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**Rules of**  
**Department of Health**  
**Division 60—Missouri Health Facilities**  
**Review Committee**  
**Chapter 50—Certificate of Need Program**

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**Title 19—DEPARTMENT OF  
HEALTH**

**Division 60—Missouri Health Facilities  
Review Committee  
Chapter 50—Certificate of  
Need Program**

**19 CSR 60-50.010 State Health Planning  
and Development Agency (SHPDA)**  
(Rescinded January 12, 1990)

*AUTHORITY:* section 197.310, RSMo 1986. This rule previously filed as 13 CSR 60-1.010. Emergency rule filed Nov. 20, 1980, effective Dec. 1, 1980, expired April 1, 1981. Original rule filed Sept. 11, 1980, effective April 2, 1981. Emergency rescission filed July 3, 1989, effective July 13, 1989, expired Nov. 9, 1989. Rescinded: Filed July 3, 1989, effective Jan. 12, 1990.

**19 CSR 60-50.011 Certificate of Need (CN)  
Definitions**  
(Rescinded November 30, 1994)

*AUTHORITY:* sections 197.318, RSMo Supp. 1992 and 197.320, RSMo 1986. Emergency rule filed July 3, 1989, effective July 13, 1989, expired Nov. 9, 1989. Original rule filed July 3, 1989, effective Jan. 12, 1990. Amended: Filed Feb. 4, 1993, effective July 8, 1993. Rescinded: Filed June 2, 1994, effective Nov. 30, 1994.

**19 CSR 60-50.020 Missouri Health  
Facilities Review Committee**  
(Rescinded January 12, 1990)

*AUTHORITY:* sections 197.310 and 197.320, RSMo 1986. This rule was previously filed as 13 CSR 60-1.020. Emergency rule filed Nov. 20, 1980, effective Dec. 1, 1980, expired April 1, 1981. Original rule filed Sept. 11, 1980, effective April 2, 1981. Emergency rescission filed July 3, 1989, effective July 13, 1989, expired Nov. 9, 1989. Rescinded: Filed July 3, 1989, effective Jan. 12, 1990.

**19 CSR 60-50.021 CN Program  
Administration**  
(Rescinded November 30, 1994)

*AUTHORITY:* section 197.320, RSMo 1986. Emergency rule filed July 3, 1989, effective July 13, 1989, expired Nov. 9, 1989. Original rule filed July 3, 1989, effective Jan. 12, 1990. Amended: Filed Nov. 16, 1990, effective June 10, 1991. Amended: Filed April 6, 1992, effective Sept. 6, 1992. Emergency

amendment filed July 30, 1992, effective Aug. 9, 1992, expired Dec. 6, 1992. Amended: Filed July 30, 1992, effective April 8, 1993. Amended: Filed April 14, 1993, effective Oct. 10, 1993. Rescinded: Filed June 2, 1994, effective Nov. 30, 1994.

**19 CSR 60-50.030 Review of Health  
Projects Under SSA-1122 Program**  
(Rescinded January 12, 1990)

*AUTHORITY:* sections 197.305(2), 197.310(1)6, 197.320 and 536.043, RSMo 1986, P.L. 9-603, 42 U.S.C. 1320a-1; 42 CFR 100; 42 CFR 122, 42 CFR 123 and section 1122 of the Federal Social Security Act. This rule was previously filed as 13 CSR 60-2.010. Emergency rule filed Nov. 20, 1980, effective Dec. 1, 1980, expired April 1, 1981. Original rule filed Sept. 11, 1980, effective April 2, 1981. Emergency rescission filed July 3, 1989, effective July 13, 1989, expired Nov. 9, 1989. Rescinded: Filed July 3, 1989, effective Jan. 12, 1990.

