

ENROLLED SENATE
BILL NO. 541

By: Ellis of the Senate

and

Dank of the House

An Act relating to public health and safety; amending 63 O.S. 2001, Section 1-852.1, as amended by Section 4, Chapter 436, O.S.L. 2004 (63 O.S. Supp. 2008, Section 1-852.1), which relates to long-term care facility certificate of need; modifying amount of application fees; providing for refund of fee; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-852.1, as amended by Section 4, Chapter 436, O.S.L. 2004 (63 O.S. Supp. 2008, Section 1-852.1), is amended to read as follows:

Section 1-852.1 A. Each application for a new certificate of need applied for pursuant to the provisions of Section 1-852 of this title, except for those applications filed by state agencies, shall be accompanied by an application fee ~~equal to one percent (1%) of the capital cost of the project, with a minimum fee of One Thousand Dollars (\$1,000.00)~~ of Three Thousand Dollars (\$3,000.00).

B. The maximum filing fee on an application for replacement of an existing facility, ~~pursuant to subsection D of Section 1-853 of this title,~~ shall be One Thousand Dollars (\$1,000.00).

C. 1. The maximum filing fee on an application for an acquisition shall be ~~Three Thousand Dollars (\$3,000.00)~~ Five Thousand Dollars (\$5,000.00).

2. The capital cost for acquisition shall be the current book value of the facility as shown by a recognized method or basis of accounting as attested by a Certified Public Accountant.

D. If an application for a certificate of need is not approved, the Department shall refund the application fee in full.

E. Each request for exemption from certificate of need requirements submitted under Section 1-852 of this title, except for a request filed by a state agency, shall be accompanied by a fee of One Hundred Dollars (\$100.00).

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 10th day of March, 2009.

Presiding Officer of the Senate

Passed the House of Representatives the 20th day of April, 2009.

Presiding Officer of the House
of Representatives