

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 608, Page 2,
2 Section 197.170, Line 53, by inserting after all of said section and line the following:

3
4 "197.315. 1. Any person who proposes to develop or offer a new institutional health service
5 within the state must obtain a certificate of need from the committee prior to the time such services
6 are offered.

7 2. Only those new institutional health services which are found by the committee to be
8 needed shall be granted a certificate of need. Only those new institutional health services which are
9 granted certificates of need shall be offered or developed within the state. No expenditures for new
10 institutional health services in excess of the applicable expenditure minimum shall be made by any
11 person unless a certificate of need has been granted.

12 3. After October 1, 1980, no state agency charged by statute to license or certify health care
13 facilities shall issue a license to or certify any such facility, or distinct part of such facility, that is
14 developed without obtaining a certificate of need.

15 4. If any person proposes to develop any new institutional health care service without a
16 certificate of need as required by sections 197.300 to 197.366, the committee shall notify the
17 attorney general, and he shall apply for an injunction or other appropriate legal action in any court
18 of this state against that person.

19 5. After October 1, 1980, no agency of state government may appropriate or grant funds to
20 or make payment of any funds to any person or health care facility which has not first obtained
21 every certificate of need required pursuant to sections 197.300 to 197.366.

22 6. A certificate of need shall be issued only for the premises and persons named in the
23 application and is not transferable except by consent of the committee.

24 7. Project cost increases, due to changes in the project application as approved or due to
25 project change orders, exceeding the initial estimate by more than ten percent shall not be incurred
26 without consent of the committee.

27 8. Periodic reports to the committee shall be required of any applicant who has been granted
28 a certificate of need until the project has been completed. The committee may order the forfeiture
29 of the certificate of need upon failure of the applicant to file any such report.

30 9. A certificate of need shall be subject to forfeiture for failure to incur a capital expenditure
31 on any approved project within six months after the date of the order. The applicant may request an
32 extension from the committee of not more than six additional months based upon substantial
33 expenditure made.

34 10. Each application for a certificate of need must be accompanied by an application fee.
35 The time of filing commences with the receipt of the application and the application fee. The
36 application fee is one thousand dollars, or one-tenth of one percent of the total cost of the proposed

Standing Action Taken _____ Date _____

Select Action Taken _____ Date _____

1 project, whichever is greater. All application fees shall be deposited in the state treasury. Because
 2 of the loss of federal funds, the general assembly will appropriate funds to the Missouri health
 3 facilities review committee.

4 11. In determining whether a certificate of need should be granted, no consideration shall be
 5 given to the facilities or equipment of any other health care facility located more than a fifteen-mile
 6 radius from the applying facility.

7 12. When a nursing facility shifts from a skilled to an intermediate level of nursing care, it
 8 may return to the higher level of care if it meets the licensure requirements, without obtaining a
 9 certificate of need.

10 13. In no event shall a certificate of need be denied because the applicant refuses to provide
 11 abortion services or information.

12 14. A certificate of need shall not be required for the transfer of ownership of an existing
 13 and operational health facility in its entirety.

14 15. A certificate of need may be granted to a facility for an expansion, an addition of
 15 services, a new institutional service, or for a new hospital facility which provides for something less
 16 than that which was sought in the application.

17 16. The provisions of this section shall not apply to facilities operated by the state, and
 18 appropriation of funds to such facilities by the general assembly shall be deemed in compliance with
 19 this section, and such facilities shall be deemed to have received an appropriate certificate of need
 20 without payment of any fee or charge. The provisions of this subsection shall not apply to hospitals
 21 operated by the state and licensed under chapter 197, except for department of mental health state-
 22 operated psychiatric hospitals.

23 17. Notwithstanding other provisions of this section, a certificate of need may be issued
 24 after July 1, 1983, for an intermediate care facility operated exclusively for the intellectually
 25 disabled.

26 18. To assure the safe, appropriate, and cost-effective transfer of new medical technology
 27 throughout the state, a certificate of need shall not be required for the purchase and operation of:

28 (1) Research equipment that is to be used in a clinical trial that has received written
 29 approval from a duly constituted institutional review board of an accredited school of medicine or
 30 osteopathy located in Missouri to establish its safety and efficacy and does not increase the bed
 31 complement of the institution in which the equipment is to be located. After the clinical trial has
 32 been completed, a certificate of need must be obtained for continued use in such facility; or

33 (2) Equipment that is to be used by an academic health center operated by the state in
 34 furtherance of its research or teaching missions."; and

35
 36 Further amend said bill, Page 4, Section 208.800, Line 3, by inserting after all of said section and
 37 line the following:

38
 39 "338.202. 1. Notwithstanding any other provision of law, unless the prescriber has specified
 40 on the prescription that dispensing a prescription for a maintenance medication in an initial amount
 41 followed by periodic refills is medically necessary, a pharmacist may exercise his or her
 42 professional judgment to dispense varying quantities of maintenance medication per fill up to the
 43 total number of dosage units as authorized by the prescriber on the original prescription, including
 44 any refills. Dispensing of the maintenance medication based on refills authorized by the physician
 45 on the prescription shall be limited to no more than a ninety-day supply of the medication, and the
 46 maintenance medication shall have been previously prescribed to the patient for at least a three-
 47 month period.

48 2. For the purposes of this section "maintenance medication" is a medication prescribed for

1 chronic, long-term conditions and is taken on a regular, recurring basis, except that it shall not
2 include controlled substances as defined in section 195.010.

3 Section B. Because immediate action is necessary to preserve access to quality health care
4 facilities for the citizens of Missouri, the repeal and reenactment of section 197.315 of section A of
5 this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and
6 safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the
7 repeal and reenactment of section 197.315 of section A of this act shall be in full force and effect
8 upon its passage and approval."; and

9
10 Further amend said bill by amending the title, enacting clause, and intersectional references
11 accordingly.
12
13
14