

FISCAL IMPACT STATEMENT ON BILL NO. **S. 568**

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TO: The Honorable Harvey S. Peeler, Jr., Chairperson, Senate Medical Affairs Committee
FROM: State Budget Division, Budget and Control Board
ANALYSTS: R.J. Stein, Rodney Grizzle
DATE: April 15, 2013 SBD: 2013240

AUTHOR: Senator Peeler PRIMARY CODE CITE: 44-7-130
SUBJECT: Certificate of Need statute amendments

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

\$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

A Cost to Federal and/or Other Funds (See Below)

BILL SUMMARY:

Senate Bill 568 amends several sections of the Code of Laws of South Carolina, 1976, relating to the Certificate of Need (CON) program administered by the Department of Health & Environmental Control (DHEC). The Bill amends Section 44-7-130 by adding the definition of the new term "new and emerging technology." The Bill amends Section 44-7-160 by specifying expenditures requiring a CON and by making technical corrections. The Bill amends Section 44-7-220, relating to appellate review of CON decisions, by providing for attorney fees and costs in certain circumstances and to define "frivolous appeal." The Bill amends Section 13-7-10 by revising the definition of "non-ionizing radiation" to include MRI devices. The Bill amends Section 13-7-45 declaring that accreditation or certification is required for application and registration of MRI and CT Scan equipment; and that DHEC shall determine accreditation and certification agencies and shall establish registration fees for radiofrequency radiation within MRI devices. The Bill increases the amount of fees that DHEC may retain toward the administration of the program from \$30,000 to \$50,000.

EXPLANATION OF IMPACT:

Department of Health & Environmental Control

The Department reports that this Bill would have no impact on the State General Fund as the additional workload is covered by fees that this Bill allows DHEC to retain. It is assumed that the additional \$20,000 in retained fees will come from new fees imposed on radiofrequency radiation devices and not as a result of diverting funds currently remitted to the State General Fund.

Administrative Law Court

The Court indicates that this Bill will have no fiscal impact on the General Fund of the State or on Federal and/or Other Funds.

SPECIAL NOTES:

The Board of Economic Advisors is the appropriate entity to address any revenue impact associated with this Bill.

Approved by:



Brenda Hart
Assistant Director, State Budget Division