

House Amendments to Senate Bill No. 2820

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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

15 SECTION 1. (1) The State Department of Health shall
16 establish a grant program for hospitals for expansions of the
17 hospital facilities that increase the capacity of the hospital
18 because of the need for more capacity to provide treatment and
19 care for the greater number of patients who have COVID-19. Grants
20 provided under the program may be used by hospitals for hospital
21 expansions that are made on or after the effective date of this
22 act or as reimbursement for the expenses incurred by hospitals for
23 expansions that were made before the effective date of this act.

24 (2) Under the grant program, the department shall receive
25 applications from hospitals that describe in detail how the funds
26 will be used by the hospitals, how receipt of the funds will
27 improve the ability of the hospitals to provide treatment and care
28 for patients who have COVID-19, and any other information as
29 required by the department. An application for grants under the
30 program shall be submitted at such time, be in such form, and
31 contain such information as the board prescribes.

32 (3) The department shall adopt such rules and regulations as
33 necessary for the administration of the grant program. The
34 department shall operate and administer the grant program from
35 funds appropriated by the Legislature from the Coronavirus State
36 Fiscal Recovery Fund for that purpose.

37 **SECTION 2.** Section 41-7-191, Mississippi Code of 1972, is
38 amended as follows:

39 41-7-191. (1) No person shall engage in any of the
40 following activities without obtaining the required certificate of
41 need:

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

46 (b) The relocation of a health care facility or portion
47 thereof, or major medical equipment, unless such relocation of a
48 health care facility or portion thereof, or major medical
49 equipment, which does not involve a capital expenditure by or on
50 behalf of a health care facility, is within five thousand two
51 hundred eighty (5,280) feet from the main entrance of the health
52 care facility;

53 (c) Any change in the existing bed complement of any
54 health care facility through the addition or conversion of any
55 beds or the alteration, modernizing or refurbishing of any unit or
56 department in which the beds may be located; however, if a health
57 care facility has voluntarily delicensed some of its existing bed

58 complement, it may later relicense some or all of its delicensed
59 beds without the necessity of having to acquire a certificate of
60 need. The State Department of Health shall maintain a record of
61 the delicensing health care facility and its voluntarily
62 delicensed beds and continue counting those beds as part of the
63 state's total bed count for health care planning purposes. If a
64 health care facility that has voluntarily delicensed some of its
65 beds later desires to relicense some or all of its voluntarily
66 delicensed beds, it shall notify the State Department of Health of
67 its intent to increase the number of its licensed beds. The State
68 Department of Health shall survey the health care facility within
69 thirty (30) days of that notice and, if appropriate, issue the
70 health care facility a new license reflecting the new contingent
71 of beds. However, in no event may a health care facility that has
72 voluntarily delicensed some of its beds be reissued a license to
73 operate beds in excess of its bed count before the voluntary
74 delicensure of some of its beds without seeking certificate of
75 need approval;

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

- 80 (i) Open-heart surgery services;
- 81 (ii) Cardiac catheterization services;
- 82 (iii) Comprehensive inpatient rehabilitation
83 services;

84 (iv) Licensed psychiatric services;
85 (v) Licensed chemical dependency services;
86 (vi) Radiation therapy services;
87 (vii) Diagnostic imaging services of an invasive
88 nature, i.e. invasive digital angiography;
89 (viii) Nursing home care as defined in
90 subparagraphs (iv), (vi) and (viii) of Section 41-7-173(h);
91 (ix) Home health services;
92 (x) Swing-bed services;
93 (xi) Ambulatory surgical services;
94 (xii) Magnetic resonance imaging services;
95 (xiii) [Deleted]
96 (xiv) Long-term care hospital services;
97 (xv) Positron emission tomography (PET) services;
98 (e) The relocation of one or more health services from
99 one physical facility or site to another physical facility or
100 site, unless such relocation, which does not involve a capital
101 expenditure by or on behalf of a health care facility, (i) is to a
102 physical facility or site within five thousand two hundred eighty
103 (5,280) feet from the main entrance of the health care facility
104 where the health care service is located, or (ii) is the result of
105 an order of a court of appropriate jurisdiction or a result of
106 pending litigation in such court, or by order of the State
107 Department of Health, or by order of any other agency or legal
108 entity of the state, the federal government, or any political

109 subdivision of either, whose order is also approved by the State
110 Department of Health;

111 (f) The acquisition or otherwise control of any major
112 medical equipment for the provision of medical services; however,
113 (i) the acquisition of any major medical equipment used only for
114 research purposes, and (ii) the acquisition of major medical
115 equipment to replace medical equipment for which a facility is
116 already providing medical services and for which the State
117 Department of Health has been notified before the date of such
118 acquisition shall be exempt from this paragraph; an acquisition
119 for less than fair market value must be reviewed, if the
120 acquisition at fair market value would be subject to review;

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

129 (h) The change of ownership of any health care facility
130 defined in subparagraphs (iv), (vi) and (viii) of Section
131 41-7-173(h), in which a notice of intent as described in paragraph
132 (g) has not been filed and if the Executive Director, Division of
133 Medicaid, Office of the Governor, has not certified in writing
134 that there will be no increase in allowable costs to Medicaid from

135 revaluation of the assets or from increased interest and
136 depreciation as a result of the proposed change of ownership;

137 (i) Any activity described in paragraphs (a) through
138 (h) if undertaken by any person if that same activity would
139 require certificate of need approval if undertaken by a health
140 care facility;

141 (j) Any capital expenditure or deferred capital
142 expenditure by or on behalf of a health care facility not covered
143 by paragraphs (a) through (h);

144 (k) The contracting of a health care facility as
145 defined in subparagraphs (i) through (viii) of Section 41-7-173(h)
146 to establish a home office, subunit, or branch office in the space
147 operated as a health care facility through a formal arrangement
148 with an existing health care facility as defined in subparagraph
149 (ix) of Section 41-7-173(h);

150 (l) The replacement or relocation of a health care
151 facility designated as a critical access hospital shall be exempt
152 from subsection (1) of this section so long as the critical access
153 hospital complies with all applicable federal law and regulations
154 regarding such replacement or relocation;

155 (m) Reopening a health care facility that has ceased to
156 operate for a period of sixty (60) months or more, which reopening
157 requires a certificate of need for the establishment of a new
158 health care facility.

159 (2) The State Department of Health shall not grant approval
160 for or issue a certificate of need to any person proposing the new

161 construction of, addition to, or expansion of any health care
162 facility defined in subparagraphs (iv) (skilled nursing facility)
163 and (vi) (intermediate care facility) of Section 41-7-173(h) or
164 the conversion of vacant hospital beds to provide skilled or
165 intermediate nursing home care, except as hereinafter authorized:

166 (a) The department may issue a certificate of need to
167 any person proposing the new construction of any health care
168 facility defined in subparagraphs (iv) and (vi) of Section
169 41-7-173(h) as part of a life care retirement facility, in any
170 county bordering on the Gulf of Mexico in which is located a
171 National Aeronautics and Space Administration facility, not to
172 exceed forty (40) beds. From and after July 1, 1999, there shall
173 be no prohibition or restrictions on participation in the Medicaid
174 program (Section 43-13-101 et seq.) for the beds in the health
175 care facility that were authorized under this paragraph (a).

