

By: Representative Boyd (19th)

To: Public Health and Human Services

HOUSE BILL NO. 1657

1 AN ACT TO AMEND SECTIONS 41-7-173 AND 41-7-191, MISSISSIPPI
2 CODE OF 1972, TO REVISE THE HEALTH CARE CERTIFICATE OF NEED LAW TO
3 REMOVE FROM THE REQUIREMENT FOR THE ISSUANCE OF A CERTIFICATE OF
4 NEED ALL HEALTH CARE SERVICES AND ALL HEALTH CARE FACILITIES
5 EXCEPT FOR HOME HEALTH AGENCIES, SKILLED NURSING FACILITIES AND
6 LONG-TERM CARE FACILITIES; TO AMEND SECTIONS 41-7-190, 41-7-207,
7 AND 41-73-5, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING
8 PROVISIONS; AND FOR RELATED PURPOSES.

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

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

12 41-7-173. For the purposes of Section 41-7-171 et seq., the
13 following words shall have the meanings ascribed herein, unless
14 the context otherwise requires:

15 (a) "Affected person" means (i) the applicant; (ii) a
16 person residing within the geographic area to be served by the
17 applicant's proposal; (iii) a person who regularly uses health
18 care facilities * * * located in the geographic area of the
19 proposal which provide similar service to that which is proposed;
20 (iv) health care facilities * * * which have, prior to receipt of
21 the application under review, formally indicated an intention to



22 provide service similar to that of the proposal being considered
23 at a future date; (v) third-party payers who reimburse health care
24 facilities located in the geographical area of the proposal; or
25 (vi) any agency that establishes rates * * * applicable to health
26 care facilities.

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

34 (c) (i) "Capital expenditure * * *" * * * shall mean
35 any expenditure * * * required to open a new skilled nursing
36 facility or long-term care facility that is more than Fifteen
37 Million Dollars (\$15,000,000.00), adjusted for inflation annually
38 as published by the State Department of Health.

39 (* * * ii) A "capital expenditure" shall include
40 the acquisition, whether by lease, sufferance, gift, devise,
41 legacy, settlement of a trust or other means, of any facility or
42 part thereof, * * * the expenditure for which would have been
43 considered a capital expenditure if acquired by purchase. * * *

44 (d) "Change of ownership" includes, but is not limited
45 to, inter vivos gifts, purchases, transfers, lease arrangements,
46 cash and/or stock transactions or other comparable arrangements



47 whenever any person or entity acquires or controls a majority
48 interest of an existing * * * home health agency, skilled nursing
49 facility or long-term care facility. Changes of ownership from
50 partnerships, single proprietorships or corporations to another
51 form of ownership are specifically included. However, "change of
52 ownership" shall not include any inherited interest acquired as a
53 result of a testamentary instrument or under the laws of descent
54 and distribution of the State of Mississippi.

55 (e) "Commencement of construction" means that all of
56 the following have been completed with respect to a proposal or
57 project proposing construction, renovating, remodeling or
58 alteration:

59 (i) A legally binding written contract has been
60 consummated by the proponent and a lawfully licensed contractor to
61 construct and/or complete the intent of the proposal within a
62 specified period of time in accordance with final architectural
63 plans which have been approved by the licensing authority of the
64 State Department of Health;

65 (ii) Any and all permits and/or approvals deemed
66 lawfully necessary by all authorities with responsibility for such
67 have been secured; and

68 (iii) Actual bona fide undertaking of the subject
69 proposal has commenced, and a progress payment of at least one
70 percent (1%) of the total cost price of the contract has been paid
71 to the contractor by the proponent, and the requirements of this



72 paragraph (e) have been certified to in writing by the State
73 Department of Health.

74 Force account expenditures, such as deposits, securities,
75 bonds, et cetera, may, in the discretion of the State Department
76 of Health, be excluded from any or all of the provisions of
77 defined commencement of construction.

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

81 (g) * * * [Deleted]

82 (h) "Health care facility" * * * means hospitals, * * *
83 skilled nursing facilities, * * * home health agencies, * * *
84 long-term care hospitals * * * and other long-term care
85 facilities, including facilities owned or operated by the state or
86 a political subdivision or instrumentality of the state, but does
87 not include Christian Science sanatoriums operated or listed and
88 certified by the First Church of Christ, Scientist, Boston,
89 Massachusetts. * * * The various health care facilities listed in
90 this paragraph shall be defined as follows:

91 (i) "Hospital" means an institution which is
92 primarily engaged in providing to inpatients, by or under the
93 supervision of physicians, diagnostic services and therapeutic
94 services for medical diagnosis, treatment and care of injured,
95 disabled or sick persons, or rehabilitation services for the
96 rehabilitation of injured, disabled or sick persons. Such term



97 does not include psychiatric hospitals. After June 1, 2025,
98 "hospital" shall not be included in the definition of "health care
99 facility."

100 (ii) * * * [Deleted]

101 (iii) * * * [Deleted]

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

108 (v) * * * [Deleted]

109 (vi) * * * [Deleted]

110 (vii) * * * [Deleted]

111 (viii) * * * [Deleted]

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

121 1. Physical, occupational or speech therapy;



- 122 2. Medical social services;
- 123 3. Part-time or intermittent services of a
- 124 home health aide;
- 125 4. Other services as approved by the
- 126 licensing agency for home health agencies;
- 127 5. Medical supplies, other than drugs and
- 128 biologicals, and the use of medical appliances; or
- 129 6. Medical services provided by an intern or
- 130 resident-in-training at a hospital under a teaching program of
- 131 such hospital.

132 Further, all skilled nursing services and those services

133 listed in items 1 through 4 of this subparagraph (ix) must be

134 provided directly by the licensed home health agency. For

135 purposes of this subparagraph, "directly" means either through an

136 agency employee or by an arrangement with another individual not

137 defined as a health care facility.

