

By: Representative Barton

To: Public Health and Human
Services

HOUSE BILL NO. 587

1 AN ACT TO AMEND SECTIONS 41-7-173 AND 41-7-191, MISSISSIPPI
2 CODE OF 1972, TO REMOVE INTERMEDIATE CARE FACILITIES FOR
3 INDIVIDUALS WITH INTELLECTUAL DISABILITIES FROM THE HEALTH CARE
4 CERTIFICATE OF NEED LAW; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 41-7-173, Mississippi Code of 1972, is
7 amended as follows:

8 41-7-173. For the purposes of Section 41-7-171 et seq., the
9 following words shall have the meanings ascribed herein, unless
10 the context otherwise requires:

11 (a) "Affected person" means (i) the applicant; (ii) a
12 person residing within the geographic area to be served by the
13 applicant's proposal; (iii) a person who regularly uses health
14 care facilities or HMOs located in the geographic area of the
15 proposal which provide similar service to that which is proposed;
16 (iv) health care facilities and HMOs which have, prior to receipt
17 of the application under review, formally indicated an intention
18 to provide service similar to that of the proposal being
19 considered at a future date; (v) third-party payers who reimburse



20 health care facilities located in the geographical area of the
21 proposal; or (vi) any agency that establishes rates for health
22 care services or HMOs located in the geographic area of the
23 proposal.

24 (b) "Certificate of need" means a written order of the
25 State Department of Health setting forth the affirmative finding
26 that a proposal in prescribed application form, sufficiently
27 satisfies the plans, standards and criteria prescribed for such
28 service or other project by Section 41-7-171 et seq., and by rules
29 and regulations promulgated thereunder by the State Department of
30 Health.

31 (c) (i) "Capital expenditure," when pertaining to
32 defined major medical equipment, shall mean an expenditure which,
33 under generally accepted accounting principles consistently
34 applied, is not properly chargeable as an expense of operation and
35 maintenance and which exceeds One Million Five Hundred Thousand
36 Dollars (\$1,500,000.00).

37 (ii) "Capital expenditure," when pertaining to
38 other than major medical equipment, shall mean any expenditure
39 which under generally accepted accounting principles consistently
40 applied is not properly chargeable as an expense of operation and
41 maintenance and which exceeds, for clinical health services, as
42 defined in paragraph (k) below, Five Million Dollars
43 (\$5,000,000.00), adjusted for inflation as published by the State
44 Department of Health or which exceeds, for nonclinical health



services, as defined in paragraph (k) below, Ten Million Dollars (\$10,000,000.00), adjusted for inflation as published by the State Department of Health.

(iii) A "capital expenditure" shall include the acquisition, whether by lease, sufferance, gift, devise, legacy, settlement of a trust or other means, of any facility or part thereof, or equipment for a facility, the expenditure for which would have been considered a capital expenditure if acquired by purchase. Transactions which are separated in time but are planned to be undertaken within twelve (12) months of each other and are components of an overall plan for meeting patient care objectives shall, for purposes of this definition, be viewed in their entirety without regard to their timing.

(iv) In those instances where a health care facility or other provider of health services proposes to provide a service in which the capital expenditure for major medical equipment or other than major medical equipment or a combination of the two (2) may have been split between separate parties, the total capital expenditure required to provide the proposed service shall be considered in determining the necessity of certificate of need review and in determining the appropriate certificate of need review fee to be paid. The capital expenditure associated with facilities and equipment to provide services in Mississippi shall be considered regardless of where the capital expenditure was made, in state or out of state, and regardless of the domicile of



70 the party making the capital expenditure, in state or out of
71 state.

72 (d) "Change of ownership" includes, but is not limited
73 to, inter vivos gifts, purchases, transfers, lease arrangements,
74 cash and/or stock transactions or other comparable arrangements
75 whenever any person or entity acquires or controls a majority
76 interest of an existing health care facility, and/or the change of
77 ownership of major medical equipment, a health service, or an
78 institutional health service. Changes of ownership from
79 partnerships, single proprietorships or corporations to another
80 form of ownership are specifically included. However, "change of
81 ownership" shall not include any inherited interest acquired as a
82 result of a testamentary instrument or under the laws of descent
83 and distribution of the State of Mississippi.

84 (e) "Commencement of construction" means that all of
85 the following have been completed with respect to a proposal or
86 project proposing construction, renovating, remodeling or
87 alteration:

88 (i) A legally binding written contract has been
89 consummated by the proponent and a lawfully licensed contractor to
90 construct and/or complete the intent of the proposal within a
91 specified period of time in accordance with final architectural
92 plans which have been approved by the licensing authority of the
93 State Department of Health;



94 (ii) Any and all permits and/or approvals deemed
95 lawfully necessary by all authorities with responsibility for such
96 have been secured; and

97 (iii) Actual bona fide undertaking of the subject
98 proposal has commenced, and a progress payment of at least one
99 percent (1%) of the total cost price of the contract has been paid
100 to the contractor by the proponent, and the requirements of this
101 paragraph (e) have been certified to in writing by the State
102 Department of Health.

103 Force account expenditures, such as deposits, securities,
104 bonds, et cetera, may, in the discretion of the State Department
105 of Health, be excluded from any or all of the provisions of
106 defined commencement of construction.

107 (f) "Consumer" means an individual who is not a
108 provider of health care as defined in paragraph (q) of this
109 section.

110 (g) "Develop," when used in connection with health
111 services, means to undertake those activities which, on their
112 completion, will result in the offering of a new institutional
113 health service or the incurring of a financial obligation as
114 defined under applicable state law in relation to the offering of
115 such services.

116 (h) "Health care facility" includes hospitals,
117 psychiatric hospitals, chemical dependency hospitals, skilled
118 nursing facilities, end-stage renal disease (ESRD) facilities,



119 including freestanding hemodialysis units, intermediate care
120 facilities, ambulatory surgical facilities, * * * home health
121 agencies, psychiatric residential treatment facilities, pediatric
122 skilled nursing facilities, long-term care hospitals,
123 comprehensive medical rehabilitation facilities, including
124 facilities owned or operated by the state or a political
125 subdivision or instrumentality of the state, but does not include
126 Christian Science sanatoriums operated or listed and certified by
127 the First Church of Christ, Scientist, Boston, Massachusetts.
128 This definition shall not apply to facilities for the private
129 practice, either independently or by incorporated medical groups,
130 of physicians, dentists or health care professionals except where
131 such facilities are an integral part of an institutional health
132 service. The various health care facilities listed in this
133 paragraph shall be defined as follows:

134 (i) "Hospital" means an institution which is
135 primarily engaged in providing to inpatients, by or under the
136 supervision of physicians, diagnostic services and therapeutic
137 services for medical diagnosis, treatment and care of injured,
138 disabled or sick persons, or rehabilitation services for the
139 rehabilitation of injured, disabled or sick persons. Such term
140 does not include psychiatric hospitals.

141 (ii) "Psychiatric hospital" means an institution
142 which is primarily engaged in providing to inpatients, by or under



the supervision of a physician, psychiatric services for the diagnosis and treatment of persons with mental illness.

(iii) "Chemical dependency hospital" means an institution which is primarily engaged in providing to inpatients, by or under the supervision of a physician, medical and related services for the diagnosis and treatment of chemical dependency such as alcohol and drug abuse.

(iv) "Skilled nursing facility" means an institution or a distinct part of an institution which is primarily engaged in providing to inpatients skilled nursing care and related services for patients who require medical or nursing care or rehabilitation services for the rehabilitation of injured, disabled or sick persons.

(v) "End-stage renal disease (ESRD) facilities" means kidney disease treatment centers, which includes freestanding hemodialysis units and limited care facilities. The term "limited care facility" generally refers to an off-hospital-premises facility, regardless of whether it is provider or nonprovider operated, which is engaged primarily in furnishing maintenance hemodialysis services to stabilized patients.

(vi) "Intermediate care facility" means an institution which provides, on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or skilled nursing facility is



designed to provide, but who, because of their mental or physical condition, require health-related care and services (above the level of room and board).

(vii) "Ambulatory surgical facility" means a facility primarily organized or established for the purpose of performing surgery for outpatients and is a separate identifiable legal entity from any other health care facility. Such term does not include the offices of private physicians or dentists, whether for individual or group practice, and does not include any abortion facility as defined in Section 41-75-1(f).

