

## Session 116 - (2005-2006)

### **S 1054 General Bill, By Peeler, Hutto, Knotts, Lourie and Scott**

**Summary:** Certificate of Need and health facility licensure

A BILL TO AMEND SECTION 1-23-380, SECTION 1-23-600, AS AMENDED, SECTIONS 1-23-610 AND 44-7-220, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO REVIEW OF FINAL AGENCY ACTIONS UNDER THE ADMINISTRATIVE PROCEDURES ACT, SO AS TO PROVIDE THAT THE BOARD OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL SHALL HEAR ALL CONTESTED CASES INVOLVING CERTIFICATES OF NEED AND THAT THE ADMINISTRATIVE LAW COURT SHALL HEAR APPEALS OF THESE CONTESTED CASE DECISIONS, WITH THE SAME AUTHORITY GRANTED THE CIRCUIT IN HEARING APPEALS OF OTHER AGENCY ACTIONS IN CONTESTED CASES, AND TO FURTHER PROVIDE THAT AN APPEAL FROM THE REVIEW OF THE ADMINISTRATIVE LAW COURT IN THESE CASES MUST BE TAKEN TO THE COURT OF APPEALS IN ACCORDANCE WITH SOUTH CAROLINA APPELLATE COURT RULES; TO AMEND SECTION 44-7-210, RELATING TO, AMONG OTHER THINGS, CONTESTED CASE HEARINGS INVOLVING CERTIFICATES OF NEED AND SPECIFIC PROVISIONS REGARDING THE ISSUANCE OF A CERTIFICATE OF NEED FOR METHADONE TREATMENT FACILITIES SO AS TO DELETE THE PROVISIONS SPECIFIC TO ISSUANCE OF A CERTIFICATE OF NEED FOR METHADONE TREATMENT FACILITIES; TO AMEND SECTION 44-7-130, RELATING TO THE DEFINITION OF TERMS USED IN THE STATE CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE ACT, SO AS TO DELETE "METHADONE TREATMENT FACILITIES" FROM THE DEFINITION OF "HEALTH CARE FACILITIES"; TO AMEND SECTION 44-7-160, RELATING TO CERTAIN PROJECTS OR PROGRAMS REQUIRING A CERTIFICATE OF NEED, SO AS TO PROVIDE THAT CAPITAL EXPENDITURES IN EXCESS OF FIVE MILLION DOLLARS ARE SUBJECT TO THE CERTIFICATE OF NEED PROCESS, TO PROVIDE THAT A CERTIFICATE OF NEED IS REQUIRED FOR THE ACQUISITION OF CERTAIN MEDICAL EQUIPMENT IF THE EQUIPMENT MEETS TECHNOLOGY STANDARDS AND CRITERIA ESTABLISHED IN THE STATE HEALTH PLAN, AND TO DELETE THE PROVISION REQUIRING A CERTIFICATE OF NEED FOR THE ACQUISITION OR CHANGE IN OWNERSHIP OR IN CONTROLLING INTEREST OF A HEALTH CARE FACILITY; AND TO AMEND SECTION 44-7-170, AS AMENDED, RELATING TO EXEMPTIONS FROM THE CERTIFICATE OF NEED PROCESS, SO AS TO PROVIDE THAT THE DEPARTMENT MAY NOT REQUIRE A FACILITY TO APPLY FOR AN EXEMPTION FOR CERTAIN EXEMPT NONMEDICAL PROJECTS, INCLUDING, BUT NOT LIMITED TO REFINANCING EXISTING DEBT, PARKING GARAGES, AND LAUNDRIES.

**01/18/06 Senate Introduced and read first time SJ-4**

**01/18/06 Senate Referred to Committee on Medical Affairs SJ-4**