138 This subparagraph (ix) shall not apply to health care

139 facilities which had contracts for the above services with a home

140 health agency on January 1, 1990.

141 (x) * * * [Deleted]

142 (xi) * * * [Deleted]

143 (xii) "Long-term care hospital" means a

144 freestanding, Medicare-certified hospital that has an average

145 length of inpatient stay greater than twenty-five (25) days, which

146 is primarily engaged in providing chronic or long-term medical



147 care to patients who do not require more than three (3) hours of
148 rehabilitation or comprehensive rehabilitation per day, and has a
149 transfer agreement with an acute care medical center and a
150 comprehensive medical rehabilitation facility. Long-term care
151 hospitals shall not use rehabilitation, comprehensive medical
152 rehabilitation, medical rehabilitation, sub-acute rehabilitation,
153 nursing home, skilled nursing facility or sub-acute care facility
154 in association with its name.

155 (xiii) * * * [Deleted]

156 (i) * * * [Deleted]

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

162 (k) * * * [Deleted]

163 (l) * * * [Deleted]

164 (m) * * * [Deleted]

165 (n) "State Department of Health" or "department" shall
166 mean the state agency created under Section 41-3-15, which shall
167 be considered to be the State Health Planning and Development
168 Agency, as defined in paragraph (u) of this section.

169 (o) "Offer," when used in connection with health
170 services, means that it has been determined by the State



171 Department of Health that the health care facility is capable of
172 providing specified health services.

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

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

181 (r) * * * [Deleted]

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

186 (t) "State Health Plan" means the sole and official
187 statewide health plan for Mississippi which identifies priority
188 state health needs and establishes standards and criteria
189 for * * * home health agencies, skilled nursing facilities and
190 long-term care facilities which require certificate of need review
191 in compliance with Section 41-7-191.

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



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

198 41-7-191. (1) No person shall engage in any of the
199 following activities without obtaining the required certificate of
200 need:

201 (a) Through June 1, 2025, the construction, development
202 or relocation of a hospital, unless such relocation is within five
203 thousand two hundred eighty (5,280) feet from the main entrance of
204 the health care facility. After June 1, 2025, no certificate of
205 need is required;

206 (b) Through June 1, 2025, the relocation of a hospital
207 or portion thereof that does not involve a capital expenditure by
208 or on behalf of a hospital, unless such relocation is within five
209 thousand two hundred eighty (5,280) feet from the main entrance of
210 the hospital. After June 1, 2025, no certificate of need is
211 required;

212 (c) Through June 1, 2025, any change in the existing
213 bed complement of any hospital through the addition or conversion
214 of any beds or the alteration, modernizing or refurbishing of any
215 unit or department in which the beds may be located; however, if a
216 hospital has voluntarily delicensed some of its existing bed
217 complement, it may later relicense some or all of its delicensed
218 beds without the necessity of having to acquire a certificate of
219 need. The State Department of Health shall maintain a record of
220 the delicensing hospital and its voluntarily delicensed beds and



221 continue counting those beds as part of the state's total bed
222 count for health care planning purposes. If a hospital that has
223 voluntarily delicensed some of its beds later desires to relicense
224 some or all of its voluntarily delicensed beds, it shall notify
225 the State Department of Health of its intent to increase the
226 number of its licensed beds. The State Department of Health shall
227 survey the hospital within thirty (30) days of that notice and, if
228 appropriate, issue the hospital a new license reflecting the new
229 contingent of beds. However, in no event may a hospital that has
230 voluntarily delicensed some of its beds be reissued a license to
231 operate beds in excess of its bed count before the voluntary
232 delicensure of some of its beds without seeking certificate of
233 need approval. After June 1, 2025, no certificate of need is
234 required;

235 (* * *d) The construction, development or other
236 establishment of a * * * home health agency, skilled nursing
237 facility or long-term care facility, which establishment shall
238 include the reopening of a * * * home health agency, skilled
239 nursing facility or long-term care facility that has ceased to
240 operate for a period of sixty (60) months or more;

241 (* * *e) The relocation of a * * * home health agency,
242 skilled nursing facility or long-term care facility or portion
243 thereof, * * * unless such relocation * * * is within five
244 thousand two hundred eighty (5,280) feet from the main entrance of



245 the * * * health agency, skilled nursing facility or long-term
246 care facility;

247 (* * * f) Any change in the existing bed complement of
248 any * * * home health agency, skilled nursing facility or
249 long-term care facility through the addition or conversion of any
250 beds or the alteration, modernizing or refurbishing of any unit or
251 department in which the beds may be located; however, if a * * *
252 home health agency, skilled nursing facility or long-term care
253 facility has voluntarily delicensed some of its existing bed
254 complement, it may later relicense some or all of its delicensed
255 beds without the necessity of having to acquire a certificate of
256 need. The State Department of Health shall maintain a record of
257 the delicensing * * * home health agency, skilled nursing facility
258 or long-term care facility and its voluntarily delicensed beds and
259 continue counting those beds as part of the state's total bed
260 count for health care planning purposes. If a * * * home health
261 agency, skilled nursing facility or long-term care facility that
262 has voluntarily delicensed some of its beds later desires to
263 relicense some or all of its voluntarily delicensed beds, it shall
264 notify the State Department of Health of its intent to increase
265 the number of its licensed beds. The State Department of Health
266 shall survey the * * * home health agency, skilled nursing
267 facility or long-term care facility within thirty (30) days of
268 that notice and, if appropriate, issue the * * * home health
269 agency, skilled nursing facility or long-term care facility a new



270 license reflecting the new contingent of beds. However, in no
271 event may a * * * home health agency, skilled nursing facility or
272 long-term care facility that has voluntarily delicensed some of
273 its beds be reissued a license to operate beds in excess of its
274 bed count before the voluntary delicensure of some of its beds
275 without seeking certificate of need approval;

