment debtor, the name of the division as judgment
1357 creditor, the amount of the unpaid assessment, and the date and
1358 time of enrollment. The judgment shall be valid as against
1359 mortgagees, pledgees, entrusters, purchasers, judgment creditors
1360 and other persons from the time of filing with the clerk. The
1361 amount of the judgment shall be a debt due the State of
1362 Mississippi and remain a lien upon the tangible property of the
1363 health care facility until the judgment is satisfied. The
1364 judgment shall be the equivalent of any enrolled judgment of a
1365 court of record and shall serve as authority for the issuance of
1366 writs of execution, writs of attachment or other remedial writs.

1367 (10) (a) To further the provisions of Section
1368 43-13-117(A)(18), the Division of Medicaid shall submit to the
1369 Centers for Medicare and Medicaid Services (CMS) any documents
1370 regarding the hospital assessment established under subsection (4)
1371 of this section. In addition to defining the assessment
1372 established in subsection (4) of this section if necessary, the
1373 documents shall describe any supplement payment programs and/or



1374 payment methodologies as authorized in Section 43-13-117(A) (18) if
1375 necessary.

1376 (b) All hospitals satisfying the minimum federal DSH
1377 eligibility requirements (Section 1923(d) of the Social Security
1378 Act) may, subject to OBRA 1993 payment limitations, receive a DSH
1379 payment. This DSH payment shall expend the balance of the federal
1380 DSH allotment and associated state share not utilized in DSH
1381 payments to state-owned institutions for treatment of mental
1382 diseases. The payment to each hospital shall be calculated by
1383 applying a uniform percentage to the uninsured costs of each
1384 eligible hospital, excluding state-owned institutions for
1385 treatment of mental diseases; however, that percentage for a
1386 state-owned teaching hospital located in Hinds County shall be
1387 multiplied by a factor of two (2).

1388 (11) The division shall implement DSH and supplemental
1389 payment calculation methodologies that result in the maximization
1390 of available federal funds.

1391 (12) The DSH payments shall be paid on or before December
1392 31, March 31, and June 30 of each fiscal year, in increments of
1393 one-third (1/3) of the total calculated DSH amounts. Supplemental
1394 payments developed pursuant to Section 43-13-117(A) (18) shall be
1395 paid monthly.

1396 (13) * * * Payment.

1397 (a) The hospital assessment as described in subsection
1398 (4) for the nonfederal share necessary to maximize the Medicare



1399 Upper Payments Limits (UPL) Program payments and hospital access
1400 payments and such other supplemental payments as may be developed
1401 pursuant to Section 43-3-117(A) (18) shall be assessed and
1402 collected monthly no later than the fifteenth calendar day of each
1403 month.

1404 (b) The hospital assessment as described in subsection
1405 (4) for the nonfederal share necessary to maximize the
1406 Disproportionate Share Hospital (DSH) payments shall be assessed
1407 and collected on December 15, March 15 and June 15.

1408 (c) The annual hospital assessment and any additional
1409 hospital assessment as described in subsection (4) shall be
1410 assessed and collected on September 15 and on the 15th of each
1411 month from December through June.

1412 (14) If for any reason any part of the plan for annual DSH
1413 and supplemental payment programs to hospitals provided under
1414 subsection (10) of this section and/or developed pursuant to
1415 Section 43-13-117(A) (18) is not approved by CMS, the remainder of
1416 the plan shall remain in full force and effect.

1417 (15) Nothing in this section shall prevent the Division of
1418 Medicaid from facilitating participation in Medicaid supplemental
1419 hospital payment programs by a hospital located in a county
1420 contiguous to the State of Mississippi that is also authorized by
1421 federal law to submit intergovernmental transfers (IGTs) to the
1422 State of Mississippi to fund the state share of the hospital's
1423 supplemental and/or MHAP payments.



1424 (16) Subsections (10) through (15) of this section shall
1425 stand repealed on July 1, * * * 2022.

1426 **SECTION 3.** Section 41-7-191, Mississippi Code of 1972, is
1427 amended as follows:

1428 41-7-191. (1) No person shall engage in any of the
1429 following activities without obtaining the required certificate of
1430 need:

1431 (a) The construction, development or other
1432 establishment of a new health care facility, which establishment
1433 shall include the reopening of a health care facility that has
1434 ceased to operate for a period of sixty (60) months or more;

1435 (b) The relocation of a health care facility or portion
1436 thereof, or major medical equipment, unless such relocation of a
1437 health care facility or portion thereof, or major medical
1438 equipment, which does not involve a capital expenditure by or on
1439 behalf of a health care facility, is within five thousand two
1440 hundred eighty (5,280) feet from the main entrance of the health
1441 care facility;

1442 (c) Any change in the existing bed complement of any
1443 health care facility through the addition or conversion of any
1444 beds or the alteration, modernizing or refurbishing of any unit or
1445 department in which the beds may be located; however, if a health
1446 care facility has voluntarily delicensed some of its existing bed
1447 complement, it may later relicense some or all of its delicensed
1448 beds without the necessity of having to acquire a certificate of



1449 need. The State Department of Health shall maintain a record of
1450 the delicensing health care facility and its voluntarily
1451 delicensed beds and continue counting those beds as part of the
1452 state's total bed count for health care planning purposes. If a
1453 health care facility that has voluntarily delicensed some of its
1454 beds later desires to relicense some or all of its voluntarily
1455 delicensed beds, it shall notify the State Department of Health of
1456 its intent to increase the number of its licensed beds. The State
1457 Department of Health shall survey the health care facility within
1458 thirty (30) days of that notice and, if appropriate, issue the
1459 health care facility a new license reflecting the new contingent
1460 of beds. However, in no event may a health care facility that has
1461 voluntarily delicensed some of its beds be reissued a license to
1462 operate beds in excess of its bed count before the voluntary
1463 delicensure of some of its beds without seeking certificate of
1464 need approval;

1465 (d) Offering of the following health services if those
1466 services have not been provided on a regular basis by the proposed
1467 provider of such services within the period of twelve (12) months
1468 prior to the time such services would be offered:

- 1469 (i) Open-heart surgery services;
- 1470 (ii) Cardiac catheterization services;
- 1471 (iii) Comprehensive inpatient rehabilitation
1472 services;
- 1473 (iv) Licensed psychiatric services;



1474 (v) Licensed chemical dependency services;
1475 (vi) Radiation therapy services;
1476 (vii) Diagnostic imaging services of an invasive
1477 nature, i.e. invasive digital angiography;
1478 (viii) Nursing home care as defined in
1479 subparagraphs (iv), (vi) and (viii) of Section 41-7-173(h);
1480 (ix) Home health services;
1481 (x) Swing-bed services;
1482 (xi) Ambulatory surgical services;
1483 (xii) Magnetic resonance imaging services;
1484 (xiii) [Deleted]
1485 (xiv) Long-term care hospital services;
1486 (xv) Positron emission tomography (PET) services;
1487 (e) The relocation of one or more health services from
1488 one physical facility or site to another physical facility or
1489 site, unless such relocation, which does not involve a capital
1490 expenditure by or on behalf of a health care facility, (i) is to a
1491 physical facility or site within five thousand two hundred eighty
1492 (5,280) feet from the main entrance of the health care facility
1493 where the health care service is located, or (ii) is the result of
1494 an order of a court of appropriate jurisdiction or a result of
1495 pending litigation in such court, or by order of the State
1496 Department of Health, or by order of any other agency or legal
1497 entity of the state, the federal government, or any political



1498 subdivision of either, whose order is also approved by the State
1499 Department of Health;

1500 (f) The acquisition or otherwise control of any major
1501 medical equipment for the provision of medical services; however,
1502 (i) the acquisition of any major medical equipment used only for
1503 research purposes, and (ii) the acquisition of major medical
1504 equipment to replace medical equipment for which a facility is
1505 already providing medical services and for which the State
1506 Department of Health has been notified before the date of such
1507 acquisition shall be exempt from this paragraph; an acquisition
1508 for less than fair market value must be reviewed, if the
1509 acquisition at fair market value would be subject to review;

1510 (g) Changes of ownership of existing health care
1511 facilities in which a notice of intent is not filed with the State
1512 Department of Health at least thirty (30) days prior to the date
1513 such change of ownership occurs, or a change in services or bed
1514 capacity as prescribed in paragraph (c) or (d) of this subsection
1515 as a result of the change of ownership; an acquisition for less
1516 than fair market value must be reviewed, if the acquisition at
1517 fair market value would be subject to review;

1518 (h) The change of ownership of any health care facility
1519 defined in subparagraphs (iv), (vi) and (viii) of Section
1520 41-7-173(h), in which a notice of intent as described in paragraph
1521 (g) has not been filed and if the Executive Director, Division of
1522 Medicaid, Office of the Governor, has not certified in writing



1523 that there will be no increase in allowable costs to Medicaid from
1524 revaluation of the assets or from increased interest and
1525 depreciation as a result of the proposed change of ownership;

1526 (i) Any activity described in paragraphs (a) through
1527 (h) if undertaken by any person if that same activity would
1528 require certificate of need approval if undertaken by a health
1529 care facility;

1530 (j) Any capital expenditure or deferred capital
1531 expenditure by or on behalf of a health care facility not covered
1532 by paragraphs (a) through (h);

1533 (k) The contracting of a health care facility as
1534 defined in subparagraphs (i) through (viii) of Section 41-7-173(h)
1535 to establish a home office, subunit, or branch office in the space
1536 operated as a health care facility through a formal arrangement
1537 with an existing health care facility as defined in subparagraph
1538 (ix) of Section 41-7-173(h);

1539 (l) The replacement or relocation of a health care
1540 facility designated as a critical access hospital shall be exempt
1541 from subsection (1) of this section so long as the critical access
1542 hospital complies with all applicable federal law and regulations
1543 regarding such replacement or relocation;

1544 (m) Reopening a health care facility that has ceased to
1545 operate for a period of sixty (60) months or more, which reopening
1546 requires a certificate of need for the establishment of a new
1547 health care facility.



