

SENATE BILL NO. 1143

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHNELTING.

5192S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 197.315, RSMo, and to enact in lieu thereof one new section relating to certificates of need for long-term care facilities.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 197.315, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 197.315,
3 to read as follows:

197.315. 1. Any person who proposes to develop or
2 offer a new institutional health service within the state
3 must obtain a certificate of need from the committee prior
4 to the time such services are offered.

5 2. Only those new institutional health services which
6 are found by the committee to be needed shall be granted a
7 certificate of need. Only those new institutional health
8 services which are granted certificates of need shall be
9 offered or developed within the state. No expenditures for
10 new institutional health services in excess of the
11 applicable expenditure minimum shall be made by any person
12 unless a certificate of need has been granted.

13 3. After October 1, 1980, no state agency charged by
14 statute to license or certify health care facilities shall
15 issue a license to or certify any such facility, or distinct
16 part of such facility, that is developed without obtaining a
17 certificate of need.

18 4. If any person proposes to develop any new
19 institutional health care service without a certificate of
20 need as required by sections 197.300 to 197.366, the
21 committee shall notify the attorney general, and he shall
22 apply for an injunction or other appropriate legal action in
23 any court of this state against that person.

24 5. After October 1, 1980, no agency of state
25 government may appropriate or grant funds to or make payment
26 of any funds to any person or health care facility which has
27 not first obtained every certificate of need required
28 pursuant to sections 197.300 to 197.366.

29 6. A certificate of need shall be issued only for the
30 premises and persons named in the application and is not
31 transferable except by consent of the committee.

32 7. Project cost increases, due to changes in the
33 project application as approved or due to project change
34 orders, exceeding the initial estimate by more than ten
35 percent shall not be incurred without consent of the
36 committee.

37 8. Periodic reports to the committee shall be required
38 of any applicant who has been granted a certificate of need
39 until the project has been completed. The committee may
40 order the forfeiture of the certificate of need upon failure
41 of the applicant to file any such report.

42 9. A certificate of need shall be subject to
43 forfeiture for failure to incur a capital expenditure on any
44 approved project within six months after the date of the
45 order. The applicant may request an extension from the
46 committee of not more than six additional months based upon
47 substantial expenditure made.

48 10. Each application for a certificate of need must be
49 accompanied by an application fee. The time of filing

commences with the receipt of the application and the application fee. The application fee is one thousand dollars, or one-tenth of one percent of the total cost of the proposed project, whichever is greater. All application fees shall be deposited in the state treasury. Because of the loss of federal funds, the general assembly will appropriate funds to the Missouri health facilities review committee.

11. In determining whether a certificate of need should be granted, no consideration shall be given to the facilities or equipment of any other health care facility located more than a fifteen-mile radius from the applying facility.

12. When a nursing facility shifts from a skilled to an intermediate level of nursing care, it may return to the higher level of care if it meets the licensure requirements, without obtaining a certificate of need.

13. In no event shall a certificate of need be denied because the applicant refuses to provide abortion services or information.

14. A certificate of need shall not be required for the transfer of ownership of an existing and operational health facility in its entirety, **except for any assisted living facility, intermediate care facility, residential care facility, or skilled nursing facility, as such terms are defined in section 198.006.**

15. A certificate of need may be granted to a facility for an expansion, an addition of services, a new institutional service, or for a new hospital facility which provides for something less than that which was sought in the application.

81 16. The provisions of this section shall not apply to
82 facilities operated by the state, and appropriation of funds
83 to such facilities by the general assembly shall be deemed
84 in compliance with this section, and such facilities shall
85 be deemed to have received an appropriate certificate of
86 need without payment of any fee or charge. The provisions
87 of this subsection shall not apply to hospitals operated by
88 the state and licensed under this chapter, except for
89 department of mental health state-operated psychiatric
90 hospitals.

91 17. Notwithstanding other provisions of this section,
92 a certificate of need may be issued after July 1, 1983, for
93 an intermediate care facility operated exclusively for the
94 intellectually disabled.

95 18. To assure the safe, appropriate, and cost-
96 effective transfer of new medical technology throughout the
97 state, a certificate of need shall not be required for the
98 purchase and operation of:

99 (1) Research equipment that is to be used in a
100 clinical trial that has received written approval from a
101 duly constituted institutional review board of an accredited
102 school of medicine or osteopathy located in Missouri to
103 establish its safety and efficacy and does not increase the
104 bed complement of the institution in which the equipment is
105 to be located. After the clinical trial has been completed,
106 a certificate of need must be obtained for continued use in
107 such facility; or

108 (2) Equipment that is to be used by an academic health
109 center operated by the state in furtherance of its research
110 or teaching missions.

✓