

HOUSE AMENDMENT NO.____
TO
HOUSE AMENDMENT NO.____

Offered By

AMEND House Amendment No.____ to House Committee Substitute for Senate Committee Substitute for Senate Bill No. 973, Page 2, Line 39, by deleting said line and inserting in lieu thereof the following:

"a durable power of health care pursuant to sections 404.800 to 404.872.

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

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

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

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

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

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

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

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

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

Standing Action Taken_____ Date _____

Select Action Taken_____ Date _____

1 expenditure made.

2 10. Each application for a certificate of need must be accompanied by an application fee.
3 The time of filing commences with the receipt of the application and the application fee. The
4 application fee is one thousand dollars, or one-tenth of one percent of the total cost of the proposed
5 project, whichever is greater. All application fees shall be deposited in the state treasury. Because
6 of the loss of federal funds, the general assembly will appropriate funds to the Missouri health
7 facilities review committee.

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

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

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

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

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

21 16. The provisions of this section shall not apply to facilities operated by the state, and
22 appropriation of funds to such facilities by the general assembly shall be deemed in compliance with
23 this section, and such facilities shall be deemed to have received an appropriate certificate of need
24 without payment of any fee or charge. The provisions of this subsection shall not apply to hospitals
25 operated by the state and licensed under chapter 197, except for department of mental health state-
26 operated psychiatric hospitals.

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

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

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

37 (2) Equipment that is to be used by an academic health center operated by the state in
38 furtherance of its research or teaching missions."; and"; and
39

40 Further amend said bill by amending the title, enacting clause, and intersectional references
41 accordingly.

42 THIS AMENDMENT AMENDS 5740H05.08H.