1548 (2) The State Department of Health shall not grant approval
1549 for or issue a certificate of need to any person proposing the new
1550 construction of, addition to, or expansion of any health care
1551 facility defined in subparagraphs (iv) (skilled nursing facility)
1552 and (vi) (intermediate care facility) of Section 41-7-173(h) or
1553 the conversion of vacant hospital beds to provide skilled or
1554 intermediate nursing home care, except as hereinafter authorized:

1555 (a) The department may issue a certificate of need to
1556 any person proposing the new construction of any health care
1557 facility defined in subparagraphs (iv) and (vi) of Section
1558 41-7-173(h) as part of a life care retirement facility, in any
1559 county bordering on the Gulf of Mexico in which is located a
1560 National Aeronautics and Space Administration facility, not to
1561 exceed forty (40) beds. From and after July 1, 1999, there shall
1562 be no prohibition or restrictions on participation in the Medicaid
1563 program (Section 43-13-101 et seq.) for the beds in the health
1564 care facility that were authorized under this paragraph (a).

1565 (b) The department may issue certificates of need in
1566 Harrison County to provide skilled nursing home care for
1567 Alzheimer's disease patients and other patients, not to exceed one
1568 hundred fifty (150) beds. From and after July 1, 1999, there
1569 shall be no prohibition or restrictions on participation in the
1570 Medicaid program (Section 43-13-101 et seq.) for the beds in the
1571 nursing facilities that were authorized under this paragraph (b).



1572 (c) The department may issue a certificate of need for
1573 the addition to or expansion of any skilled nursing facility that
1574 is part of an existing continuing care retirement community
1575 located in Madison County, provided that the recipient of the
1576 certificate of need agrees in writing that the skilled nursing
1577 facility will not at any time participate in the Medicaid program
1578 (Section 43-13-101 et seq.) or admit or keep any patients in the
1579 skilled nursing facility who are participating in the Medicaid
1580 program. This written agreement by the recipient of the
1581 certificate of need shall be fully binding on any subsequent owner
1582 of the skilled nursing facility, if the ownership of the facility
1583 is transferred at any time after the issuance of the certificate
1584 of need. Agreement that the skilled nursing facility will not
1585 participate in the Medicaid program shall be a condition of the
1586 issuance of a certificate of need to any person under this
1587 paragraph (c), and if such skilled nursing facility at any time
1588 after the issuance of the certificate of need, regardless of the
1589 ownership of the facility, participates in the Medicaid program or
1590 admits or keeps any patients in the facility who are participating
1591 in the Medicaid program, the State Department of Health shall
1592 revoke the certificate of need, if it is still outstanding, and
1593 shall deny or revoke the license of the skilled nursing facility,
1594 at the time that the department determines, after a hearing
1595 complying with due process, that the facility has failed to comply
1596 with any of the conditions upon which the certificate of need was



1597 issued, as provided in this paragraph and in the written agreement
1598 by the recipient of the certificate of need. The total number of
1599 beds that may be authorized under the authority of this paragraph
1600 (c) shall not exceed sixty (60) beds.

1601 (d) The State Department of Health may issue a
1602 certificate of need to any hospital located in DeSoto County for
1603 the new construction of a skilled nursing facility, not to exceed
1604 one hundred twenty (120) beds, in DeSoto County. From and after
1605 July 1, 1999, there shall be no prohibition or restrictions on
1606 participation in the Medicaid program (Section 43-13-101 et seq.)
1607 for the beds in the nursing facility that were authorized under
1608 this paragraph (d).

1609 (e) The State Department of Health may issue a
1610 certificate of need for the construction of a nursing facility or
1611 the conversion of beds to nursing facility beds at a personal care
1612 facility for the elderly in Lowndes County that is owned and
1613 operated by a Mississippi nonprofit corporation, not to exceed
1614 sixty (60) beds. From and after July 1, 1999, there shall be no
1615 prohibition or restrictions on participation in the Medicaid
1616 program (Section 43-13-101 et seq.) for the beds in the nursing
1617 facility that were authorized under this paragraph (e).

1618 (f) The State Department of Health may issue a
1619 certificate of need for conversion of a county hospital facility
1620 in Itawamba County to a nursing facility, not to exceed sixty (60)
1621 beds, including any necessary construction, renovation or



1622 expansion. From and after July 1, 1999, there shall be no
1623 prohibition or restrictions on participation in the Medicaid
1624 program (Section 43-13-101 et seq.) for the beds in the nursing
1625 facility that were authorized under this paragraph (f).

1626 (g) The State Department of Health may issue a
1627 certificate of need for the construction or expansion of nursing
1628 facility beds or the conversion of other beds to nursing facility
1629 beds in either Hinds, Madison or Rankin County, not to exceed
1630 sixty (60) beds. From and after July 1, 1999, there shall be no
1631 prohibition or restrictions on participation in the Medicaid
1632 program (Section 43-13-101 et seq.) for the beds in the nursing
1633 facility that were authorized under this paragraph (g).

1634 (h) The State Department of Health may issue a
1635 certificate of need for the construction or expansion of nursing
1636 facility beds or the conversion of other beds to nursing facility
1637 beds in either Hancock, Harrison or Jackson County, not to exceed
1638 sixty (60) beds. From and after July 1, 1999, there shall be no
1639 prohibition or restrictions on participation in the Medicaid
1640 program (Section 43-13-101 et seq.) for the beds in the facility
1641 that were authorized under this paragraph (h).

1642 (i) The department may issue a certificate of need for
1643 the new construction of a skilled nursing facility in Leake
1644 County, provided that the recipient of the certificate of need
1645 agrees in writing that the skilled nursing facility will not at
1646 any time participate in the Medicaid program (Section 43-13-101 et



1647 seq.) or admit or keep any patients in the skilled nursing
1648 facility who are participating in the Medicaid program. This
1649 written agreement by the recipient of the certificate of need
1650 shall be fully binding on any subsequent owner of the skilled
1651 nursing facility, if the ownership of the facility is transferred
1652 at any time after the issuance of the certificate of need.
1653 Agreement that the skilled nursing facility will not participate
1654 in the Medicaid program shall be a condition of the issuance of a
1655 certificate of need to any person under this paragraph (i), and if
1656 such skilled nursing facility at any time after the issuance of
1657 the certificate of need, regardless of the ownership of the
1658 facility, participates in the Medicaid program or admits or keeps
1659 any patients in the facility who are participating in the Medicaid
1660 program, the State Department of Health shall revoke the
1661 certificate of need, if it is still outstanding, and shall deny or
1662 revoke the license of the skilled nursing facility, at the time
1663 that the department determines, after a hearing complying with due
1664 process, that the facility has failed to comply with any of the
1665 conditions upon which the certificate of need was issued, as
1666 provided in this paragraph and in the written agreement by the
1667 recipient of the certificate of need. The provision of Section
1668 41-7-193(1) regarding substantial compliance of the projection of
1669 need as reported in the current State Health Plan is waived for
1670 the purposes of this paragraph. The total number of nursing
1671 facility beds that may be authorized by any certificate of need



1672 issued under this paragraph (i) shall not exceed sixty (60) beds.
1673 If the skilled nursing facility authorized by the certificate of
1674 need issued under this paragraph is not constructed and fully
1675 operational within eighteen (18) months after July 1, 1994, the
1676 State Department of Health, after a hearing complying with due
1677 process, shall revoke the certificate of need, if it is still
1678 outstanding, and shall not issue a license for the skilled nursing
1679 facility at any time after the expiration of the eighteen-month
1680 period.

1681 (j) The department may issue certificates of need to
1682 allow any existing freestanding long-term care facility in
1683 Tishomingo County and Hancock County that on July 1, 1995, is
1684 licensed with fewer than sixty (60) beds. For the purposes of
1685 this paragraph (j), the provisions of Section 41-7-193(1)
1686 requiring substantial compliance with the projection of need as
1687 reported in the current State Health Plan are waived. From and
1688 after July 1, 1999, there shall be no prohibition or restrictions
1689 on participation in the Medicaid program (Section 43-13-101 et
1690 seq.) for the beds in the long-term care facilities that were
1691 authorized under this paragraph (j).

1692 (k) The department may issue a certificate of need for
1693 the construction of a nursing facility at a continuing care
1694 retirement community in Lowndes County. The total number of beds
1695 that may be authorized under the authority of this paragraph (k)
1696 shall not exceed sixty (60) beds. From and after July 1, 2001,



1697 the prohibition on the facility participating in the Medicaid
1698 program (Section 43-13-101 et seq.) that was a condition of
1699 issuance of the certificate of need under this paragraph (k) shall
1700 be revised as follows: The nursing facility may participate in
1701 the Medicaid program from and after July 1, 2001, if the owner of
1702 the facility on July 1, 2001, agrees in writing that no more than
1703 thirty (30) of the beds at the facility will be certified for
1704 participation in the Medicaid program, and that no claim will be
1705 submitted for Medicaid reimbursement for more than thirty (30)
1706 patients in the facility in any month or for any patient in the
1707 facility who is in a bed that is not Medicaid-certified. This
1708 written agreement by the owner of the facility shall be a
1709 condition of licensure of the facility, and the agreement shall be
1710 fully binding on any subsequent owner of the facility if the
1711 ownership of the facility is transferred at any time after July 1,
1712 2001. After this written agreement is executed, the Division of
1713 Medicaid and the State Department of Health shall not certify more
1714 than thirty (30) of the beds in the facility for participation in
1715 the Medicaid program. If the facility violates the terms of the
1716 written agreement by admitting or keeping in the facility on a
1717 regular or continuing basis more than thirty (30) patients who are
1718 participating in the Medicaid program, the State Department of
1719 Health shall revoke the license of the facility, at the time that
1720 the department determines, after a hearing complying with due
1721 process, that the facility has violated the written agreement.



1722 (1) Provided that funds are specifically appropriated
1723 therefor by the Legislature, the department may issue a
1724 certificate of need to a rehabilitation hospital in Hinds County
1725 for the construction of a sixty-bed long-term care nursing
1726 facility dedicated to the care and treatment of persons with
1727 severe disabilities including persons with spinal cord and
1728 closed-head injuries and ventilator dependent patients. The
1729 provisions of Section 41-7-193(1) regarding substantial compliance
1730 with projection of need as reported in the current State Health
1731 Plan are waived for the purpose of this paragraph.