(viii) * * * [Deleted]

(ix) "Home health agency" means a public or privately owned agency or organization, or a subdivision of such an agency or organization, properly authorized to conduct business in Mississippi, which is primarily engaged in providing to individuals at the written direction of a licensed physician, in the individual's place of residence, skilled nursing services provided by or under the supervision of a registered nurse licensed to practice in Mississippi, and one or more of the following services or items:

1. Physical, occupational or speech therapy;
2. Medical social services;
3. Part-time or intermittent services of a home health aide;



192 4. Other services as approved by the
193 licensing agency for home health agencies;

194 5. Medical supplies, other than drugs and
195 biologicals, and the use of medical appliances; or

196 6. Medical services provided by an intern or
197 resident-in-training at a hospital under a teaching program of
198 such hospital.

199 Further, all skilled nursing services and those services
200 listed in items 1 through 4 of this subparagraph (ix) must be
201 provided directly by the licensed home health agency. For
202 purposes of this subparagraph, "directly" means either through an
203 agency employee or by an arrangement with another individual not
204 defined as a health care facility.

205 This subparagraph (ix) shall not apply to health care
206 facilities which had contracts for the above services with a home
207 health agency on January 1, 1990.

208 (x) "Psychiatric residential treatment facility"
209 means any nonhospital establishment with permanent licensed
210 facilities which provides a twenty-four-hour program of care by
211 qualified therapists, including, but not limited to, duly licensed
212 mental health professionals, psychiatrists, psychologists,
213 psychotherapists and licensed certified social workers, for
214 emotionally disturbed children and adolescents referred to such
215 facility by a court, local school district or by the Department of
216 Human Services, who are not in an acute phase of illness requiring



the services of a psychiatric hospital, and are in need of such restorative treatment services. For purposes of this subparagraph, the term "emotionally disturbed" means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance:

1. An inability to learn which cannot be explained by intellectual, sensory or health factors;

2. An inability to build or maintain satisfactory relationships with peers and teachers;

3. Inappropriate types of behavior or feelings under normal circumstances;

4. A general pervasive mood of unhappiness or depression; or

5. A tendency to develop physical symptoms or fears associated with personal or school problems. An establishment furnishing primarily domiciliary care is not within this definition.

(xi) "Pediatric skilled nursing facility" means an institution or a distinct part of an institution that is primarily engaged in providing to inpatients skilled nursing care and related services for persons under twenty-one (21) years of age who require medical or nursing care or rehabilitation services for the rehabilitation of injured, disabled or sick persons.



241 (xii) "Long-term care hospital" means a
242 freestanding, Medicare-certified hospital that has an average
243 length of inpatient stay greater than twenty-five (25) days, which
244 is primarily engaged in providing chronic or long-term medical
245 care to patients who do not require more than three (3) hours of
246 rehabilitation or comprehensive rehabilitation per day, and has a
247 transfer agreement with an acute care medical center and a
248 comprehensive medical rehabilitation facility. Long-term care
249 hospitals shall not use rehabilitation, comprehensive medical
250 rehabilitation, medical rehabilitation, sub-acute rehabilitation,
251 nursing home, skilled nursing facility or sub-acute care facility
252 in association with its name.

253 (xiii) "Comprehensive medical rehabilitation
254 facility" means a hospital or hospital unit that is licensed
255 and/or certified as a comprehensive medical rehabilitation
256 facility which provides specialized programs that are accredited
257 by the Commission on Accreditation of Rehabilitation Facilities
258 and supervised by a physician board certified or board eligible in
259 physiatry or other doctor of medicine or osteopathy with at least
260 two (2) years of training in the medical direction of a
261 comprehensive rehabilitation program that:

- 262 1. Includes evaluation and treatment of
263 individuals with physical disabilities;
- 264 2. Emphasizes education and training of
265 individuals with disabilities;



266 3. Incorporates at least the following core
267 disciplines:

- 268 a. Physical Therapy;
- 269 b. Occupational Therapy;
- 270 c. Speech and Language Therapy;
- 271 d. Rehabilitation Nursing; and

272 4. Incorporates at least three (3) of the
273 following disciplines:

- 274 a. Psychology;
- 275 b. Audiology;
- 276 c. Respiratory Therapy;
- 277 d. Therapeutic Recreation;
- 278 e. Orthotics;
- 279 f. Prosthetics;
- 280 g. Special Education;
- 281 h. Vocational Rehabilitation;
- 282 i. Psychotherapy;
- 283 j. Social Work;
- 284 k. Rehabilitation Engineering.

285 These specialized programs include, but are not limited to:
286 spinal cord injury programs, head injury programs and infant and
287 early childhood development programs.

288 (i) "Health maintenance organization" or "HMO" means a
289 public or private organization organized under the laws of this
290 state or the federal government which:



(i) Provides or otherwise makes available to enrolled participants health care services, including substantially the following basic health care services: usual physician services, hospitalization, laboratory, x-ray, emergency and preventive services, and out-of-area coverage;

(ii) Is compensated (except for copayments) for the provision of the basic health care services listed in subparagraph (i) of this paragraph to enrolled participants on a predetermined basis; and

(iii) Provides physician services primarily:

1. Directly through physicians who are either employees or partners of such organization; or
2. Through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

(j) "Health service area" means a geographic area of the state designated in the State Health Plan as the area to be used in planning for specified health facilities and services and to be used when considering certificate of need applications to provide health facilities and services.

(k) "Health services" means clinically related (i.e., diagnostic, treatment or rehabilitative) services and includes alcohol, drug abuse, mental health and home health care services. "Clinical health services" shall only include those activities which contemplate any change in the existing bed complement of any



health care facility through the addition or conversion of any beds, under Section 41-7-191(1)(c) or propose to offer any health services if those services have not been provided on a regular basis by the proposed provider of such services within the period of twelve (12) months prior to the time such services would be offered, under Section 41-7-191(1)(d). "Nonclinical health services" shall be all other services which do not involve any change in the existing bed complement or offering health services as described above.

(l) "Institutional health services" shall mean health services provided in or through health care facilities and shall include the entities in or through which such services are provided.

(m) "Major medical equipment" means medical equipment designed for providing medical or any health-related service which costs in excess of One Million Five Hundred Thousand Dollars (\$1,500,000.00). However, this definition shall not be applicable to clinical laboratories if they are determined by the State Department of Health to be independent of any physician's office, hospital or other health care facility or otherwise not so defined by federal or state law, or rules and regulations promulgated thereunder.

(n) "State Department of Health" or "department" shall mean the state agency created under Section 41-3-15, which shall



be considered to be the State Health Planning and Development Agency, as defined in paragraph (u) of this section.

(o) "Offer," when used in connection with health services, means that it has been determined by the State Department of Health that the health care facility is capable of providing specified health services.

(p) "Person" means an individual, a trust or estate, partnership, corporation (including associations, joint-stock companies and insurance companies), the state or a political subdivision or instrumentality of the state.

(q) "Provider" shall mean any person who is a provider or representative of a provider of health care services requiring a certificate of need under Section 41-7-171 et seq., or who has any financial or indirect interest in any provider of services.

(r) "Radiation therapy services" means the treatment of cancer and other diseases using ionizing radiation of either high energy photons (x-rays or gamma rays) or charged particles (electrons, protons or heavy nuclei). However, for purposes of a certificate of need, radiation therapy services shall not include low energy, superficial, external beam x-ray treatment of superficial skin lesions.

(s) "Secretary" means the Secretary of Health and Human Services, and any officer or employee of the Department of Health and Human Services to whom the authority involved has been delegated.



(t) "State Health Plan" means the sole and official statewide health plan for Mississippi which identifies priority state health needs and establishes standards and criteria for health-related activities which require certificate of need review in compliance with Section 41-7-191.

(u) "State Health Planning and Development Agency" means the agency of state government designated to perform health planning and resource development programs for the State of Mississippi.