276 * * *

277 (g) Changes of ownership of existing * * * health
278 agencies, skilled nursing facilities or long-term care facilities
279 in which a notice of intent is not filed with the State Department
280 of Health at least thirty (30) days prior to the date such change
281 of ownership occurs, or a change in * * * bed capacity as
282 prescribed in paragraph (c) or (* * *f) of this subsection as a
283 result of the change of ownership; an acquisition for less than
284 fair market value must be reviewed, if the acquisition at fair
285 market value would be subject to review;

286 (h) The change of ownership of * * * a skilled nursing
287 facility in which a notice of intent as described in paragraph (g)
288 has not been filed and if the Executive Director, Division of
289 Medicaid, Office of the Governor, has not certified in writing
290 that there will be no increase in allowable costs to Medicaid from
291 revaluation of the assets or from increased interest and
292 depreciation as a result of the proposed change of ownership;

293 (i) Any activity described in paragraphs (a) through
294 (h) if undertaken by any person if that same activity would



295 require certificate of need approval if undertaken by a * * * home
296 health agency, skilled nursing facility or long-term care
297 facility;

298 * * *

299 (* * *j) Reopening a * * * home health agency, skilled
300 nursing facility or long-term care facility that has ceased to
301 operate for a period of sixty (60) months or more, which reopening
302 requires a certificate of need for the establishment of a * * *
303 home health agency, skilled nursing facility or long-term care
304 facility.

305 (2) The State Department of Health shall not grant approval
306 for or issue a certificate of need to any person proposing the new
307 construction of, addition to, or expansion of * * * a skilled
308 nursing facility or the conversion of vacant hospital beds to
309 provide skilled or intermediate nursing home care, except as
310 hereinafter authorized:

311 (a) The department may issue a certificate of need to
312 any person proposing the new construction of any * * * skilled
313 nursing facility as part of a life care retirement facility, in
314 any county bordering on the Gulf of Mexico in which is located a
315 National Aeronautics and Space Administration facility, not to
316 exceed forty (40) beds. From and after July 1, 1999, there shall
317 be no prohibition or restrictions on participation in the Medicaid
318 program (Section 43-13-101 et seq.) for the beds in the health
319 care facility that were authorized under this paragraph (a).



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

327 (c) The department may issue a certificate of need for
328 the addition to or expansion of any skilled nursing facility that
329 is part of an existing continuing care retirement community
330 located in Madison County, provided that the recipient of the
331 certificate of need agrees in writing that the skilled nursing
332 facility will not at any time participate in the Medicaid program
333 (Section 43-13-101 et seq.) or admit or keep any patients in the
334 skilled nursing facility who are participating in the Medicaid
335 program. This written agreement by the recipient of the
336 certificate of need shall be fully binding on any subsequent owner
337 of the skilled nursing facility, if the ownership of the facility
338 is transferred at any time after the issuance of the certificate
339 of need. Agreement that the skilled nursing facility will not
340 participate in the Medicaid program shall be a condition of the
341 issuance of a certificate of need to any person under this
342 paragraph (c), and if such skilled nursing facility at any time
343 after the issuance of the certificate of need, regardless of the
344 ownership of the facility, participates in the Medicaid program or



345 admits or keeps any patients in the facility who are participating
346 in the Medicaid program, the State Department of Health shall
347 revoke the certificate of need, if it is still outstanding, and
348 shall deny or revoke the license of the skilled nursing facility,
349 at the time that the department determines, after a hearing
350 complying with due process, that the facility has failed to comply
351 with any of the conditions upon which the certificate of need was
352 issued, as provided in this paragraph and in the written agreement
353 by the recipient of the certificate of need. The total number of
354 beds that may be authorized under the authority of this paragraph
355 (c) shall not exceed sixty (60) beds.

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

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



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

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

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

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



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

397 (i) The department may issue a certificate of need for
398 the new construction of a skilled nursing facility in Leake
399 County, provided that the recipient of the certificate of need
400 agrees in writing that the skilled nursing facility will not at
401 any time participate in the Medicaid program (Section 43-13-101 et
402 seq.) or admit or keep any patients in the skilled nursing
403 facility who are participating in the Medicaid program. This
404 written agreement by the recipient of the certificate of need
405 shall be fully binding on any subsequent owner of the skilled
406 nursing facility, if the ownership of the facility is transferred
407 at any time after the issuance of the certificate of need.
408 Agreement that the skilled nursing facility will not participate
409 in the Medicaid program shall be a condition of the issuance of a
410 certificate of need to any person under this paragraph (i), and if
411 such skilled nursing facility at any time after the issuance of
412 the certificate of need, regardless of the ownership of the
413 facility, participates in the Medicaid program or admits or keeps
414 any patients in the facility who are participating in the Medicaid
415 program, the State Department of Health shall revoke the
416 certificate of need, if it is still outstanding, and shall deny or
417 revoke the license of the skilled nursing facility, at the time
418 that the department determines, after a hearing complying with due
419 process, that the facility has failed to comply with any of the



420 conditions upon which the certificate of need was issued, as
421 provided in this paragraph and in the written agreement by the
422 recipient of the certificate of need. The provision of Section
423 41-7-193(1) regarding substantial compliance of the projection of
424 need as reported in the current State Health Plan is waived for
425 the purposes of this paragraph. The total number of nursing
426 facility beds that may be authorized by any certificate of need
427 issued under this paragraph (i) shall not exceed sixty (60) beds.
428 If the skilled nursing facility authorized by the certificate of
429 need issued under this paragraph is not constructed and fully
430 operational within eighteen (18) months after July 1, 1994, the
431 State Department of Health, after a hearing complying with due
432 process, shall revoke the certificate of need, if it is still
433 outstanding, and shall not issue a license for the skilled nursing
434 facility at any time after the expiration of the eighteen-month
435 period.

