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COMMITTEE AMENDMENT ADOPTED

March 22, 2017

**S. 354**

Introduced by Senators Alexander and Verdin

S. Printed 3/22/17--S. [SEC 3/24/17 8:41 AM]

Read the first time February 2, 2017.

**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(A), 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, 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.”

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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