**19 CSR 60-50.031 Certificate of Need (CN)  
Applications**  
(Rescinded November 30, 1994)

*AUTHORITY:* section 197.320, RSMo 1986. Emergency rule filed July 3, 1989, effective July 13, 1989, expired Nov. 9, 1989. Original rule filed July 3, 1989, effective Jan. 12, 1990. Amended: Filed Jan. 3, 1990, effective March 26, 1990. Amended: Filed Nov. 16, 1990, effective July 8, 1991. Emergency amendment filed July 30, 1992, effective Aug. 9, 1992, expired Dec. 6, 1992. Amended: Filed July 14, 1992, effective April 8, 1993. Amended: Filed July 30, 1992, effective April 8, 1993. Amended: Filed Feb. 4, 1993, effective July 8, 1993. Rescinded: Filed June 2, 1994, effective Nov. 30, 1994.

**19 CSR 60-50.040 Definitions Relating to  
Certificate of Need**  
(Rescinded January 12, 1990)

*AUTHORITY:* sections 197.305 and 197.320, RSMo 1986. This rule was previously filed as 13 CSR 60-3.010. Emergency rule filed Nov. 20, 1980, effective Dec. 1, 1980, expired April 1, 1981. Original rule filed Sept. 11, 1980, effective April 2, 1981. Amended: Filed: Oct. 19, 1983, effective May 11, 1984. Emergency rescission filed July 3, 1989, effective July 13, 1989, expired Nov. 9, 1989. Rescinded: Filed July 3, 1989, effective Jan. 12, 1990.

**19 CSR 60-50.041 Information Added to  
CN Application**  
(Rescinded November 30, 1994)

*AUTHORITY:* section 197.320, RSMo 1986. Emergency rule filed July 3, 1989, effective July 13, 1989, expired Nov. 9, 1989. Original rule filed July 3, 1989, effective Jan. 12, 1990. Emergency amendment filed July 30, 1992, effective Aug. 9, 1992, expired Dec. 6, 1992. Amended: Filed July 30, 1992, effective April 8, 1993. Rescinded: Filed June 2, 1994, effective Nov. 30, 1994.

**19 CSR 60-50.050 Certificate of Need  
Necessary**  
(Rescinded January 12, 1990)

*AUTHORITY:* sections 197.315.1, 197.315.7, 197.315.12, 197.315.14, 197.320 and 197.340, RSMo 1986. This rule was previously filed as 13 CSR 60-3.020. Emergency rule Nov. 20, 1980, effective Dec. 1, 1980, expired April 1, 1981. Original rule filed Sept. 11, 1980, effective April 2, 1981. Emergency amendment filed Feb. 9, 1983, effective March 1, 1983, expired June 28, 1983. Emergency rescission filed July 3, 1989, effective July 13, 1989, expired Nov. 9, 1989. Rescinded: Filed July 3, 1989, effective Jan. 12, 1990.

**19 CSR 60-50.051 Information on MHFRC  
Meetings**  
(Rescinded November 30, 1994)

*AUTHORITY:* section 197.320, RSMo 1986. Emergency rule filed July 3, 1989, effective July 13, 1989, expired Nov. 9, 1989. Original rule filed July 3, 1989, effective Jan. 12, 1990. Amended: Filed Nov. 16, 1990, effective June 10, 1991. Emergency amendment filed July 30, 1992, effective Aug. 9, 1992, expired Dec. 6, 1992. Amended: Filed July 30, 1992, effective April 8, 1993. Rescinded: Filed June 2, 1994, effective Nov. 30, 1994.

**19 CSR 60-50.060 Waiver of Certificate of  
Need**  
(Rescinded January 12, 1990)

*AUTHORITY:* sections 197.320 and 197.330(9), RSMo 1986. This rule was previously filed as 13 CSR 60-3.030. Emergency rule filed Nov. 20, 1980, effective Dec. 1, 1980, expired April 1, 1981. Original rule filed Sept. 11, 1980, effective April 2, 1981. Emergency rescission filed July 3, 1989, effective July 13, 1989, expired Nov. 9,



1989. Rescinded: Filed July 3, 1989, effective Jan. 12, 1990.

**19 CSR 60-50.061 Certificate of Need Decisions**

(Rescinded November 30, 1994)

*AUTHORITY:* section 197.320, RSMo 1986. Emergency rule filed July 3, 1989, effective July 13, 1989, expired Nov. 9, 1989. Original rule filed July 3, 1989, effective Jan. 12, 1990. Amended: Filed Nov. 16, 1990, effective June 10, 1991. Emergency amendment filed July 30, 1992, effective Aug. 9, 1992, expired Dec. 6, 1992. Amended: Filed July 14, 1992, effective April 8, 1993. Amended: Filed July 30, 1992, effective April 8, 1993. Rescinded: Filed June 2, 1994, effective Nov. 30, 1994.

