

**SENATE AMENDMENT NO. \_\_\_\_\_**

Offered by \_\_\_\_\_ Of \_\_\_\_\_

Amend SS/SCS/HCS/House Bill No. 2372, Page 43, Section 196.990, Line 131,

2 by inserting after all of said line the following:

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

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

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

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

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

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

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

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

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

50           10. Each application for a certificate of need must be  
51 accompanied by an application fee. The time of filing  
52 commences with the receipt of the application and the  
53 application fee. The application fee is one thousand  
54 dollars, or one-tenth of one percent of the total cost of  
55 the proposed project, whichever is greater. All application  
56 fees shall be deposited in the state treasury. Because of  
57 the loss of federal funds, the general assembly will

58 appropriate funds to the Missouri health facilities review  
59 committee.

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

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

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

72 14. A certificate of need shall not be required for  
73 the transfer of ownership of an existing and operational  
74 health facility in its entirety.

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

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

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

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

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

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

110           19. If, within thirty days of an applicant receiving a  
111 certificate of need, including one granted on an appeal of a  
112 denial of a certificate of need, the committee obtains  
113 evidence that a material fact was withheld from or  
114 misrepresented to the committee during the original hearing  
115 on the application before the committee, the committee  
116 shall, at the next regularly scheduled meeting, vote to  
117 rescind the granted certificate of need and require the  
118 applicant to file a new application for a certificate of  
119 need that corrects any omissions or misstatements."; and

120           Further amend the title and enacting clause accordingly.