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



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

447 (k) The department may issue a certificate of need for
448 the construction of a nursing facility at a continuing care
449 retirement community in Lowndes County. The total number of beds
450 that may be authorized under the authority of this paragraph (k)
451 shall not exceed sixty (60) beds. From and after July 1, 2001,
452 the prohibition on the facility participating in the Medicaid
453 program (Section 43-13-101 et seq.) that was a condition of
454 issuance of the certificate of need under this paragraph (k) shall
455 be revised as follows: The nursing facility may participate in
456 the Medicaid program from and after July 1, 2001, if the owner of
457 the facility on July 1, 2001, agrees in writing that no more than
458 thirty (30) of the beds at the facility will be certified for
459 participation in the Medicaid program, and that no claim will be
460 submitted for Medicaid reimbursement for more than thirty (30)
461 patients in the facility in any month or for any patient in the
462 facility who is in a bed that is not Medicaid-certified. This
463 written agreement by the owner of the facility shall be a
464 condition of licensure of the facility, and the agreement shall be
465 fully binding on any subsequent owner of the facility if the
466 ownership of the facility is transferred at any time after July 1,
467 2001. After this written agreement is executed, the Division of
468 Medicaid and the State Department of Health shall not certify more
469 than thirty (30) of the beds in the facility for participation in



470 the Medicaid program. If the facility violates the terms of the
471 written agreement by admitting or keeping in the facility on a
472 regular or continuing basis more than thirty (30) patients who are
473 participating in the Medicaid program, the State Department of
474 Health shall revoke the license of the facility, at the time that
475 the department determines, after a hearing complying with due
476 process, that the facility has violated the written agreement.

477 (l) Provided that funds are specifically appropriated
478 therefor by the Legislature, the department may issue a
479 certificate of need to a rehabilitation hospital in Hinds County
480 for the construction of a sixty-bed long-term care nursing
481 facility dedicated to the care and treatment of persons with
482 severe disabilities including persons with spinal cord and
483 closed-head injuries and ventilator dependent patients. The
484 provisions of Section 41-7-193(1) regarding substantial compliance
485 with projection of need as reported in the current State Health
486 Plan are waived for the purpose of this paragraph.

487 (m) The State Department of Health may issue a
488 certificate of need to a county-owned hospital in the Second
489 Judicial District of Panola County for the conversion of not more
490 than seventy-two (72) hospital beds to nursing facility beds,
491 provided that the recipient of the certificate of need agrees in
492 writing that none of the beds at the nursing facility will be
493 certified for participation in the Medicaid program (Section
494 43-13-101 et seq.), and that no claim will be submitted for



495 Medicaid reimbursement in the nursing facility in any day or for
496 any patient in the nursing facility. This written agreement by
497 the recipient of the certificate of need shall be a condition of
498 the issuance of the certificate of need under this paragraph, and
499 the agreement shall be fully binding on any subsequent owner of
500 the nursing facility if the ownership of the nursing facility is
501 transferred at any time after the issuance of the certificate of
502 need. After this written agreement is executed, the Division of
503 Medicaid and the State Department of Health shall not certify any
504 of the beds in the nursing facility for participation in the
505 Medicaid program. If the nursing facility violates the terms of
506 the written agreement by admitting or keeping in the nursing
507 facility on a regular or continuing basis any patients who are
508 participating in the Medicaid program, the State Department of
509 Health shall revoke the license of the nursing facility, at the
510 time that the department determines, after a hearing complying
511 with due process, that the nursing facility has violated the
512 condition upon which the certificate of need was issued, as
513 provided in this paragraph and in the written agreement. If the
514 certificate of need authorized under this paragraph is not issued
515 within twelve (12) months after July 1, 2001, the department shall
516 deny the application for the certificate of need and shall not
517 issue the certificate of need at any time after the twelve-month
518 period, unless the issuance is contested. If the certificate of
519 need is issued and substantial construction of the nursing



520 facility beds has not commenced within eighteen (18) months after
521 July 1, 2001, the State Department of Health, after a hearing
522 complying with due process, shall revoke the certificate of need
523 if it is still outstanding, and the department shall not issue a
524 license for the nursing facility at any time after the
525 eighteen-month period. However, if the issuance of the
526 certificate of need is contested, the department shall require
527 substantial construction of the nursing facility beds within six
528 (6) months after final adjudication on the issuance of the
529 certificate of need.

530 (n) The department may issue a certificate of need for
531 the new construction, addition or conversion of skilled nursing
532 facility beds in Madison County, provided that the recipient of
533 the certificate of need agrees in writing that the skilled nursing
534 facility will not at any time participate in the Medicaid program
535 (Section 43-13-101 et seq.) or admit or keep any patients in the
536 skilled nursing facility who are participating in the Medicaid
537 program. This written agreement by the recipient of the
538 certificate of need shall be fully binding on any subsequent owner
539 of the skilled nursing facility, if the ownership of the facility
540 is transferred at any time after the issuance of the certificate
541 of need. Agreement that the skilled nursing facility will not
542 participate in the Medicaid program shall be a condition of the
543 issuance of a certificate of need to any person under this
544 paragraph (n), and if such skilled nursing facility at any time