**19 CSR 60-50.070 Issuance and Penalties**

(Rescinded January 12, 1990)

*AUTHORITY:* sections 197.315.2, 197.315.3, 197.315.4, 197.315.5, 197.315.6 and 197.320, RSMo 1986. This rule was previously filed as 13 CSR 60-3.040. Emergency rule filed Nov. 20, 1980, effective Dec. 1, 1980, expired April 1, 1981. Original rule filed Sept. 11, 1980, effective April 2, 1981. Emergency rescission filed July 3, 1989, effective July 13, 1989, expired Nov. 9, 1989. Rescinded: Filed July 3, 1989, effective Jan. 12, 1990.

**19 CSR 60-50.071 Post-Decision Review**

(Rescinded November 30, 1994)

*AUTHORITY:* section 197.320, RSMo 1986. Emergency rule filed July 3, 1989, effective July 13, 1989, expired Nov. 9, 1989. Original rule filed July 3, 1989, effective Jan. 12, 1990. Amended: Filed Nov. 16, 1990, effective June 10, 1991. Amended: Filed Feb. 4, 1993, effective July 8, 1993. Rescinded: Filed June 2, 1994, effective Nov. 30, 1994.

**19 CSR 60-50.080 Certificate of Need Application Process**

(Rescinded January 12, 1990)

*AUTHORITY:* sections 197.315.8, 197.315.10, 197.320, 197.325, 197.330(1), 197.330(3), 197.330.4, 197.330.5 and 197.330.6, RSMo 1986. This rule was previously filed as 13 CSR 60-3.050. Emergency rule filed Nov. 20, 1980, effective Dec. 1, 1980, expired April 1, 1981. Original rule filed Sept. 11, 1980, effective April 2, 1981.

Emergency rescission filed July 3, 1989, effective July 13, 1989, expired Nov. 9, 1989. Rescinded: Filed July 3, 1989, effective Jan. 12, 1990.

**19 CSR 60-50.081 Criteria and Standards**

(Rescinded November 30, 1994)

*AUTHORITY:* section 197.320, RSMo 1986. Emergency rule filed July 3, 1989, effective July 13, 1989, expired Nov. 9, 1989. Original rule filed July 3, 1989, effective Jan. 12, 1990. Amended: Filed March 16, 1990, effective June 28, 1990. Amended: Filed July 17, 1990, effective Dec. 31, 1990. Amended: Filed Nov. 16, 1990, effective June 10, 1991. Amended: Filed April 6, 1992, effective Sept. 6, 1992. Emergency amendment filed July 30, 1992, effective Aug. 9, 1992, expired Dec. 6, 1992. Amended: Filed July 14, 1992, effective April 8, 1993. Amended: Filed July 30, 1992, effective April 8, 1993. Amended: Filed April 14, 1993, effective Oct. 10, 1993. Rescinded: Filed June 2, 1984, effective Nov. 30, 1994.

**19 CSR 60-50.090 Nonsubstantive Review**

(Rescinded January 12, 1990)

*AUTHORITY:* sections 197.320 and 197.330(3), RSMo 1986. This rule was previously filed as 13 CSR 60-3.060. Emergency rule filed Nov. 20, 1980, effective Dec. 1, 1980, expired April 1, 1981. Original rule filed Sept. 11, 1980, effective April 2, 1981. Emergency rescission filed July 3, 1989, effective July 13, 1989, expired Nov. 9, 1989. Rescinded: Filed July 3, 1989, effective Jan. 12, 1990.