1732 (m) The State Department of Health may issue a
1733 certificate of need to a county-owned hospital in the Second
1734 Judicial District of Panola County for the conversion of not more
1735 than seventy-two (72) hospital beds to nursing facility beds,
1736 provided that the recipient of the certificate of need agrees in
1737 writing that none of the beds at the nursing facility will be
1738 certified for participation in the Medicaid program (Section
1739 43-13-101 et seq.), and that no claim will be submitted for
1740 Medicaid reimbursement in the nursing facility in any day or for
1741 any patient in the nursing facility. This written agreement by
1742 the recipient of the certificate of need shall be a condition of
1743 the issuance of the certificate of need under this paragraph, and
1744 the agreement shall be fully binding on any subsequent owner of
1745 the nursing facility if the ownership of the nursing facility is
1746 transferred at any time after the issuance of the certificate of



1747 need. After this written agreement is executed, the Division of
1748 Medicaid and the State Department of Health shall not certify any
1749 of the beds in the nursing facility for participation in the
1750 Medicaid program. If the nursing facility violates the terms of
1751 the written agreement by admitting or keeping in the nursing
1752 facility on a regular or continuing basis any patients who are
1753 participating in the Medicaid program, the State Department of
1754 Health shall revoke the license of the nursing facility, at the
1755 time that the department determines, after a hearing complying
1756 with due process, that the nursing facility has violated the
1757 condition upon which the certificate of need was issued, as
1758 provided in this paragraph and in the written agreement. If the
1759 certificate of need authorized under this paragraph is not issued
1760 within twelve (12) months after July 1, 2001, the department shall
1761 deny the application for the certificate of need and shall not
1762 issue the certificate of need at any time after the twelve-month
1763 period, unless the issuance is contested. If the certificate of
1764 need is issued and substantial construction of the nursing
1765 facility beds has not commenced within eighteen (18) months after
1766 July 1, 2001, the State Department of Health, after a hearing
1767 complying with due process, shall revoke the certificate of need
1768 if it is still outstanding, and the department shall not issue a
1769 license for the nursing facility at any time after the
1770 eighteen-month period. However, if the issuance of the
1771 certificate of need is contested, the department shall require



1772 substantial construction of the nursing facility beds within six
1773 (6) months after final adjudication on the issuance of the
1774 certificate of need.

1775 (n) The department may issue a certificate of need for
1776 the new construction, addition or conversion of skilled nursing
1777 facility beds in Madison County, provided that the recipient of
1778 the certificate of need agrees in writing that the skilled nursing
1779 facility will not at any time participate in the Medicaid program
1780 (Section 43-13-101 et seq.) or admit or keep any patients in the
1781 skilled nursing facility who are participating in the Medicaid
1782 program. This written agreement by the recipient of the
1783 certificate of need shall be fully binding on any subsequent owner
1784 of the skilled nursing facility, if the ownership of the facility
1785 is transferred at any time after the issuance of the certificate
1786 of need. Agreement that the skilled nursing facility will not
1787 participate in the Medicaid program shall be a condition of the
1788 issuance of a certificate of need to any person under this
1789 paragraph (n), and if such skilled nursing facility at any time
1790 after the issuance of the certificate of need, regardless of the
1791 ownership of the facility, participates in the Medicaid program or
1792 admits or keeps any patients in the facility who are participating
1793 in the Medicaid program, the State Department of Health shall
1794 revoke the certificate of need, if it is still outstanding, and
1795 shall deny or revoke the license of the skilled nursing facility,
1796 at the time that the department determines, after a hearing



1797 complying with due process, that the facility has failed to comply
1798 with any of the conditions upon which the certificate of need was
1799 issued, as provided in this paragraph and in the written agreement
1800 by the recipient of the certificate of need. The total number of
1801 nursing facility beds that may be authorized by any certificate of
1802 need issued under this paragraph (n) shall not exceed sixty (60)
1803 beds. If the certificate of need authorized under this paragraph
1804 is not issued within twelve (12) months after July 1, 1998, the
1805 department shall deny the application for the certificate of need
1806 and shall not issue the certificate of need at any time after the
1807 twelve-month period, unless the issuance is contested. If the
1808 certificate of need is issued and substantial construction of the
1809 nursing facility beds has not commenced within eighteen (18)
1810 months after July 1, 1998, the State Department of Health, after a
1811 hearing complying with due process, shall revoke the certificate
1812 of need if it is still outstanding, and the department shall not
1813 issue a license for the nursing facility at any time after the
1814 eighteen-month period. However, if the issuance of the
1815 certificate of need is contested, the department shall require
1816 substantial construction of the nursing facility beds within six
1817 (6) months after final adjudication on the issuance of the
1818 certificate of need.

1819 (o) The department may issue a certificate of need for
1820 the new construction, addition or conversion of skilled nursing
1821 facility beds in Leake County, provided that the recipient of the



1822 certificate of need agrees in writing that the skilled nursing
1823 facility will not at any time participate in the Medicaid program
1824 (Section 43-13-101 et seq.) or admit or keep any patients in the
1825 skilled nursing facility who are participating in the Medicaid
1826 program. This written agreement by the recipient of the
1827 certificate of need shall be fully binding on any subsequent owner
1828 of the skilled nursing facility, if the ownership of the facility
1829 is transferred at any time after the issuance of the certificate
1830 of need. Agreement that the skilled nursing facility will not
1831 participate in the Medicaid program shall be a condition of the
1832 issuance of a certificate of need to any person under this
1833 paragraph (o), and if such skilled nursing facility at any time
1834 after the issuance of the certificate of need, regardless of the
1835 ownership of the facility, participates in the Medicaid program or
1836 admits or keeps any patients in the facility who are participating
1837 in the Medicaid program, the State Department of Health shall
1838 revoke the certificate of need, if it is still outstanding, and
1839 shall deny or revoke the license of the skilled nursing facility,
1840 at the time that the department determines, after a hearing
1841 complying with due process, that the facility has failed to comply
1842 with any of the conditions upon which the certificate of need was
1843 issued, as provided in this paragraph and in the written agreement
1844 by the recipient of the certificate of need. The total number of
1845 nursing facility beds that may be authorized by any certificate of
1846 need issued under this paragraph (o) shall not exceed sixty (60)



1847 beds. If the certificate of need authorized under this paragraph
1848 is not issued within twelve (12) months after July 1, 2001, the
1849 department shall deny the application for the certificate of need
1850 and shall not issue the certificate of need at any time after the
1851 twelve-month period, unless the issuance is contested. If the
1852 certificate of need is issued and substantial construction of the
1853 nursing facility beds has not commenced within eighteen (18)
1854 months after July 1, 2001, the State Department of Health, after a
1855 hearing complying with due process, shall revoke the certificate
1856 of need if it is still outstanding, and the department shall not
1857 issue a license for the nursing facility at any time after the
1858 eighteen-month period. However, if the issuance of the
1859 certificate of need is contested, the department shall require
1860 substantial construction of the nursing facility beds within six
1861 (6) months after final adjudication on the issuance of the
1862 certificate of need.

1863 (p) The department may issue a certificate of need for
1864 the construction of a municipally owned nursing facility within
1865 the Town of Belmont in Tishomingo County, not to exceed sixty (60)
1866 beds, provided that the recipient of the certificate of need
1867 agrees in writing that the skilled nursing facility will not at
1868 any time participate in the Medicaid program (Section 43-13-101 et
1869 seq.) or admit or keep any patients in the skilled nursing
1870 facility who are participating in the Medicaid program. This
1871 written agreement by the recipient of the certificate of need



1872 shall be fully binding on any subsequent owner of the skilled
1873 nursing facility, if the ownership of the facility is transferred
1874 at any time after the issuance of the certificate of need.
1875 Agreement that the skilled nursing facility will not participate
1876 in the Medicaid program shall be a condition of the issuance of a
1877 certificate of need to any person under this paragraph (p), and if
1878 such skilled nursing facility at any time after the issuance of
1879 the certificate of need, regardless of the ownership of the
1880 facility, participates in the Medicaid program or admits or keeps
1881 any patients in the facility who are participating in the Medicaid
1882 program, the State Department of Health shall revoke the
1883 certificate of need, if it is still outstanding, and shall deny or
1884 revoke the license of the skilled nursing facility, at the time
1885 that the department determines, after a hearing complying with due
1886 process, that the facility has failed to comply with any of the
1887 conditions upon which the certificate of need was issued, as
1888 provided in this paragraph and in the written agreement by the
1889 recipient of the certificate of need. The provision of Section
1890 41-7-193(1) regarding substantial compliance of the projection of
1891 need as reported in the current State Health Plan is waived for
1892 the purposes of this paragraph. If the certificate of need
1893 authorized under this paragraph is not issued within twelve (12)
1894 months after July 1, 1998, the department shall deny the
1895 application for the certificate of need and shall not issue the
1896 certificate of need at any time after the twelve-month period,



1897 unless the issuance is contested. If the certificate of need is
1898 issued and substantial construction of the nursing facility beds
1899 has not commenced within eighteen (18) months after July 1, 1998,
1900 the State Department of Health, after a hearing complying with due
1901 process, shall revoke the certificate of need if it is still
1902 outstanding, and the department shall not issue a license for the
1903 nursing facility at any time after the eighteen-month period.
1904 However, if the issuance of the certificate of need is contested,
1905 the department shall require substantial construction of the
1906 nursing facility beds within six (6) months after final
1907 adjudication on the issuance of the certificate of need.

1908 (q) (i) Beginning on July 1, 1999, the State
1909 Department of Health shall issue certificates of need during each
1910 of the next four (4) fiscal years for the construction or
1911 expansion of nursing facility beds or the conversion of other beds
1912 to nursing facility beds in each county in the state having a need
1913 for fifty (50) or more additional nursing facility beds, as shown
1914 in the fiscal year 1999 State Health Plan, in the manner provided
1915 in this paragraph (q). The total number of nursing facility beds
1916 that may be authorized by any certificate of need authorized under
1917 this paragraph (q) shall not exceed sixty (60) beds.

