**A** **JOINT RESOLUTION**

TO EXEMPT THE ESTABLISHMENT OF A GEROPSYCHIATRIC DISTINCT PART UNIT FOR PROSPECTIVE PAYMENT SYSTEM EXCLUSION OF UP TO TEN BEDS FROM THE REQUIREMENT OF OBTAINING A CERTIFICATE OF NEED.

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

SECTION 1. (A) Notwithstanding any other provision of law, the establishment of a Geropsychiatric Distinct Part Unit for Prospective Payment System (PPS) Exclusion as defined by the Federal Centers for Medicare and Medicaid Services (CMS) of up to ten beds is exempt from the requirement of obtaining a Certificate of Need so long as the Critical Access Hospital (CAH) makes application for the exemption with the Department of Health and Environmental Control by July 1, 2012, and the additional beds are licensed by July 1, 2013.

(B) For purposes of this resolution, a Geropsychiatric Distinct Part Unit is defined as licensed psychiatric beds, primarily for the purpose of providing psychiatric services to patients at least sixty‑five years old, established in a hospital certified by CMS as a CAH. The Geropsychiatric Distinct Part Unit must meet all applicable state and federal laws and regulations, including all department requirements.

(C) A written exemption from the Department of Health and Environmental Control is required prior to the establishment of the unit. If the beds established by this exemption are decertified or the program closed, the CAH shall not operate the beds for any other use. The Geropsychiatric Distinct Part Unit beds must not be interchanged or comingled with beds of other units and must be physically located on the same site as the hospital. A CAH may only participate in one PPS‑exempt psychiatric program. The establishment of the Geropsychiatric Distinct Part Unit does not relieve the CAH from full compliance with all federal and state regulations and requirements pertaining to the Emergency Medical Treatment and Active Labor Act.

SECTION 2. This joint resolution takes effect upon approval by the Governor.

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