

FORTY-SIXTH LEGISLATURE  
SECOND SESSION, 2004

SB 385/a

February 9, 2004

Madam President:

Your **PUBLIC AFFAIRS COMMITTEE**, to whom has been referred

**SENATE BILL 385**

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 1, line 18 through page 2, line 4 strike Subsection A in its entirety and insert in lieu thereof the following new subsections:

"A. A daily bed surcharge is imposed on each licensed nursing home, licensed intermediate care facility for the mentally retarded and licensed residential treatment center. Unless exempted pursuant to Subsection C of this section, the surcharge shall be per day for each occupied bed of the nursing home, intermediate care facility for the mentally retarded or residential treatment center. The rate of the surcharge shall be annually determined by the human services department pursuant to Subsection B of this section.

B. No later than June 1 of each year, the human services department shall, pursuant to the provisions of this subsection, determine the rate of the daily bed surcharge to be paid by each licensed nursing home, licensed intermediate care facility for the mentally retarded and licensed residential treatment center during the subsequent fiscal year and shall notify the taxation and revenue department and each such nursing home, intermediate care facility and treatment center of the applicable rates. In determining the rates, the human services department shall:

(1) set a uniform rate on the maximum number of nursing homes, intermediate care facilities for the mentally retarded and residential treatment centers as allowed by any federal law or rule governing the approval of the state medicaid plan or any waiver from that plan; and

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(2) structure the rates for each nursing home, intermediate care facility for the mentally retarded and residential treatment center so that the total estimated revenue received in the subsequent fiscal year from all such nursing homes, intermediate care facilities and treatment centers will equal six percent of the gross revenue, calculated on an accrual basis, received by the nursing homes, intermediate care facilities and treatment centers in the previous calendar year.

C. The human services department shall study the feasibility of applying for a federal waiver to exempt medicare and private beds from the daily bed surcharge. If, upon application of the department, such a waiver is granted, medicare and private beds are exempt from the surcharge."

2. Reletter the succeeding subsection accordingly.
3. On page 2, lines 21 through 24, strike Section 3 in its entirety.
4. Renumber the succeeding sections accordingly.
5. On page 6, line 17, strike "through 3" and insert in lieu thereof "and 2".
6. On page 6, strike lines 19 and 20 in their entirety and insert in lieu thereof the following:  
  
"Section 5. APPLICABILITY.--The daily bed surcharge imposed pursuant to Section 1 of this 2004 act applies to beds occupied on or after July 1, 2004."

and thence referred to the **FINANCE COMMITTEE**.

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Respectfully submitted,

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Dede Feldman, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 7 For 2 Against

Yes: 7

No: Adair, Boitano

Excused: None

Absent: None

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