

By: Representative Holland

To: Public Health and Human Services

HOUSE BILL NO. 927

1 AN ACT TO AMEND SECTION 41-7-188, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE AUTHORIZED FEE CHARGED BY THE STATE DEPARTMENT OF
3 HEALTH FOR REVIEWING APPLICATIONS FOR CERTIFICATES OF NEED; AND
4 FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 41-7-188, Mississippi Code of 1972, is
7 amended as follows:

8 41-7-188. (1) The State Department of Health is * * *
9 authorized and empowered to assess fees for reviewing applications
10 for certificates of need. The State Department of Health shall
11 promulgate such rules and regulations as are necessary to
12 effectuate the intent of this section in keeping with the
13 following standards * * *:

14 (a) The fees assessed shall be uniform to all
15 applicants.

16 (b) The fees assessed shall be nonrefundable.

17 (c) The fee shall be .5 of 1% of the amount of a
18 proposed capital expenditure.

19 (d) The minimum fee shall not be less than Five Hundred
20 Dollars (\$500.00) regardless of the amount of the proposed capital
21 expenditure, and the maximum fee permitted shall not exceed Forty
22 Thousand Dollars (\$40,000.00), regardless of category.

23 (e) No application shall be deemed complete for the
24 review process until the required fee is received by the State
25 Department of Health.

26 (f) The required fee shall be paid to the State
27 Department of Health and may be paid by check, draft or money
28 order.

29 (g) There shall be no filing fee requirement for any
30 application submitted by an agency, department, institution or
31 facility that is operated, owned by and/or controlled by the State
32 of Mississippi and that received operating and/or capital
33 expenditure funds solely by appropriations from the Legislature of
34 the state.

35 (h) There shall be no filing fee requirement for any
36 health care facility submitting an application for repairs or
37 renovations determined by the State Department of Health in
38 writing, to be necessary in order to avoid revocation of license
39 and/or loss of certification for participation in the Medicaid
40 and/or Medicare programs. Any proposed expenditure in excess of
41 the amount determined by the State Department of Health to be
42 necessary to accomplish the stated purposes shall be subject to
43 the fee requirements of this section.

44 (2) The revenue derived from the fees imposed in subsection
45 (1) of this section shall be deposited by the State Department of
46 Health in a special fund that is created in the State Treasury,
47 which is earmarked for use by the State Department of Health in
48 conducting its health planning and certificate of need review
49 activities. It is the intent of the Legislature that the health
50 planning and certificate of need programs be continued for the
51 protection of the individuals within the state requiring health
52 care.

53 (3) The State Department of Health is authorized and
54 empowered to assess fees for reviewing applications for
55 certificates of authority for health maintenance organizations and
56 for the issuance and renewal of those certificates of authority.
57 The fees assessed shall be uniform to all applicants and to all
58 holders of certificates of authority, and shall be nonrefundable.
59 The fees for applications, original certificates of authority and
60 renewals of certificates of authority shall not exceed Five
61 Thousand Dollars (\$5,000.00) each. The revenues derived from the

62 fees assessed under this subsection shall be deposited by the
63 department in a special fund that is created in the State
64 Treasury, which is earmarked for the use of the department in its
65 regulation of the operation of health maintenance organizations.

66 **SECTION 2.** This act shall take effect and be in force from
67 and after July 1, 2007.