

Mississippi Secretary of State
700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi State Department of Health		CONTACT PERSON Don Eicher	TELEPHONE NUMBER 601-576-7874	
ADDRESS P.O. Box 1700		CITY Jackson	STATE MS	ZIP 39215
EMAIL Don.Eicher@msdh.state.ms.us	SUBMIT DATE August 27, 2010	Name or number of rule(s): Title 15 – MISSISSIPPI STATE DEPARTMENT OF HEALTH –Part IX – Office of Health Policy and Planning, Division of Health Planning and Resource Development, Subpart 91 – Certificate of Need Review Manual		

Short explanation of rule/amendment/pepeal and reason(s) for proposing rule/amendment/pepeal: These revisions of the CON Manual are required by House Bill 211 and Senate Bill 3212 (2010 Legislative Session) effective May 1, 2010. These changes in compliance with the referenced legislation include: a process and fee for transfer of counties from one existing home health agency to another existing home health agency; an additional assessment on all CON applications received on or after May 1, 2010; a process and fee for renewal extension of an expired CON; a change in definition of capital expenditure to distinguish between an expenditure pertaining a clinical health service and a non-clinical health service expenditure and revise the capital expenditure that requires review for each category; and a fee for six-month extension requests.

Specific legal authority authorizing the promulgation of rule: Mississippi Code Sections 41-7-185 and 41-7-187

List all rules repealed, amended, or suspended by the proposed rule: Title 15 – MISSISSIPPI STATE DEPARTMENT OF HEALTH –Part IX – Office of Health Policy and Planning, Division of Health Planning and Resource Development, Subpart 91 – Certificate of Need Review Manual (Effective December 1, 2009)

ORAL PROCEEDING:

- An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____
- Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more 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, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/pepeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

- Economic impact statement not required for this rule. Concise summary of economic impact statement attached.

<p align="center">TEMPORARY RULES</p> <p>_____ Original filing _____ Renewal of effectiveness To be in effect in __ days Effective date: _____ Immediately upon filing _____ Other (specify): _____</p>	<p align="center">PROPOSED ACTION ON RULES</p> <p>Action proposed: _____ New rule(s) _____ Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: _____ 30 days after filing _____ Other (specify): _____</p>	<p align="center">FINAL ACTION ON RULES</p> <p>Date Proposed Rule Filed: <u>May 05, 2010</u> <u>August 27, 2010</u> Action taken: <input checked="" type="checkbox"/> Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: <input checked="" type="checkbox"/> 30 days after filing _____ Other (specify): _____</p>
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Printed name and Title of person authorized to file rules: Donald E. Eicher, III

Signature of person authorized to file rules: [Signature]

<p>OFFICIAL FILING STAMP</p> <div style="border: 1px solid black; height: 100px; width: 100%;"></div> <p>Accepted for filing by _____</p>	<p>DO NOT WRITE BELOW THIS LINE</p> <p>OFFICIAL FILING STAMP</p> <div style="border: 1px solid black; height: 100px; width: 100%;"></div> <p>Accepted for filing by _____</p>	<p>OFFICIAL FILING STAMP</p> <div style="border: 1px solid black; padding: 10px;"> <p align="center">FILED AUG 27 2010 MISSISSIPPI SECRETARY OF STATE</p> </div> <p>Accepted for filing by <u>17244 CB</u></p>
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The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.