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

183 (c) The department may issue a certificate of need for
184 the addition to or expansion of any skilled nursing facility that
185 is part of an existing continuing care retirement community
186 located in Madison County, provided that the recipient of the

187 certificate of need agrees in writing that the skilled nursing
188 facility will not at any time participate in the Medicaid program
189 (Section 43-13-101 et seq.) or admit or keep any patients in the
190 skilled nursing facility who are participating in the Medicaid
191 program. This written agreement by the recipient of the
192 certificate of need shall be fully binding on any subsequent owner
193 of the skilled nursing facility, if the ownership of the facility
194 is transferred at any time after the issuance of the certificate
195 of need. Agreement that the skilled nursing facility will not
196 participate in the Medicaid program shall be a condition of the
197 issuance of a certificate of need to any person under this
198 paragraph (c), and if such skilled nursing facility at any time
199 after the issuance of the certificate of need, regardless of the
200 ownership of the facility, participates in the Medicaid program or
201 admits or keeps any patients in the facility who are participating
202 in the Medicaid program, the State Department of Health shall
203 revoke the certificate of need, if it is still outstanding, and
204 shall deny or revoke the license of the skilled nursing facility,
205 at the time that the department determines, after a hearing
206 complying with due process, that the facility has failed to comply
207 with any of the conditions upon which the certificate of need was
208 issued, as provided in this paragraph and in the written agreement
209 by the recipient of the certificate of need. The total number of
210 beds that may be authorized under the authority of this paragraph
211 (c) shall not exceed sixty (60) beds.

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

220 (e) The State Department of Health may issue a
221 certificate of need for the construction of a nursing facility or
222 the conversion of beds to nursing facility beds at a personal care
223 facility for the elderly in Lowndes County that is owned and
224 operated by a Mississippi nonprofit corporation, not to exceed
225 sixty (60) beds. From and after July 1, 1999, there shall be no
226 prohibition or restrictions on participation in the Medicaid
227 program (Section 43-13-101 et seq.) for the beds in the nursing
228 facility that were authorized under this paragraph (e).

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

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

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

253 (i) The department may issue a certificate of need for
254 the new construction of a skilled nursing facility in Leake
255 County, provided that the recipient of the certificate of need
256 agrees in writing that the skilled nursing facility will not at
257 any time participate in the Medicaid program (Section 43-13-101 et
258 seq.) or admit or keep any patients in the skilled nursing
259 facility who are participating in the Medicaid program. This
260 written agreement by the recipient of the certificate of need
261 shall be fully binding on any subsequent owner of the skilled
262 nursing facility, if the ownership of the facility is transferred

263 at any time after the issuance of the certificate of need.
264 Agreement that the skilled nursing facility will not participate
265 in the Medicaid program shall be a condition of the issuance of a
266 certificate of need to any person under this paragraph (i), and if
267 such skilled nursing facility at any time after the issuance of
268 the certificate of need, regardless of the ownership of the
269 facility, participates in the Medicaid program or admits or keeps
270 any patients in the facility who are participating in the Medicaid
271 program, the State Department of Health shall revoke the
272 certificate of need, if it is still outstanding, and shall deny or
273 revoke the license of the skilled nursing facility, at the time
274 that the department determines, after a hearing complying with due
275 process, that the facility has failed to comply with any of the
276 conditions upon which the certificate of need was issued, as
277 provided in this paragraph and in the written agreement by the
278 recipient of the certificate of need. The provision of Section
279 41-7-193(1) regarding substantial compliance of the projection of
280 need as reported in the current State Health Plan is waived for
281 the purposes of this paragraph. The total number of nursing
282 facility beds that may be authorized by any certificate of need
283 issued under this paragraph (i) shall not exceed sixty (60) beds.
284 If the skilled nursing facility authorized by the certificate of
285 need issued under this paragraph is not constructed and fully
286 operational within eighteen (18) months after July 1, 1994, the
287 State Department of Health, after a hearing complying with due
288 process, shall revoke the certificate of need, if it is still

289 outstanding, and shall not issue a license for the skilled nursing
290 facility at any time after the expiration of the eighteen-month
291 period.

292 (j) The department may issue certificates of need to
293 allow any existing freestanding long-term care facility in
294 Tishomingo County and Hancock County that on July 1, 1995, is
295 licensed with fewer than sixty (60) beds. For the purposes of
296 this paragraph (j), the provisions of Section 41-7-193(1)
297 requiring substantial compliance with the projection of need as
298 reported in the current State Health Plan are waived. From and
299 after July 1, 1999, there shall be no prohibition or restrictions
300 on participation in the Medicaid program (Section 43-13-101 et
301 seq.) for the beds in the long-term care facilities that were
302 authorized under this paragraph (j).

303 (k) The department may issue a certificate of need for
304 the construction of a nursing facility at a continuing care
305 retirement community in Lowndes County. The total number of beds
306 that may be authorized under the authority of this paragraph (k)
307 shall not exceed sixty (60) beds. From and after July 1, 2001,
308 the prohibition on the facility participating in the Medicaid
309 program (Section 43-13-101 et seq.) that was a condition of
310 issuance of the certificate of need under this paragraph (k) shall
311 be revised as follows: The nursing facility may participate in
312 the Medicaid program from and after July 1, 2001, if the owner of
313 the facility on July 1, 2001, agrees in writing that no more than
314 thirty (30) of the beds at the facility will be certified for

315 participation in the Medicaid program, and that no claim will be
316 submitted for Medicaid reimbursement for more than thirty (30)
317 patients in the facility in any month or for any patient in the
318 facility who is in a bed that is not Medicaid-certified. This
319 written agreement by the owner of the facility shall be a
320 condition of licensure of the facility, and the agreement shall be
321 fully binding on any subsequent owner of the facility if the
322 ownership of the facility is transferred at any time after July 1,
323 2001. After this written agreement is executed, the Division of
324 Medicaid and the State Department of Health shall not certify more
325 than thirty (30) of the beds in the facility for participation in
326 the Medicaid program. If the facility violates the terms of the
327 written agreement by admitting or keeping in the facility on a
328 regular or continuing basis more than thirty (30) patients who are
329 participating in the Medicaid program, the State Department of
330 Health shall revoke the license of the facility, at the time that
331 the department determines, after a hearing complying with due
332 process, that the facility has violated the written agreement.

333 (1) Provided that funds are specifically appropriated
334 therefor by the Legislature, the department may issue a
335 certificate of need to a rehabilitation hospital in Hinds County
336 for the construction of a sixty-bed long-term care nursing
337 facility dedicated to the care and treatment of persons with
338 severe disabilities including persons with spinal cord and
339 closed-head injuries and ventilator dependent patients. The
340 provisions of Section 41-7-193(1) regarding substantial compliance

341 with projection of need as reported in the current State Health
342 Plan are waived for the purpose of this paragraph.

343 (m) The State Department of Health may issue a
344 certificate of need to a county-owned hospital in the Second
345 Judicial District of Panola County for the conversion of not more
346 than seventy-two (72) hospital beds to nursing facility beds,
347 provided that the recipient of the certificate of need agrees in
348 writing that none of the beds at the nursing facility will be
349 certified for participation in the Medicaid program (Section
350 43-13-101 et seq.), and that no claim will be submitted for
351 Medicaid reimbursement in the nursing facility in any day or for
352 any patient in the nursing facility. This written agreement by
353 the recipient of the certificate of need shall be a condition of
354 the issuance of the certificate of need under this paragraph, and
355 the agreement shall be fully binding on any subsequent owner of
356 the nursing facility if the ownership of the nursing facility is
357 transferred at any time after the issuance of the certificate of
358 need. After this written agreement is executed, the Division of
359 Medicaid and the State Department of Health shall not certify any
360 of the beds in the nursing facility for participation in the
361 Medicaid program. If the nursing facility violates the terms of
362 the written agreement by admitting or keeping in the nursing
363 facility on a regular or continuing basis any patients who are
364 participating in the Medicaid program, the State Department of
365 Health shall revoke the license of the nursing facility, at the
366 time that the department determines, after a hearing complying

367 with due process, that the nursing facility has violated the
368 condition upon which the certificate of need was issued, as
369 provided in this paragraph and in the written agreement. If the
370 certificate of need authorized under this paragraph is not issued
371 within twelve (12) months after July 1, 2001, the department shall
372 deny the application for the certificate of need and shall not
373 issue the certificate of need at any time after the twelve-month
374 period, unless the issuance is contested. If the certificate of
375 need is issued and substantial construction of the nursing
376 facility beds has not commenced within eighteen (18) months after
377 July 1, 2001, the State Department of Health, after a hearing
378 complying with due process, shall revoke the certificate of need
379 if it is still outstanding, and the department shall not issue a
380 license for the nursing facility at any time after the
381 eighteen-month period. However, if the issuance of the
382 certificate of need is contested, the department shall require
383 substantial construction of the nursing facility beds within six
384 (6) months after final adjudication on the issuance of the
385 certificate of need.