1918 (ii) Subject to the provisions of subparagraph
1919 (v), during each of the next four (4) fiscal years, the department
1920 shall issue six (6) certificates of need for new nursing facility
1921 beds, as follows: During fiscal years 2000, 2001 and 2002, one



1922 (1) certificate of need shall be issued for new nursing facility
1923 beds in the county in each of the four (4) Long-Term Care Planning
1924 Districts designated in the fiscal year 1999 State Health Plan
1925 that has the highest need in the district for those beds; and two
1926 (2) certificates of need shall be issued for new nursing facility
1927 beds in the two (2) counties from the state at large that have the
1928 highest need in the state for those beds, when considering the
1929 need on a statewide basis and without regard to the Long-Term Care
1930 Planning Districts in which the counties are located. During
1931 fiscal year 2003, one (1) certificate of need shall be issued for
1932 new nursing facility beds in any county having a need for fifty
1933 (50) or more additional nursing facility beds, as shown in the
1934 fiscal year 1999 State Health Plan, that has not received a
1935 certificate of need under this paragraph (q) during the three (3)
1936 previous fiscal years. During fiscal year 2000, in addition to
1937 the six (6) certificates of need authorized in this subparagraph,
1938 the department also shall issue a certificate of need for new
1939 nursing facility beds in Amite County and a certificate of need
1940 for new nursing facility beds in Carroll County.

1941 (iii) Subject to the provisions of subparagraph
1942 (v), the certificate of need issued under subparagraph (ii) for
1943 nursing facility beds in each Long-Term Care Planning District
1944 during each fiscal year shall first be available for nursing
1945 facility beds in the county in the district having the highest
1946 need for those beds, as shown in the fiscal year 1999 State Health



1947 Plan. If there are no applications for a certificate of need for
1948 nursing facility beds in the county having the highest need for
1949 those beds by the date specified by the department, then the
1950 certificate of need shall be available for nursing facility beds
1951 in other counties in the district in descending order of the need
1952 for those beds, from the county with the second highest need to
1953 the county with the lowest need, until an application is received
1954 for nursing facility beds in an eligible county in the district.

1955 (iv) Subject to the provisions of subparagraph
1956 (v), the certificate of need issued under subparagraph (ii) for
1957 nursing facility beds in the two (2) counties from the state at
1958 large during each fiscal year shall first be available for nursing
1959 facility beds in the two (2) counties that have the highest need
1960 in the state for those beds, as shown in the fiscal year 1999
1961 State Health Plan, when considering the need on a statewide basis
1962 and without regard to the Long-Term Care Planning Districts in
1963 which the counties are located. If there are no applications for
1964 a certificate of need for nursing facility beds in either of the
1965 two (2) counties having the highest need for those beds on a
1966 statewide basis by the date specified by the department, then the
1967 certificate of need shall be available for nursing facility beds
1968 in other counties from the state at large in descending order of
1969 the need for those beds on a statewide basis, from the county with
1970 the second highest need to the county with the lowest need, until



1971 an application is received for nursing facility beds in an
1972 eligible county from the state at large.

1973 (v) If a certificate of need is authorized to be
1974 issued under this paragraph (q) for nursing facility beds in a
1975 county on the basis of the need in the Long-Term Care Planning
1976 District during any fiscal year of the four-year period, a
1977 certificate of need shall not also be available under this
1978 paragraph (q) for additional nursing facility beds in that county
1979 on the basis of the need in the state at large, and that county
1980 shall be excluded in determining which counties have the highest
1981 need for nursing facility beds in the state at large for that
1982 fiscal year. After a certificate of need has been issued under
1983 this paragraph (q) for nursing facility beds in a county during
1984 any fiscal year of the four-year period, a certificate of need
1985 shall not be available again under this paragraph (q) for
1986 additional nursing facility beds in that county during the
1987 four-year period, and that county shall be excluded in determining
1988 which counties have the highest need for nursing facility beds in
1989 succeeding fiscal years.

1990 (vi) If more than one (1) application is made for
1991 a certificate of need for nursing home facility beds available
1992 under this paragraph (q), in Yalobusha, Newton or Tallahatchie
1993 County, and one (1) of the applicants is a county-owned hospital
1994 located in the county where the nursing facility beds are
1995 available, the department shall give priority to the county-owned



1996 hospital in granting the certificate of need if the following
1997 conditions are met:

1998 1. The county-owned hospital fully meets all
1999 applicable criteria and standards required to obtain a certificate
2000 of need for the nursing facility beds; and

2001 2. The county-owned hospital's qualifications
2002 for the certificate of need, as shown in its application and as
2003 determined by the department, are at least equal to the
2004 qualifications of the other applicants for the certificate of
2005 need.

2006 (r) (i) Beginning on July 1, 1999, the State
2007 Department of Health shall issue certificates of need during each
2008 of the next two (2) fiscal years for the construction or expansion
2009 of nursing facility beds or the conversion of other beds to
2010 nursing facility beds in each of the four (4) Long-Term Care
2011 Planning Districts designated in the fiscal year 1999 State Health
2012 Plan, to provide care exclusively to patients with Alzheimer's
2013 disease.

2014 (ii) Not more than twenty (20) beds may be
2015 authorized by any certificate of need issued under this paragraph
2016 (r), and not more than a total of sixty (60) beds may be
2017 authorized in any Long-Term Care Planning District by all
2018 certificates of need issued under this paragraph (r). However,
2019 the total number of beds that may be authorized by all
2020 certificates of need issued under this paragraph (r) during any



2021 fiscal year shall not exceed one hundred twenty (120) beds, and
2022 the total number of beds that may be authorized in any Long-Term
2023 Care Planning District during any fiscal year shall not exceed
2024 forty (40) beds. Of the certificates of need that are issued for
2025 each Long-Term Care Planning District during the next two (2)
2026 fiscal years, at least one (1) shall be issued for beds in the
2027 northern part of the district, at least one (1) shall be issued
2028 for beds in the central part of the district, and at least one (1)
2029 shall be issued for beds in the southern part of the district.

2030 (iii) The State Department of Health, in
2031 consultation with the Department of Mental Health and the Division
2032 of Medicaid, shall develop and prescribe the staffing levels,
2033 space requirements and other standards and requirements that must
2034 be met with regard to the nursing facility beds authorized under
2035 this paragraph (r) to provide care exclusively to patients with
2036 Alzheimer's disease.

2037 (s) The State Department of Health may issue a
2038 certificate of need to a nonprofit skilled nursing facility using
2039 the Green House model of skilled nursing care and located in Yazoo
2040 City, Yazoo County, Mississippi, for the construction, expansion
2041 or conversion of not more than nineteen (19) nursing facility
2042 beds. For purposes of this paragraph (s), the provisions of
2043 Section 41-7-193(1) requiring substantial compliance with the
2044 projection of need as reported in the current State Health Plan
2045 and the provisions of Section 41-7-197 requiring a formal



2046 certificate of need hearing process are waived. There shall be no
2047 prohibition or restrictions on participation in the Medicaid
2048 program for the person receiving the certificate of need
2049 authorized under this paragraph (s).

2050 (t) The State Department of Health shall issue
2051 certificates of need to the owner of a nursing facility in
2052 operation at the time of Hurricane Katrina in Hancock County that
2053 was not operational on December 31, 2005, because of damage
2054 sustained from Hurricane Katrina to authorize the following: (i)
2055 the construction of a new nursing facility in Harrison County;
2056 (ii) the relocation of forty-nine (49) nursing facility beds from
2057 the Hancock County facility to the new Harrison County facility;
2058 (iii) the establishment of not more than twenty (20) non-Medicaid
2059 nursing facility beds at the Hancock County facility; and (iv) the
2060 establishment of not more than twenty (20) non-Medicaid beds at
2061 the new Harrison County facility. The certificates of need that
2062 authorize the non-Medicaid nursing facility beds under
2063 subparagraphs (iii) and (iv) of this paragraph (t) shall be
2064 subject to the following conditions: The owner of the Hancock
2065 County facility and the new Harrison County facility must agree in
2066 writing that no more than fifty (50) of the beds at the Hancock
2067 County facility and no more than forty-nine (49) of the beds at
2068 the Harrison County facility will be certified for participation
2069 in the Medicaid program, and that no claim will be submitted for
2070 Medicaid reimbursement for more than fifty (50) patients in the



2071 Hancock County facility in any month, or for more than forty-nine
2072 (49) patients in the Harrison County facility in any month, or for
2073 any patient in either facility who is in a bed that is not
2074 Medicaid-certified. This written agreement by the owner of the
2075 nursing facilities shall be a condition of the issuance of the
2076 certificates of need under this paragraph (t), and the agreement
2077 shall be fully binding on any later owner or owners of either
2078 facility if the ownership of either facility is transferred at any
2079 time after the certificates of need are issued. After this
2080 written agreement is executed, the Division of Medicaid and the
2081 State Department of Health shall not certify more than fifty (50)
2082 of the beds at the Hancock County facility or more than forty-nine
2083 (49) of the beds at the Harrison County facility for participation
2084 in the Medicaid program. If the Hancock County facility violates
2085 the terms of the written agreement by admitting or keeping in the
2086 facility on a regular or continuing basis more than fifty (50)
2087 patients who are participating in the Medicaid program, or if the
2088 Harrison County facility violates the terms of the written
2089 agreement by admitting or keeping in the facility on a regular or
2090 continuing basis more than forty-nine (49) patients who are
2091 participating in the Medicaid program, the State Department of
2092 Health shall revoke the license of the facility that is in
2093 violation of the agreement, at the time that the department
2094 determines, after a hearing complying with due process, that the
2095 facility has violated the agreement.



2096 (u) The State Department of Health shall issue a
2097 certificate of need to a nonprofit venture for the establishment,
2098 construction and operation of a skilled nursing facility of not
2099 more than sixty (60) beds to provide skilled nursing care for
2100 ventilator dependent or otherwise medically dependent pediatric
2101 patients who require medical and nursing care or rehabilitation
2102 services to be located in a county in which an academic medical
2103 center and a children's hospital are located, and for any
2104 construction and for the acquisition of equipment related to those
2105 beds. The facility shall be authorized to keep such ventilator
2106 dependent or otherwise medically dependent pediatric patients
2107 beyond age twenty-one (21) in accordance with regulations of the
2108 State Board of Health. For purposes of this paragraph (u), the
2109 provisions of Section 41-7-193(1) requiring substantial compliance
2110 with the projection of need as reported in the current State
2111 Health Plan are waived, and the provisions of Section 41-7-197
2112 requiring a formal certificate of need hearing process are waived.
2113 The beds authorized by this paragraph shall be counted as
2114 pediatric skilled nursing facility beds for health planning
2115 purposes under Section 41-7-171 et seq. There shall be no
2116 prohibition of or restrictions on participation in the Medicaid
2117 program for the person receiving the certificate of need
2118 authorized by this paragraph.

