

Session 114 - (2001-2002)

H 5012 General Bill, By Loftis, Leach and Stille

Similar (S 0141, S 0753)

Summary: State Certification of Need and Health Facility Licensure Act

A BILL TO AMEND SECTION 44-7-110, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CITATION TO ARTICLE 3, CHAPTER 7, TITLE 44, ENTITLED "STATE CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE ACT", SO AS TO REVISE THE ARTICLE NAME; TO AMEND SECTION 44-7-120, AS AMENDED, RELATING TO THE PURPOSE OF THIS ARTICLE, SO AS TO REVISE THE PURPOSE TO INCLUDE CARRYING OUT THE STATE'S HEALTH PLANNING EFFORT AND TO DELETE THE PROVISION RELATING TO DEVELOPING PROCEDURES FOR THE APPLICATION AND REVIEW PROCESS FOR CERTIFICATES OF NEED; TO AMEND SECTION 44-7-130, AS AMENDED, RELATING TO DEFINITIONS USED IN THIS ARTICLE, SO AS TO REVISE CERTAIN DEFINITIONS AND TO DELETE OTHERS; TO AMEND SECTION 44-7-150, AS AMENDED, RELATING TO DUTIES OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL IN CARRYING OUT THE PURPOSES OF THIS ARTICLE, SO AS TO INCLUDE DATA COLLECTION; TO AMEND SECTION 44-7-160, AS AMENDED, RELATING TO CIRCUMSTANCES UNDER WHICH A CERTIFICATE OF NEED IS REQUIRED, SO AS TO REVISE THESE CIRCUMSTANCES; TO AMEND SECTION 44-7-170, AS AMENDED, RELATING TO EXEMPTIONS FROM THE ARTICLE, SO AS TO REVISE THE EXEMPTIONS; TO AMEND SECTION 44-7-180, AS AMENDED, RELATING TO THE HEALTH PLANNING COMMITTEE AND THE STATE HEALTH PLAN, SO AS TO REVISE THE CONTENTS OF THE PLAN AND TO REQUIRE THAT THE DEPARTMENT BE NOTIFIED WHEN A PERSON PROPOSES TO OFFER HEALTH SERVICES FOR WHICH UTILIZATION DATA ARE MAINTAINED IN THE STATE HEALTH PLAN; TO AMEND SECTION 44-7-190 RELATING TO PROJECT REVIEW CRITERIA FOR USE IN DETERMINING THE NEED FOR HEALTH CARE FACILITIES, BEDS, SERVICES, AND EQUIPMENT, SO AS TO SPECIFICALLY DEFINE THE EQUIPMENT REQUIRING USE OF THIS CRITERIA IN DETERMINING THE NEED FOR THE EQUIPMENT; TO AMEND SECTION 44-7-200, AS AMENDED, RELATING TO THE CERTIFICATE OF NEED APPLICATION, SO AS TO MAKE TECHNICAL CORRECTIONS; TO AMEND SECTION 44-7-210, AS AMENDED, RELATING TO PROCEDURES FOR COMPLETION OF CERTIFICATE OF NEED APPLICATIONS AND FOR APPEALS OF STAFF DECISIONS, SO AS TO CLARIFY THESE PROCEDURES AND TO PROVIDE THAT PRIOR TO APPEALING STAFF DECISIONS PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT, ALL PARTIES SHALL PARTICIPATE IN MEDIATION; TO AMEND SECTION 44-7-220, AS AMENDED, RELATING TO JUDICIAL REVIEW OF A FINAL BOARD DECISION, SO AS TO MAKE A TECHNICAL CORRECTION; TO AMEND SECTION 44-7-230, AS AMENDED, RELATING TO LIMITATIONS ON A CERTIFICATE OF NEED, SO AS TO PROVIDE PENALTIES WHEN IMPLEMENTATION OF A PROJECT OR THE OPERATION OF A FACILITY IS NOT IN ACCORDANCE WITH CERTAIN REQUIREMENTS; TO AMEND SECTION 44-69-75, AS AMENDED, RELATING TO HOME HEALTH AGENCIES REQUIRING A CERTIFICATE OF NEED, SO AS TO DELETE THE PROVISION EXEMPTING HOME HEALTH AGENCIES FROM THE CERTIFICATE OF NEED IF THE AGENCY PROVIDED HOME HEALTH SERVICES BEFORE JULY 1, 1980; TO ADD SECTION 44-7-175 SO AS TO PROVIDE THAT THE DEPARTMENT IS THE SOLE AGENCY RESPONSIBLE FOR DETERMINING WHAT PROJECTS ARE REQUIRED TO OBTAIN A CERTIFICATE OF NEED AND TO FURTHER PROVIDE THAT SUCH DETERMINATIONS MAY NOT BE APPEALED UNDER THE ADMINISTRATIVE PROCEDURES ACT; AND TO REPEAL SECTION 44-7-185 RELATING TO A TASK FORCE TO STUDY OPEN HEART SURGERY AND THERAPEUTIC CARDIAC CATHETERIZATION SERVICES AND SECTION 44-7-240 RELATING TO FACILITIES CONSTRUCTION PROGRAM.

04/03/02 House Introduced and read first time HJ-53

04/03/02 House Referred to Committee on Medical, Military, Public and Municipal Affairs HJ-54