

**Adopted
AMENDMENT NO 1 PROPOSED TO**

Cmte Sub for House Bill No. 848

BY: Representative Yancey

1 **AMEND** by inserting the following new Section 3 and
2 renumbering the succeeding sections:

3 **"SECTION 3.** Section 41-7-193, Mississippi Code of 1972, is
4 amended as follows:

5 41-7-193. (1) No person may enter into any financing
6 arrangement or commitment for financing a new institutional health
7 service or any other project requiring a certificate of need
8 unless such certificate has been granted for such purpose. A
9 certificate of need shall not be granted or issued to any person
10 for any proposal, cause or reason, unless the proposal has been
11 reviewed for consistency with the specifications and the criteria
12 established by the State Department of Health and substantially
13 complies with the * * * projected need and with the applicable



14 criteria and standards presented in the state health plan in
15 effect at the time the application for the proposal was submitted.

16 (2) The department shall disapprove any application for a
17 certificate of need:

18 (a) That does not substantially comply with the
19 projected need or with applicable criteria and standards presented
20 in the state health plan;

21 (b) That fails to confirm that the applicant will
22 provide a reasonable amount of indigent care, or if the
23 applicant's admission policies deny or discourage access to care
24 by indigent patients; or

25 (c) If such approval would have a significant adverse
26 effect on the ability of an existing facility or service to
27 provide indigent care.

28 (3) (a) The department may use a variety of statistical
29 methodologies, including, but not limited to, market share
30 analysis or patient origin data to determine substantial
31 compliance with projected need and with applicable criteria and
32 standards in the state health plan.

33 (b) For the purpose of subsection (2) of this section,
34 a reasonable amount of indigent care is an amount that is
35 comparable to the amount of such care offered by other providers
36 of the requested service within the same, or proximate, geographic
37 area. The State Health Officer shall determine whether the amount



38 of indigent care provided or proposed to be offered by an
39 applicant is reasonable.

40 (4) An application for a certificate of need for an
41 institutional health service, medical equipment or any proposal
42 requiring a certificate of need shall specify the time, within
43 that granted, such shall be functional or operational according to
44 a time schedule submitted with the application. Each certificate
45 of need shall specify the maximum amount of capital expenditure
46 that may be obligated. The State Department of Health shall
47 periodically review the progress and time schedule of any person
48 issued or granted a certificate of need for any purpose.

49 (* * *5) An application for a certificate of need may be
50 filed at any time with the department after the applicant has
51 given the department fifteen (15) days' written notice of its
52 intent to apply for a certificate of need. The department shall
53 not delay review of an application. The department shall make its
54 recommendation approving or disapproving a complete application
55 within forty-five (45) days of the date the application was filed
56 or within fifteen (15) days of receipt of any requested
57 information, whichever is later, * * * the request to be made by
58 the department within fifteen (15) days of the filing of the
59 application."

60 **AMEND further** the title by inserting the following after the
61 semicolon on line 6: "TO AMEND SECTION 41-7-193, MISSISSIPPI CODE
62 OF 1972, TO PROVIDE THAT THE STATE DEPARTMENT OF HEALTH SHALL



63 DISAPPROVE ANY APPLICATION FOR A CERTIFICATE OF NEED THAT FAILS TO
64 CONFIRM THAT THE APPLICANT WILL PROVIDE A REASONABLE AMOUNT OF
65 INDIGENT CARE, OR IF THE APPLICANT'S ADMISSION POLICIES DENY OR
66 DISCOURAGE ACCESS TO CARE BY INDIGENT PATIENTS, OR IF SUCH
67 APPROVAL WOULD HAVE A SIGNIFICANT ADVERSE EFFECT ON THE ABILITY OF
68 AN EXISTING FACILITY OR SERVICE TO PROVIDE INDIGENT CARE; TO
69 PROVIDE THAT A REASONABLE AMOUNT OF INDIGENT CARE IS AN AMOUNT
70 THAT IS COMPARABLE TO THE AMOUNT OF SUCH CARE OFFERED BY OTHER
71 PROVIDERS OF THE REQUESTED SERVICE WITHIN THE SAME, OR PROXIMATE,
72 GEOGRAPHIC AREA;