386 (n) The department may issue a certificate of need for
387 the new construction, addition or conversion of skilled nursing
388 facility beds in Madison County, provided that the recipient of
389 the certificate of need agrees in writing that the skilled nursing
390 facility will not at any time participate in the Medicaid program
391 (Section 43-13-101 et seq.) or admit or keep any patients in the
392 skilled nursing facility who are participating in the Medicaid

393 program. This written agreement by the recipient of the
394 certificate of need shall be fully binding on any subsequent owner
395 of the skilled nursing facility, if the ownership of the facility
396 is transferred at any time after the issuance of the certificate
397 of need. Agreement that the skilled nursing facility will not
398 participate in the Medicaid program shall be a condition of the
399 issuance of a certificate of need to any person under this
400 paragraph (n), and if such skilled nursing facility at any time
401 after the issuance of the certificate of need, regardless of the
402 ownership of the facility, participates in the Medicaid program or
403 admits or keeps any patients in the facility who are participating
404 in the Medicaid program, the State Department of Health shall
405 revoke the certificate of need, if it is still outstanding, and
406 shall deny or revoke the license of the skilled nursing facility,
407 at the time that the department determines, after a hearing
408 complying with due process, that the facility has failed to comply
409 with any of the conditions upon which the certificate of need was
410 issued, as provided in this paragraph and in the written agreement
411 by the recipient of the certificate of need. The total number of
412 nursing facility beds that may be authorized by any certificate of
413 need issued under this paragraph (n) shall not exceed sixty (60)
414 beds. If the certificate of need authorized under this paragraph
415 is not issued within twelve (12) months after July 1, 1998, the
416 department shall deny the application for the certificate of need
417 and shall not issue the certificate of need at any time after the
418 twelve-month period, unless the issuance is contested. If the

419 certificate of need is issued and substantial construction of the
420 nursing facility beds has not commenced within eighteen (18)
421 months after July 1, 1998, the State Department of Health, after a
422 hearing complying with due process, shall revoke the certificate
423 of need if it is still outstanding, and the department shall not
424 issue a license for the nursing facility at any time after the
425 eighteen-month period. However, if the issuance of the
426 certificate of need is contested, the department shall require
427 substantial construction of the nursing facility beds within six
428 (6) months after final adjudication on the issuance of the
429 certificate of need.

430 (o) The department may issue a certificate of need for
431 the new construction, addition or conversion of skilled nursing
432 facility beds in Leake County, provided that the recipient of the
433 certificate of need agrees in writing that the skilled nursing
434 facility will not at any time participate in the Medicaid program
435 (Section 43-13-101 et seq.) or admit or keep any patients in the
436 skilled nursing facility who are participating in the Medicaid
437 program. This written agreement by the recipient of the
438 certificate of need shall be fully binding on any subsequent owner
439 of the skilled nursing facility, if the ownership of the facility
440 is transferred at any time after the issuance of the certificate
441 of need. Agreement that the skilled nursing facility will not
442 participate in the Medicaid program shall be a condition of the
443 issuance of a certificate of need to any person under this
444 paragraph (o), and if such skilled nursing facility at any time

445 after the issuance of the certificate of need, regardless of the
446 ownership of the facility, participates in the Medicaid program or
447 admits or keeps any patients in the facility who are participating
448 in the Medicaid program, the State Department of Health shall
449 revoke the certificate of need, if it is still outstanding, and
450 shall deny or revoke the license of the skilled nursing facility,
451 at the time that the department determines, after a hearing
452 complying with due process, that the facility has failed to comply
453 with any of the conditions upon which the certificate of need was
454 issued, as provided in this paragraph and in the written agreement
455 by the recipient of the certificate of need. The total number of
456 nursing facility beds that may be authorized by any certificate of
457 need issued under this paragraph (o) shall not exceed sixty (60)
458 beds. If the certificate of need authorized under this paragraph
459 is not issued within twelve (12) months after July 1, 2001, the
460 department shall deny the application for the certificate of need
461 and shall not issue the certificate of need at any time after the
462 twelve-month period, unless the issuance is contested. If the
463 certificate of need is issued and substantial construction of the
464 nursing facility beds has not commenced within eighteen (18)
465 months after July 1, 2001, the State Department of Health, after a
466 hearing complying with due process, shall revoke the certificate
467 of need if it is still outstanding, and the department shall not
468 issue a license for the nursing facility at any time after the
469 eighteen-month period. However, if the issuance of the
470 certificate of need is contested, the department shall require

471 substantial construction of the nursing facility beds within six
472 (6) months after final adjudication on the issuance of the
473 certificate of need.

474 (p) The department may issue a certificate of need for
475 the construction of a municipally owned nursing facility within
476 the Town of Belmont in Tishomingo County, not to exceed sixty (60)
477 beds, provided that the recipient of the certificate of need
478 agrees in writing that the skilled nursing facility will not at
479 any time participate in the Medicaid program (Section 43-13-101 et
480 seq.) or admit or keep any patients in the skilled nursing
481 facility who are participating in the Medicaid program. This
482 written agreement by the recipient of the certificate of need
483 shall be fully binding on any subsequent owner of the skilled
484 nursing facility, if the ownership of the facility is transferred
485 at any time after the issuance of the certificate of need.

486 Agreement that the skilled nursing facility will not participate
487 in the Medicaid program shall be a condition of the issuance of a
488 certificate of need to any person under this paragraph (p), and if
489 such skilled nursing facility at any time after the issuance of
490 the certificate of need, regardless of the ownership of the
491 facility, participates in the Medicaid program or admits or keeps
492 any patients in the facility who are participating in the Medicaid
493 program, the State Department of Health shall revoke the
494 certificate of need, if it is still outstanding, and shall deny or
495 revoke the license of the skilled nursing facility, at the time
496 that the department determines, after a hearing complying with due

497 process, that the facility has failed to comply with any of the
498 conditions upon which the certificate of need was issued, as
499 provided in this paragraph and in the written agreement by the
500 recipient of the certificate of need. The provision of Section
501 41-7-193(1) regarding substantial compliance of the projection of
502 need as reported in the current State Health Plan is waived for
503 the purposes of this paragraph. If the certificate of need
504 authorized under this paragraph is not issued within twelve (12)
505 months after July 1, 1998, the department shall deny the
506 application for the certificate of need and shall not issue the
507 certificate of need at any time after the twelve-month period,
508 unless the issuance is contested. If the certificate of need is
509 issued and substantial construction of the nursing facility beds
510 has not commenced within eighteen (18) months after July 1, 1998,
511 the State Department of Health, after a hearing complying with due
512 process, shall revoke the certificate of need if it is still
513 outstanding, and the department shall not issue a license for the
514 nursing facility at any time after the eighteen-month period.
515 However, if the issuance of the certificate of need is contested,
516 the department shall require substantial construction of the
517 nursing facility beds within six (6) months after final
518 adjudication on the issuance of the certificate of need.

519 (q) (i) Beginning on July 1, 1999, the State
520 Department of Health shall issue certificates of need during each
521 of the next four (4) fiscal years for the construction or
522 expansion of nursing facility beds or the conversion of other beds

523 to nursing facility beds in each county in the state having a need
524 for fifty (50) or more additional nursing facility beds, as shown
525 in the fiscal year 1999 State Health Plan, in the manner provided
526 in this paragraph (q). The total number of nursing facility beds
527 that may be authorized by any certificate of need authorized under
528 this paragraph (q) shall not exceed sixty (60) beds.