545 after the issuance of the certificate of need, regardless of the
546 ownership of the facility, participates in the Medicaid program or
547 admits or keeps any patients in the facility who are participating
548 in the Medicaid program, the State Department of Health shall
549 revoke the certificate of need, if it is still outstanding, and
550 shall deny or revoke the license of the skilled nursing facility,
551 at the time that the department determines, after a hearing
552 complying with due process, that the facility has failed to comply
553 with any of the conditions upon which the certificate of need was
554 issued, as provided in this paragraph and in the written agreement
555 by the recipient of the certificate of need. The total number of
556 nursing facility beds that may be authorized by any certificate of
557 need issued under this paragraph (n) shall not exceed sixty (60)
558 beds. If the certificate of need authorized under this paragraph
559 is not issued within twelve (12) months after July 1, 1998, the
560 department shall deny the application for the certificate of need
561 and shall not issue the certificate of need at any time after the
562 twelve-month period, unless the issuance is contested. If the
563 certificate of need is issued and substantial construction of the
564 nursing facility beds has not commenced within eighteen (18)
565 months after July 1, 1998, the State Department of Health, after a
566 hearing complying with due process, shall revoke the certificate
567 of need if it is still outstanding, and the department shall not
568 issue a license for the nursing facility at any time after the
569 eighteen-month period. However, if the issuance of the



570 certificate of need is contested, the department shall require
571 substantial construction of the nursing facility beds within six
572 (6) months after final adjudication on the issuance of the
573 certificate of need.

574 (o) The department may issue a certificate of need for
575 the new construction, addition or conversion of skilled nursing
576 facility beds in Leake County, provided that the recipient of the
577 certificate of need agrees in writing that the skilled nursing
578 facility will not at any time participate in the Medicaid program
579 (Section 43-13-101 et seq.) or admit or keep any patients in the
580 skilled nursing facility who are participating in the Medicaid
581 program. This written agreement by the recipient of the
582 certificate of need shall be fully binding on any subsequent owner
583 of the skilled nursing facility, if the ownership of the facility
584 is transferred at any time after the issuance of the certificate
585 of need. Agreement that the skilled nursing facility will not
586 participate in the Medicaid program shall be a condition of the
587 issuance of a certificate of need to any person under this
588 paragraph (o), and if such skilled nursing facility at any time
589 after the issuance of the certificate of need, regardless of the
590 ownership of the facility, participates in the Medicaid program or
591 admits or keeps any patients in the facility who are participating
592 in the Medicaid program, the State Department of Health shall
593 revoke the certificate of need, if it is still outstanding, and
594 shall deny or revoke the license of the skilled nursing facility,



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

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



620 the Town of Belmont in Tishomingo County, not to exceed sixty (60)
621 beds, provided that the recipient of the certificate of need
622 agrees in writing that the skilled nursing facility will not at
623 any time participate in the Medicaid program (Section 43-13-101 et
624 seq.) or admit or keep any patients in the skilled nursing
625 facility who are participating in the Medicaid program. This
626 written agreement by the recipient of the certificate of need
627 shall be fully binding on any subsequent owner of the skilled
628 nursing facility, if the ownership of the facility is transferred
629 at any time after the issuance of the certificate of need.
630 Agreement that the skilled nursing facility will not participate
631 in the Medicaid program shall be a condition of the issuance of a
632 certificate of need to any person under this paragraph (p), and if
633 such skilled nursing facility at any time after the issuance of
634 the certificate of need, regardless of the ownership of the
635 facility, participates in the Medicaid program or admits or keeps
636 any patients in the facility who are participating in the Medicaid
637 program, the State Department of Health shall revoke the
638 certificate of need, if it is still outstanding, and shall deny or
639 revoke the license of the skilled nursing facility, at the time
640 that the department determines, after a hearing complying with due
641 process, that the facility has failed to comply with any of the
642 conditions upon which the certificate of need was issued, as
643 provided in this paragraph and in the written agreement by the
644 recipient of the certificate of need. The provision of Section



645 41-7-193(1) regarding substantial compliance of the projection of
646 need as reported in the current State Health Plan is waived for
647 the purposes of this paragraph. If the certificate of need
648 authorized under this paragraph is not issued within twelve (12)
649 months after July 1, 1998, the department shall deny the
650 application for the certificate of need and shall not issue the
651 certificate of need at any time after the twelve-month period,
652 unless the issuance is contested. If the certificate of need is
653 issued and substantial construction of the nursing facility beds
654 has not commenced within eighteen (18) months after July 1, 1998,
655 the State Department of Health, after a hearing complying with due
656 process, shall revoke the certificate of need if it is still
657 outstanding, and the department shall not issue a license for the
658 nursing facility at any time after the eighteen-month period.
659 However, if the issuance of the certificate of need is contested,
660 the department shall require substantial construction of the
661 nursing facility beds within six (6) months after final
662 adjudication on the issuance of the certificate of need.

663 (q) * * * [Deleted]

664 (r) * * * [Deleted]

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



670 beds. For purposes of this paragraph (s), the provisions of
671 Section 41-7-193(1) requiring substantial compliance with the
672 projection of need as reported in the current State Health Plan
673 and the provisions of Section 41-7-197 requiring a formal
674 certificate of need hearing process are waived. There shall be no
675 prohibition or restrictions on participation in the Medicaid
676 program for the person receiving the certificate of need
677 authorized under this paragraph (s).

678 (t) The State Department of Health shall issue
679 certificates of need to the owner of a nursing facility in
680 operation at the time of Hurricane Katrina in Hancock County that
681 was not operational on December 31, 2005, because of damage
682 sustained from Hurricane Katrina to authorize the following: (i)
683 the construction of a new nursing facility in Harrison County;
684 (ii) the relocation of forty-nine (49) nursing facility beds from
685 the Hancock County facility to the new Harrison County facility;
686 (iii) the establishment of not more than twenty (20) non-Medicaid
687 nursing facility beds at the Hancock County facility; and (iv) the
688 establishment of not more than twenty (20) non-Medicaid beds at
689 the new Harrison County facility. The certificates of need that
690 authorize the non-Medicaid nursing facility beds under
691 subparagraphs (iii) and (iv) of this paragraph (t) shall be
692 subject to the following conditions: The owner of the Hancock
693 County facility and the new Harrison County facility must agree in
694 writing that no more than fifty (50) of the beds at the Hancock



