Agency Name: Department of Health and Environmental Control

Statutory Authority: 44-5-10 et seq.

Document Number: 4176

Proposed in State Register Volume and Issue: 34/12

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Status: Final

Subject: Capital Expenditure Reviews Under Section 1122, Social Security Act

History: 4176

By Date Action Description Jt. Res. No. Expiration Date

- 12/24/2010 Proposed Reg Published in SR

- 03/17/2011 Received by Lt. Gov & Speaker 02/21/2012

S 03/22/2011 Referred to Committee

H 03/29/2011 Referred to Committee

S 03/29/2011 Recalled from Finance Committee

S 03/29/2011 Referred to Committee

S 02/07/2012 Resolution Introduced to Approve 1180

- 02/21/2012 Approved by: Expiration Date

- 03/23/2012 Effective Date unless otherwise

 provided for in the Regulation

Document No. 4176

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

CHAPTER 61

Statutory Authority: 1976 Code Sections 44-5-10 et seq.

61-6. Capital Expenditure Reviews Under Section 1122, Social Security Act

**Synopsis:**

The Department has repealed Regulation 61-6, Capital Expenditure Reviews Under Section 1122, Social Security Act. This regulation has been subsumed by the State Certification of Need and Health Facility Licensure Act, Section 44-7-110 et seq., S.C. Code of Laws, 1976, as amended; Regulation 61-15, Certification of Need for Health Facilities and Services, and the South Carolina Health Plan. It is obsolete and no longer serves its intended purpose. In the interest of good government and efficiency, this regulation has been repealed.

A Notice of Drafting for the proposed repeal was published in the *State Register* on September 24, 2010.

**Instructions:** Repeal R.61-6, Capital Expenditure Reviews Under Section 1122, Social Security Act.

Strike the text of R.61-6 and add the word Repealed in brackets to read:

**Text:**

61-6. [Repealed]

**Fiscal Impact Statement:**

The Department estimates there will be no costs to the state or its political subdivisions by the repeal of this regulation.

**Statement of Need and Reasonableness**

This statement was determined by staff analysis pursuant to Sections 1-23-115(C)(1)-(3) and (9)-(11), S.C. Code of Laws, 1976, as amended:

DESCRIPTION OF REGULATION: Regulation 61-6, Capital Expenditure Reviews Under Section 1122, Social Security Act.

Purpose: Repeal of Regulation 61-6, Capital Expenditure Reviews Under Section 1122, Social Security Act”.

Legal Authority: Sections 44-5-10 et seq., S.C. Code of Laws, 1976, as amended.

Plan for Implementation: Notice of this repeal will appear as a final regulation in the State Register and in the Code of Regulations upon approval by the Board of Health and Environmental Control and the South Carolina General Assembly. The Department will also provide notice of this repeal on its Regulatory Information website.

DETERMINATION OF NEED AND REASONABLENESS OF THE REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

Regulation 61-6 has been subsumed by the State Certification of Need and Health Facility Licensure Act, Section 44-7-110 et seq.; S.C. Code of Laws, 1976, as amended; Regulation 61-6, Certification of Need for Health Facilities and Services, and the South Carolina Health Plan. The federal government no longer reimburses the Department for its review of health facility applications. Regulation 61-6 is obsolete, no longer serves its initial purpose and should be repealed. In the interest of effective government, the Department has repealed Regulation 61-6.

DETERMINATION OF COSTS AND BENEFITS:

Cost: There will be no fiscal or economic impact on the State or its political subdivisions and the regulated community by the repeal of Regulation 61-6.

Benefit: Repeal of this regulation will clarify to the public and regulated community that this regulation is obsolete and is no longer enforced.

UNCERTAINTIES OF ESTIMATES:

The repeal of Regulation 61-6 will not create a burden for the public, the State or its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

There will be no effect on the environment or public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IF THE REGULATION IS NOT IMPLEMENTED:

There will be no detrimental effect on the environment and public health by the repeal of Regulation 61-6.

**Statement of Rationale:**

The Department is required by statute to review its regulations periodically. Upon review of the status of this regulation, it was determined that Regulation 61-6 should be repealed.