

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

**Offered By**

1 AMEND House Committee Substitute for House Bill No. 1912, Page 8, Section 139.031, Line 88,  
2 by inserting after all of said section and line the following:

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

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

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

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

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

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

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

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

30 9. A certificate of need shall be subject to forfeiture for failure to incur a capital expenditure  
31 on any approved project within six months after the date of the order. The applicant may request an  
Standing Action Taken \_\_\_\_\_ Date \_\_\_\_\_

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1 extension from the committee of not more than six additional months based upon substantial  
2 expenditure made.

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

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

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

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

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

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

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

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

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

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

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

40 Section B. Because immediate action is necessary to preserve access to quality health care  
41 facilities for the citizens of Missouri, the repeal and reenactment of section 197.315 of section A of

1 this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and  
2 safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the  
3 repeal and reenactment of section 197.315 of section A of this act shall be in full force and effect  
4 upon its passage and approval."; and

5

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