695 County facility and no more than forty-nine (49) of the beds at
696 the Harrison County facility will be certified for participation
697 in the Medicaid program, and that no claim will be submitted for
698 Medicaid reimbursement for more than fifty (50) patients in the
699 Hancock County facility in any month, or for more than forty-nine
700 (49) patients in the Harrison County facility in any month, or for
701 any patient in either facility who is in a bed that is not
702 Medicaid-certified. This written agreement by the owner of the
703 nursing facilities shall be a condition of the issuance of the
704 certificates of need under this paragraph (t), and the agreement
705 shall be fully binding on any later owner or owners of either
706 facility if the ownership of either facility is transferred at any
707 time after the certificates of need are issued. After this
708 written agreement is executed, the Division of Medicaid and the
709 State Department of Health shall not certify more than fifty (50)
710 of the beds at the Hancock County facility or more than forty-nine
711 (49) of the beds at the Harrison County facility for participation
712 in the Medicaid program. If the Hancock County facility violates
713 the terms of the written agreement by admitting or keeping in the
714 facility on a regular or continuing basis more than fifty (50)
715 patients who are participating in the Medicaid program, or if the
716 Harrison County facility violates the terms of the written
717 agreement by admitting or keeping in the facility on a regular or
718 continuing basis more than forty-nine (49) patients who are
719 participating in the Medicaid program, the State Department of



720 Health shall revoke the license of the facility that is in
721 violation of the agreement, at the time that the department
722 determines, after a hearing complying with due process, that the
723 facility has violated the agreement.

724 (u) The State Department of Health shall issue a
725 certificate of need to a nonprofit venture for the establishment,
726 construction and operation of a skilled nursing facility of not
727 more than sixty (60) beds to provide skilled nursing care for
728 ventilator dependent or otherwise medically dependent pediatric
729 patients who require medical and nursing care or rehabilitation
730 services to be located in a county in which an academic medical
731 center and a children's hospital are located, and for any
732 construction and for the acquisition of equipment related to those
733 beds. The facility shall be authorized to keep such ventilator
734 dependent or otherwise medically dependent pediatric patients
735 beyond age twenty-one (21) in accordance with regulations of the
736 State Board of Health. For purposes of this paragraph (u), the
737 provisions of Section 41-7-193(1) requiring substantial compliance
738 with the projection of need as reported in the current State
739 Health Plan are waived, and the provisions of Section 41-7-197
740 requiring a formal certificate of need hearing process are waived.
741 The beds authorized by this paragraph shall be counted as
742 pediatric skilled nursing facility beds for health planning
743 purposes under Section 41-7-171 et seq. There shall be no
744 prohibition of or restrictions on participation in the Medicaid



745 program for the person receiving the certificate of need
746 authorized by this paragraph.

747 (3) * * * [Deleted]

748 (4) * * * [Deleted]

749 (5) * * * [Deleted]

750 (6) The State Department of Health shall issue a certificate
751 of need to a Mississippi corporation qualified to manage a
752 long-term care hospital * * * in Harrison County, not to exceed
753 eighty (80) beds, including any necessary renovation or
754 construction required for licensure and certification, provided
755 that the recipient of the certificate of need agrees in writing
756 that the long-term care hospital will not at any time participate
757 in the Medicaid program (Section 43-13-101 et seq.) or admit or
758 keep any patients in the long-term care hospital who are
759 participating in the Medicaid program. This written agreement by
760 the recipient of the certificate of need shall be fully binding on
761 any subsequent owner of the long-term care hospital, if the
762 ownership of the facility is transferred at any time after the
763 issuance of the certificate of need. Agreement that the long-term
764 care hospital will not participate in the Medicaid program shall
765 be a condition of the issuance of a certificate of need to any
766 person under this subsection (6), and if such long-term care
767 hospital at any time after the issuance of the certificate of
768 need, regardless of the ownership of the facility, participates in
769 the Medicaid program or admits or keeps any patients in the



770 facility who are participating in the Medicaid program, the State
771 Department of Health shall revoke the certificate of need, if it
772 is still outstanding, and shall deny or revoke the license of the
773 long-term care hospital, at the time that the department
774 determines, after a hearing complying with due process, that the
775 facility has failed to comply with any of the conditions upon
776 which the certificate of need was issued, as provided in this
777 subsection and in the written agreement by the recipient of the
778 certificate of need. For purposes of this subsection, the
779 provisions of Section 41-7-193(1) requiring substantial compliance
780 with the projection of need as reported in the current State
781 Health Plan are waived.

782 (7) * * * [Deleted]

783 (8) * * * [Deleted]

784 (9) * * * [Deleted]

785 (10) Health care facilities owned and/or operated by the
786 state or its agencies are exempt from the restraints in this
787 section against issuance of a certificate of need if such addition
788 or expansion consists of repairing or renovation necessary to
789 comply with the state licensure law. This exception shall not
790 apply to the new construction of any building by such state
791 facility. This exception shall not apply to any health care
792 facilities owned and/or operated by counties, municipalities,
793 districts, unincorporated areas, other defined persons, or any
794 combination thereof.



795 (11) The new construction, renovation or expansion of or
796 addition to * * * a skilled nursing facility that is owned by the
797 State of Mississippi and under the direction and control of the
798 State Department of Mental Health, and the addition of new beds or
799 the conversion of beds from one category to another in any
800 such * * * skilled nursing facility which is owned by the State of
801 Mississippi and under the direction and control of the State
802 Department of Mental Health, shall not require the issuance of a
803 certificate of need under Section 41-7-171 et seq.,
804 notwithstanding any provision in Section 41-7-171 et seq. to the
805 contrary.

