

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program

Proposed Amendment

19 CSR 60-50.400 Letter of Intent Process. The committee proposes to amend sections (1), (1)(B), (3), (4), (5), (6), (6)(E)(2), (7), and (8).

PURPOSE: The committee proposes to amend this rule for statute and verbiage updates.

(1) Applicants shall submit by mail, fax, or email a Letter of Intent (LOI) to begin the Certificate of Need (CON) review process **so that it is received at the CON office** at least thirty (30) days prior to the submission of the CON application and will remain valid in accordance with the following time frames:

(B) For expedited LTC bed expansion reviews in accordance with section [197.318. 8] **197.318.4**, RSMo, an LOI is valid for twenty-four (24) months.

(3) A LTC bed expansion or replacement sought pursuant to sections [197.318. 8] **197.318.4** through [197.318. 10] **197.318.6**, RSMo, requires a CON application if the capital expenditure for such bed expansion or replacement exceeds six hundred thousand dollars (\$600,000) but allows for shortened information requirements and review time frames.

(4) When an LOI for a LTC bed expansion[, *except replacement(s)*] is filed, the Certificate of Need Program (CONP) staff shall immediately [*request certification for*] **review** that facility's average licensed bed occupancy [*and final Class 1 patient care deficiencies*] for the most recent six (6) consecutive calendar quarters, **and request certification that the facility had no patient care class I deficiencies within the last eighteen (18) months** [. *Such certification shall be obtained by the applicant*] from the Division of Regulation and Licensure (DRL), Department of Health and Senior Services, through a LTC Facility Expansion Certification (Form MO 580-2351, incorporated by reference), to verify compliance with occupancy and deficiency requirements pursuant to section [197.318. 8] **197.318.4(1)**, RSMo. Occupancy data shall be taken from the [DRL's] **CON's** most recent[*ly published*] Six-Quarter Occupancy of Intermediate Care and Skilled Nursing Facility (or Residential Care and Assisted Living Facility) Licensed Beds report[*s*] **published on the CON website**.

(5) For a LTC bed **expansion**[*s or replacements*], the sellers and purchasers shall be defined as the owner(s) and operator(s) of the respective facilities, which includes building, land, and license. On the Purchase Agreement (Form MO 580-2352[, *incorporated by reference*]), both the owner(s) and operator(s) of the purchasing and selling facilities [*should*] **shall** sign.

(6) The CONP staff, as an agent of the Missouri Health Facilities Review Committee (committee), will review LOIs according to the following provisions:

(E) A Non-Applicability CON letter will be valid subject to the following conditions:

2. Final project costs with third-party verification must be provided on a Periodic Progress Report (Form MO 580-1871[, *incorporated by reference*]); and

(7) Nonsubstantive projects are waived from review by the authority of section 197.330.1(8), RSMo, and any **applicant** [*projects*] seeking such a determination shall submit information through the LOI process.[: *those*] **A project** meeting the [*nonsubstantive*] definition **of a nonsubstantive project** shall be posted for review on the CON web site at least twenty (20) days in advance of the committee meeting when [*they are*] **the project is** scheduled to be confirmed by the committee.

(8) The following forms cited in this rule are incorporated by reference and published by the Certificate of Need Program (CONP), [October 1, 2009] **May 1, 2012**, and may be downloaded from [<http://www.dhss.mo.gov/CON/Forms.html>, obtained by mailing a written request with a self-addressed stamped envelope to CONP, PO Box 570, Jefferson City, MO 65102-0570] <http://health.mo.gov/information/boards/certificateofneed/forms.php>, obtained by emailing a written request to CONP@health.mo.gov, or acquired in person at the CONP Office, 3418 Knipp Drive, Suite F, Jefferson City, Missouri **65102**, (573) 751-6403. This rule does not include any later amendments or additions.

(A) LTC Facility Expansion Certification (Form MO 580-2351).

(B) Purchase Agreement (Form MO 580-2352).

(C) Periodic Progress Report (Form MO 580-1871).

AUTHORITY: section 197.320, RSMo 2000. Original rule filed June 2, 1994, effective Nov. 30, 1994. Emergency amendment filed Nov. 16, 1995, effective Nov. 26, 1995, expired May 23, 1996. Amended: Filed Nov. 15, 1995, effective April 30, 1996. Emergency amendment filed Nov. 26, 1996, effective Dec. 6, 1996, expired June 3, 1997. Emergency rescission filed Aug. 29, 1997, effective Sept. 8, 1997, expired March 6, 1998. Emergency rule filed Aug. 29, 1997, effective Sept. 8, 1997, terminated Sept. 21, 1997. Emergency rule filed Sept. 11, 1997, effective Sept. 21, 1997, expired March 19, 1998. Rescinded and readopted: Filed Aug. 29, 1997, effective March 30, 1998. Emergency rescission and rule filed June 29, 1999, effective July 9, 1999, expired Jan. 5, 2000. Rescinded and readopted: Filed June 29, 1999, effective Jan. 30, 2000. Emergency rescission and rule filed Dec. 14, 2001, effective Jan. 1, 2002, expired June 29, 2002. Emergency amendment filed Dec. 16, 2002, effective Jan. 1, 2003, expired June 29, 2003. Rescinded and readopted: Filed Dec. 14, 2001, effective June 30, 2002. Amended: Filed April 12, 2004, effective Nov. 30, 2004. Emergency amendment filed Aug. 14, 2006, effective Aug. 28, 2006, expired Feb. 23, 2007. Amended: Filed Aug. 14, 2006, effective March 30, 2007. Amended: Filed Oct. 1, 2010, effective May 30, 2011. Amended: Filed August 9, 2019.*

**Original authority: 197.320, RSMo 1979, amended 1993, 1995, 1999.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Health Facilities Review Committee, 3418 Knipp Drive, Suite F, Jefferson City, MO 65109 or via e-mail at CONP@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*