529 (ii) Subject to the provisions of subparagraph
530 (v), during each of the next four (4) fiscal years, the department
531 shall issue six (6) certificates of need for new nursing facility
532 beds, as follows: During fiscal years 2000, 2001 and 2002, one
533 (1) certificate of need shall be issued for new nursing facility
534 beds in the county in each of the four (4) Long-Term Care Planning
535 Districts designated in the fiscal year 1999 State Health Plan
536 that has the highest need in the district for those beds; and two
537 (2) certificates of need shall be issued for new nursing facility
538 beds in the two (2) counties from the state at large that have the
539 highest need in the state for those beds, when considering the
540 need on a statewide basis and without regard to the Long-Term Care
541 Planning Districts in which the counties are located. During
542 fiscal year 2003, one (1) certificate of need shall be issued for
543 new nursing facility beds in any county having a need for fifty
544 (50) or more additional nursing facility beds, as shown in the
545 fiscal year 1999 State Health Plan, that has not received a
546 certificate of need under this paragraph (q) during the three (3)
547 previous fiscal years. During fiscal year 2000, in addition to
548 the six (6) certificates of need authorized in this subparagraph,

549 the department also shall issue a certificate of need for new
550 nursing facility beds in Amite County and a certificate of need
551 for new nursing facility beds in Carroll County.

552 (iii) Subject to the provisions of subparagraph
553 (v), the certificate of need issued under subparagraph (ii) for
554 nursing facility beds in each Long-Term Care Planning District
555 during each fiscal year shall first be available for nursing
556 facility beds in the county in the district having the highest
557 need for those beds, as shown in the fiscal year 1999 State Health
558 Plan. If there are no applications for a certificate of need for
559 nursing facility beds in the county having the highest need for
560 those beds by the date specified by the department, then the
561 certificate of need shall be available for nursing facility beds
562 in other counties in the district in descending order of the need
563 for those beds, from the county with the second highest need to
564 the county with the lowest need, until an application is received
565 for nursing facility beds in an eligible county in the district.

566 (iv) Subject to the provisions of subparagraph
567 (v), the certificate of need issued under subparagraph (ii) for
568 nursing facility beds in the two (2) counties from the state at
569 large during each fiscal year shall first be available for nursing
570 facility beds in the two (2) counties that have the highest need
571 in the state for those beds, as shown in the fiscal year 1999
572 State Health Plan, when considering the need on a statewide basis
573 and without regard to the Long-Term Care Planning Districts in
574 which the counties are located. If there are no applications for

575 a certificate of need for nursing facility beds in either of the
576 two (2) counties having the highest need for those beds on a
577 statewide basis by the date specified by the department, then the
578 certificate of need shall be available for nursing facility beds
579 in other counties from the state at large in descending order of
580 the need for those beds on a statewide basis, from the county with
581 the second highest need to the county with the lowest need, until
582 an application is received for nursing facility beds in an
583 eligible county from the state at large.

584 (v) If a certificate of need is authorized to be
585 issued under this paragraph (q) for nursing facility beds in a
586 county on the basis of the need in the Long-Term Care Planning
587 District during any fiscal year of the four-year period, a
588 certificate of need shall not also be available under this
589 paragraph (q) for additional nursing facility beds in that county
590 on the basis of the need in the state at large, and that county
591 shall be excluded in determining which counties have the highest
592 need for nursing facility beds in the state at large for that
593 fiscal year. After a certificate of need has been issued under
594 this paragraph (q) for nursing facility beds in a county during
595 any fiscal year of the four-year period, a certificate of need
596 shall not be available again under this paragraph (q) for
597 additional nursing facility beds in that county during the
598 four-year period, and that county shall be excluded in determining
599 which counties have the highest need for nursing facility beds in
600 succeeding fiscal years.

601 (vi) If more than one (1) application is made for
602 a certificate of need for nursing home facility beds available
603 under this paragraph (q), in Yalobusha, Newton or Tallahatchie
604 County, and one (1) of the applicants is a county-owned hospital
605 located in the county where the nursing facility beds are
606 available, the department shall give priority to the county-owned
607 hospital in granting the certificate of need if the following
608 conditions are met:

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

612 2. The county-owned hospital's qualifications
613 for the certificate of need, as shown in its application and as
614 determined by the department, are at least equal to the
615 qualifications of the other applicants for the certificate of
616 need.

617 (r) (i) Beginning on July 1, 1999, the State
618 Department of Health shall issue certificates of need during each
619 of the next two (2) fiscal years for the construction or expansion
620 of nursing facility beds or the conversion of other beds to
621 nursing facility beds in each of the four (4) Long-Term Care
622 Planning Districts designated in the fiscal year 1999 State Health
623 Plan, to provide care exclusively to patients with Alzheimer's
624 disease.

625 (ii) Not more than twenty (20) beds may be
626 authorized by any certificate of need issued under this paragraph

627 (r), and not more than a total of sixty (60) beds may be
628 authorized in any Long-Term Care Planning District by all
629 certificates of need issued under this paragraph (r). However,
630 the total number of beds that may be authorized by all
631 certificates of need issued under this paragraph (r) during any
632 fiscal year shall not exceed one hundred twenty (120) beds, and
633 the total number of beds that may be authorized in any Long-Term
634 Care Planning District during any fiscal year shall not exceed
635 forty (40) beds. Of the certificates of need that are issued for
636 each Long-Term Care Planning District during the next two (2)
637 fiscal years, at least one (1) shall be issued for beds in the
638 northern part of the district, at least one (1) shall be issued
639 for beds in the central part of the district, and at least one (1)
640 shall be issued for beds in the southern part of the district.

641 (iii) The State Department of Health, in
642 consultation with the Department of Mental Health and the Division
643 of Medicaid, shall develop and prescribe the staffing levels,
644 space requirements and other standards and requirements that must
645 be met with regard to the nursing facility beds authorized under
646 this paragraph (r) to provide care exclusively to patients with
647 Alzheimer's disease.

648 (s) The State Department of Health may issue a
649 certificate of need to a nonprofit skilled nursing facility using
650 the Green House model of skilled nursing care and located in Yazoo
651 City, Yazoo County, Mississippi, for the construction, expansion
652 or conversion of not more than nineteen (19) nursing facility

653 beds. For purposes of this paragraph (s), the provisions of
654 Section 41-7-193(1) requiring substantial compliance with the
655 projection of need as reported in the current State Health Plan
656 and the provisions of Section 41-7-197 requiring a formal
657 certificate of need hearing process are waived. There shall be no
658 prohibition or restrictions on participation in the Medicaid
659 program for the person receiving the certificate of need
660 authorized under this paragraph (s).

661 (t) The State Department of Health shall issue
662 certificates of need to the owner of a nursing facility in
663 operation at the time of Hurricane Katrina in Hancock County that
664 was not operational on December 31, 2005, because of damage
665 sustained from Hurricane Katrina to authorize the following: (i)
666 the construction of a new nursing facility in Harrison County;
667 (ii) the relocation of forty-nine (49) nursing facility beds from
668 the Hancock County facility to the new Harrison County facility;
669 (iii) the establishment of not more than twenty (20) non-Medicaid
670 nursing facility beds at the Hancock County facility; and (iv) the
671 establishment of not more than twenty (20) non-Medicaid beds at
672 the new Harrison County facility. The certificates of need that
673 authorize the non-Medicaid nursing facility beds under
674 subparagraphs (iii) and (iv) of this paragraph (t) shall be
675 subject to the following conditions: The owner of the Hancock
676 County facility and the new Harrison County facility must agree in
677 writing that no more than fifty (50) of the beds at the Hancock
678 County facility and no more than forty-nine (49) of the beds at

679 the Harrison County facility will be certified for participation
680 in the Medicaid program, and that no claim will be submitted for
681 Medicaid reimbursement for more than fifty (50) patients in the
682 Hancock County facility in any month, or for more than forty-nine
683 (49) patients in the Harrison County facility in any month, or for
684 any patient in either facility who is in a bed that is not
685 Medicaid-certified. This written agreement by the owner of the
686 nursing facilities shall be a condition of the issuance of the
687 certificates of need under this paragraph (t), and the agreement
688 shall be fully binding on any later owner or owners of either
689 facility if the ownership of either facility is transferred at any
690 time after the certificates of need are issued. After this
691 written agreement is executed, the Division of Medicaid and the
692 State Department of Health shall not certify more than fifty (50)
693 of the beds at the Hancock County facility or more than forty-nine
694 (49) of the beds at the Harrison County facility for participation
695 in the Medicaid program. If the Hancock County facility violates
696 the terms of the written agreement by admitting or keeping in the
697 facility on a regular or continuing basis more than fifty (50)
698 patients who are participating in the Medicaid program, or if the
699 Harrison County facility violates the terms of the written
700 agreement by admitting or keeping in the facility on a regular or
701 continuing basis more than forty-nine (49) patients who are
702 participating in the Medicaid program, the State Department of
703 Health shall revoke the license of the facility that is in
704 violation of the agreement, at the time that the department

705 determines, after a hearing complying with due process, that the
706 facility has violated the agreement.