2119 (3) The State Department of Health may grant approval for
2120 and issue certificates of need to any person proposing the new



2121 construction of, addition to, conversion of beds of or expansion
2122 of any health care facility defined in subparagraph (x)
2123 (psychiatric residential treatment facility) of Section
2124 41-7-173(h). The total number of beds which may be authorized by
2125 such certificates of need shall not exceed three hundred
2126 thirty-four (334) beds for the entire state.

2127 (a) Of the total number of beds authorized under this
2128 subsection, the department shall issue a certificate of need to a
2129 privately owned psychiatric residential treatment facility in
2130 Simpson County for the conversion of sixteen (16) intermediate
2131 care facility for the mentally retarded (ICF-MR) beds to
2132 psychiatric residential treatment facility beds, provided that
2133 facility agrees in writing that the facility shall give priority
2134 for the use of those sixteen (16) beds to Mississippi residents
2135 who are presently being treated in out-of-state facilities.

2136 (b) Of the total number of beds authorized under this
2137 subsection, the department may issue a certificate or certificates
2138 of need for the construction or expansion of psychiatric
2139 residential treatment facility beds or the conversion of other
2140 beds to psychiatric residential treatment facility beds in Warren
2141 County, not to exceed sixty (60) psychiatric residential treatment
2142 facility beds, provided that the facility agrees in writing that
2143 no more than thirty (30) of the beds at the psychiatric
2144 residential treatment facility will be certified for participation
2145 in the Medicaid program (Section 43-13-101 et seq.) for the use of



2146 any patients other than those who are participating only in the
2147 Medicaid program of another state, and that no claim will be
2148 submitted to the Division of Medicaid for Medicaid reimbursement
2149 for more than thirty (30) patients in the psychiatric residential
2150 treatment facility in any day or for any patient in the
2151 psychiatric residential treatment facility who is in a bed that is
2152 not Medicaid-certified. This written agreement by the recipient
2153 of the certificate of need shall be a condition of the issuance of
2154 the certificate of need under this paragraph, and the agreement
2155 shall be fully binding on any subsequent owner of the psychiatric
2156 residential treatment facility if the ownership of the facility is
2157 transferred at any time after the issuance of the certificate of
2158 need. After this written agreement is executed, the Division of
2159 Medicaid and the State Department of Health shall not certify more
2160 than thirty (30) of the beds in the psychiatric residential
2161 treatment facility for participation in the Medicaid program for
2162 the use of any patients other than those who are participating
2163 only in the Medicaid program of another state. If the psychiatric
2164 residential treatment facility violates the terms of the written
2165 agreement by admitting or keeping in the facility on a regular or
2166 continuing basis more than thirty (30) patients who are
2167 participating in the Mississippi Medicaid program, the State
2168 Department of Health shall revoke the license of the facility, at
2169 the time that the department determines, after a hearing complying
2170 with due process, that the facility has violated the condition



2171 upon which the certificate of need was issued, as provided in this
2172 paragraph and in the written agreement.

2173 The State Department of Health, on or before July 1, 2002,
2174 shall transfer the certificate of need authorized under the
2175 authority of this paragraph (b), or reissue the certificate of
2176 need if it has expired, to River Region Health System.

2177 (c) Of the total number of beds authorized under this
2178 subsection, the department shall issue a certificate of need to a
2179 hospital currently operating Medicaid-certified acute psychiatric
2180 beds for adolescents in DeSoto County, for the establishment of a
2181 forty-bed psychiatric residential treatment facility in DeSoto
2182 County, provided that the hospital agrees in writing (i) that the
2183 hospital shall give priority for the use of those forty (40) beds
2184 to Mississippi residents who are presently being treated in
2185 out-of-state facilities, and (ii) that no more than fifteen (15)
2186 of the beds at the psychiatric residential treatment facility will
2187 be certified for participation in the Medicaid program (Section
2188 43-13-101 et seq.), and that no claim will be submitted for
2189 Medicaid reimbursement for more than fifteen (15) patients in the
2190 psychiatric residential treatment facility in any day or for any
2191 patient in the psychiatric residential treatment facility who is
2192 in a bed that is not Medicaid-certified. This written agreement
2193 by the recipient of the certificate of need shall be a condition
2194 of the issuance of the certificate of need under this paragraph,
2195 and the agreement shall be fully binding on any subsequent owner



2196 of the psychiatric residential treatment facility if the ownership
2197 of the facility is transferred at any time after the issuance of
2198 the certificate of need. After this written agreement is
2199 executed, the Division of Medicaid and the State Department of
2200 Health shall not certify more than fifteen (15) of the beds in the
2201 psychiatric residential treatment facility for participation in
2202 the Medicaid program. If the psychiatric residential treatment
2203 facility violates the terms of the written agreement by admitting
2204 or keeping in the facility on a regular or continuing basis more
2205 than fifteen (15) patients who are participating in the Medicaid
2206 program, the State Department of Health shall revoke the license
2207 of the facility, at the time that the department determines, after
2208 a hearing complying with due process, that the facility has
2209 violated the condition upon which the certificate of need was
2210 issued, as provided in this paragraph and in the written
2211 agreement.

2212 (d) Of the total number of beds authorized under this
2213 subsection, the department may issue a certificate or certificates
2214 of need for the construction or expansion of psychiatric
2215 residential treatment facility beds or the conversion of other
2216 beds to psychiatric treatment facility beds, not to exceed thirty
2217 (30) psychiatric residential treatment facility beds, in either
2218 Alcorn, Tishomingo, Prentiss, Lee, Itawamba, Monroe, Chickasaw,
2219 Pontotoc, Calhoun, Lafayette, Union, Benton or Tippah County.



2220 (e) Of the total number of beds authorized under this
2221 subsection (3) the department shall issue a certificate of need to
2222 a privately owned, nonprofit psychiatric residential treatment
2223 facility in Hinds County for an eight-bed expansion of the
2224 facility, provided that the facility agrees in writing that the
2225 facility shall give priority for the use of those eight (8) beds
2226 to Mississippi residents who are presently being treated in
2227 out-of-state facilities.

2228 (f) The department shall issue a certificate of need to
2229 a one-hundred-thirty-four-bed specialty hospital located on
2230 twenty-nine and forty-four one-hundredths (29.44) commercial acres
2231 at 5900 Highway 39 North in Meridian (Lauderdale County),
2232 Mississippi, for the addition, construction or expansion of
2233 child/adolescent psychiatric residential treatment facility beds
2234 in Lauderdale County. As a condition of issuance of the
2235 certificate of need under this paragraph, the facility shall give
2236 priority in admissions to the child/adolescent psychiatric
2237 residential treatment facility beds authorized under this
2238 paragraph to patients who otherwise would require out-of-state
2239 placement. The Division of Medicaid, in conjunction with the
2240 Department of Human Services, shall furnish the facility a list of
2241 all out-of-state patients on a quarterly basis. Furthermore,
2242 notice shall also be provided to the parent, custodial parent or
2243 guardian of each out-of-state patient notifying them of the
2244 priority status granted by this paragraph. For purposes of this



2245 paragraph, the provisions of Section 41-7-193(1) requiring
2246 substantial compliance with the projection of need as reported in
2247 the current State Health Plan are waived. The total number of
2248 child/adolescent psychiatric residential treatment facility beds
2249 that may be authorized under the authority of this paragraph shall
2250 be sixty (60) beds. There shall be no prohibition or restrictions
2251 on participation in the Medicaid program (Section 43-13-101 et
2252 seq.) for the person receiving the certificate of need authorized
2253 under this paragraph or for the beds converted pursuant to the
2254 authority of that certificate of need.

2255 (4) (a) From and after * * * passage of this act, the
2256 department * * * may issue a certificate of need to any person for
2257 the new construction of any hospital, psychiatric hospital or
2258 chemical dependency hospital that will contain any
2259 child/adolescent psychiatric or child/adolescent chemical
2260 dependency beds, or for the conversion of any other health care
2261 facility to a hospital, psychiatric hospital or chemical
2262 dependency hospital that will contain any child/adolescent
2263 psychiatric or child/adolescent chemical dependency beds, or for
2264 the addition of any child/adolescent psychiatric or
2265 child/adolescent chemical dependency beds in any hospital,
2266 psychiatric hospital or chemical dependency hospital, or for the
2267 conversion of any beds of another category in any hospital,
2268 psychiatric hospital or chemical dependency hospital to
2269 child/adolescent psychiatric or child/adolescent chemical



2270 dependency beds. There shall be no prohibition or restrictions on
2271 participation in the Medicaid program (Section 43-13-101 et seq.)
2272 for the person(s) receiving the certificate(s) of need authorized
2273 under this paragraph (a) or for the beds converted pursuant to the
2274 authority of that certificate of need.

2275 (i) * * * (Deleted)

2276 (ii) The department may issue a certificate of
2277 need for the conversion of existing beds in a county hospital in
2278 Choctaw County from acute care beds to child/adolescent chemical
2279 dependency beds. For purposes of this subparagraph (ii), the
2280 provisions of Section 41-7-193(1) requiring substantial compliance
2281 with the projection of need as reported in the current State
2282 Health Plan are waived. The total number of beds that may be
2283 authorized under authority of this subparagraph shall not exceed
2284 twenty (20) beds. There shall be no prohibition or restrictions
2285 on participation in the Medicaid program (Section 43-13-101 et
2286 seq.) for the hospital receiving the certificate of need
2287 authorized under this subparagraph or for the beds converted
2288 pursuant to the authority of that certificate of need.