**19 CSR 60-50.100 Public Hearings, Reconsideration Hearings**

(Rescinded January 12, 1990)

*AUTHORITY:* sections 197.320 and 197.330(3), RSMo 1986. This rule was previously filed as 13 CSR 60-3.070. Emergency rule filed Nov. 20, 1980, effective Dec. 1, 1980, expired April 1, 1981. Original rule filed Sept. 11, 1980, effective April 2, 1981. Emergency rescission filed July 3, 1989, effective July 13, 1989, expired Nov. 9, 1989. Rescinded: Filed July 3, 1989, effective Jan. 12, 1990.

**19 CSR 60-50.110 Appeals**

(Rescinded January 12, 1990)

*AUTHORITY* sections 197.320 and 197.335, RSMo 1986. This rule was previously filed as 13 CSR 60-3.080. Emergency rule filed Nov. 20, 1980, effective Dec. 1, 1980, expired April 1, 1981. Original rule filed Sept. 11, 1980, effective April 2, 1981. Emergency rescission filed July 3, 1989, effective July 13, 1989, expired Nov. 9, 1989. Rescinded: Filed July 3, 1989, effective Jan. 12, 1990.

**19 CSR 60-50.120 Annual Report, Public Access**

(Rescinded January 12, 1990)

*AUTHORITY:* section 197.320, RSMo 1986. This rule was previously filed as 13 CSR 60-3.090. Emergency rule filed Nov. 20, 1980, effective Dec. 1, 1980, expired April 1, 1981. Original rule filed Sept. 11, 1980, effective April 2, 1981. Emergency rescission filed July 3, 1989, effective July 13, 1989, expired Nov. 9, 1989. Rescinded: Filed July 3, 1989, effective Jan. 12, 1990.

**19 CSR 60-50.130 Forfeiture of Certificate**

(Rescinded January 12, 1990)

*AUTHORITY:* sections 197.315.9 and 197.320, RSMo 1986. This rule was previously filed as 13 CSR 60-3.100. Emergency rule filed Nov. 20, 1980, effective Dec. 1, 1980, expired April 1, 1981. Original rule filed Sept. 11, 1980, effective April 2, 1981. Emergency rescission filed July 3, 1989, effective July 13, 1989, expired Nov. 9, 1989. Rescinded: Filed July 3, 1989, effective Jan. 12, 1990.

**19 CSR 60-50.140 Adoption of Criteria**

(Rescinded January 12, 1990)

*AUTHORITY:* sections 197.300—197.365 and 536.043, RSMo 1986. This rule was previously filed as 13 CSR 60-3.100. Emergency rule filed Nov. 20, 1980, effective Dec. 1, 1980, expired April 1, 1981. Original rule filed Sept. 11, 1980, effective April 2, 1981. Emergency rescission filed July 3, 1989, effective July 13, 1989, expired Nov. 9, 1989. Rescinded: Filed July 3, 1989, effective Jan. 12, 1990.

**19 CSR 60-50.150 Criteria and Written Findings for Review of Certificate of Need Applications**

(Rescinded January 12, 1990)

*AUTHORITY:* sections 197.315 and 197.320, RSMo 1986. This rule was previously filed as

13 CSR 60-4.010. Emergency rule filed Nov. 20, 1980, effective Dec. 1, 1980, expired April 1, 1981. Original rule filed Sept. 11, 1980, effective April 2, 1981. Amended: Filed May 3, 1988, effective Aug. 11, 1988. Emergency rescission filed July 3, 1989, effective July 13, 1989, expired Nov. 9, 1989. Rescinded: Filed July 3, 1989, effective Jan. 12, 1990.

### 19 CSR 60-50.200 Purpose and Structure

**PURPOSE:** This rule describes the organization of the Missouri Health Facilities Review Committee relative to the Missouri Certificate of Need (CON) statute.

(1) The Certificate of Need (CON) statute, sections 197.300–197.366, RSMo became effective September 28, 1979, except those sections which were not effective until October 1, 1980 or later. CON had its origin in the federal Public Law 93-641, 1974, and was intended to address issues of need, cost, and distribution of health services, as well as other factors which impact the health of the population.

(2) The purpose of the CON statute is cost containment through health cost management, assurance of community need and the prevention of unnecessary duplication of health care services. CON is based on a goal of public accountability through public review of proposed health care services, value promotion and negotiation among competing interests.