707 (u) The State Department of Health shall issue a
708 certificate of need to a nonprofit venture for the establishment,
709 construction and operation of a skilled nursing facility of not
710 more than sixty (60) beds to provide skilled nursing care for
711 ventilator dependent or otherwise medically dependent pediatric
712 patients who require medical and nursing care or rehabilitation
713 services to be located in a county in which an academic medical
714 center and a children's hospital are located, and for any
715 construction and for the acquisition of equipment related to those
716 beds. The facility shall be authorized to keep such ventilator
717 dependent or otherwise medically dependent pediatric patients
718 beyond age twenty-one (21) in accordance with regulations of the
719 State Board of Health. For purposes of this paragraph (u), the
720 provisions of Section 41-7-193(1) requiring substantial compliance
721 with the projection of need as reported in the current State
722 Health Plan are waived, and the provisions of Section 41-7-197
723 requiring a formal certificate of need hearing process are waived.
724 The beds authorized by this paragraph shall be counted as
725 pediatric skilled nursing facility beds for health planning
726 purposes under Section 41-7-171 et seq. There shall be no
727 prohibition of or restrictions on participation in the Medicaid
728 program for the person receiving the certificate of need
729 authorized by this paragraph.

730 (3) The State Department of Health may grant approval for
731 and issue certificates of need to any person proposing the new
732 construction of, addition to, conversion of beds of or expansion
733 of any health care facility defined in subparagraph (x)
734 (psychiatric residential treatment facility) of Section
735 41-7-173(h). The total number of beds which may be authorized by
736 such certificates of need shall not exceed three hundred
737 thirty-four (334) beds for the entire state.

738 (a) Of the total number of beds authorized under this
739 subsection, the department shall issue a certificate of need to a
740 privately owned psychiatric residential treatment facility in
741 Simpson County for the conversion of sixteen (16) intermediate
742 care facility for the mentally retarded (ICF-MR) beds to
743 psychiatric residential treatment facility beds, provided that
744 facility agrees in writing that the facility shall give priority
745 for the use of those sixteen (16) beds to Mississippi residents
746 who are presently being treated in out-of-state facilities.

747 (b) Of the total number of beds authorized under this
748 subsection, the department may issue a certificate or certificates
749 of need for the construction or expansion of psychiatric
750 residential treatment facility beds or the conversion of other
751 beds to psychiatric residential treatment facility beds in Warren
752 County, not to exceed sixty (60) psychiatric residential treatment
753 facility beds, provided that the facility agrees in writing that
754 no more than thirty (30) of the beds at the psychiatric
755 residential treatment facility will be certified for participation

756 in the Medicaid program (Section 43-13-101 et seq.) for the use of
757 any patients other than those who are participating only in the
758 Medicaid program of another state, and that no claim will be
759 submitted to the Division of Medicaid for Medicaid reimbursement
760 for more than thirty (30) patients in the psychiatric residential
761 treatment facility in any day or for any patient in the
762 psychiatric residential treatment facility who is in a bed that is
763 not Medicaid-certified. This written agreement by the recipient
764 of the certificate of need shall be a condition of the issuance of
765 the certificate of need under this paragraph, and the agreement
766 shall be fully binding on any subsequent owner of the psychiatric
767 residential treatment facility if the ownership of the facility is
768 transferred at any time after the issuance of the certificate of
769 need. After this written agreement is executed, the Division of
770 Medicaid and the State Department of Health shall not certify more
771 than thirty (30) of the beds in the psychiatric residential
772 treatment facility for participation in the Medicaid program for
773 the use of any patients other than those who are participating
774 only in the Medicaid program of another state. If the psychiatric
775 residential treatment facility violates the terms of the written
776 agreement by admitting or keeping in the facility on a regular or
777 continuing basis more than thirty (30) patients who are
778 participating in the Mississippi Medicaid program, the State
779 Department of Health shall revoke the license of the facility, at
780 the time that the department determines, after a hearing complying
781 with due process, that the facility has violated the condition

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

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

788 (c) Of the total number of beds authorized under this
789 subsection, the department shall issue a certificate of need to a
790 hospital currently operating Medicaid-certified acute psychiatric
791 beds for adolescents in DeSoto County, for the establishment of a
792 forty-bed psychiatric residential treatment facility in DeSoto
793 County, provided that the hospital agrees in writing (i) that the
794 hospital shall give priority for the use of those forty (40) beds
795 to Mississippi residents who are presently being treated in
796 out-of-state facilities, and (ii) that no more than fifteen (15)
797 of the beds at the psychiatric residential treatment facility will
798 be certified for participation in the Medicaid program (Section
799 43-13-101 et seq.), and that no claim will be submitted for
800 Medicaid reimbursement for more than fifteen (15) patients in the
801 psychiatric residential treatment facility in any day or for any
802 patient in the psychiatric residential treatment facility who is
803 in a bed that is not Medicaid-certified. This written agreement
804 by the recipient of the certificate of need shall be a condition
805 of the issuance of the certificate of need under this paragraph,
806 and the agreement shall be fully binding on any subsequent owner
807 of the psychiatric residential treatment facility if the ownership

808 of the facility is transferred at any time after the issuance of
809 the certificate of need. After this written agreement is
810 executed, the Division of Medicaid and the State Department of
811 Health shall not certify more than fifteen (15) of the beds in the
812 psychiatric residential treatment facility for participation in
813 the Medicaid program. If the psychiatric residential treatment
814 facility violates the terms of the written agreement by admitting
815 or keeping in the facility on a regular or continuing basis more
816 than fifteen (15) patients who are participating in the Medicaid
817 program, the State Department of Health shall revoke the license
818 of the facility, at the time that the department determines, after
819 a hearing complying with due process, that the facility has
820 violated the condition upon which the certificate of need was
821 issued, as provided in this paragraph and in the written
822 agreement.

823 (d) Of the total number of beds authorized under this
824 subsection, the department may issue a certificate or certificates
825 of need for the construction or expansion of psychiatric
826 residential treatment facility beds or the conversion of other
827 beds to psychiatric treatment facility beds, not to exceed thirty
828 (30) psychiatric residential treatment facility beds, in either
829 Alcorn, Tishomingo, Prentiss, Lee, Itawamba, Monroe, Chickasaw,
830 Pontotoc, Calhoun, Lafayette, Union, Benton or Tippah County.

831 (e) Of the total number of beds authorized under this
832 subsection (3) the department shall issue a certificate of need to
833 a privately owned, nonprofit psychiatric residential treatment

834 facility in Hinds County for an eight-bed expansion of the
835 facility, provided that the facility agrees in writing that the
836 facility shall give priority for the use of those eight (8) beds
837 to Mississippi residents who are presently being treated in
838 out-of-state facilities.

