

TEMPORARY RULE
(CON Six-Month Extensions)

Title 15 - MISSISSIPPI DEPARTMENT OF HEALTH
Part IX – Office of Health Policy and Planning
Division of Health Planning and Resource Development

CON

Subpart 91 - Certificate of Need Review Manual

Effective: September 9, 2007

100 Six-Month Extension

100.01 Certificates of Need are valid for a period not to exceed one year and may be extended by the Department for an additional period not to exceed six months. In order to continue authority for a CON under a valid CON period following the initial twelve (12) month issuance period, the CON holder is required to document substantial progress toward completion of the CON and be granted a six-month extension.

If the CON project is incomplete, the CON holder is required to file a request for a sixth-month extension (and submit appropriate documentation) at least 30 days prior to the expiration of the original or any extended period, (see Appendix H). However, the State Health Officer shall have the discretion to grant an extension request received at any time prior to the expiration date.

Six-month extensions shall be based upon and supported by the CON holder's submission of documentation that shows a good faith effort to implement the CON through substantial progress. Substantial progress will be determined based upon review of the documentation submitted and whether a positive change in project status has occurred since the previous progress reporting period.

100.02 **EXPIRATION OF A CON: If a CON holder fails to receive Department approval for an extension prior to the CON's expiration date, the CON shall be automatically void, and shall not require any action on the part of the Department to withdraw, revoke or rescind the certificate**

For currently approved projects that are incomplete as of the effective date of this rule, and where the original CON has expired, or an extension of the CON has expired, or where the CON will expire 30 days from the effective date of this rule, the CON holder has 15 business days from the effective date of this rule to submit a progress report documenting project completion, or submit a request for a six-month extension. **If the Department has not received an extension request within 15 working days of the effective date of this rule, the CON will be deemed void.**

100.03 If commencement of construction or other preparation is not substantially undertaken during a valid CON period, or if the Department of Health determines the CON holder is not making a good faith effort to obligate the approved expenditure, the Department shall have the right to withdraw, revoke, or rescind the certificate.