(3) The CON statute is administered by the nine (9)-member Missouri Health Facilities Review Committee (committee). Five (5) members are appointed by the governor, two (2) by the president pro tem of the senate, and two (2) by the speaker of the house, each serving two (2)-year terms or until replaced.

(4) On behalf of the committee, the Certificate of Need Program provides technical and administrative services as shown in 19 CSR 60-50.900.

**AUTHORITY:** section 197.320, RSMo Supp. 1997.\* Original rule filed June 2, 1994, effective Nov. 30, 1994. Emergency rescission and rule filed Aug. 29, 1997, effective Sept. 8, 1997, expired March 6, 1998. Rescinded and readopted: Filed Aug. 29, 1997, effective March 30, 1998.

\*Original authority 1979, amended 1993, 1995.

### 19 CSR 60-50.300 Definitions for the Certificate of Need Process

**PURPOSE:** This rule revises the definitions of terms used in the Certificate of Need (CON) review process.

(1) Applicant means all owner(s) and operator(s) of any new institutional health service.

(2) By or on behalf of a health care facility includes any expenditures made by the facility itself as well as capital expenditures made by other persons that assist the facility in offering services to its patients/residents.

(3) Cost means—

(A) Price paid or to be paid by the applicant for a new institutional health service to acquire, purchase or develop a health care facility or major medical equipment; or

(B) Fair market value of the health care facility or major medical equipment as determined by the current selling price at the date of the application as quoted by builders or architects for similar facilities or normal suppliers of the requested equipment.

(4) Generally accepted accounting principles pertaining to capital expenditures include, but are not limited to—

(A) Expenditures related to acquisition or construction of capital assets;

(B) Capital assets are investments in property, plant and equipment used for the production of other goods and services approved by the committee; and

(C) Land is not considered a capital asset until actually converted for that purpose with commencement of above-ground construction approved by the committee.

(5) Health care facility means any premises as defined in section 197.305(8), RSMo.

(6) Health maintenance organizations mean entities as defined in section 354.400(6), RSMo, except for activities directly related to the provision of insurance only.

(7) Interested party means any licensed health care provider or other affected person who has expressed an interest in the Certificate of Need (CON) process or a CON application.

(8) Major medical equipment means any device or collection of devices and startup cost acquired over a twelve (12)-month period, including equipment, shipping, installation, supplies, and taxes, with an aggregate cost in excess of the expenditure minimum, when the project is intended to provide imag-

ing, diagnostic, treatment, preventive or other health services.

(9) Nonsubstantive project includes, but is not limited to, at least one (1) of the following situations:

(A) An expenditure which is required solely to meet federal or state requirements;

(B) The construction or modification of nonpatient care services, including parking facilities, sprinkler systems, heating or air-conditioning equipment, fire doors, food service equipment, building maintenance, administrative equipment, telephone systems, energy conservation measures, land acquisition, medical office buildings, and other projects of a similar nature;

(C) The acquisition of minor x-ray units, computed tomography units, mammography units, and fluoroscopy units, adult day care centers, hospices, and home health care services;

(D) Expenditures for construction, equipment, or both, due to an act of God or a normal consequence of maintenance, but not replacement, of health care facilities, beds, or equipment; or

(E) Expenditures required to resolve the “Year 2000 Compliance Problem” for computers as part of or related to medical equipment. Documentation from a competent third party is required to verify that the project is required solely to solve the “Year 2000 Compliance Problem” along with an itemized equipment list of computers and/or medical equipment affected.

(10) Offer, when used in connection with health services, means that the applicant asserts having the capability and the means to provide and operate the specified health services.

(11) Predevelopment costs mean expenditures as defined in section 197.305(15), RSMo including consulting, legal, architectural, engineering, financial and other activities directly related to the proposed project, but excluding the application fee for submission of the application for the proposed project.

(12) Related organization means an organization that is associated or affiliated with, has control over or is controlled by, or has any direct financial interest in, the organization applying for a project including, without limitation, an underwriter, guarantor, parent organization, joint venturer, partner or general partner.