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

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

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

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



(c) Any change in the existing bed complement of any health care facility through the addition or conversion of any beds or the alteration, modernizing or refurbishing of any unit or department in which the beds may be located; however, if a health care facility has voluntarily delicensed some of its existing bed complement, it may later relicense some or all of its delicensed beds without the necessity of having to acquire a certificate of need. The State Department of Health shall maintain a record of the delicensing health care facility and its voluntarily delicensed beds and continue counting those beds as part of the state's total bed count for health care planning purposes. If a health care facility that has voluntarily delicensed some of its beds later desires to relicense some or all of its voluntarily delicensed beds, it shall notify the State Department of Health of its intent to increase the number of its licensed beds. The State Department of Health shall survey the health care facility within thirty (30) days of that notice and, if appropriate, issue the health care facility a new license reflecting the new contingent of beds. However, in no event may a health care facility that has voluntarily delicensed some of its beds be reissued a license to operate beds in excess of its bed count before the voluntary delicensure of some of its beds without seeking certificate of need approval;

(d) Offering of the following health services if those services have not been provided on a regular basis by the proposed



provider of such services within the period of twelve (12) months prior to the time such services would be offered:

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

(iv) Licensed psychiatric services;
(v) Licensed chemical dependency services;
(vi) Radiation therapy services;
(vii) Diagnostic imaging services of an invasive nature, i.e. invasive digital angiography;

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

(ix) Home health services;
(x) Swing-bed services;
(xi) Ambulatory surgical services;
(xii) Magnetic resonance imaging services;
(xiii) [Deleted]
(xiv) Long-term care hospital services;
(xv) Positron emission tomography (PET) services;

(e) The relocation of one or more health services from one physical facility or site to another physical facility or site, unless such relocation, which does not involve a capital expenditure by or on behalf of a health care facility, (i) is to a physical facility or site within five thousand two hundred eighty



(5,280) feet from the main entrance of the health care facility where the health care service is located, or (ii) is the result of an order of a court of appropriate jurisdiction or a result of pending litigation in such court, or by order of the State Department of Health, or by order of any other agency or legal entity of the state, the federal government, or any political subdivision of either, whose order is also approved by the State Department of Health;

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

(g) Changes of ownership of existing health care facilities in which a notice of intent is not filed with the State Department of Health at least thirty (30) days prior to the date such change of ownership occurs, or a change in services or bed capacity as prescribed in paragraph (c) or (d) of this subsection as a result of the change of ownership; an acquisition for less



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

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

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

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

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

(l) The replacement or relocation of a health care facility designated as a critical access hospital shall be exempt



489 from subsection (1) of this section so long as the critical access
490 hospital complies with all applicable federal law and regulations
491 regarding such replacement or relocation;

492 (m) Reopening a health care facility that has ceased to
493 operate for a period of sixty (60) months or more, which reopening
494 requires a certificate of need for the establishment of a new
495 health care facility.

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

503 (a) The department may issue a certificate of need to
504 any person proposing the new construction of any health care
505 facility defined in subparagraphs (iv) and (vi) of Section
506 41-7-173(h) as part of a life care retirement facility, in any
507 county bordering on the Gulf of Mexico in which is located a
508 National Aeronautics and Space Administration facility, not to
509 exceed forty (40) beds. From and after July 1, 1999, there shall
510 be no prohibition or restrictions on participation in the Medicaid
511 program (Section 43-13-101 et seq.) for the beds in the health
512 care facility that were authorized under this paragraph (a).



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

520 (c) The department may issue a certificate of need for
521 the addition to or expansion of any skilled nursing facility that
522 is part of an existing continuing care retirement community
523 located in Madison County, provided that the recipient of the
524 certificate of need agrees in writing that the skilled nursing
525 facility will not at any time participate in the Medicaid program
526 (Section 43-13-101 et seq.) or admit or keep any patients in the
527 skilled nursing facility who are participating in the Medicaid
528 program. This written agreement by the recipient of the
529 certificate of need shall be fully binding on any subsequent owner
530 of the skilled nursing facility, if the ownership of the facility
531 is transferred at any time after the issuance of the certificate
532 of need. Agreement that the skilled nursing facility will not
533 participate in the Medicaid program shall be a condition of the
534 issuance of a certificate of need to any person under this
535 paragraph (c), and if such skilled nursing facility at any time
536 after the issuance of the certificate of need, regardless of the
537 ownership of the facility, participates in the Medicaid program or



538 admits or keeps any patients in the facility who are participating
539 in the Medicaid program, the State Department of Health shall
540 revoke the certificate of need, if it is still outstanding, and
541 shall deny or revoke the license of the skilled nursing facility,
542 at the time that the department determines, after a hearing
543 complying with due process, that the facility has failed to comply
544 with any of the conditions upon which the certificate of need was
545 issued, as provided in this paragraph and in the written agreement
546 by the recipient of the certificate of need. The total number of
547 beds that may be authorized under the authority of this paragraph
548 (c) shall not exceed sixty (60) beds.

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

557 (e) The State Department of Health may issue a
558 certificate of need for the construction of a nursing facility or
559 the conversion of beds to nursing facility beds at a personal care
560 facility for the elderly in Lowndes County that is owned and
561 operated by a Mississippi nonprofit corporation, not to exceed
562 sixty (60) beds. From and after July 1, 1999, there shall be no



563 prohibition or restrictions on participation in the Medicaid
564 program (Section 43-13-101 et seq.) for the beds in the nursing
565 facility that were authorized under this paragraph (e).

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

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

582 (h) The State Department of Health may issue a
583 certificate of need for the construction or expansion of nursing
584 facility beds or the conversion of other beds to nursing facility
585 beds in either Hancock, Harrison or Jackson County, not to exceed
586 sixty (60) beds. From and after July 1, 1999, there shall be no
587 prohibition or restrictions on participation in the Medicaid



588 program (Section 43-13-101 et seq.) for the beds in the facility
589 that were authorized under this paragraph (h).

590 (i) The department may issue a certificate of need for
591 the new construction of a skilled nursing facility in Leake
592 County, provided that the recipient of the certificate of need
593 agrees in writing that the skilled nursing facility will not at
594 any time participate in the Medicaid program (Section 43-13-101 et
595 seq.) or admit or keep any patients in the skilled nursing
596 facility who are participating in the Medicaid program. This
597 written agreement by the recipient of the certificate of need
598 shall be fully binding on any subsequent owner of the skilled
599 nursing facility, if the ownership of the facility is transferred
600 at any time after the issuance of the certificate of need.

601 Agreement that the skilled nursing facility will not participate
602 in the Medicaid program shall be a condition of the issuance of a
603 certificate of need to any person under this paragraph (i), and if
604 such skilled nursing facility at any time after the issuance of
605 the certificate of need, regardless of the ownership of the
606 facility, participates in the Medicaid program or admits or keeps
607 any patients in the facility who are participating in the Medicaid
608 program, the State Department of Health shall revoke the
609 certificate of need, if it is still outstanding, and shall deny or
610 revoke the license of the skilled nursing facility, at the time
611 that the department determines, after a hearing complying with due
612 process, that the facility has failed to comply with any of the



613 conditions upon which the certificate of need was issued, as
614 provided in this paragraph and in the written agreement by the
615 recipient of the certificate of need. The provision of Section
616 41-7-193(1) regarding substantial compliance of the projection of
617 need as reported in the current State Health Plan is waived for
618 the purposes of this paragraph. The total number of nursing
619 facility beds that may be authorized by any certificate of need
620 issued under this paragraph (i) shall not exceed sixty (60) beds.
621 If the skilled nursing facility authorized by the certificate of
622 need issued under this paragraph is not constructed and fully
623 operational within eighteen (18) months after July 1, 1994, the
624 State Department of Health, after a hearing complying with due
625 process, shall revoke the certificate of need, if it is still
626 outstanding, and shall not issue a license for the skilled nursing
627 facility at any time after the expiration of the eighteen-month
628 period.

629 (j) The department may issue certificates of need to
630 allow any existing freestanding long-term care facility in
631 Tishomingo County and Hancock County that on July 1, 1995, is
632 licensed with fewer than sixty (60) beds. For the purposes of
633 this paragraph (j), the provisions of Section 41-7-193(1)
634 requiring substantial compliance with the projection of need as
635 reported in the current State Health Plan are waived. From and
636 after July 1, 1999, there shall be no prohibition or restrictions
637 on participation in the Medicaid program (Section 43-13-101 et



seq.) for the beds in the long-term care facilities that were authorized under this paragraph (j).

(k) The department may issue a certificate of need for the construction of a nursing facility at a continuing care retirement community in Lowndes County. The total number of beds that may be authorized under the authority of this paragraph (k) shall not exceed sixty (60) beds. From and after July 1, 2001, the prohibition on the facility participating in the Medicaid program (Section 43-13-101 et seq.) that was a condition of issuance of the certificate of need under this paragraph (k) shall be revised as follows: The nursing facility may participate in the Medicaid program from and after July 1, 2001, if the owner of the facility on July 1, 2001, agrees in writing that no more than thirty (30) of the beds at the facility will be certified for participation in the Medicaid program, and that no claim will be submitted for Medicaid reimbursement for more than thirty (30) patients in the facility in any month or for any patient in the facility who is in a bed that is not Medicaid-certified. This written agreement by the owner of the facility shall be a condition of licensure of the facility, and the agreement shall be fully binding on any subsequent owner of the facility if the ownership of the facility is transferred at any time after July 1, 2001. After this written agreement is executed, the Division of Medicaid and the State Department of Health shall not certify more than thirty (30) of the beds in the facility for participation in



663 the Medicaid program. If the facility violates the terms of the
664 written agreement by admitting or keeping in the facility on a
665 regular or continuing basis more than thirty (30) patients who are
666 participating in the Medicaid program, the State Department of
667 Health shall revoke the license of the facility, at the time that
668 the department determines, after a hearing complying with due
669 process, that the facility has violated the written agreement.