2289 (iii) The department may issue a certificate or
2290 certificates of need for the construction or expansion of
2291 child/adolescent psychiatric beds or the conversion of other beds
2292 to child/adolescent psychiatric beds in Warren County. For
2293 purposes of this subparagraph (iii), the provisions of Section
2294 41-7-193(1) requiring substantial compliance with the projection



2295 of need as reported in the current State Health Plan are waived.
2296 The total number of beds that may be authorized under the
2297 authority of this subparagraph shall not exceed twenty (20) beds.
2298 There shall be no prohibition or restrictions on participation in
2299 the Medicaid program (Section 43-13-101 et seq.) for the person
2300 receiving the certificate of need authorized under this
2301 subparagraph or for the beds converted pursuant to the authority
2302 of that certificate of need.

2303 If by January 1, 2002, there has been no significant
2304 commencement of construction of the beds authorized under this
2305 subparagraph (iii), or no significant action taken to convert
2306 existing beds to the beds authorized under this subparagraph, then
2307 the certificate of need that was previously issued under this
2308 subparagraph shall expire. If the previously issued certificate
2309 of need expires, the department may accept applications for
2310 issuance of another certificate of need for the beds authorized
2311 under this subparagraph, and may issue a certificate of need to
2312 authorize the construction, expansion or conversion of the beds
2313 authorized under this subparagraph.

2314 (iv) The department shall issue a certificate of
2315 need to the Region 7 Mental Health/Retardation Commission for the
2316 construction or expansion of child/adolescent psychiatric beds or
2317 the conversion of other beds to child/adolescent psychiatric beds
2318 in any of the counties served by the commission. For purposes of
2319 this subparagraph (iv), the provisions of Section 41-7-193(1)



2320 requiring substantial compliance with the projection of need as
2321 reported in the current State Health Plan are waived. The total
2322 number of beds that may be authorized under the authority of this
2323 subparagraph shall not exceed twenty (20) beds. There shall be no
2324 prohibition or restrictions on participation in the Medicaid
2325 program (Section 43-13-101 et seq.) for the person receiving the
2326 certificate of need authorized under this subparagraph or for the
2327 beds converted pursuant to the authority of that certificate of
2328 need.

2329 (v) The department may issue a certificate of need
2330 to any county hospital located in Leflore County for the
2331 construction or expansion of adult psychiatric beds or the
2332 conversion of other beds to adult psychiatric beds, not to exceed
2333 twenty (20) beds, provided that the recipient of the certificate
2334 of need agrees in writing that the adult psychiatric beds will not
2335 at any time be certified for participation in the Medicaid program
2336 and that the hospital will not admit or keep any patients who are
2337 participating in the Medicaid program in any of such adult
2338 psychiatric beds. This written agreement by the recipient of the
2339 certificate of need shall be fully binding on any subsequent owner
2340 of the hospital if the ownership of the hospital is transferred at
2341 any time after the issuance of the certificate of need. Agreement
2342 that the adult psychiatric beds will not be certified for
2343 participation in the Medicaid program shall be a condition of the
2344 issuance of a certificate of need to any person under this



2345 subparagraph (v), and if such hospital at any time after the
2346 issuance of the certificate of need, regardless of the ownership
2347 of the hospital, has any of such adult psychiatric beds certified
2348 for participation in the Medicaid program or admits or keeps any
2349 Medicaid patients in such adult psychiatric beds, the State
2350 Department of Health shall revoke the certificate of need, if it
2351 is still outstanding, and shall deny or revoke the license of the
2352 hospital at the time that the department determines, after a
2353 hearing complying with due process, that the hospital has failed
2354 to comply with any of the conditions upon which the certificate of
2355 need was issued, as provided in this subparagraph and in the
2356 written agreement by the recipient of the certificate of need.

2357 (vi) The department may issue a certificate or
2358 certificates of need for the expansion of child psychiatric beds
2359 or the conversion of other beds to child psychiatric beds at the
2360 University of Mississippi Medical Center. For purposes of this
2361 subparagraph (vi), the provisions of Section 41-7-193(1) requiring
2362 substantial compliance with the projection of need as reported in
2363 the current State Health Plan are waived. The total number of
2364 beds that may be authorized under the authority of this
2365 subparagraph shall not exceed fifteen (15) beds. There shall be
2366 no prohibition or restrictions on participation in the Medicaid
2367 program (Section 43-13-101 et seq.) for the hospital receiving the
2368 certificate of need authorized under this subparagraph or for the



2369 beds converted pursuant to the authority of that certificate of
2370 need.

2371 (b) From and after July 1, 1990, no hospital,
2372 psychiatric hospital or chemical dependency hospital shall be
2373 authorized to add any child/adolescent psychiatric or
2374 child/adolescent chemical dependency beds or convert any beds of
2375 another category to child/adolescent psychiatric or
2376 child/adolescent chemical dependency beds without a certificate of
2377 need under the authority of subsection (1)(c) and subsection
2378 (4)(a) of this section.

2379 (5) The department may issue a certificate of need to a
2380 county hospital in Winston County for the conversion of fifteen
2381 (15) acute care beds to geriatric psychiatric care beds.

2382 (6) The State Department of Health shall issue a certificate
2383 of need to a Mississippi corporation qualified to manage a
2384 long-term care hospital as defined in Section 41-7-173(h)(xii) in
2385 Harrison County, not to exceed eighty (80) beds, including any
2386 necessary renovation or construction required for licensure and
2387 certification, provided that the recipient of the certificate of
2388 need agrees in writing that the long-term care hospital will not
2389 at any time participate in the Medicaid program (Section 43-13-101
2390 et seq.) or admit or keep any patients in the long-term care
2391 hospital who are participating in the Medicaid program. This
2392 written agreement by the recipient of the certificate of need
2393 shall be fully binding on any subsequent owner of the long-term



2394 care hospital, if the ownership of the facility is transferred at
2395 any time after the issuance of the certificate of need. Agreement
2396 that the long-term care hospital will not participate in the
2397 Medicaid program shall be a condition of the issuance of a
2398 certificate of need to any person under this subsection (6), and
2399 if such long-term care hospital at any time after the issuance of
2400 the certificate of need, regardless of the ownership of the
2401 facility, participates in the Medicaid program or admits or keeps
2402 any patients in the facility who are participating in the Medicaid
2403 program, the State Department of Health shall revoke the
2404 certificate of need, if it is still outstanding, and shall deny or
2405 revoke the license of the long-term care hospital, at the time
2406 that the department determines, after a hearing complying with due
2407 process, that the facility has failed to comply with any of the
2408 conditions upon which the certificate of need was issued, as
2409 provided in this subsection and in the written agreement by the
2410 recipient of the certificate of need. For purposes of this
2411 subsection, the provisions of Section 41-7-193(1) requiring
2412 substantial compliance with the projection of need as reported in
2413 the current State Health Plan are waived.

2414 (7) The State Department of Health may issue a certificate
2415 of need to any hospital in the state to utilize a portion of its
2416 beds for the "swing-bed" concept. Any such hospital must be in
2417 conformance with the federal regulations regarding such swing-bed
2418 concept at the time it submits its application for a certificate



2419 of need to the State Department of Health, except that such
2420 hospital may have more licensed beds or a higher average daily
2421 census (ADC) than the maximum number specified in federal
2422 regulations for participation in the swing-bed program. Any
2423 hospital meeting all federal requirements for participation in the
2424 swing-bed program which receives such certificate of need shall
2425 render services provided under the swing-bed concept to any
2426 patient eligible for Medicare (Title XVIII of the Social Security
2427 Act) who is certified by a physician to be in need of such
2428 services, and no such hospital shall permit any patient who is
2429 eligible for both Medicaid and Medicare or eligible only for
2430 Medicaid to stay in the swing beds of the hospital for more than
2431 thirty (30) days per admission unless the hospital receives prior
2432 approval for such patient from the Division of Medicaid, Office of
2433 the Governor. Any hospital having more licensed beds or a higher
2434 average daily census (ADC) than the maximum number specified in
2435 federal regulations for participation in the swing-bed program
2436 which receives such certificate of need shall develop a procedure
2437 to insure that before a patient is allowed to stay in the swing
2438 beds of the hospital, there are no vacant nursing home beds
2439 available for that patient located within a fifty-mile radius of
2440 the hospital. When any such hospital has a patient staying in the
2441 swing beds of the hospital and the hospital receives notice from a
2442 nursing home located within such radius that there is a vacant bed
2443 available for that patient, the hospital shall transfer the



2444 patient to the nursing home within a reasonable time after receipt
2445 of the notice. Any hospital which is subject to the requirements
2446 of the two (2) preceding sentences of this subsection may be
2447 suspended from participation in the swing-bed program for a
2448 reasonable period of time by the State Department of Health if the
2449 department, after a hearing complying with due process, determines
2450 that the hospital has failed to comply with any of those
2451 requirements.

2452 (8) The Department of Health shall not grant approval for or
2453 issue a certificate of need to any person proposing the new
2454 construction of, addition to or expansion of a health care
2455 facility as defined in subparagraph (viii) of Section 41-7-173(h),
2456 except as hereinafter provided: The department may issue a
2457 certificate of need to a nonprofit corporation located in Madison
2458 County, Mississippi, for the construction, expansion or conversion
2459 of not more than twenty (20) beds in a community living program
2460 for developmentally disabled adults in a facility as defined in
2461 subparagraph (viii) of Section 41-7-173(h). For purposes of this
2462 subsection (8), the provisions of Section 41-7-193(1) requiring
2463 substantial compliance with the projection of need as reported in
2464 the current State Health Plan and the provisions of Section
2465 41-7-197 requiring a formal certificate of need hearing process
2466 are waived. There shall be no prohibition or restrictions on
2467 participation in the Medicaid program for the person receiving the
2468 certificate of need authorized under this subsection (8).



2469 (9) The Department of Health shall not grant approval for or
2470 issue a certificate of need to any person proposing the
2471 establishment of, or expansion of the currently approved territory
2472 of, or the contracting to establish a home office, subunit or
2473 branch office within the space operated as a health care facility
2474 as defined in Section 41-7-173(h) (i) through (viii) by a health
2475 care facility as defined in subparagraph (ix) of Section
2476 41-7-173(h).

