**A** **BILL**

TO AMEND SECTION 44‑7‑170, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTIFICATE OF NEED EXEMPTIONS, SO AS MAKE CERTIFICATE OF NEED REQUIREMENTS INAPPLICABLE TO HOME HEALTH AGENCIES; TO AMEND SECTION 44‑69‑30, RELATING TO THE LICENSING OF HOME HEALTH AGENCIES, SO AS TO MAKE CONFORMING CHANGES; AND TO REPEAL SECTION 44‑69‑75 RELATING TO CERTIFICATE OF NEED REQUIREMENTS FOR HOME HEALTH AGENCIES.

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

SECTION 1. Section 44‑7‑170(B) of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“( ) any home health agency licensed pursuant to Chapter 69, Title 44.”

SECTION 2. The second and fourth paragraphs of Section 44‑69‑30 of the 1976 Code are amended to read:

“The department may enter into public and private joint partnerships or enter into other appropriate cooperative agreements or arrangements or negotiate and effect these partnerships and agreements to include the sale of the entity and/or the transfer of licenses held by the department or its subdivisions to other qualified providers, if appropriate, when doing so would result in continued high quality patient care, continued provision of services to indigent patients, assurance of the employment of the department’s home health employees, and provision of home care services adequate to meet the needs of the State. The department may facilitate the negotiation, contracting, or transfer of these activities through licensure and without requirement of a Certificate of Need as set out in Section ~~44‑69‑75~~ 44‑7‑170(B) and without regard to the Procurement Code, Section 11‑35‑10, et. seq. However, a sale of the entity is subject to the provisions of the Procurement Code.

The department may establish requirements and conditions upon those entities joined in partnership or receiving transfer of the home care services, and licensing~~, and Certificate of Need~~ including, but not limited to, transfer of employees, coverage of indigent patients, and payments or contributions to the department to continue the provision of basic public health services as determined by the department. All agreements must be reviewed and approved by the board of the department. The department may monitor and enforce the contract or partnership provisions and/or conditions of transfer or any other conditions or requirements of agreements entered into pursuant to this section.”

SECTION 3. Section 44‑69‑75 of the 1976 Code is repealed.

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

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