(13) Service area means—

(A) A review area which is the geographic region within the fifteen (15)-mile radius of the proposed site; and

(B) A geographic region in excess of the fifteen (15)-mile review area appropriate to the proposed service, documented by the applicant and approved by the committee.

*AUTHORITY: section 197.320, RSMo Supp. 1997.\* Original rule filed June 2, 1994, effective Nov. 30, 1994. Emergency rescission and rule filed Aug. 29, 1997, effective Sept. 8, 1997, expired March 6, 1998. Rescinded and readopted: Filed Aug. 29, 1997, effective March 30, 1998. Emergency amendment filed Oct. 20, 1998, effective Oct. 30, 1998, expired April 27, 1999. Amended: Filed Oct. 20, 1998, effective April 30, 1999.*

*\*Original authority 1979, amended 1993, 1995.*



Certificate of Need Program  
**LETTER OF INTENT**

<b>Project and Applicant Information</b> <small>(this form must be included in the application, see note at end of next page)</small>			
<b>1. Project Title and Location</b> <small>(attach additional pages as necessary to identify multiple project sites.)</small>			
Title of Proposed Project		County	
Project Address <small>(Street/City/State/Zip Code or plat map, if no address)</small>		Legislative District Number:	
		Senate	House
<b>2. Applicant Identification</b> <small>(attach additional pages as necessary to list all owners and operators)</small>			
<b>List All Owner(s):</b> <small>(list corporate entity)</small>		Address <small>(Street/City/State/Zip Code)</small>	Telephone Number
<b>List All Operator(s):</b> <small>(list entity to be licensed or certified)</small>		Address <small>(Street/City/State/Zip Code)</small>	Telephone Number
Applicant's Authorized Designee <small>(Print or Type)</small>		Designee's Title	
Signature of Designee <small>(Preferably in blue ink)</small>	Date of Signature	Telephone Number	Fax Number
<b>3. Applicability</b> <small>(in accordance with §197.315 RSMo, any new institutional health service requires a CON before being offered or developed)</small>			
<small>(indicate the reason(s) for review or the exception/exemption sought)</small>			
<input type="checkbox"/> If proposed expenditures are less than the minimums in §197.305(12), then attach a Proposed Expenditures form and all necessary supporting documentation to illustrate how those amounts were determined, such as schematic drawings and equipment quotes.			
<input type="checkbox"/> If the proposal meets one of the exemptions in §197.305(8), §197.312, §197.318 or §197.360, then attach detailed documentation substantiating compliance with the statutory provisions.			
<input type="checkbox"/> [If the proposal meets one of the exceptions in §197.305(7)(b) and §197.318.3 which reference §197.305.12 (e) and (g), or §197.313, then attach a Proposed Expenditures form, schematic drawings, a copy of the facility license in effect on July 12, 1996, and a description of how the additional beds meet the the lesser of 10 beds or 10% of licensed bed capacity.] <b>If proposed expenditures are required solely to solve the "Year 2000 Compliance Problem" for computers as part of or related to medical equipment in §197.300(9)(E).</b>			
<input type="checkbox"/> If the proposal does not qualify for an exemption or an exception listed above, complete only this form as the first step in the application process.			
<b>4. Proposed Project Costs</b> Capital: \$ _____ Equipment: \$ _____ Total: \$ _____			
<b>5. Authorized Contact Person Identification</b> <small>(only one per project, regardless of number of owners/operators)</small>			
Name of Contact Person		Title	
Contact Person Address <small>(Company/Street/City/State/Zip Code)</small>			
Signature of Contact Person <small>(Preferably in blue ink)</small>	Date of Signature	Telephone Number	Fax Number

MO 580-1860 (01-99)

**6. Project Description** *(information should be brief but sufficient to understand scope of project)*

Project description to include number of beds to be added, deleted or replaced, square footage of new construction and/or renovation, services affected and equipment to be acquired. If this is a replacement proposal, provide details concerning the facilities or equipment to be replaced to include their name, location, distance from the proposal and their final disposition:

*NOTE: Because an application must be preceded by a Letter of Intent that accurately describes the project, a filing that does not substantially conform with the Letter of Intent shall not be considered an application.*

MO 580-1860 (01-99)