670 (l) Provided that funds are specifically appropriated
671 therefor by the Legislature, the department may issue a
672 certificate of need to a rehabilitation hospital in Hinds County
673 for the construction of a sixty-bed long-term care nursing
674 facility dedicated to the care and treatment of persons with
675 severe disabilities including persons with spinal cord and
676 closed-head injuries and ventilator dependent patients. The
677 provisions of Section 41-7-193(1) regarding substantial compliance
678 with projection of need as reported in the current State Health
679 Plan are waived for the purpose of this paragraph.

680 (m) The State Department of Health may issue a
681 certificate of need to a county-owned hospital in the Second
682 Judicial District of Panola County for the conversion of not more
683 than seventy-two (72) hospital beds to nursing facility beds,
684 provided that the recipient of the certificate of need agrees in
685 writing that none of the beds at the nursing facility will be
686 certified for participation in the Medicaid program (Section
687 43-13-101 et seq.), and that no claim will be submitted for



688 Medicaid reimbursement in the nursing facility in any day or for
689 any patient in the nursing facility. This written agreement by
690 the recipient of the certificate of need shall be a condition of
691 the issuance of the certificate of need under this paragraph, and
692 the agreement shall be fully binding on any subsequent owner of
693 the nursing facility if the ownership of the nursing facility is
694 transferred at any time after the issuance of the certificate of
695 need. After this written agreement is executed, the Division of
696 Medicaid and the State Department of Health shall not certify any
697 of the beds in the nursing facility for participation in the
698 Medicaid program. If the nursing facility violates the terms of
699 the written agreement by admitting or keeping in the nursing
700 facility on a regular or continuing basis any patients who are
701 participating in the Medicaid program, the State Department of
702 Health shall revoke the license of the nursing facility, at the
703 time that the department determines, after a hearing complying
704 with due process, that the nursing facility has violated the
705 condition upon which the certificate of need was issued, as
706 provided in this paragraph and in the written agreement. If the
707 certificate of need authorized under this paragraph is not issued
708 within twelve (12) months after July 1, 2001, the department shall
709 deny the application for the certificate of need and shall not
710 issue the certificate of need at any time after the twelve-month
711 period, unless the issuance is contested. If the certificate of
712 need is issued and substantial construction of the nursing



713 facility beds has not commenced within eighteen (18) months after
714 July 1, 2001, the State Department of Health, after a hearing
715 complying with due process, shall revoke the certificate of need
716 if it is still outstanding, and the department shall not issue a
717 license for the nursing facility at any time after the
718 eighteen-month period. However, if the issuance of the
719 certificate of need is contested, the department shall require
720 substantial construction of the nursing facility beds within six
721 (6) months after final adjudication on the issuance of the
722 certificate of need.

723 (n) The department may issue a certificate of need for
724 the new construction, addition or conversion of skilled nursing
725 facility beds in Madison County, provided that the recipient of
726 the certificate of need agrees in writing that the skilled nursing
727 facility will not at any time participate in the Medicaid program
728 (Section 43-13-101 et seq.) or admit or keep any patients in the
729 skilled nursing facility who are participating in the Medicaid
730 program. This written agreement by the recipient of the
731 certificate of need shall be fully binding on any subsequent owner
732 of the skilled nursing facility, if the ownership of the facility
733 is transferred at any time after the issuance of the certificate
734 of need. Agreement that the skilled nursing facility will not
735 participate in the Medicaid program shall be a condition of the
736 issuance of a certificate of need to any person under this
737 paragraph (n), and if such skilled nursing facility at any time



738 after the issuance of the certificate of need, regardless of the
739 ownership of the facility, participates in the Medicaid program or
740 admits or keeps any patients in the facility who are participating
741 in the Medicaid program, the State Department of Health shall
742 revoke the certificate of need, if it is still outstanding, and
743 shall deny or revoke the license of the skilled nursing facility,
744 at the time that the department determines, after a hearing
745 complying with due process, that the facility has failed to comply
746 with any of the conditions upon which the certificate of need was
747 issued, as provided in this paragraph and in the written agreement
748 by the recipient of the certificate of need. The total number of
749 nursing facility beds that may be authorized by any certificate of
750 need issued under this paragraph (n) shall not exceed sixty (60)
751 beds. If the certificate of need authorized under this paragraph
752 is not issued within twelve (12) months after July 1, 1998, the
753 department shall deny the application for the certificate of need
754 and shall not issue the certificate of need at any time after the
755 twelve-month period, unless the issuance is contested. If the
756 certificate of need is issued and substantial construction of the
757 nursing facility beds has not commenced within eighteen (18)
758 months after July 1, 1998, the State Department of Health, after a
759 hearing complying with due process, shall revoke the certificate
760 of need if it is still outstanding, and the department shall not
761 issue a license for the nursing facility at any time after the
762 eighteen-month period. However, if the issuance of the



763 certificate of need is contested, the department shall require
764 substantial construction of the nursing facility beds within six
765 (6) months after final adjudication on the issuance of the
766 certificate of need.

767 (o) The department may issue a certificate of need for
768 the new construction, addition or conversion of skilled nursing
769 facility beds in Leake County, provided that the recipient of the
770 certificate of need agrees in writing that the skilled nursing
771 facility will not at any time participate in the Medicaid program
772 (Section 43-13-101 et seq.) or admit or keep any patients in the
773 skilled nursing facility who are participating in the Medicaid
774 program. This written agreement by the recipient of the
775 certificate of need shall be fully binding on any subsequent owner
776 of the skilled nursing facility, if the ownership of the facility
777 is transferred at any time after the issuance of the certificate
778 of need. Agreement that the skilled nursing facility will not
779 participate in the Medicaid program shall be a condition of the
780 issuance of a certificate of need to any person under this
781 paragraph (o), and if such skilled nursing facility at any time
782 after the issuance of the certificate of need, regardless of the
783 ownership of the facility, participates in the Medicaid program or
784 admits or keeps any patients in the facility who are participating
785 in the Medicaid program, the State Department of Health shall
786 revoke the certificate of need, if it is still outstanding, and
787 shall deny or revoke the license of the skilled nursing facility,



at the time that the department determines, after a hearing complying with due process, that the facility has failed to comply with any of the conditions upon which the certificate of need was issued, as provided in this paragraph and in the written agreement by the recipient of the certificate of need. The total number of nursing facility beds that may be authorized by any certificate of need issued under this paragraph (o) shall not exceed sixty (60) beds. If the certificate of need authorized under this paragraph is not issued within twelve (12) months after July 1, 2001, the department shall deny the application for the certificate of need and shall not issue the certificate of need at any time after the twelve-month period, unless the issuance is contested. If the certificate of need is issued and substantial construction of the nursing facility beds has not commenced within eighteen (18) months after July 1, 2001, the State Department of Health, after a hearing complying with due process, shall revoke the certificate of need if it is still outstanding, and the department shall not issue a license for the nursing facility at any time after the eighteen-month period. However, if the issuance of the certificate of need is contested, the department shall require substantial construction of the nursing facility beds within six (6) months after final adjudication on the issuance of the certificate of need.

(p) The department may issue a certificate of need for the construction of a municipally owned nursing facility within



813 the Town of Belmont in Tishomingo County, not to exceed sixty (60)
814 beds, provided that the recipient of the certificate of need
815 agrees in writing that the skilled nursing facility will not at
816 any time participate in the Medicaid program (Section 43-13-101 et
817 seq.) or admit or keep any patients in the skilled nursing
818 facility who are participating in the Medicaid program. This
819 written agreement by the recipient of the certificate of need
820 shall be fully binding on any subsequent owner of the skilled
821 nursing facility, if the ownership of the facility is transferred
822 at any time after the issuance of the certificate of need.
823 Agreement that the skilled nursing facility will not participate
824 in the Medicaid program shall be a condition of the issuance of a
825 certificate of need to any person under this paragraph (p), and if
826 such skilled nursing facility at any time after the issuance of
827 the certificate of need, regardless of the ownership of the
828 facility, participates in the Medicaid program or admits or keeps
829 any patients in the facility who are participating in the Medicaid
830 program, the State Department of Health shall revoke the
831 certificate of need, if it is still outstanding, and shall deny or
832 revoke the license of the skilled nursing facility, at the time
833 that the department determines, after a hearing complying with due
834 process, that the facility has failed to comply with any of the
835 conditions upon which the certificate of need was issued, as
836 provided in this paragraph and in the written agreement by the
837 recipient of the certificate of need. The provision of Section



41-7-193(1) regarding substantial compliance of the projection of need as reported in the current State Health Plan is waived for the purposes of this paragraph. If the certificate of need authorized under this paragraph is not issued within twelve (12) months after July 1, 1998, the department shall deny the application for the certificate of need and shall not issue the certificate of need at any time after the twelve-month period, unless the issuance is contested. If the certificate of need is issued and substantial construction of the nursing facility beds has not commenced within eighteen (18) months after July 1, 1998, the State Department of Health, after a hearing complying with due process, shall revoke the certificate of need if it is still outstanding, and the department shall not issue a license for the nursing facility at any time after the eighteen-month period. However, if the issuance of the certificate of need is contested, the department shall require substantial construction of the nursing facility beds within six (6) months after final adjudication on the issuance of the certificate of need.