2477 (10) Health care facilities owned and/or operated by the
2478 state or its agencies are exempt from the restraints in this
2479 section against issuance of a certificate of need if such addition
2480 or expansion consists of repairing or renovation necessary to
2481 comply with the state licensure law. This exception shall not
2482 apply to the new construction of any building by such state
2483 facility. This exception shall not apply to any health care
2484 facilities owned and/or operated by counties, municipalities,
2485 districts, unincorporated areas, other defined persons, or any
2486 combination thereof.

2487 (11) The new construction, renovation or expansion of or
2488 addition to any health care facility defined in subparagraph (ii)
2489 (psychiatric hospital), subparagraph (iv) (skilled nursing
2490 facility), subparagraph (vi) (intermediate care facility),
2491 subparagraph (viii) (intermediate care facility for the mentally
2492 retarded) and subparagraph (x) (psychiatric residential treatment
2493 facility) of Section 41-7-173(h) which is owned by the State of



2494 Mississippi and under the direction and control of the State
2495 Department of Mental Health, and the addition of new beds or the
2496 conversion of beds from one category to another in any such
2497 defined health care facility which is owned by the State of
2498 Mississippi and under the direction and control of the State
2499 Department of Mental Health, shall not require the issuance of a
2500 certificate of need under Section 41-7-171 et seq.,
2501 notwithstanding any provision in Section 41-7-171 et seq. to the
2502 contrary.

2503 (12) The new construction, renovation or expansion of or
2504 addition to any veterans homes or domiciliaries for eligible
2505 veterans of the State of Mississippi as authorized under Section
2506 35-1-19 shall not require the issuance of a certificate of need,
2507 notwithstanding any provision in Section 41-7-171 et seq. to the
2508 contrary.

2509 (13) The repair or the rebuilding of an existing, operating
2510 health care facility that sustained significant damage from a
2511 natural disaster that occurred after April 15, 2014, in an area
2512 that is proclaimed a disaster area or subject to a state of
2513 emergency by the Governor or by the President of the United States
2514 shall be exempt from all of the requirements of the Mississippi
2515 Certificate of Need Law (Section 41-7-171 et seq.) and any and all
2516 rules and regulations promulgated under that law, subject to the
2517 following conditions:



2518 (a) The repair or the rebuilding of any such damaged
2519 health care facility must be within one (1) mile of the
2520 pre-disaster location of the campus of the damaged health care
2521 facility, except that any temporary post-disaster health care
2522 facility operating location may be within five (5) miles of the
2523 pre-disaster location of the damaged health care facility;

2524 (b) The repair or the rebuilding of the damaged health
2525 care facility (i) does not increase or change the complement of
2526 its bed capacity that it had before the Governor's or the
2527 President's proclamation, (ii) does not increase or change its
2528 levels and types of health care services that it provided before
2529 the Governor's or the President's proclamation, and (iii) does not
2530 rebuild in a different county; however, this paragraph does not
2531 restrict or prevent a health care facility from decreasing its bed
2532 capacity that it had before the Governor's or the President's
2533 proclamation, or from decreasing the levels of or decreasing or
2534 eliminating the types of health care services that it provided
2535 before the Governor's or the President's proclamation, when the
2536 damaged health care facility is repaired or rebuilt;

2537 (c) The exemption from Certificate of Need Law provided
2538 under this subsection (13) is valid for only five (5) years from
2539 the date of the Governor's or the President's proclamation. If
2540 actual construction has not begun within that five-year period,
2541 the exemption provided under this subsection is inapplicable; and



2542 (d) The Division of Health Facilities Licensure and
2543 Certification of the State Department of Health shall provide the
2544 same oversight for the repair or the rebuilding of the damaged
2545 health care facility that it provides to all health care facility
2546 construction projects in the state.

2547 For the purposes of this subsection (13), "significant
2548 damage" to a health care facility means damage to the health care
2549 facility requiring an expenditure of at least One Million Dollars
2550 (\$1,000,000.00).

2551 (14) The State Department of Health shall issue a
2552 certificate of need to any hospital which is currently licensed
2553 for two hundred fifty (250) or more acute care beds and is located
2554 in any general hospital service area not having a comprehensive
2555 cancer center, for the establishment and equipping of such a
2556 center which provides facilities and services for outpatient
2557 radiation oncology therapy, outpatient medical oncology therapy,
2558 and appropriate support services including the provision of
2559 radiation therapy services. The provisions of Section 41-7-193(1)
2560 regarding substantial compliance with the projection of need as
2561 reported in the current State Health Plan are waived for the
2562 purpose of this subsection.

2563 (15) The State Department of Health may authorize the
2564 transfer of hospital beds, not to exceed sixty (60) beds, from the
2565 North Panola Community Hospital to the South Panola Community



2566 Hospital. The authorization for the transfer of those beds shall
2567 be exempt from the certificate of need review process.

2568 (16) The State Department of Health shall issue any
2569 certificates of need necessary for Mississippi State University
2570 and a public or private health care provider to jointly acquire
2571 and operate a linear accelerator and a magnetic resonance imaging
2572 unit. Those certificates of need shall cover all capital
2573 expenditures related to the project between Mississippi State
2574 University and the health care provider, including, but not
2575 limited to, the acquisition of the linear accelerator, the
2576 magnetic resonance imaging unit and other radiological modalities;
2577 the offering of linear accelerator and magnetic resonance imaging
2578 services; and the cost of construction of facilities in which to
2579 locate these services. The linear accelerator and the magnetic
2580 resonance imaging unit shall be (a) located in the City of
2581 Starkville, Oktibbeha County, Mississippi; (b) operated jointly by
2582 Mississippi State University and the public or private health care
2583 provider selected by Mississippi State University through a
2584 request for proposals (RFP) process in which Mississippi State
2585 University selects, and the Board of Trustees of State
2586 Institutions of Higher Learning approves, the health care provider
2587 that makes the best overall proposal; (c) available to Mississippi
2588 State University for research purposes two-thirds (2/3) of the
2589 time that the linear accelerator and magnetic resonance imaging
2590 unit are operational; and (d) available to the public or private



2591 health care provider selected by Mississippi State University and
2592 approved by the Board of Trustees of State Institutions of Higher
2593 Learning one-third (1/3) of the time for clinical, diagnostic and
2594 treatment purposes. For purposes of this subsection, the
2595 provisions of Section 41-7-193(1) requiring substantial compliance
2596 with the projection of need as reported in the current State
2597 Health Plan are waived.

2598 (17) The State Department of Health shall issue a
2599 certificate of need for the construction of an acute care hospital
2600 in Kemper County, not to exceed twenty-five (25) beds, which shall
2601 be named the "John C. Stennis Memorial Hospital." In issuing the
2602 certificate of need under this subsection, the department shall
2603 give priority to a hospital located in Lauderdale County that has
2604 two hundred fifteen (215) beds. For purposes of this subsection,
2605 the provisions of Section 41-7-193(1) requiring substantial
2606 compliance with the projection of need as reported in the current
2607 State Health Plan and the provisions of Section 41-7-197 requiring
2608 a formal certificate of need hearing process are waived. There
2609 shall be no prohibition or restrictions on participation in the
2610 Medicaid program (Section 43-13-101 et seq.) for the person or
2611 entity receiving the certificate of need authorized under this
2612 subsection or for the beds constructed under the authority of that
2613 certificate of need.

2614 (18) The planning, design, construction, renovation,
2615 addition, furnishing and equipping of a clinical research unit at



2616 any health care facility defined in Section 41-7-173(h) that is
2617 under the direction and control of the University of Mississippi
2618 Medical Center and located in Jackson, Mississippi, and the
2619 addition of new beds or the conversion of beds from one (1)
2620 category to another in any such clinical research unit, shall not
2621 require the issuance of a certificate of need under Section
2622 41-7-171 et seq., notwithstanding any provision in Section
2623 41-7-171 et seq. to the contrary.

2624 (19) [Repealed]

2625 (20) Nothing in this section or in any other provision of
2626 Section 41-7-171 et seq. shall prevent any nursing facility from
2627 designating an appropriate number of existing beds in the facility
2628 as beds for providing care exclusively to patients with
2629 Alzheimer's disease.

2630 (21) Nothing in this section or any other provision of
2631 Section 41-7-171 et seq. shall prevent any health care facility
2632 from the new construction, renovation, conversion or expansion of
2633 new beds in the facility designated as intensive care units,
2634 negative pressure rooms, or isolation rooms pursuant to the
2635 provisions of Sections 41-14-1 through 41-14-11. For purposes of
2636 this subsection, the provisions of Section 41-7-193(1) requiring
2637 substantial compliance with the projection of need as reported in
2638 the current State Health Plan and the provisions of Section
2639 41-7-197 requiring a formal certificate of need hearing process
2640 are waived.



2641 **SECTION 4.** Section 41-75-5, Mississippi Code of 1972, is
2642 amended as follows:

2643 41-75-5. No person as defined in Section 41-7-173, acting
2644 severally or jointly with any other person, shall establish,
2645 conduct, operate or maintain an ambulatory surgical facility or an
2646 abortion facility or a freestanding emergency room or a post-acute
2647 residential brain injury rehabilitation facility in this state
2648 without a license under this chapter.

2649 * * *

2650 **SECTION 5.** Section 83-9-353, Mississippi Code of 1972, is
2651 amended as follows:

2652 83-9-353. (1) As used in this section:

2653 (a) "Employee benefit plan" means any plan, fund or
2654 program established or maintained by an employer or by an employee
2655 organization, or both, to the extent that such plan, fund or
2656 program was established or is maintained for the purpose of
2657 providing for its participants or their beneficiaries, through the
2658 purchase of insurance or otherwise, medical, surgical, hospital
2659 care or other benefits.

2660 (b) "Health insurance plan" means any health insurance
2661 policy or health benefit plan offered by a health insurer, and
2662 includes the State and School Employees Health Insurance Plan and
2663 any other public health care assistance program offered or
2664 administered by the state or any political subdivision or
2665 instrumentality of the state. The term does not include policies



2666 or plans providing coverage for specified disease or other limited
2667 benefit coverage.