806 (12) * * * [Deleted]

807 (13) The repair or the rebuilding of an existing, operating
808 health care facility that sustained significant damage from a
809 natural disaster that occurred after April 15, 2014, in an area
810 that is proclaimed a disaster area or subject to a state of
811 emergency by the Governor or by the President of the United States
812 shall be exempt from all of the requirements of the Mississippi
813 Certificate of Need Law (Section 41-7-171 et seq.) and any and all
814 rules and regulations promulgated under that law, subject to the
815 following conditions:

816 (a) The repair or the rebuilding of any such damaged
817 health care facility must be within one (1) mile of the
818 pre-disaster location of the campus of the damaged health care
819 facility, except that any temporary post-disaster health care



820 facility operating location may be within five (5) miles of the
821 pre-disaster location of the damaged health care facility;

822 (b) The repair or the rebuilding of the damaged health
823 care facility (i) does not increase or change the complement of
824 its bed capacity that it had before the Governor's or the
825 President's proclamation, (ii) does not increase or change its
826 levels and types of health care services that it provided before
827 the Governor's or the President's proclamation, and (iii) does not
828 rebuild in a different county; however, this paragraph does not
829 restrict or prevent a health care facility from decreasing its bed
830 capacity that it had before the Governor's or the President's
831 proclamation, or from decreasing the levels of or decreasing or
832 eliminating the types of health care services that it provided
833 before the Governor's or the President's proclamation, when the
834 damaged health care facility is repaired or rebuilt;

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

840 (d) The Division of Health Facilities Licensure and
841 Certification of the State Department of Health shall provide the
842 same oversight for the repair or the rebuilding of the damaged
843 health care facility that it provides to all health care facility
844 construction projects in the state.



845 For the purposes of this subsection (13), "significant
846 damage" to a health care facility means damage to the health care
847 facility requiring an expenditure of at least One Million Dollars
848 (\$1,000,000.00).

849 (14) * * * [Deleted]

850 (15) * * * [Deleted]

851 (16) * * * [Deleted]

852 (17) * * * [Deleted]

853 (18) * * * [Deleted]

854 (19) [Repealed]

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

860 (21) Nothing in this section or any other provision of
861 Section 41-7-171 et seq. shall prevent any health care facility
862 from the new construction, renovation, conversion or expansion of
863 new beds in the facility designated as intensive care units,
864 negative pressure rooms, or isolation rooms pursuant to the
865 provisions of Sections 41-14-1 through 41-14-11, or Section
866 41-14-31. For purposes of this subsection, the provisions of
867 Section 41-7-193(1) requiring substantial compliance with the
868 projection of need as reported in the current State Health Plan



869 and the provisions of Section 41-7-197 requiring a formal
870 certificate of need hearing process are waived.

871 **SECTION 3.** Section 41-7-190, Mississippi Code of 1972, is
872 amended as follows:

873 41-7-190. No corporation, foreign or domestic, partnership,
874 individual(s) or association of such entities or of persons
875 whatsoever, or any combination thereof, shall own, possess or
876 exercise control over, in any manner, more than twenty percent
877 (20%) of the beds in health care facilities defined in Section
878 41-7-173(h) (iv) * * * in the defined health service area of the
879 State of Mississippi.

880 Health care facilities owned, operated or under control of
881 the United States government, the state government or political
882 subdivision of either are excluded from the limitation of this
883 section.

884 **SECTION 4.** Section 41-7-207, Mississippi Code of 1972, is
885 amended as follows:

886 41-7-207. Notwithstanding any other provisions of Sections
887 41-7-171 through 41-7-209, except when the owner of a damaged
888 health care facility applies to repair or rebuild the facility in
889 accordance with the provisions of Section 41-7-191(13), when the
890 need for any emergency replacement occurs, the certificate of need
891 review process shall be expedited by promulgation of
892 administrative procedures for expenditures necessary to alleviate
893 an emergency condition and restore health care access. Emergency



894 replacement means the replacement, and/or a necessary relocation,
895 of all or the damaged part of the facilities or equipment * * *
896 without which the operation of the facility and the health and
897 safety of patients would be immediately jeopardized and health
898 care access would be denied to such patients. Expenditures under
899 this section shall be limited to the replacement of those
900 necessary facilities or equipment, the loss of which constitutes
901 an emergency; however, in the case of the destruction or major
902 damage to a health care facility, the department shall be
903 authorized to issue a certificate of need to address the current
904 and future health care needs of the community, including, but not
905 limited to, the expansion of the health care facility and/or the
906 relocation of the health care facility. In exercising the
907 authority granted in this section, the department may waive all or
908 part of the required certificate of need application fee for any
909 application filed under this section if the expenditure would
910 create a further hardship or undue burden on the health care
911 facility.

912 **SECTION 5.** Section 41-73-5, Mississippi Code of 1972, is
913 amended as follows:

914 41-73-5. When used in this act, unless the context requires
915 a different definition, the following terms shall have the
916 following meanings:

917 (a) "Act" means the Mississippi Hospital Equipment and
918 Facilities Authority Act.



919 (b) "Authority" means the Mississippi Hospital
920 Equipment and Facilities Authority created by this act and any
921 successor to its functions.

922 (c) "Bonds" means bonds, notes or other evidences of
923 indebtedness of the authority issued pursuant to this act,
924 including refunding bonds.