(q) (i) Beginning on July 1, 1999, the State Department of Health shall issue certificates of need during each of the next four (4) fiscal years for the construction or expansion of nursing facility beds or the conversion of other beds to nursing facility beds in each county in the state having a need for fifty (50) or more additional nursing facility beds, as shown in the fiscal year 1999 State Health Plan, in the manner provided



863 in this paragraph (q). The total number of nursing facility beds
864 that may be authorized by any certificate of need authorized under
865 this paragraph (q) shall not exceed sixty (60) beds.

866 (ii) Subject to the provisions of subparagraph
867 (v), during each of the next four (4) fiscal years, the department
868 shall issue six (6) certificates of need for new nursing facility
869 beds, as follows: During fiscal years 2000, 2001 and 2002, one
870 (1) certificate of need shall be issued for new nursing facility
871 beds in the county in each of the four (4) Long-Term Care Planning
872 Districts designated in the fiscal year 1999 State Health Plan
873 that has the highest need in the district for those beds; and two
874 (2) certificates of need shall be issued for new nursing facility
875 beds in the two (2) counties from the state at large that have the
876 highest need in the state for those beds, when considering the
877 need on a statewide basis and without regard to the Long-Term Care
878 Planning Districts in which the counties are located. During
879 fiscal year 2003, one (1) certificate of need shall be issued for
880 new nursing facility beds in any county having a need for fifty
881 (50) or more additional nursing facility beds, as shown in the
882 fiscal year 1999 State Health Plan, that has not received a
883 certificate of need under this paragraph (q) during the three (3)
884 previous fiscal years. During fiscal year 2000, in addition to
885 the six (6) certificates of need authorized in this subparagraph,
886 the department also shall issue a certificate of need for new



nursing facility beds in Amite County and a certificate of need for new nursing facility beds in Carroll County.

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

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



912 a certificate of need for nursing facility beds in either of the
913 two (2) counties having the highest need for those beds on a
914 statewide basis by the date specified by the department, then the
915 certificate of need shall be available for nursing facility beds
916 in other counties from the state at large in descending order of
917 the need for those beds on a statewide basis, from the county with
918 the second highest need to the county with the lowest need, until
919 an application is received for nursing facility beds in an
920 eligible county from the state at large.

921 (v) If a certificate of need is authorized to be
922 issued under this paragraph (q) for nursing facility beds in a
923 county on the basis of the need in the Long-Term Care Planning
924 District during any fiscal year of the four-year period, a
925 certificate of need shall not also be available under this
926 paragraph (q) for additional nursing facility beds in that county
927 on the basis of the need in the state at large, and that county
928 shall be excluded in determining which counties have the highest
929 need for nursing facility beds in the state at large for that
930 fiscal year. After a certificate of need has been issued under
931 this paragraph (q) for nursing facility beds in a county during
932 any fiscal year of the four-year period, a certificate of need
933 shall not be available again under this paragraph (q) for
934 additional nursing facility beds in that county during the
935 four-year period, and that county shall be excluded in determining



which counties have the highest need for nursing facility beds in succeeding fiscal years.

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

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

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

(r) (i) Beginning on July 1, 1999, the State Department of Health shall issue certificates of need during each of the next two (2) fiscal years for the construction or expansion of nursing facility beds or the conversion of other beds to nursing facility beds in each of the four (4) Long-Term Care Planning Districts designated in the fiscal year 1999 State Health



960 Plan, to provide care exclusively to patients with Alzheimer's
961 disease.

962 (ii) Not more than twenty (20) beds may be
963 authorized by any certificate of need issued under this paragraph
964 (r), and not more than a total of sixty (60) beds may be
965 authorized in any Long-Term Care Planning District by all
966 certificates of need issued under this paragraph (r). However,
967 the total number of beds that may be authorized by all
968 certificates of need issued under this paragraph (r) during any
969 fiscal year shall not exceed one hundred twenty (120) beds, and
970 the total number of beds that may be authorized in any Long-Term
971 Care Planning District during any fiscal year shall not exceed
972 forty (40) beds. Of the certificates of need that are issued for
973 each Long-Term Care Planning District during the next two (2)
974 fiscal years, at least one (1) shall be issued for beds in the
975 northern part of the district, at least one (1) shall be issued
976 for beds in the central part of the district, and at least one (1)
977 shall be issued for beds in the southern part of the district.

978 (iii) The State Department of Health, in
979 consultation with the Department of Mental Health and the Division
980 of Medicaid, shall develop and prescribe the staffing levels,
981 space requirements and other standards and requirements that must
982 be met with regard to the nursing facility beds authorized under
983 this paragraph (r) to provide care exclusively to patients with
984 Alzheimer's disease.



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

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



1010 authorize the non-Medicaid nursing facility beds under
1011 subparagraphs (iii) and (iv) of this paragraph (t) shall be
1012 subject to the following conditions: The owner of the Hancock
1013 County facility and the new Harrison County facility must agree in
1014 writing that no more than fifty (50) of the beds at the Hancock
1015 County facility and no more than forty-nine (49) of the beds at
1016 the Harrison County facility will be certified for participation
1017 in the Medicaid program, and that no claim will be submitted for
1018 Medicaid reimbursement for more than fifty (50) patients in the
1019 Hancock County facility in any month, or for more than forty-nine
1020 (49) patients in the Harrison County facility in any month, or for
1021 any patient in either facility who is in a bed that is not
1022 Medicaid-certified. This written agreement by the owner of the
1023 nursing facilities shall be a condition of the issuance of the
1024 certificates of need under this paragraph (t), and the agreement
1025 shall be fully binding on any later owner or owners of either
1026 facility if the ownership of either facility is transferred at any
1027 time after the certificates of need are issued. After this
1028 written agreement is executed, the Division of Medicaid and the
1029 State Department of Health shall not certify more than fifty (50)
1030 of the beds at the Hancock County facility or more than forty-nine
1031 (49) of the beds at the Harrison County facility for participation
1032 in the Medicaid program. If the Hancock County facility violates
1033 the terms of the written agreement by admitting or keeping in the
1034 facility on a regular or continuing basis more than fifty (50)



1035 patients who are participating in the Medicaid program, or if the
1036 Harrison County facility violates the terms of the written
1037 agreement by admitting or keeping in the facility on a regular or
1038 continuing basis more than forty-nine (49) patients who are
1039 participating in the Medicaid program, the State Department of
1040 Health shall revoke the license of the facility that is in
1041 violation of the agreement, at the time that the department
1042 determines, after a hearing complying with due process, that the
1043 facility has violated the agreement.

1044 (u) The State Department of Health shall issue a
1045 certificate of need to a nonprofit venture for the establishment,
1046 construction and operation of a skilled nursing facility of not
1047 more than sixty (60) beds to provide skilled nursing care for
1048 ventilator dependent or otherwise medically dependent pediatric
1049 patients who require medical and nursing care or rehabilitation
1050 services to be located in a county in which an academic medical
1051 center and a children's hospital are located, and for any
1052 construction and for the acquisition of equipment related to those
1053 beds. The facility shall be authorized to keep such ventilator
1054 dependent or otherwise medically dependent pediatric patients
1055 beyond age twenty-one (21) in accordance with regulations of the
1056 State Board of Health. For purposes of this paragraph (u), the
1057 provisions of Section 41-7-193(1) requiring substantial compliance
1058 with the projection of need as reported in the current State
1059 Health Plan are waived, and the provisions of Section 41-7-197



1060 requiring a formal certificate of need hearing process are waived.
1061 The beds authorized by this paragraph shall be counted as
1062 pediatric skilled nursing facility beds for health planning
1063 purposes under Section 41-7-171 et seq. There shall be no
1064 prohibition of or restrictions on participation in the Medicaid
1065 program for the person receiving the certificate of need
1066 authorized by this paragraph.

