



NOTICE OF PROPOSED RULE ADOPTION

STATE OF MISSISSIPPI
MS State Department of Health

MISSISSIPPI SECRETARY OF STATE
MS State Department of Health
c/o Donald E. Eicher, III
P. O. Box 1700
Jackson, MS 39215-1700

Telephone Number
(601)-576-7874

Email Address
Don.Eicher@msdh.state.ms.us

Specific Legal Authority Authorizing the promulgation
of Rule: Mississippi Code Section 41-7-185 (g)

Reference to Rules repealed, amended or suspended by
the Proposed Rule:
Mississippi State Department of Health - FY 2009
Mississippi State Health Plan

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:

Revisions of the FY 2009 Mississippi State Health Plan to update statistical data for health care facilities and services and other information concerning health care issues. Further this includes changes to Long-Term Care Chapter (bed need formula), Acute Care Chapter; Magnetic Resonance Imaging (MRI) Equipment and Services (need formula), Positron Emission Tomography (PET) Services (need criteria and standards), Radiation Therapy Services (revise criteria and standards), and Cardiac Catheterization Services (revise criteria and standards).

This rule is proposed as a [X] Final Rule, and/or a [] Temporary Rule (Check one or both boxers as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Oral Proceeding (Check one box below):

- [X] An oral proceeding is scheduled on this rule on Date: 05/21/2008 at Time: 10:00 a.m. at Location: Mississippi State Department of Health, Osborne Building, Room 150,570 East Woodrow Wilson, Jackson, Mississippi 39215.

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least five (5) days prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

- [] An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Economic Impact Statement (Check one box below):

- [] The agency has determined that an economic impact statement is not required for this rule, or
[X] The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Date Rule Proposed: May 12, 2008

Proposed Effective Date of Rule: August 8, 2008

Donald E. Eicher, III, Director of Office of Health Policy and Planning
Printed Name/Title of Person Submitting Rule for Filing

Signature

CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

STATE OF MISSISSIPPI MS State Department of Health

MS State Department of Health
c/o Donald E. Eicher, III
P.O. Box 1700
Jackson, MS 39215-1700

Telephone Number
(601)-576-7874

Email Address
Don. Eicher@msdh.state.ms.us

Specific Legal Authority Authorizing the promulgation of
Rule: Mississippi Code Section 41-7-185 (g)

Reference to Rules repealed, amended or suspended by the
Proposed Rule: Mississippi Department of Health – FY
2007 Mississippi State Health Plan

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Law. This is a Concise Summary of the Economic Impact Statement which must be filed with the Notice of Proposed Rule Adoption in the Secretary of State's Office. The full text of the Economic Impact Statement may be obtained from the agency contact person at the above address.

Persons may present their views by submitting written comments on the proposed rule adoption to the agency contact person at the above address. Additional information on where, when and how persons may present their views or demand an oral proceeding on the proposed rule are included in the Notice of Proposed Rule Adoption to which this is attached.

a. Description of the need for and the benefits of the proposed rule: Mississippi Code Sections 41-7-185 (g)] requires the State Department of Health to develop a revised State Health Plan tri-annually. The FY 2009 revision will update all chapters with the most recent statistical data available and make revisions to certain criteria and standards.

b. Cost estimate to the agency and other state or local government entities: Printing and binding of the State Health Plan will cost approximately \$950 in FY 2009. Other state agencies are provided copies free of charge.

c. Estimate of the cost or economic benefit to all persons: The Department recoups this cost by charging \$50 per copy to health care providers and others. The State Health Plan is also available electronically

d. Analysis of the impact on small business: There will be no impact on small business.

e. Comparison of the costs and benefits of the proposed rule to the probable costs and benefits of not adopting the rule: The FY 2009 revision will update all chapters with the most recent statistical data available and make revisions to certain criteria and standards, specifically Long-Term Care Chapter and Acute Care Chapter.

f. Determination as to whether less costly or less intrusive methods exist to achieve the purpose of the rule: The Department considered only publishing the FY 2009 State Health Plan electronically, but elected to continue traditional hardcopy publication due to demands of providers and other interested parties.

g. Description of reasonable alternative methods and reasons for rejection of the alternative methods: The Department considered only publishing the FY 2009 State Health Plan electronically, but elected to continue traditional hardcopy publication due to demands of providers and other interested parties.

f. Data and methodology in making the estimates in the economic impact statement: The department used actual historical cost data based on number of copies produced in previous fiscal years.

Date Rule Proposed: May 12, 2008

Proposed Effective Date of Rule: August 8, 2008

Donald E. Eicher, III, Director of Office of Health Policy and Planning
Printed Name/Title of Person Submitting Rule for Filing


Signature