925 (d) "Cost" as applied to hospital equipment means any
926 and all costs of such hospital equipment and, without limiting the
927 generality of the foregoing, shall include the following:

928 (i) All costs of the acquisition, repair,
929 restoration, reconditioning, refinancing or installation of any
930 such hospital equipment and all costs incident or related thereto;

931 (ii) The cost of any property interest in such
932 hospital equipment including an option to purchase or leasehold
933 interest;

934 (iii) The cost of architectural, engineering,
935 legal and related services; the cost of the preparation of plans,
936 specifications, studies, surveys and estimates of cost and of
937 revenue; and all other expenses necessary or incident to planning,
938 providing or determining the need for or the feasibility and
939 practicability of such hospital equipment; and the cost of
940 providing or establishing a reasonable reserve fund for the
941 payment of principal and interest on bonds;

942 (iv) The cost of financing charges, including
943 premiums or prepayment penalties, if any, and interest accrued



944 prior to the acquisition and installation or refinancing of such
945 hospital equipment and after such acquisition and installation or
946 refinancing and start-up costs related to hospital equipment;

947 (v) Any and all costs paid or incurred in
948 connection with the financing of such hospital equipment,
949 including out-of-pocket expenses, the cost of financing, legal,
950 accounting, financial advisory and consulting fees, expenses and
951 disbursements; the cost of any policy of insurance; the cost of
952 printing, engraving and reproduction services; and the cost of the
953 initial or acceptance fee of any trustee or paying agent;

954 (vi) All direct or indirect costs of the authority
955 incurred in connection with providing such hospital equipment,
956 including, without limitation, reasonable sums to reimburse the
957 authority for time spent by its agents or employees with respect
958 to providing such hospital equipment and the financing thereof;
959 and

960 (vii) Any and all costs paid or incurred for the
961 administration of any program for the purchase or lease of or the
962 making of loans for hospital equipment, by the authority and any
963 program for the sale or lease of or the making of loans for such
964 hospital equipment to any participating hospital institution.

965 (e) "Cost," as applied to hospital facilities, means
966 any and all costs of such hospital facilities and, without
967 limiting the generality of the foregoing, shall include the
968 following:



969 (i) All costs of the establishment, demolition,
970 site development of new and rehabilitated buildings,
971 rehabilitation, reconstruction repair, erection, building,
972 construction, remodeling, adding to and furnishing of any such
973 hospital facilities and all costs incident or related thereto;
974 (ii) The cost of acquiring any property interest
975 in such hospital facilities including the purchase thereof, the
976 cost of an option to purchase or the cost of any leasehold
977 interest;
978 (iii) The cost of architectural, engineering,
979 legal and related services; the cost of the preparation of plans,
980 specifications, studies, surveys and estimates of cost and of
981 revenue; all other expenses necessary or incident to planning,
982 providing or determining the need for or the feasibility and
983 practicability of such hospital facilities or the acquisition
984 thereof; and the cost of providing or establishing a reasonable
985 reserve fund for the payment of principal of and interest on
986 bonds;
987 (iv) The cost of financing charges, including
988 premiums or prepayment penalties, if any, and interest accrued
989 prior to the acquisition and completion or refinancing of such
990 hospital facilities and after such acquisition and completion or
991 refinancing and start-up costs related to hospital facilities;
992 (v) Any and all costs paid or incurred in
993 connection with the financing of such hospital facilities,



994 including out-of-pocket expenses, the cost of financing, legal,
995 accounting, financial advisory and consulting fees, expenses and
996 disbursement; the cost of any policy of insurance; the cost of
997 printing, engraving and reproduction services; and the cost of the
998 initial or acceptance fee of any trustee or paying agent;

999 (vi) All direct or indirect costs of the authority
1000 incurred in connection with providing such hospital facilities,
1001 including, without limitation, reasonable sums to reimburse the
1002 authority for time spent by its agents or employees with respect
1003 to providing such hospital facilities and the financing thereof;

1004 (vii) Any and all costs paid or incurred for the
1005 administration of any program for the purchase or lease of or the
1006 making of loans for hospital facilities, by the authority and any
1007 program for the sale or lease of or the making of loans for such
1008 hospital facilities to any participating hospital institution; and

1009 (viii) The cost of providing for the payment or
1010 the making provision for the payment of, by the appropriate
1011 escrowing of monies or securities, the principal of and interest
1012 on which when due will be adequate to make such payment, any
1013 indebtedness encumbering the revenues or property of a
1014 participating hospital institution, whether such payment is to be
1015 effected by redemption of such indebtedness prior to maturity or
1016 not.

1017 (f) "Hospital equipment" means any personal property
1018 which is found and determined by the authority to be required or



1019 necessary or helpful for medical care, research, training or
1020 teaching, any one (1) or all, in hospital facilities located in
1021 the state, irrespective of whether such property is in existence
1022 at the time of, or is to be provided after the making of, such
1023 finding. * * *

1024 (g) "Hospital facility" or "hospital facilities" means
1025 buildings and structures of any and all types used or useful, in
1026 the discretion of the authority, for providing any types of care
1027 to the sick, wounded, infirmed, needy, mentally incompetent or
1028 elderly and shall include, without limiting the generality of the
1029 foregoing, out-patient clinics, laboratories, laundries, nurses',
1030 doctors' or interns' residences, administration buildings, office
1031 buildings, facilities for research directly involved with hospital
1032 care, maintenance, storage or utility facilities, parking lots,
1033 and garages and all necessary, useful, or related furnishings, and
1034 appurtenances and all lands necessary or convenient as a site for
1035 the foregoing.

1036 (h) "Participating hospital institution" or "hospital
1037 institution" means a public or private corporation, association,
1038 foundation, trust, cooperative, agency, body politic, or other
1039 person or organization which provides or operates or proposes to
1040 provide or operate hospital facilities not for profit, and which,
1041 pursuant to the provisions of this act, contracts with the
1042 authority for the financing or refinancing of the lease or other
1043 acquisition of hospital equipment or hospital facilities, or both.



1044 (i) "State" means the State of Mississippi.

1045 The use of singular terms herein shall also include the
1046 plural of such term and the use of a plural term herein shall also
1047 include the singular of such term unless the context clearly
1048 requires a different connotation.

1049 **SECTION 6.** This act shall take effect and be in force from
1050 and after July 1, 2024.