839 (f) The department shall issue a certificate of need to
840 a one-hundred-thirty-four-bed specialty hospital located on
841 twenty-nine and forty-four one-hundredths (29.44) commercial acres
842 at 5900 Highway 39 North in Meridian (Lauderdale County),
843 Mississippi, for the addition, construction or expansion of
844 child/adolescent psychiatric residential treatment facility beds
845 in Lauderdale County. As a condition of issuance of the
846 certificate of need under this paragraph, the facility shall give
847 priority in admissions to the child/adolescent psychiatric
848 residential treatment facility beds authorized under this
849 paragraph to patients who otherwise would require out-of-state
850 placement. The Division of Medicaid, in conjunction with the
851 Department of Human Services, shall furnish the facility a list of
852 all out-of-state patients on a quarterly basis. Furthermore,
853 notice shall also be provided to the parent, custodial parent or
854 guardian of each out-of-state patient notifying them of the
855 priority status granted by this paragraph. For purposes of this
856 paragraph, the provisions of Section 41-7-193(1) requiring
857 substantial compliance with the projection of need as reported in
858 the current State Health Plan are waived. The total number of
859 child/adolescent psychiatric residential treatment facility beds

860 that may be authorized under the authority of this paragraph shall
861 be sixty (60) beds. There shall be no prohibition or restrictions
862 on participation in the Medicaid program (Section 43-13-101 et
863 seq.) for the person receiving the certificate of need authorized
864 under this paragraph or for the beds converted pursuant to the
865 authority of that certificate of need.

866 (4) (a) From and after March 25, 2021, the department may
867 issue a certificate of need to any person for the new construction
868 of any hospital, psychiatric hospital or chemical dependency
869 hospital that will contain any child/adolescent psychiatric or
870 child/adolescent chemical dependency beds, or for the conversion
871 of any other health care facility to a hospital, psychiatric
872 hospital or chemical dependency hospital that will contain any
873 child/adolescent psychiatric or child/adolescent chemical
874 dependency beds. There shall be no prohibition or restrictions on
875 participation in the Medicaid program (Section 43-13-101 et seq.)
876 for the person(s) receiving the certificate(s) of need authorized
877 under this paragraph (a) or for the beds converted pursuant to the
878 authority of that certificate of need. In issuing any new
879 certificate of need for any child/adolescent psychiatric or
880 child/adolescent chemical dependency beds, either by new
881 construction or conversion of beds of another category, the
882 department shall give preference to beds which will be located in
883 an area of the state which does not have such beds located in it,
884 and to a location more than sixty-five (65) miles from existing
885 beds. Upon receiving 2020 census data, the department may amend

886 the State Health Plan regarding child/adolescent psychiatric and
887 child/adolescent chemical dependency beds to reflect the need
888 based on new census data.

889 (i) [Deleted]

890 (ii) The department may issue a certificate of
891 need for the conversion of existing beds in a county hospital in
892 Choctaw County from acute care beds to child/adolescent chemical
893 dependency beds. For purposes of this subparagraph (ii), the
894 provisions of Section 41-7-193(1) requiring substantial compliance
895 with the projection of need as reported in the current State
896 Health Plan are waived. The total number of beds that may be
897 authorized under authority of this subparagraph shall not exceed
898 twenty (20) beds. There shall be no prohibition or restrictions
899 on participation in the Medicaid program (Section 43-13-101 et
900 seq.) for the hospital receiving the certificate of need
901 authorized under this subparagraph or for the beds converted
902 pursuant to the authority of that certificate of need.

903 (iii) The department may issue a certificate or
904 certificates of need for the construction or expansion of
905 child/adolescent psychiatric beds or the conversion of other beds
906 to child/adolescent psychiatric beds in Warren County. For
907 purposes of this subparagraph (iii), the provisions of Section
908 41-7-193(1) requiring substantial compliance with the projection
909 of need as reported in the current State Health Plan are waived.
910 The total number of beds that may be authorized under the
911 authority of this subparagraph shall not exceed twenty (20) beds.

912 There shall be no prohibition or restrictions on participation in
913 the Medicaid program (Section 43-13-101 et seq.) for the person
914 receiving the certificate of need authorized under this
915 subparagraph or for the beds converted pursuant to the authority
916 of that certificate of need.

917 If by January 1, 2002, there has been no significant
918 commencement of construction of the beds authorized under this
919 subparagraph (iii), or no significant action taken to convert
920 existing beds to the beds authorized under this subparagraph, then
921 the certificate of need that was previously issued under this
922 subparagraph shall expire. If the previously issued certificate
923 of need expires, the department may accept applications for
924 issuance of another certificate of need for the beds authorized
925 under this subparagraph, and may issue a certificate of need to
926 authorize the construction, expansion or conversion of the beds
927 authorized under this subparagraph.

928 (iv) The department shall issue a certificate of
929 need to the Region 7 Mental Health/Retardation Commission for the
930 construction or expansion of child/adolescent psychiatric beds or
931 the conversion of other beds to child/adolescent psychiatric beds
932 in any of the counties served by the commission. For purposes of
933 this subparagraph (iv), the provisions of Section 41-7-193(1)
934 requiring substantial compliance with the projection of need as
935 reported in the current State Health Plan are waived. The total
936 number of beds that may be authorized under the authority of this
937 subparagraph shall not exceed twenty (20) beds. There shall be no

938 prohibition or restrictions on participation in the Medicaid
939 program (Section 43-13-101 et seq.) for the person receiving the
940 certificate of need authorized under this subparagraph or for the
941 beds converted pursuant to the authority of that certificate of
942 need.

943 (v) The department may issue a certificate of need
944 to any county hospital located in Leflore County for the
945 construction or expansion of adult psychiatric beds or the
946 conversion of other beds to adult psychiatric beds, not to exceed
947 twenty (20) beds, provided that the recipient of the certificate
948 of need agrees in writing that the adult psychiatric beds will not
949 at any time be certified for participation in the Medicaid program
950 and that the hospital will not admit or keep any patients who are
951 participating in the Medicaid program in any of such adult
952 psychiatric beds. This written agreement by the recipient of the
953 certificate of need shall be fully binding on any subsequent owner
954 of the hospital if the ownership of the hospital is transferred at
955 any time after the issuance of the certificate of need. Agreement
956 that the adult psychiatric beds will not be certified for
957 participation in the Medicaid program shall be a condition of the
958 issuance of a certificate of need to any person under this
959 subparagraph (v), and if such hospital at any time after the
960 issuance of the certificate of need, regardless of the ownership
961 of the hospital, has any of such adult psychiatric beds certified
962 for participation in the Medicaid program or admits or keeps any
963 Medicaid patients in such adult psychiatric beds, the State

964 Department of Health shall revoke the certificate of need, if it
965 is still outstanding, and shall deny or revoke the license of the
966 hospital at the time that the department determines, after a
967 hearing complying with due process, that the hospital has failed
968 to comply with any of the conditions upon which the certificate of
969 need was issued, as provided in this subparagraph and in the
970 written agreement by the recipient of the certificate of need.

971 (vi) The department may issue a certificate or
972 certificates of need for the expansion of child psychiatric beds
973 or the conversion of other beds to child psychiatric beds at the
974 University of Mississippi Medical Center. For purposes of this
975 subparagraph (vi), the provisions of Section 41-7-193(1) requiring
976 substantial compliance with the projection of need as reported in
977 the current State Health Plan are waived. The total number of
978 beds that may be authorized under the authority of this
979 subparagraph shall not exceed fifteen (15) beds. There shall be
980 no prohibition or restrictions on participation in the Medicaid
981 program (Section 43-13-101 et seq.) for the hospital receiving the
982 certificate of need authorized under this subparagraph or for the
983 beds converted pursuant to the authority of that certificate of
984 need.

985 (b) From and after July 1, 1990, no hospital,
986 psychiatric hospital or chemical dependency hospital shall be
987 authorized to add any child/adolescent psychiatric or
988 child/adolescent chemical dependency beds or convert any beds of
989 another category to child/adolescent psychiatric or

990 child/adolescent chemical dependency beds without a certificate of
991 need under the authority of subsection (1)(c) and subsection
992 (4)(a) of this section.

