**South Carolina General Assembly**

119th Session, 2011-2012

**A95, R68, S793**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Senators Alexander and Bryant

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Introduced in the Senate on April 12, 2011

Introduced in the House on April 26, 2011

Passed by the General Assembly on May 19, 2011

Governor's Action: June 7, 2011, Signed

Summary: Medicaid Nursing Home Permit Law

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 4/12/2011 Senate Introduced and read first time ([Senate Journal‑page 7](file:///h%3A%5Csj%20archive%5C2011%5C04-12-11.docx))

 4/12/2011 Senate Referred to Committee on **Finance** ([Senate Journal‑page 7](file:///h%3A%5Csj%20archive%5C2011%5C04-12-11.docx))

 4/19/2011 Senate Committee report: Favorable **Finance** ([Senate Journal‑page 10](file:///h%3A%5Csj%20archive%5C2011%5C04-19-11.docx))

 4/20/2011 Scrivener's error corrected

 4/20/2011 Senate Read second time ([Senate Journal‑page 19](file:///h%3A%5Csj%20archive%5C2011%5C04-20-11.docx))

 4/20/2011 Senate Roll call Ayes‑39 Nays‑3 ([Senate Journal‑page 19](file:///h%3A%5Csj%20archive%5C2011%5C04-20-11.docx))

 4/26/2011 Senate Read third time and sent to House ([Senate Journal‑page 14](file:///h%3A%5Csj%20archive%5C2011%5C04-26-11.docx))

 4/26/2011 House Introduced and read first time ([House Journal‑page 76](file:///h%3A%5Chj%20archive%5C2011%5C04-26-11.docx))

 4/26/2011 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 76](file:///h%3A%5Chj%20archive%5C2011%5C04-26-11.docx))

 4/27/2011 House Recalled from Committee on **Medical, Military, Public and Municipal Affairs** ([House Journal‑page 22](file:///h%3A%5Chj%20archive%5C2011%5C04-27-11.docx))

 4/28/2011 Scrivener's error corrected

 5/4/2011 House Requests for debate‑Rep(s). Erickson, Daning, Crosby, Herbkersman, Patrick, Atwater, Funderburk, Brannon, Crawford, Thayer, and Dillard ([House Journal‑page 21](file:///h%3A%5Chj%20archive%5C2011%5C05-04-11.docx))

 5/18/2011 House Debate adjourned until Thursday, May 19, 2011 ([House Journal‑page 32](file:///h%3A%5Chj%20archive%5C2011%5C05-18-11.docx))

 5/18/2011 House Reconsidered ([House Journal‑page 82](file:///h%3A%5Chj%20archive%5C2011%5C05-18-11.docx))

 5/18/2011 House Read second time ([House Journal‑page 82](file:///h%3A%5Chj%20archive%5C2011%5C05-18-11.docx))

 5/18/2011 House Roll call Yeas‑91 Nays‑18 ([House Journal‑page 82](file:///h%3A%5Chj%20archive%5C2011%5C05-18-11.docx))

 5/19/2011 House Read third time and enrolled ([House Journal‑page 38](file:///h%3A%5Chj%20archive%5C2011%5C05-19-11.docx))

 6/1/2011 Ratified R 68

 6/7/2011 Signed By Governor

 6/14/2011 Effective date See Act for Effective Date

 8/23/2011 Act No. 95

**VERSIONS OF THIS BILL**

[4/12/2011](file:///p%3A%5Cpprever%5C2011-12%5C793_20110412.docx)

[4/19/2011](file:///p%3A%5Cpprever%5C2011-12%5C793_20110419.docx)

[4/20/2011](file:///p%3A%5Cpprever%5C2011-12%5C793_20110420.docx)

[4/27/2011](file:///p%3A%5Cpprever%5C2011-12%5C793_20110427.docx)

[4/28/2011](file:///p%3A%5Cpprever%5C2011-12%5C793_20110428.docx)

(A95, R68, S793)

**A JOINT RESOLUTION TO DIRECT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL FOR FISCAL YEAR 2011‑2012 TO TEMPORARILY SUSPEND ENFORCEMENT OF CERTAIN PROVISIONS OF THE MEDICAID NURSING HOME PERMIT LAW AND TO SET CERTAIN NURSING HOME STAFFING STANDARDS IN ORDER TO MEET APPROPRIATIONS.**

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

**Medicaid nursing home permit provisions suspended**

SECTION 1. (A) In order to meet appropriations for Medicaid nursing home service for Fiscal Year 2011‑2012, the Department of Health and Environmental Control shall not enforce the following provisions of the Medicaid Nursing Home Permit Law as required by Sections 44‑7‑84 and 44‑7‑90 of the 1976 Code:

 (1) The department must not penalize or fine a nursing home facility, as defined by Section 44‑7‑80 of the 1976 Code, which has provided fewer Medicaid patient days than allowable under the Medicaid Permit Program.

 (2) The department must not transfer or add additional Medicaid patient days to any individual facility.

 (3) If the Department of Health and Human Services decreases the number of Medicaid patient days available to the Department of Health and Environmental Control, the Department of Health and Environmental Control shall proportionately decrease the authorized Medicaid patient days for each nursing home. If additional Medicaid patient days are authorized, they must be restored proportionately to each nursing home.

 (4) After June 30, 2011, a nursing home that exceeds by more than five percent the number of Medicaid patient days stated in its permit must be fined based on the number of Medicaid patient days exceeding the permit days multiplied by its daily Medicaid per diem multiplied by thirty percent.

**Nursing home required duties**

SECTION 2. (A) For Fiscal Year 2011‑2012, a nursing home shall:

 (1) provide a minimum of one and sixty‑three hundredths (1.63) hours of direct care per resident per day from the nonlicensed nursing staff; and

 (2) maintain at least one licensed nurse per shift for each staff work area.

 (B) All other staffing standards and nonstaffing standards established in Standards for Licensing Nursing Homes: 24A S.C. Code Ann. Regs. 61‑17 (Supp. 2008) must be enforced.

 (C) The Department of Health and Environmental Control shall regularly report to the General Assembly changes in nursing home performance and to the public on the Medicare Nursing Home Compare website.

**Time effective**

SECTION 3. This joint resolution takes effect upon approval by the Governor and applies to Fiscal Year 2011‑2012 only.

Ratified the 1st day of June, 2011.

Approved the 7th day of June, 2011.

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