~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 16, 2017

**S. 354**

Introduced by Senators Alexander and Verdin

S. Printed 3/16/17--S.

Read the first time February 2, 2017.

**THE COMMITTEE ON MEDICAL AFFAIRS**

To whom was referred a Bill (S. 354) to amend Section 44‑7‑130 of the 1976 Code, relating to definitions for the State Certification of Need and Health Facilities Licensure Act, to define crisis stabilization unit, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, page 1, by striking line 15 and inserting:

/ FACILITY; TO AMEND SECTION 44‑7‑170(A), RELATING TO /

Amend further, on page 1, by striking lines 29-41 and on page 2 by striking lines 1-25 and inserting:

/ SECTION 1. Section 44‑7‑130 of the 1976 Code is amended by adding:

“(26) ‘Crisis stabilization unit facility’ means a facility, other than a health care facility, operated by the Department of Mental Health or operated in partnership with the Department of Mental Health that provides a short‑term residential program, offering psychiatric stabilization services and brief, intensive crisis services to individuals eighteen and older, twenty‑four hours a day, seven days a week.”

SECTION 2. Section 44‑7‑170(A) of the 1976 Code is amended to read:

“(A) The following are exempt from Certificate of Need review:

(1) the acquisition by a person of medical equipment to be used solely for research, the offering of an institutional health service by a person solely for research, or the obligation of a capital expenditure by a person to be made solely for research if it does not:

(a) affect the charges imposed by the person for the provision of medical or other patient care services other than the services that are included in the research;

(b) change the bed capacity of a health care facility; or

(c) substantially change the medical or other patient care services provided by the person.

A written description of the proposed research project must be submitted to the department in order for the department to determine if these conditions are met. A Certificate of Need is required in order to continue use of the equipment or service after the equipment or service is no longer being used solely for research;

(2) the offices of a licensed private practitioner whether for individual or group practice except as provided for in Section 44‑7‑160(1) and (6);

(3) the replacement of like equipment for which a Certificate of Need has been issued which does not constitute a material change in service or a new service~~.~~;

(4) crisis stabilization unit facilities. Notwithstanding subsection (C), crisis stabilization unit facilities will not require a written exemption from the department.” /

Renumber sections to conform.

Amend title to conform.

HARVEY S. PEELER, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 44‑7‑130 OF THE 1976 CODE, RELATING TO DEFINITIONS FOR THE STATE CERTIFICATION OF NEED AND HEALTH FACILITIES LICENSURE ACT, TO DEFINE CRISIS STABILIZATION UNIT FACILITY; TO AMEND SECTION 44‑7‑170(B), RELATING TO THE APPLICABILITY OF THE CERTIFICATE OF NEED PROCESS TO CERTAIN PROJECTS, TO MAKE THE CERTIFICATE OF NEED PROCESS INAPPLICABLE TO CRISIS STABILIZATION UNIT FACILITIES; AND TO AMEND SECTION 44‑7‑260(A), RELATING TO REQUIREMENTS FOR LICENSURE FOR HEALTH FACILITIES, TO REQUIRE CRISIS STABILIZATION UNIT FACILITIES OBTAIN A LICENSE FROM THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 44‑7‑130 of the 1976 Code is amended by adding:

“(26) ‘Crisis stabilization unit facility’ means a facility operated or authorized by the Department of Mental Health that provides a short‑term residential program, offering psychiatric stabilization services; detoxification services; and brief, intensive crisis services twenty‑four hours a day, seven days a week.”

SECTION 2. Section 44‑7‑170(B) of the 1976 Code is amended to read:

“(B) This article does not apply to:

(1) an expenditure by or on behalf of a health care facility for nonmedical projects for services such as refinancing existing debt, parking garages, laundries, roof replacements, computer systems, telephone systems, heating and air conditioning systems, upgrading facilities which do not involve additional square feet or additional health services, replacement of like equipment with similar capabilities, or similar projects as described in regulations;

(2) facilities owned and operated by the South Carolina Department of Mental Health and the South Carolina Department of Disabilities and Special Needs, except an addition of one or more beds to the total number of beds of the departments’ health care facilities existing on July 1, 1988;

(3) educational and penal institutions maintaining infirmaries for the exclusive use of student bodies and inmate populations;

(4) any federal health care facility sponsored and operated by this State;

(5) community‑based housing designed to promote independent living for persons with mental or physical disabilities. This does not include a facility defined in this article as a ‘health care facility’;

(6) kidney disease treatment centers including, but not limited to, free standing hemodialysis centers and renal dialysis centers;

(7) health care facilities owned and operated by the federal government~~.~~; and

(8) crisis stabilization unit facilities.”

SECTION 3. Section 44‑7‑260(A) of the 1976 Code is amended to read:

“Section 44-7-260. (A) If they provide care for two or more unrelated persons, the following facilities or services may not be established, operated, or maintained in this State without first obtaining a license in the manner provided by this article and regulations promulgated by the department:

(1) hospitals, including general and specialized hospitals;

(2) nursing homes;

(3) residential treatment facilities for children and adolescents;

(4) ambulatory surgical facilities;

(5) ~~Reserved~~ crisis stabilization unit facilities;

(6) community residential care facilities;

(7) facilities for chemically dependent or addicted persons;

(8) end‑stage renal dialysis units;

(9) day‑care facilities for adults;

(10) any other facility operating for the diagnosis, treatment, or care of persons suffering from illness, injury or other infirmity and for which the department has adopted standards of operation by regulation.

(11) intermediate care facilities for persons with intellectual disability;

(12) freestanding or mobile technology.

(13) facilities wherein abortions are performed.

(14) birthing centers.”

SECTION 4. This act takes effect upon approval by the Governor.

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