

## Session 122 - (2017-2018)

### H 3131 General Bill, By G.M. Smith, Loftis, G.R. Smith and Burns

#### Summary: DHEC

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-7-215 SO AS TO ENTITLE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL (DHEC) TO HAVE ACCESS TO CERTAIN DATA MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE; TO AMEND SECTION 13-7-10, AS AMENDED, RELATING TO TERMS USED IN THE "ATOMIC ENERGY AND RADIATION CONTROL ACT", SO AS TO CHANGE THE DEFINITION OF "NONIONIZING RADIATION"; TO AMEND SECTION 13-7-45, AS AMENDED, RELATING TO REGULATION OF IONIZING SOURCES OF RADIATION, SO AS TO REQUIRE ACCREDITATION OR CERTIFICATION FOR CERTAIN MEDICAL EQUIPMENT; TO AMEND SECTION 44-1-60, AS AMENDED, RELATING TO THE REVIEW OF CERTIFICATE OF NEED DECISIONS OF DHEC BY THE BOARD OF HEALTH AND ENVIRONMENTAL CONTROL (BOARD), SO AS TO ELIMINATE BOARD REVIEW; TO AMEND SECTION 44-7-130, AS AMENDED, RELATING TO CERTIFICATE OF NEED PROGRAM DEFINITIONS, SO AS TO REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 44-7-150, AS AMENDED, RELATING TO THE USE OF CERTIFICATE OF NEED FEES, SO AS TO ALLOW DHEC TO RETAIN ALL FEES COLLECTED; TO AMEND SECTION 44-7-160, AS AMENDED, RELATING TO CIRCUMSTANCES UNDER WHICH A CERTIFICATE OF NEED IS REQUIRED, SO AS TO CHANGE CERTAIN REQUIREMENTS; TO AMEND SECTION 44-7-170, AS AMENDED, RELATING TO CERTIFICATE OF NEED EXEMPTIONS, SO AS TO ADD NEW EXEMPTIONS AND MAKE CHANGES TO EXISTING EXEMPTIONS; TO AMEND SECTION 44-7-180, AS AMENDED, RELATING TO THE STATE HEALTH PLAN, SO AS TO ELIMINATE THE HEALTH PLANNING COMMITTEE AND THE ROLE OF THE BOARD IN REVIEWING THE PLAN; TO AMEND SECTIONS 44-7-200 AND 44-7-210, BOTH AS AMENDED, AND BOTH RELATING TO THE CERTIFICATE OF NEED APPLICATION REVIEW PROCESS, SO AS TO CHANGE CERTAIN REQUIREMENTS; TO AMEND SECTION 44-7-220, AS AMENDED, RELATING TO JUDICIAL REVIEW OF A CERTIFICATE OF NEED DECISION, SO AS TO PROVIDE FOR THE AWARD OF ATTORNEY FEES AND COSTS AND THE RIGHT TO FILE AN OFFER OF JUDGMENT; TO AMEND SECTION 44-7-230, AS AMENDED, RELATING TO THE ONE-YEAR VALIDITY OF A CERTIFICATE OF NEED, SO AS TO ELIMINATE THE ROLE OF THE BOARD IN GRANTING EXTENSIONS; TO AMEND SECTION 44-7-260, AS AMENDED, RELATING TO LICENSING OF HEALTH CARE FACILITIES AND SERVICES, SO AS TO ELIMINATE FREESTANDING OR MOBILE TECHNOLOGY; TO AMEND SECTION 44-7-1590, RELATING TO APPROVAL OF HOSPITAL BONDS, SO AS TO CHANGE THE RIGHT TO CHALLENGE A DHEC DECISION; TO AMEND SECTION 44-7-120, RELATING TO THE PURPOSE OF THE CERTIFICATE OF NEED PROGRAM, SO AS TO CHANGE THE STATED PURPOSE; BY ADDING SECTION 44-7-131 SO AS TO PROVIDE DEFINITIONS OF TERMS USED IN ARTICLE 3, CHAPTER 7, TITLE 44; BY ADDING SECTION 44-7-151 SO AS TO ESTABLISH DUTIES OF DHEC UNDER ARTICLE 3, CHAPTER 7, TITLE 44; TO AMEND SECTION 44-7-320, AS AMENDED, RELATING TO THE AUTHORITY OF DHEC UNDER ARTICLE 3, CHAPTER 7, TITLE 44, SO AS TO DELETE REFERENCES TO CERTIFICATES OF NEED; TO REPEAL SECTION 44-7-225 RELATING TO THE STATE HEALTH PLAN, SECTION 44-7-265 RELATING TO FREESTANDING OR MOBILE TECHNOLOGY, AND SECTIONS 44-7-130, 44-7-150, 44-7-160, 44-7-170, 44-7-180, 44-7-190, 44-7-200, 44-7-210, 44-7-220, AND 44-7-230 ALL RELATING TO THE CERTIFICATE OF NEED PROGRAM; TO RENAME ARTICLE 3, CHAPTER 7, TITLE 44; TO REQUIRE THE BOARD TO REVIEW CERTAIN PROJECTS FOR WHICH A CERTIFICATE OF NEED WAS REQUIRED BUT NOT OBTAINED BETWEEN JULY 1, 2013, AND APRIL 14, 2014, TO DETERMINE WHETHER THE PROJECTS MEET THE REQUIREMENTS FOR ISSUANCE OF A CERTIFICATE OF NEED, AND TO ISSUE CERTIFICATES OF NEED IN APPROPRIATE CASES.

**12/15/16 House Prefiled**

**12/15/16 House Referred to Committee on Ways and Means**

**01/10/17 House Introduced and read first time (House Journal-page 85)**

**01/10/17 House Referred to Committee on Ways and Means (House Journal-page 85)**