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

996 (6) The State Department of Health shall issue a certificate
997 of need to a Mississippi corporation qualified to manage a
998 long-term care hospital as defined in Section 41-7-173(h)(xii) in
999 Harrison County, not to exceed eighty (80) beds, including any
1000 necessary renovation or construction required for licensure and
1001 certification, provided that the recipient of the certificate of
1002 need agrees in writing that the long-term care hospital will not
1003 at any time participate in the Medicaid program (Section 43-13-101
1004 et seq.) or admit or keep any patients in the long-term care
1005 hospital who are participating in the Medicaid program. This
1006 written agreement by the recipient of the certificate of need
1007 shall be fully binding on any subsequent owner of the long-term
1008 care hospital, if the ownership of the facility is transferred at
1009 any time after the issuance of the certificate of need. Agreement
1010 that the long-term care hospital will not participate in the
1011 Medicaid program shall be a condition of the issuance of a
1012 certificate of need to any person under this subsection (6), and
1013 if such long-term care hospital at any time after the issuance of
1014 the certificate of need, regardless of the ownership of the
1015 facility, participates in the Medicaid program or admits or keeps

1016 any patients in the facility who are participating in the Medicaid
1017 program, the State Department of Health shall revoke the
1018 certificate of need, if it is still outstanding, and shall deny or
1019 revoke the license of the long-term care hospital, at the time
1020 that the department determines, after a hearing complying with due
1021 process, that the facility has failed to comply with any of the
1022 conditions upon which the certificate of need was issued, as
1023 provided in this subsection and in the written agreement by the
1024 recipient of the certificate of need. For purposes of this
1025 subsection, the provisions of Section 41-7-193(1) requiring
1026 substantial compliance with the projection of need as reported in
1027 the current State Health Plan are waived.

1028 (7) The State Department of Health may issue a certificate
1029 of need to any hospital in the state to utilize a portion of its
1030 beds for the "swing-bed" concept. Any such hospital must be in
1031 conformance with the federal regulations regarding such swing-bed
1032 concept at the time it submits its application for a certificate
1033 of need to the State Department of Health, except that such
1034 hospital may have more licensed beds or a higher average daily
1035 census (ADC) than the maximum number specified in federal
1036 regulations for participation in the swing-bed program. Any
1037 hospital meeting all federal requirements for participation in the
1038 swing-bed program which receives such certificate of need shall
1039 render services provided under the swing-bed concept to any
1040 patient eligible for Medicare (Title XVIII of the Social Security
1041 Act) who is certified by a physician to be in need of such

1042 services, and no such hospital shall permit any patient who is
1043 eligible for both Medicaid and Medicare or eligible only for
1044 Medicaid to stay in the swing beds of the hospital for more than
1045 thirty (30) days per admission unless the hospital receives prior
1046 approval for such patient from the Division of Medicaid, Office of
1047 the Governor. Any hospital having more licensed beds or a higher
1048 average daily census (ADC) than the maximum number specified in
1049 federal regulations for participation in the swing-bed program
1050 which receives such certificate of need shall develop a procedure
1051 to ensure that before a patient is allowed to stay in the swing
1052 beds of the hospital, there are no vacant nursing home beds
1053 available for that patient located within a fifty-mile radius of
1054 the hospital. When any such hospital has a patient staying in the
1055 swing beds of the hospital and the hospital receives notice from a
1056 nursing home located within such radius that there is a vacant bed
1057 available for that patient, the hospital shall transfer the
1058 patient to the nursing home within a reasonable time after receipt
1059 of the notice. Any hospital which is subject to the requirements
1060 of the two (2) preceding sentences of this subsection may be
1061 suspended from participation in the swing-bed program for a
1062 reasonable period of time by the State Department of Health if the
1063 department, after a hearing complying with due process, determines
1064 that the hospital has failed to comply with any of those
1065 requirements.

1066 (8) The Department of Health shall not grant approval for or
1067 issue a certificate of need to any person proposing the new

1068 construction of, addition to or expansion of a health care
1069 facility as defined in subparagraph (viii) of Section 41-7-173(h),
1070 except as hereinafter provided: The department may issue a
1071 certificate of need to a nonprofit corporation located in Madison
1072 County, Mississippi, for the construction, expansion or conversion
1073 of not more than twenty (20) beds in a community living program
1074 for developmentally disabled adults in a facility as defined in
1075 subparagraph (viii) of Section 41-7-173(h). For purposes of this
1076 subsection (8), the provisions of Section 41-7-193(1) requiring
1077 substantial compliance with the projection of need as reported in
1078 the current State Health Plan and the provisions of Section
1079 41-7-197 requiring a formal certificate of need hearing process
1080 are waived. There shall be no prohibition or restrictions on
1081 participation in the Medicaid program for the person receiving the
1082 certificate of need authorized under this subsection (8).

1083 (9) The Department of Health shall not grant approval for or
1084 issue a certificate of need to any person proposing the
1085 establishment of, or expansion of the currently approved territory
1086 of, or the contracting to establish a home office, subunit or
1087 branch office within the space operated as a health care facility
1088 as defined in Section 41-7-173(h) (i) through (viii) by a health
1089 care facility as defined in subparagraph (ix) of Section
1090 41-7-173(h).

1091 (10) Health care facilities owned and/or operated by the
1092 state or its agencies are exempt from the restraints in this
1093 section against issuance of a certificate of need if such addition

1094 or expansion consists of repairing or renovation necessary to
1095 comply with the state licensure law. This exception shall not
1096 apply to the new construction of any building by such state
1097 facility. This exception shall not apply to any health care
1098 facilities owned and/or operated by counties, municipalities,
1099 districts, unincorporated areas, other defined persons, or any
1100 combination thereof.

1101 (11) The new construction, renovation or expansion of or
1102 addition to any health care facility defined in subparagraph (ii)
1103 (psychiatric hospital), subparagraph (iv) (skilled nursing
1104 facility), subparagraph (vi) (intermediate care facility),
1105 subparagraph (viii) (intermediate care facility for the mentally
1106 retarded) and subparagraph (x) (psychiatric residential treatment
1107 facility) of Section 41-7-173(h) which is owned by the State of
1108 Mississippi and under the direction and control of the State
1109 Department of Mental Health, and the addition of new beds or the
1110 conversion of beds from one category to another in any such
1111 defined health care facility which is owned by the State of
1112 Mississippi and under the direction and control of the State
1113 Department of Mental Health, shall not require the issuance of a
1114 certificate of need under Section 41-7-171 et seq.,
1115 notwithstanding any provision in Section 41-7-171 et seq. to the
1116 contrary.

1117 (12) The new construction, renovation or expansion of or
1118 addition to any veterans homes or domiciliaries for eligible
1119 veterans of the State of Mississippi as authorized under Section

1120 35-1-19 shall not require the issuance of a certificate of need,
1121 notwithstanding any provision in Section 41-7-171 et seq. to the
1122 contrary.