2668 (c) "Health insurer" means any health insurance
2669 company, nonprofit hospital and medical service corporation,
2670 health maintenance organization, preferred provider organization,
2671 managed care organization, pharmacy benefit manager, and, to the
2672 extent permitted under federal law, any administrator of an
2673 insured, self-insured or publicly funded health care benefit plan
2674 offered by public and private entities, and other parties that are
2675 by statute, contract, or agreement, legally responsible for
2676 payment of a claim for a health care item or service.

2677 (d) "Store-and-forward telemedicine services" means the
2678 use of asynchronous computer-based communication between a patient
2679 and a consulting provider or a referring health care provider and
2680 a medical specialist at a distant site for the purpose of
2681 diagnostic and therapeutic assistance in the care of patients who
2682 otherwise have no access to specialty care. Store-and-forward
2683 telemedicine services involve the transferring of medical data
2684 from one (1) site to another through the use of a camera or
2685 similar device that records (stores) an image that is sent
2686 (forwarded) via telecommunication to another site for
2687 consultation.

2688 (e) "Remote patient monitoring services" means the
2689 delivery of home health services using telecommunications
2690 technology to enhance the delivery of home health care, including:



2691 (i) Monitoring of clinical patient data such as
2692 weight, blood pressure, pulse, pulse oximetry and other
2693 condition-specific data, such as blood glucose;

2694 (ii) Medication adherence monitoring; and

2695 (iii) Interactive video conferencing with or
2696 without digital image upload as needed.

2697 (f) "Medication adherence management services" means the
2698 monitoring of a patient's conformance with the clinician's
2699 medication plan with respect to timing, dosing and frequency of
2700 medication-taking through electronic transmission of data in a
2701 home telemonitoring program.

2702 (2) Store-and-forward telemedicine services allow a health
2703 care provider trained and licensed in his or her given specialty
2704 to review forwarded images and patient history in order to provide
2705 diagnostic and therapeutic assistance in the care of the patient
2706 without the patient being present in real time. Treatment
2707 recommendations made via electronic means shall be held to the
2708 same standards of appropriate practice as those in traditional
2709 provider-patient setting.

2710 (3) Any patient receiving medical care by store-and-forward
2711 telemedicine services shall be notified of the right to receive
2712 interactive communication with the distant specialist health care
2713 provider and shall receive an interactive communication with the
2714 distant specialist upon request. If requested, communication with
2715 the distant specialist may occur at the time of the consultation



2716 or within thirty (30) days of the patient's notification of the
2717 request of the consultation. Telemedicine networks unable to
2718 offer the interactive consultation shall not be reimbursed for
2719 store-and-forward telemedicine services.

2720 (4) Remote patient monitoring services aim to allow more
2721 people to remain at home or in other residential settings and to
2722 improve the quality and cost of their care, including prevention
2723 of more costly care. Remote patient monitoring services via
2724 telehealth aim to coordinate primary, acute, behavioral and
2725 long-term social service needs for high-need, high-cost patients.
2726 Specific patient criteria must be met in order for reimbursement
2727 to occur.

2728 (5) Qualifying patients for remote patient monitoring
2729 services must meet all the following criteria:

2730 (a) Be diagnosed, in the last eighteen (18) months,
2731 with one or more chronic conditions, as defined by the Centers for
2732 Medicare and Medicaid Services (CMS), which include, but are not
2733 limited to, sickle cell, mental health, asthma, diabetes, and
2734 heart disease; and

2735 * * *

2736 (* * * b) The patient's health care provider recommends
2737 disease management services via remote patient monitoring.

2738 (6) A remote patient monitoring prior authorization request
2739 form * * * may be required for approval of telemonitoring
2740 services. * * * Any such request * * * may include the following:



2741 (a) An order for home telemonitoring services, signed
2742 and dated by the prescribing physician;

2743 (b) A plan of care, signed and dated by the prescribing
2744 physician, that includes telemonitoring transmission frequency and
2745 duration of monitoring requested;

2746 (c) The client's diagnosis and risk factors that
2747 qualify the client for home telemonitoring services;

2748 (d) Attestation that the client is sufficiently
2749 cognitively intact and able to operate the equipment or has a
2750 willing and able person to assist in completing electronic
2751 transmission of data; and

2752 (e) Attestation that the client is not receiving
2753 duplicative services via disease management services.

2754 (7) The entity that will provide the remote monitoring must
2755 be a Mississippi-based entity and have protocols in place to
2756 address all of the following:

2757 (a) Authentication and authorization of users;

2758 (b) A mechanism for monitoring, tracking and responding
2759 to changes in a client's clinical condition;

2760 (c) A standard of acceptable and unacceptable
2761 parameters for client's clinical parameters, which can be adjusted
2762 based on the client's condition;

2763 (d) How monitoring staff will respond to abnormal
2764 parameters for client's vital signs, symptoms and/or lab results;



2765 (e) The monitoring, tracking and responding to changes
2766 in client's clinical condition;

2767 (f) The process for notifying the prescribing physician
2768 for significant changes in the client's clinical signs and
2769 symptoms;

2770 (g) The prevention of unauthorized access to the system
2771 or information;

2772 (h) System security, including the integrity of
2773 information that is collected, program integrity and system
2774 integrity;

2775 (i) Information storage, maintenance and transmission;

2776 (j) Synchronization and verification of patient profile
2777 data; and

2778 (k) Notification of the client's discharge from remote
2779 patient monitoring services or the de-installation of the remote
2780 patient monitoring unit.

2781 (8) The telemonitoring equipment must:

2782 (a) Be capable of monitoring any data parameters in the
2783 plan of care; and

2784 (b) Be a FDA Class II hospital-grade medical device.

2785 (9) Monitoring of the client's data shall not be duplicated
2786 by another provider.

2787 (10) To receive payment for the delivery of remote patient
2788 monitoring services via telehealth, the service must involve:



2789 (a) An assessment, problem identification, and
2790 evaluation that includes:

2791 (i) Assessment and monitoring of clinical data
2792 including, but not limited to, appropriate vital signs, pain
2793 levels and other biometric measures specified in the plan of care,
2794 and also includes assessment of response to previous changes in
2795 the plan of care; and

2796 (ii) Detection of condition changes based on the
2797 telemedicine encounter that may indicate the need for a change in
2798 the plan of care.

2799 (b) Implementation of a management plan through one or
2800 more of the following:

2801 (i) Teaching regarding medication management as
2802 appropriate based on the telemedicine findings for that encounter;

2803 (ii) Teaching regarding other interventions as
2804 appropriate to both the patient and the caregiver;

2805 (iii) Management and evaluation of the plan of
2806 care including changes in visit frequency or addition of other
2807 skilled services;

2808 (iv) Coordination of care with the ordering health
2809 care provider regarding telemedicine findings;

2810 (v) Coordination and referral to other medical
2811 providers as needed; and

2812 (vi) Referral for an in-person visit or the
2813 emergency room as needed.



2814 (11) The telemedicine equipment and network used for remote
2815 patient monitoring services should meet the following
2816 requirements:

2817 (a) Comply with applicable standards of the United
2818 States Food and Drug Administration;

2819 (b) Telehealth equipment be maintained in good repair
2820 and free from safety hazards;

2821 (c) Telehealth equipment be new or sanitized before
2822 installation in the patient's home setting;

2823 (d) Accommodate non-English language options; and

2824 (e) Have 24/7 technical and clinical support services
2825 available for the patient user.

2826 (12) All health insurance and employee benefit plans in this
2827 state must provide coverage and reimbursement for the asynchronous
2828 telemedicine services of store-and-forward telemedicine services
2829 and remote patient monitoring services based on the criteria set
2830 out in this section. Store-and-forward telemedicine services
2831 shall be reimbursed to the same extent that the services would be
2832 covered if they were provided through in-person consultation.

2833 (13) Remote patient monitoring services shall include
2834 reimbursement for a daily monitoring rate at a minimum of Ten
2835 Dollars (\$10.00) per day each month and Sixteen Dollars (\$16.00)
2836 per day when medication adherence management services are
2837 included, not to exceed thirty-one (31) days per month. These
2838 reimbursement rates are only eligible to Mississippi-based



2839 telehealth programs affiliated with a Mississippi health care
2840 facility.

2841 (14) A one-time telehealth installation/training fee for
2842 remote patient monitoring services will also be reimbursed at a
2843 minimum rate of Fifty Dollars (\$50.00) per patient, with a maximum
2844 of two (2) installation/training fees/calendar year. These
2845 reimbursement rates are only eligible to Mississippi-based
2846 telehealth programs affiliated with a Mississippi health care
2847 facility.

2848 (15) No geographic restrictions shall be placed on the
2849 delivery of telemedicine services in the home setting other than
2850 requiring the patient reside within the State of Mississippi.

2851 (16) Health care providers seeking reimbursement for
2852 store-and-forward telemedicine services must be licensed
2853 Mississippi providers that are affiliated with an established
2854 Mississippi health care facility in order to qualify for
2855 reimbursement of telemedicine services in the state. If a service
2856 is not available in Mississippi, then a health insurance or
2857 employee benefit plan may decide to allow a non-Mississippi-based
2858 provider who is licensed to practice in Mississippi reimbursement
2859 for those services.

2860 (17) A health insurance or employee benefit plan may charge
2861 a deductible, co-payment, or coinsurance for a health care service
2862 provided through store-and-forward telemedicine services or remote
2863 patient monitoring services so long as it does not exceed the



2864 deductible, co-payment, or coinsurance applicable to an in-person
2865 consultation.

2866 (18) A health insurance or employee benefit plan may limit
2867 coverage to health care providers in a telemedicine network
2868 approved by the plan.

2869 (19) Nothing in this section shall be construed to prohibit
2870 a health insurance or employee benefit plan from providing
2871 coverage for only those services that are medically necessary,
2872 subject to the terms and conditions of the covered person's
2873 policy.

2874 (20) In a claim for the services provided, the appropriate
2875 procedure code for the covered service shall be included with the
2876 appropriate modifier indicating telemedicine services were used.
2877 A "GQ" modifier is required for asynchronous telemedicine services
2878 such as store-and-forward and remote patient monitoring.

2879 (21) The originating site is eligible to receive a facility
2880 fee, but facility fees are not payable to the distant site.

2881 **SECTION 6.** This act shall take effect and be in force from
2882 and after its passage.