1067 (3) The State Department of Health may grant approval for
1068 and issue certificates of need to any person proposing the new
1069 construction of, addition to, conversion of beds of or expansion
1070 of any health care facility defined in subparagraph (x)
1071 (psychiatric residential treatment facility) of Section
1072 41-7-173(h). The total number of beds which may be authorized by
1073 such certificates of need shall not exceed three hundred
1074 thirty-four (334) beds for the entire state.

1075 (a) Of the total number of beds authorized under this
1076 subsection, the department shall issue a certificate of need to a
1077 privately owned psychiatric residential treatment facility in
1078 Simpson County for the conversion of sixteen (16) intermediate
1079 care facility for individuals with intellectual disabilities
1080 (ICF-IID) beds to psychiatric residential treatment facility beds,
1081 provided that facility agrees in writing that the facility shall
1082 give priority for the use of those sixteen (16) beds to
1083 Mississippi residents who are presently being treated in
1084 out-of-state facilities.



1085 (b) Of the total number of beds authorized under this
1086 subsection, the department may issue a certificate or certificates
1087 of need for the construction or expansion of psychiatric
1088 residential treatment facility beds or the conversion of other
1089 beds to psychiatric residential treatment facility beds in Warren
1090 County, not to exceed sixty (60) psychiatric residential treatment
1091 facility beds, provided that the facility agrees in writing that
1092 no more than thirty (30) of the beds at the psychiatric
1093 residential treatment facility will be certified for participation
1094 in the Medicaid program (Section 43-13-101 et seq.) for the use of
1095 any patients other than those who are participating only in the
1096 Medicaid program of another state, and that no claim will be
1097 submitted to the Division of Medicaid for Medicaid reimbursement
1098 for more than thirty (30) patients in the psychiatric residential
1099 treatment facility in any day or for any patient in the
1100 psychiatric residential treatment facility who is in a bed that is
1101 not Medicaid-certified. This written agreement by the recipient
1102 of the certificate of need shall be a condition of the issuance of
1103 the certificate of need under this paragraph, and the agreement
1104 shall be fully binding on any subsequent owner of the psychiatric
1105 residential treatment facility if the ownership of the facility is
1106 transferred at any time after the issuance of the certificate of
1107 need. After this written agreement is executed, the Division of
1108 Medicaid and the State Department of Health shall not certify more
1109 than thirty (30) of the beds in the psychiatric residential



1110 treatment facility for participation in the Medicaid program for
1111 the use of any patients other than those who are participating
1112 only in the Medicaid program of another state. If the psychiatric
1113 residential treatment facility violates the terms of the written
1114 agreement by admitting or keeping in the facility on a regular or
1115 continuing basis more than thirty (30) patients who are
1116 participating in the Mississippi Medicaid program, the State
1117 Department of Health shall revoke the license of the facility, at
1118 the time that the department determines, after a hearing complying
1119 with due process, that the facility has violated the condition
1120 upon which the certificate of need was issued, as provided in this
1121 paragraph and in the written agreement.

1122 The State Department of Health, on or before July 1, 2002,
1123 shall transfer the certificate of need authorized under the
1124 authority of this paragraph (b), or reissue the certificate of
1125 need if it has expired, to River Region Health System.

1126 (c) Of the total number of beds authorized under this
1127 subsection, the department shall issue a certificate of need to a
1128 hospital currently operating Medicaid-certified acute psychiatric
1129 beds for adolescents in DeSoto County, for the establishment of a
1130 forty-bed psychiatric residential treatment facility in DeSoto
1131 County, provided that the hospital agrees in writing (i) that the
1132 hospital shall give priority for the use of those forty (40) beds
1133 to Mississippi residents who are presently being treated in
1134 out-of-state facilities, and (ii) that no more than fifteen (15)



1135 of the beds at the psychiatric residential treatment facility will
1136 be certified for participation in the Medicaid program (Section
1137 43-13-101 et seq.), and that no claim will be submitted for
1138 Medicaid reimbursement for more than fifteen (15) patients in the
1139 psychiatric residential treatment facility in any day or for any
1140 patient in the psychiatric residential treatment facility who is
1141 in a bed that is not Medicaid-certified. This written agreement
1142 by the recipient of the certificate of need shall be a condition
1143 of the issuance of the certificate of need under this paragraph,
1144 and the agreement shall be fully binding on any subsequent owner
1145 of the psychiatric residential treatment facility if the ownership
1146 of the facility is transferred at any time after the issuance of
1147 the certificate of need. After this written agreement is
1148 executed, the Division of Medicaid and the State Department of
1149 Health shall not certify more than fifteen (15) of the beds in the
1150 psychiatric residential treatment facility for participation in
1151 the Medicaid program. If the psychiatric residential treatment
1152 facility violates the terms of the written agreement by admitting
1153 or keeping in the facility on a regular or continuing basis more
1154 than fifteen (15) patients who are participating in the Medicaid
1155 program, the State Department of Health shall revoke the license
1156 of the facility, at the time that the department determines, after
1157 a hearing complying with due process, that the facility has
1158 violated the condition upon which the certificate of need was



1159 issued, as provided in this paragraph and in the written
1160 agreement.

1161 (d) Of the total number of beds authorized under this
1162 subsection, the department may issue a certificate or certificates
1163 of need for the construction or expansion of psychiatric
1164 residential treatment facility beds or the conversion of other
1165 beds to psychiatric treatment facility beds, not to exceed thirty
1166 (30) psychiatric residential treatment facility beds, in either
1167 Alcorn, Tishomingo, Prentiss, Lee, Itawamba, Monroe, Chickasaw,
1168 Pontotoc, Calhoun, Lafayette, Union, Benton or Tippah County.

1169 (e) Of the total number of beds authorized under this
1170 subsection (3) the department shall issue a certificate of need to
1171 a privately owned, nonprofit psychiatric residential treatment
1172 facility in Hinds County for an eight-bed expansion of the
1173 facility, provided that the facility agrees in writing that the
1174 facility shall give priority for the use of those eight (8) beds
1175 to Mississippi residents who are presently being treated in
1176 out-of-state facilities.

1177 (f) The department shall issue a certificate of need to
1178 a one-hundred-thirty-four-bed specialty hospital located on
1179 twenty-nine and forty-four one-hundredths (29.44) commercial acres
1180 at 5900 Highway 39 North in Meridian (Lauderdale County),
1181 Mississippi, for the addition, construction or expansion of
1182 child/adolescent psychiatric residential treatment facility beds
1183 in Lauderdale County. As a condition of issuance of the



1184 certificate of need under this paragraph, the facility shall give
1185 priority in admissions to the child/adolescent psychiatric
1186 residential treatment facility beds authorized under this
1187 paragraph to patients who otherwise would require out-of-state
1188 placement. The Division of Medicaid, in conjunction with the
1189 Department of Human Services, shall furnish the facility a list of
1190 all out-of-state patients on a quarterly basis. Furthermore,
1191 notice shall also be provided to the parent, custodial parent or
1192 guardian of each out-of-state patient notifying them of the
1193 priority status granted by this paragraph. For purposes of this
1194 paragraph, the provisions of Section 41-7-193(1) requiring
1195 substantial compliance with the projection of need as reported in
1196 the current State Health Plan are waived. The total number of
1197 child/adolescent psychiatric residential treatment facility beds
1198 that may be authorized under the authority of this paragraph shall
1199 be sixty (60) beds. There shall be no prohibition or restrictions
1200 on participation in the Medicaid program (Section 43-13-101 et
1201 seq.) for the person receiving the certificate of need authorized
1202 under this paragraph or for the beds converted pursuant to the
1203 authority of that certificate of need.

1204 (4) (a) From and after March 25, 2021, the department may
1205 issue a certificate of need to any person for the new construction
1206 of any hospital, psychiatric hospital or chemical dependency
1207 hospital that will contain any child/adolescent psychiatric or
1208 child/adolescent chemical dependency beds, or for the conversion



1209 of any other health care facility to a hospital, psychiatric
1210 hospital or chemical dependency hospital that will contain any
1211 child/adolescent psychiatric or child/adolescent chemical
1212 dependency beds. There shall be no prohibition or restrictions on
1213 participation in the Medicaid program (Section 43-13-101 et seq.)
1214 for the person(s) receiving the certificate(s) of need authorized
1215 under this paragraph (a) or for the beds converted pursuant to the
1216 authority of that certificate of need. In issuing any new
1217 certificate of need for any child/adolescent psychiatric or
1218 child/adolescent chemical dependency beds, either by new
1219 construction or conversion of beds of another category, the
1220 department shall give preference to beds which will be located in
1221 an area of the state which does not have such beds located in it,
1222 and to a location more than sixty-five (65) miles from existing
1223 beds. Upon receiving 2020 census data, the department may amend
1224 the State Health Plan regarding child/adolescent psychiatric and
1225 child/adolescent chemical dependency beds to reflect the need
1226 based on new census data.

