**South Carolina General Assembly**

122nd Session, 2017-2018

**A10, R18, S354**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Alexander and Verdin

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Companion/Similar bill(s): 3666

Introduced in the Senate on February 2, 2017

Introduced in the House on March 28, 2017

Last Amended on March 22, 2017

Passed by the General Assembly on April 7, 2017

Governor's Action: April 24, 2017, Signed

Summary: Certificate of need

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/2/2017 Senate Introduced and read first time ([Senate Journal‑page 6](file:///h%3A%5Csj%5C20170202.docx))

 2/2/2017 Senate Referred to Committee on **Medical Affairs** ([Senate Journal‑page 6](file:///h%3A%5Csj%5C20170202.docx))

 3/16/2017 Senate Committee report: Favorable with amendment **Medical Affairs** ([Senate Journal‑page 11](file:///h%3A%5Csj%5C20170316.docx))

 3/17/2017 Scrivener's error corrected

 3/22/2017 Senate Committee Amendment Adopted ([Senate Journal‑page 27](file:///h%3A%5Csj%5C20170322.docx))

 3/22/2017 Senate Read second time ([Senate Journal‑page 27](file:///h%3A%5Csj%5C20170322.docx))

 3/22/2017 Senate Roll call Ayes‑40 Nays‑0 ([Senate Journal‑page 27](file:///h%3A%5Csj%5C20170322.docx))

 3/23/2017 Senate Read third time and sent to House ([Senate Journal‑page 15](file:///h%3A%5Csj%5C20170323.docx))

 3/24/2017 Scrivener's error corrected

 3/28/2017 House Introduced and read first time ([House Journal‑page 10](file:///h%3A%5Chj%5C20170328.docx))

 3/28/2017 House Referred to Committee on **Ways and Means** ([House Journal‑page 10](file:///h%3A%5Chj%5C20170328.docx))

 4/5/2017 House Recalled from Committee on **Ways and Means** ([House Journal‑page 72](file:///h%3A%5Chj%5C20170405.docx))

 4/6/2017 House Read second time ([House Journal‑page 23](file:///h%3A%5Chj%5C20170406.docx))

 4/6/2017 House Roll call Yeas‑108 Nays‑0 ([House Journal‑page 23](file:///h%3A%5Chj%5C20170406.docx))

 4/6/2017 House Unanimous consent for third reading on next legislative day ([House Journal‑page 24](file:///h%3A%5Chj%5C20170406.docx))

 4/7/2017 House Read third time and enrolled ([House Journal‑page 1](file:///h%3A%5Chj%5C20170407.docx))

 4/19/2017 Ratified R 18

 4/24/2017 Signed By Governor

 4/27/2017 Effective date 4/24/17

 4/28/2017 Act No. 10

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=354&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[2/2/2017](file:///p%3A%5Cpprever%5C2017-18%5C354_20170202.docx)

[3/16/2017](file:///p%3A%5Cpprever%5C2017-18%5C354_20170316.docx)

[3/17/2017](file:///p%3A%5Cpprever%5C2017-18%5C354_20170317.docx)

[3/22/2017](file:///p%3A%5Cpprever%5C2017-18%5C354_20170322.docx)

[3/24/2017](file:///p%3A%5Cpprever%5C2017-18%5C354_20170324.docx)

[4/5/2017](file:///p%3A%5Cpprever%5C2017-18%5C354_20170405.docx)

(A10, R18, S354)

**AN ACT TO AMEND SECTION 44‑7‑130, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR THE STATE CERTIFICATION OF NEED AND HEALTH FACILITY LICENSURE ACT, SO AS TO DEFINE “CRISIS STABILIZATION UNIT FACILITY”; TO AMEND SECTION 44‑7‑170, AS AMENDED, RELATING TO THE REQUIREMENT FOR A CERTIFICATE OF NEED REVIEW, SO AS TO EXEMPT CRISIS STABILIZATION UNIT FACILITIES; AND TO AMEND SECTION 44‑7‑260, AS AMENDED, RELATING TO REQUIREMENTS FOR LICENSURE FOR HEALTH FACILITIES, SO AS TO REQUIRE CRISIS STABILIZATION UNIT FACILITIES TO OBTAIN A LICENSE FROM THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL.**

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

**Certificate of Need and Health Facility Licensure Act definitions**

SECTION 1. Section 44‑7‑130 of the 1976 Code, as last amended by Act 173 of 2014, is further 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.”

**Exemptions from Certificate of Need review**

SECTION 2. Section 44‑7‑170(A) of the 1976 Code, as last amended by Act 278 of 2010, is further 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.”

**Licensure requirements for health facilities**

SECTION 3. Section 44‑7‑260(A) of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

 “(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) 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.”

**Time effective**

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

Ratified the 19th day of April, 2017.

Approved the 24th day of April, 2017.

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