1123 (13) The repair or the rebuilding of an existing, operating
1124 health care facility that sustained significant damage from a
1125 natural disaster that occurred after April 15, 2014, in an area
1126 that is proclaimed a disaster area or subject to a state of
1127 emergency by the Governor or by the President of the United States
1128 shall be exempt from all of the requirements of the Mississippi
1129 Certificate of Need Law (Section 41-7-171 et seq.) and any and all
1130 rules and regulations promulgated under that law, subject to the
1131 following conditions:

1132 (a) The repair or the rebuilding of any such damaged
1133 health care facility must be within one (1) mile of the
1134 pre-disaster location of the campus of the damaged health care
1135 facility, except that any temporary post-disaster health care
1136 facility operating location may be within five (5) miles of the
1137 pre-disaster location of the damaged health care facility;

1138 (b) The repair or the rebuilding of the damaged health
1139 care facility (i) does not increase or change the complement of
1140 its bed capacity that it had before the Governor's or the
1141 President's proclamation, (ii) does not increase or change its
1142 levels and types of health care services that it provided before
1143 the Governor's or the President's proclamation, and (iii) does not
1144 rebuild in a different county; however, this paragraph does not
1145 restrict or prevent a health care facility from decreasing its bed

1146 capacity that it had before the Governor's or the President's
1147 proclamation, or from decreasing the levels of or decreasing or
1148 eliminating the types of health care services that it provided
1149 before the Governor's or the President's proclamation, when the
1150 damaged health care facility is repaired or rebuilt;

1151 (c) The exemption from Certificate of Need Law provided
1152 under this subsection (13) is valid for only five (5) years from
1153 the date of the Governor's or the President's proclamation. If
1154 actual construction has not begun within that five-year period,
1155 the exemption provided under this subsection is inapplicable; and

1156 (d) The Division of Health Facilities Licensure and
1157 Certification of the State Department of Health shall provide the
1158 same oversight for the repair or the rebuilding of the damaged
1159 health care facility that it provides to all health care facility
1160 construction projects in the state.

1161 For the purposes of this subsection (13), "significant
1162 damage" to a health care facility means damage to the health care
1163 facility requiring an expenditure of at least One Million Dollars
1164 (\$1,000,000.00).

1165 (14) The State Department of Health shall issue a
1166 certificate of need to any hospital which is currently licensed
1167 for two hundred fifty (250) or more acute care beds and is located
1168 in any general hospital service area not having a comprehensive
1169 cancer center, for the establishment and equipping of such a
1170 center which provides facilities and services for outpatient
1171 radiation oncology therapy, outpatient medical oncology therapy,

1172 and appropriate support services including the provision of
1173 radiation therapy services. The provisions of Section 41-7-193(1)
1174 regarding substantial compliance with the projection of need as
1175 reported in the current State Health Plan are waived for the
1176 purpose of this subsection.

1177 (15) The State Department of Health may authorize the
1178 transfer of hospital beds, not to exceed sixty (60) beds, from the
1179 North Panola Community Hospital to the South Panola Community
1180 Hospital. The authorization for the transfer of those beds shall
1181 be exempt from the certificate of need review process.

1182 (16) The State Department of Health shall issue any
1183 certificates of need necessary for Mississippi State University
1184 and a public or private health care provider to jointly acquire
1185 and operate a linear accelerator and a magnetic resonance imaging
1186 unit. Those certificates of need shall cover all capital
1187 expenditures related to the project between Mississippi State
1188 University and the health care provider, including, but not
1189 limited to, the acquisition of the linear accelerator, the
1190 magnetic resonance imaging unit and other radiological modalities;
1191 the offering of linear accelerator and magnetic resonance imaging
1192 services; and the cost of construction of facilities in which to
1193 locate these services. The linear accelerator and the magnetic
1194 resonance imaging unit shall be (a) located in the City of
1195 Starkville, Oktibbeha County, Mississippi; (b) operated jointly by
1196 Mississippi State University and the public or private health care
1197 provider selected by Mississippi State University through a

1198 request for proposals (RFP) process in which Mississippi State
1199 University selects, and the Board of Trustees of State
1200 Institutions of Higher Learning approves, the health care provider
1201 that makes the best overall proposal; (c) available to Mississippi
1202 State University for research purposes two-thirds (2/3) of the
1203 time that the linear accelerator and magnetic resonance imaging
1204 unit are operational; and (d) available to the public or private
1205 health care provider selected by Mississippi State University and
1206 approved by the Board of Trustees of State Institutions of Higher
1207 Learning one-third (1/3) of the time for clinical, diagnostic and
1208 treatment purposes. For purposes of this subsection, the
1209 provisions of Section 41-7-193(1) requiring substantial compliance
1210 with the projection of need as reported in the current State
1211 Health Plan are waived.

1212 (17) The State Department of Health shall issue a
1213 certificate of need for the construction of an acute care hospital
1214 in Kemper County, not to exceed twenty-five (25) beds, which shall
1215 be named the "John C. Stennis Memorial Hospital." In issuing the
1216 certificate of need under this subsection, the department shall
1217 give priority to a hospital located in Lauderdale County that has
1218 two hundred fifteen (215) beds. For purposes of this subsection,
1219 the provisions of Section 41-7-193(1) requiring substantial
1220 compliance with the projection of need as reported in the current
1221 State Health Plan and the provisions of Section 41-7-197 requiring
1222 a formal certificate of need hearing process are waived. There
1223 shall be no prohibition or restrictions on participation in the

1224 Medicaid program (Section 43-13-101 et seq.) for the person or
1225 entity receiving the certificate of need authorized under this
1226 subsection or for the beds constructed under the authority of that
1227 certificate of need.

1228 (18) The planning, design, construction, renovation,
1229 addition, furnishing and equipping of a clinical research unit at
1230 any health care facility defined in Section 41-7-173(h) that is
1231 under the direction and control of the University of Mississippi
1232 Medical Center and located in Jackson, Mississippi, and the
1233 addition of new beds or the conversion of beds from one (1)
1234 category to another in any such clinical research unit, shall not
1235 require the issuance of a certificate of need under Section
1236 41-7-171 et seq., notwithstanding any provision in Section
1237 41-7-171 et seq. to the contrary.

1238 (19) [Repealed]

1239 (20) Nothing in this section or in any other provision of
1240 Section 41-7-171 et seq. shall prevent any nursing facility from
1241 designating an appropriate number of existing beds in the facility
1242 as beds for providing care exclusively to patients with
1243 Alzheimer's disease.

1244 (21) Nothing in this section or any other provision of
1245 Section 41-7-171 et seq. shall prevent any health care facility
1246 from the new construction, renovation, conversion or expansion of
1247 new beds in the facility designated as intensive care units,
1248 negative pressure rooms, or isolation rooms pursuant to the
1249 provisions of Sections 41-14-1 through 41-14-11, or from

1250 expansions of hospital facilities that are funded or reimbursed by
1251 the grant program established under Section 1 of this act. For
1252 purposes of this subsection, the provisions of Section 41-7-193(1)
1253 requiring substantial compliance with the projection of need as
1254 reported in the current State Health Plan and the provisions of
1255 Section 41-7-197 requiring a formal certificate of need hearing
1256 process are waived.

1257 **SECTION 3.** This act shall take effect and be in force from
1258 and after July 1, 2022, and shall stand repealed on June 30, 2022.

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

1 AN ACT TO DIRECT THE STATE DEPARTMENT OF HEALTH TO ESTABLISH
2 A GRANT PROGRAM FOR HOSPITALS FOR EXPANSIONS OF THE HOSPITAL
3 FACILITIES THAT INCREASE THE CAPACITY OF THE HOSPITAL BECAUSE OF
4 THE NEED FOR MORE CAPACITY TO PROVIDE TREATMENT AND CARE FOR THE
5 GREATER NUMBER OF PATIENTS WHO HAVE COVID-19; TO PROVIDE THAT
6 GRANTS UNDER THE PROGRAM MAY BE USED BY HOSPITALS FOR HOSPITAL
7 EXPANSIONS THAT ARE MADE ON OR AFTER THE EFFECTIVE DATE OF THIS
8 ACT OR AS REIMBURSEMENT FOR THE EXPENSES INCURRED BY HOSPITALS FOR
9 EXPANSIONS THAT WERE MADE BEFORE THE EFFECTIVE DATE OF THIS ACT;
10 TO AMEND SECTION 41-7-191, MISSISSIPPI CODE OF 1972, TO EXEMPT
11 EXPANSIONS OF HOSPITALS THAT ARE FUNDED OR REIMBURSED BY THE GRANT
12 PROGRAM FROM THE PROVISIONS OF THE HEALTH CARE CERTIFICATE OF NEED
13 LAW; AND FOR RELATED PURPOSES.

HR26\SB2820A.J

Andrew Ketchings
Clerk of the House of Representatives