1227 (i) [Deleted]

1228 (ii) The department may issue a certificate of
1229 need for the conversion of existing beds in a county hospital in
1230 Choctaw County from acute care beds to child/adolescent chemical
1231 dependency beds. For purposes of this subparagraph (ii), the
1232 provisions of Section 41-7-193(1) requiring substantial compliance
1233 with the projection of need as reported in the current State



Health Plan are waived. The total number of beds that may be authorized under authority of this subparagraph shall not exceed twenty (20) beds. There shall be no prohibition or restrictions on participation in the Medicaid program (Section 43-13-101 et seq.) for the hospital receiving the certificate of need authorized under this subparagraph or for the beds converted pursuant to the authority of that certificate of need.

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

If by January 1, 2002, there has been no significant commencement of construction of the beds authorized under this subparagraph (iii), or no significant action taken to convert existing beds to the beds authorized under this subparagraph, then



the certificate of need that was previously issued under this subparagraph shall expire. If the previously issued certificate of need expires, the department may accept applications for issuance of another certificate of need for the beds authorized under this subparagraph, and may issue a certificate of need to authorize the construction, expansion or conversion of the beds authorized under this subparagraph.

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

(v) The department may issue a certificate of need to any county hospital located in Leflore County for the construction or expansion of adult psychiatric beds or the



1284 conversion of other beds to adult psychiatric beds, not to exceed
1285 twenty (20) beds, provided that the recipient of the certificate
1286 of need agrees in writing that the adult psychiatric beds will not
1287 at any time be certified for participation in the Medicaid program
1288 and that the hospital will not admit or keep any patients who are
1289 participating in the Medicaid program in any of such adult
1290 psychiatric beds. This written agreement by the recipient of the
1291 certificate of need shall be fully binding on any subsequent owner
1292 of the hospital if the ownership of the hospital is transferred at
1293 any time after the issuance of the certificate of need. Agreement
1294 that the adult psychiatric beds will not be certified for
1295 participation in the Medicaid program shall be a condition of the
1296 issuance of a certificate of need to any person under this
1297 subparagraph (v), and if such hospital at any time after the
1298 issuance of the certificate of need, regardless of the ownership
1299 of the hospital, has any of such adult psychiatric beds certified
1300 for participation in the Medicaid program or admits or keeps any
1301 Medicaid patients in such adult psychiatric beds, the State
1302 Department of Health shall revoke the certificate of need, if it
1303 is still outstanding, and shall deny or revoke the license of the
1304 hospital at the time that the department determines, after a
1305 hearing complying with due process, that the hospital has failed
1306 to comply with any of the conditions upon which the certificate of
1307 need was issued, as provided in this subparagraph and in the
1308 written agreement by the recipient of the certificate of need.



1309 (vi) The department may issue a certificate or
1310 certificates of need for the expansion of child psychiatric beds
1311 or the conversion of other beds to child psychiatric beds at the
1312 University of Mississippi Medical Center. For purposes of this
1313 subparagraph (vi), the provisions of Section 41-7-193(1) requiring
1314 substantial compliance with the projection of need as reported in
1315 the current State Health Plan are waived. The total number of
1316 beds that may be authorized under the authority of this
1317 subparagraph shall not exceed fifteen (15) beds. There shall be
1318 no prohibition or restrictions on participation in the Medicaid
1319 program (Section 43-13-101 et seq.) for the hospital receiving the
1320 certificate of need authorized under this subparagraph or for the
1321 beds converted pursuant to the authority of that certificate of
1322 need.

1323 (b) From and after July 1, 1990, no hospital,
1324 psychiatric hospital or chemical dependency hospital shall be
1325 authorized to add any child/adolescent psychiatric or
1326 child/adolescent chemical dependency beds or convert any beds of
1327 another category to child/adolescent psychiatric or
1328 child/adolescent chemical dependency beds without a certificate of
1329 need under the authority of subsection (1)(c) and subsection
1330 (4)(a) of this section.

1331 (5) The department may issue a certificate of need to a
1332 county hospital in Winston County for the conversion of fifteen
1333 (15) acute care beds to geriatric psychiatric care beds.



1334 (6) The State Department of Health shall issue a certificate
1335 of need to a Mississippi corporation qualified to manage a
1336 long-term care hospital as defined in Section 41-7-173(h)(xii) in
1337 Harrison County, not to exceed eighty (80) beds, including any
1338 necessary renovation or construction required for licensure and
1339 certification, provided that the recipient of the certificate of
1340 need agrees in writing that the long-term care hospital will not
1341 at any time participate in the Medicaid program (Section 43-13-101
1342 et seq.) or admit or keep any patients in the long-term care
1343 hospital who are participating in the Medicaid program. This
1344 written agreement by the recipient of the certificate of need
1345 shall be fully binding on any subsequent owner of the long-term
1346 care hospital, if the ownership of the facility is transferred at
1347 any time after the issuance of the certificate of need. Agreement
1348 that the long-term care hospital will not participate in the
1349 Medicaid program shall be a condition of the issuance of a
1350 certificate of need to any person under this subsection (6), and
1351 if such long-term care hospital at any time after the issuance of
1352 the certificate of need, regardless of the ownership of the
1353 facility, participates in the Medicaid program or admits or keeps
1354 any patients in the facility who are participating in the Medicaid
1355 program, the State Department of Health shall revoke the
1356 certificate of need, if it is still outstanding, and shall deny or
1357 revoke the license of the long-term care hospital, at the time
1358 that the department determines, after a hearing complying with due



1359 process, that the facility has failed to comply with any of the
1360 conditions upon which the certificate of need was issued, as
1361 provided in this subsection and in the written agreement by the
1362 recipient of the certificate of need. For purposes of this
1363 subsection, the provisions of Section 41-7-193(1) requiring
1364 substantial compliance with the projection of need as reported in
1365 the current State Health Plan are waived.

1366 (7) The State Department of Health may issue a certificate
1367 of need to any hospital in the state to utilize a portion of its
1368 beds for the "swing-bed" concept. Any such hospital must be in
1369 conformance with the federal regulations regarding such swing-bed
1370 concept at the time it submits its application for a certificate
1371 of need to the State Department of Health, except that such
1372 hospital may have more licensed beds or a higher average daily
1373 census (ADC) than the maximum number specified in federal
1374 regulations for participation in the swing-bed program. Any
1375 hospital meeting all federal requirements for participation in the
1376 swing-bed program which receives such certificate of need shall
1377 render services provided under the swing-bed concept to any
1378 patient eligible for Medicare (Title XVIII of the Social Security
1379 Act) who is certified by a physician to be in need of such
1380 services, and no such hospital shall permit any patient who is
1381 eligible for both Medicaid and Medicare or eligible only for
1382 Medicaid to stay in the swing beds of the hospital for more than
1383 thirty (30) days per admission unless the hospital receives prior



1384 approval for such patient from the Division of Medicaid, Office of
1385 the Governor. Any hospital having more licensed beds or a higher
1386 average daily census (ADC) than the maximum number specified in
1387 federal regulations for participation in the swing-bed program
1388 which receives such certificate of need shall develop a procedure
1389 to ensure that before a patient is allowed to stay in the swing
1390 beds of the hospital, there are no vacant nursing home beds
1391 available for that patient located within a fifty-mile radius of
1392 the hospital. When any such hospital has a patient staying in the
1393 swing beds of the hospital and the hospital receives notice from a
1394 nursing home located within such radius that there is a vacant bed
1395 available for that patient, the hospital shall transfer the
1396 patient to the nursing home within a reasonable time after receipt
1397 of the notice. Any hospital which is subject to the requirements
1398 of the two (2) preceding sentences of this subsection may be
1399 suspended from participation in the swing-bed program for a
1400 reasonable period of time by the State Department of Health if the
1401 department, after a hearing complying with due process, determines
1402 that the hospital has failed to comply with any of those
1403 requirements.

1404 (8) * * * [Deleted]

1405 (9) The Department of Health shall not grant approval for or
1406 issue a certificate of need to any person proposing the
1407 establishment of, or expansion of the currently approved territory
1408 of, or the contracting to establish a home office, subunit or



1409 branch office within the space operated as a health care facility
1410 as defined in Section 41-7-173(h)(i) through (viii) by a health
1411 care facility as defined in subparagraph (ix) of Section
1412 41-7-173(h).

