

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for House Bill No. 2402, in the Title, Line 3, by deleting the  
2 word "hospitals" and inserting in lieu thereof the word "healthcare facilities"; and  
3  
4 Further amend said substitute, Page 1, Section A, Line 2, by inserting immediately after said line the  
5 following:

6  
7 "197.315. 1. Any person who proposes to develop or offer a new institutional health service  
8 within the state must obtain a certificate of need from the committee prior to the time such services  
9 are offered.

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

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

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

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

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

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

30 8. Periodic reports to the committee shall be required of any applicant who has been granted  
31 a certificate of need until the project has been completed. The committee may order the forfeiture

Standing Action Taken \_\_\_\_\_ Date \_\_\_\_\_

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1 of the certificate of need upon failure of the applicant to file any such report.

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

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

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

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

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

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

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

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

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

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

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

41 (2) Equipment that is to be used by an academic health center operated by the state in

1 furtherance of its research or teaching missions."; and

2  
3 Further amend said substitute, Page 3, Section 536.031, Line 35, by inserting immediately after said  
4 line the following:

5 "Section B. Because immediate action is necessary to preserve access to quality health care  
6 facilities for the citizens of Missouri, the repeal and reenactment of section 197.315 of section A of  
7 this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and  
8 safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the  
9 repeal and reenactment of section 197.315 of section A of this act shall be in full force and effect  
10 upon its passage and approval."; and

11  
12 Further amend said bill by amending the title, enacting clause, and intersectional references  
13 accordingly.