1413 (10) Health care facilities owned and/or operated by the
1414 state or its agencies are exempt from the restraints in this
1415 section against issuance of a certificate of need if such addition
1416 or expansion consists of repairing or renovation necessary to
1417 comply with the state licensure law. This exception shall not
1418 apply to the new construction of any building by such state
1419 facility. This exception shall not apply to any health care
1420 facilities owned and/or operated by counties, municipalities,
1421 districts, unincorporated areas, other defined persons, or any
1422 combination thereof.

1423 (11) The new construction, renovation or expansion of or
1424 addition to any health care facility defined in subparagraph (ii)
1425 (psychiatric hospital), subparagraph (iv) (skilled nursing
1426 facility), subparagraph (vi) (intermediate care facility) * * *
1427 and subparagraph (x) (psychiatric residential treatment facility)
1428 of Section 41-7-173(h) which is owned by the State of Mississippi
1429 and under the direction and control of the State Department of
1430 Mental Health, and the addition of new beds or the conversion of
1431 beds from one category to another in any such defined health care
1432 facility which is owned by the State of Mississippi and under the
1433 direction and control of the State Department of Mental Health,



1434 shall not require the issuance of a certificate of need under
1435 Section 41-7-171 et seq., notwithstanding any provision in Section
1436 41-7-171 et seq. to the contrary.

1437 (12) The new construction, renovation or expansion of or
1438 addition to any veterans homes or domiciliaries for eligible
1439 veterans of the State of Mississippi as authorized under Section
1440 35-1-19 shall not require the issuance of a certificate of need,
1441 notwithstanding any provision in Section 41-7-171 et seq. to the
1442 contrary.

1443 (13) The repair or the rebuilding of an existing, operating
1444 health care facility that sustained significant damage from a
1445 natural disaster that occurred after April 15, 2014, in an area
1446 that is proclaimed a disaster area or subject to a state of
1447 emergency by the Governor or by the President of the United States
1448 shall be exempt from all of the requirements of the Mississippi
1449 Certificate of Need Law (Section 41-7-171 et seq.) and any and all
1450 rules and regulations promulgated under that law, subject to the
1451 following conditions:

1452 (a) The repair or the rebuilding of any such damaged
1453 health care facility must be within one (1) mile of the
1454 pre-disaster location of the campus of the damaged health care
1455 facility, except that any temporary post-disaster health care
1456 facility operating location may be within five (5) miles of the
1457 pre-disaster location of the damaged health care facility;



1458 (b) The repair or the rebuilding of the damaged health
1459 care facility (i) does not increase or change the complement of
1460 its bed capacity that it had before the Governor's or the
1461 President's proclamation, (ii) does not increase or change its
1462 levels and types of health care services that it provided before
1463 the Governor's or the President's proclamation, and (iii) does not
1464 rebuild in a different county; however, this paragraph does not
1465 restrict or prevent a health care facility from decreasing its bed
1466 capacity that it had before the Governor's or the President's
1467 proclamation, or from decreasing the levels of or decreasing or
1468 eliminating the types of health care services that it provided
1469 before the Governor's or the President's proclamation, when the
1470 damaged health care facility is repaired or rebuilt;

1471 (c) The exemption from Certificate of Need Law provided
1472 under this subsection (13) is valid for only five (5) years from
1473 the date of the Governor's or the President's proclamation. If
1474 actual construction has not begun within that five-year period,
1475 the exemption provided under this subsection is inapplicable; and

1476 (d) The Division of Health Facilities Licensure and
1477 Certification of the State Department of Health shall provide the
1478 same oversight for the repair or the rebuilding of the damaged
1479 health care facility that it provides to all health care facility
1480 construction projects in the state.

1481 For the purposes of this subsection (13), "significant
1482 damage" to a health care facility means damage to the health care



1483 facility requiring an expenditure of at least One Million Dollars
1484 (\$1,000,000.00) .

1485 (14) The State Department of Health shall issue a
1486 certificate of need to any hospital which is currently licensed
1487 for two hundred fifty (250) or more acute care beds and is located
1488 in any general hospital service area not having a comprehensive
1489 cancer center, for the establishment and equipping of such a
1490 center which provides facilities and services for outpatient
1491 radiation oncology therapy, outpatient medical oncology therapy,
1492 and appropriate support services including the provision of
1493 radiation therapy services. The provisions of Section 41-7-193(1)
1494 regarding substantial compliance with the projection of need as
1495 reported in the current State Health Plan are waived for the
1496 purpose of this subsection.

1497 (15) The State Department of Health may authorize the
1498 transfer of hospital beds, not to exceed sixty (60) beds, from the
1499 North Panola Community Hospital to the South Panola Community
1500 Hospital. The authorization for the transfer of those beds shall
1501 be exempt from the certificate of need review process.

1502 (16) The State Department of Health shall issue any
1503 certificates of need necessary for Mississippi State University
1504 and a public or private health care provider to jointly acquire
1505 and operate a linear accelerator and a magnetic resonance imaging
1506 unit. Those certificates of need shall cover all capital
1507 expenditures related to the project between Mississippi State



1508 University and the health care provider, including, but not
1509 limited to, the acquisition of the linear accelerator, the
1510 magnetic resonance imaging unit and other radiological modalities;
1511 the offering of linear accelerator and magnetic resonance imaging
1512 services; and the cost of construction of facilities in which to
1513 locate these services. The linear accelerator and the magnetic
1514 resonance imaging unit shall be (a) located in the City of
1515 Starkville, Oktibbeha County, Mississippi; (b) operated jointly by
1516 Mississippi State University and the public or private health care
1517 provider selected by Mississippi State University through a
1518 request for proposals (RFP) process in which Mississippi State
1519 University selects, and the Board of Trustees of State
1520 Institutions of Higher Learning approves, the health care provider
1521 that makes the best overall proposal; (c) available to Mississippi
1522 State University for research purposes two-thirds (2/3) of the
1523 time that the linear accelerator and magnetic resonance imaging
1524 unit are operational; and (d) available to the public or private
1525 health care provider selected by Mississippi State University and
1526 approved by the Board of Trustees of State Institutions of Higher
1527 Learning one-third (1/3) of the time for clinical, diagnostic and
1528 treatment purposes. For purposes of this subsection, the
1529 provisions of Section 41-7-193(1) requiring substantial compliance
1530 with the projection of need as reported in the current State
1531 Health Plan are waived.



1532 (17) The State Department of Health shall issue a
1533 certificate of need for the construction of an acute care hospital
1534 in Kemper County, not to exceed twenty-five (25) beds, which shall
1535 be named the "John C. Stennis Memorial Hospital." In issuing the
1536 certificate of need under this subsection, the department shall
1537 give priority to a hospital located in Lauderdale County that has
1538 two hundred fifteen (215) beds. For purposes of this subsection,
1539 the provisions of Section 41-7-193(1) requiring substantial
1540 compliance with the projection of need as reported in the current
1541 State Health Plan and the provisions of Section 41-7-197 requiring
1542 a formal certificate of need hearing process are waived. There
1543 shall be no prohibition or restrictions on participation in the
1544 Medicaid program (Section 43-13-101 et seq.) for the person or
1545 entity receiving the certificate of need authorized under this
1546 subsection or for the beds constructed under the authority of that
1547 certificate of need.

1548 (18) The planning, design, construction, renovation,
1549 addition, furnishing and equipping of a clinical research unit at
1550 any health care facility defined in Section 41-7-173(h) that is
1551 under the direction and control of the University of Mississippi
1552 Medical Center and located in Jackson, Mississippi, and the
1553 addition of new beds or the conversion of beds from one (1)
1554 category to another in any such clinical research unit, shall not
1555 require the issuance of a certificate of need under Section



1556 41-7-171 et seq., notwithstanding any provision in Section
1557 41-7-171 et seq. to the contrary.

1558 (19) [Repealed]

1559 (20) Nothing in this section or in any other provision of
1560 Section 41-7-171 et seq. shall prevent any nursing facility from
1561 designating an appropriate number of existing beds in the facility
1562 as beds for providing care exclusively to patients with
1563 Alzheimer's disease.

1564 (21) Nothing in this section or any other provision of
1565 Section 41-7-171 et seq. shall prevent any health care facility
1566 from the new construction, renovation, conversion or expansion of
1567 new beds in the facility designated as intensive care units,
1568 negative pressure rooms, or isolation rooms pursuant to the
1569 provisions of Sections 41-14-1 through 41-14-11, or Section
1570 41-14-31. For purposes of this subsection, the provisions of
1571 Section 41-7-193(1) requiring substantial compliance with the
1572 projection of need as reported in the current State Health Plan
1573 and the provisions of Section 41-7-197 requiring a formal
1574 certificate of need hearing process are waived.

1575 **SECTION 3.** This act shall take effect and be in force from
1576 and after July 1, 2025.

