

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 886  
Second Edition Engrossed 5/10/95  
House Committee Substitute Favorable 5/29/95

Short Title: Hospital Cooperation Act Amended.

(Public)

Sponsors:

Referred to:

May 1, 1995

A BILL TO BE ENTITLED  
AN ACT TO AMEND THE HOSPITAL COOPERATION ACT REGARDING  
COOPERATIVE AGREEMENTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 131E-192.2(2) reads as rewritten:

"(2) 'Cooperative agreement' means an agreement among two or more hospitals, ~~or~~ between a hospital and any other person, or between a person who controls a hospital and another hospital or person who controls a hospital for the any of the following:

a. The sharing, allocation, or referral of patients, personnel, instructional programs, support services and facilities, or medical, diagnostic, or laboratory facilities or equipment, or procedures or other services traditionally offered by hospitals.

b. A purchase of assets pursuant to a merger or sale, a partnership, a joint venture, or any other affiliation by which ownership or control over all or substantially all of the stock, assets, or activities of one or more hospitals or persons who control

1                    hospitals are transferred to another hospital or person who  
2                    controls a hospital.

3                    ~~Cooperative agreement~~ 'Cooperative agreement' shall not include any  
4                    ~~agreement by which ownership over substantially all of the stock,~~  
5                    ~~assets, or activities of one or more previously licensed and operating~~  
6                    ~~hospitals is transferred nor any agreement that would permit self-~~  
7                    ~~referrals of patients by a health care provider that is otherwise~~  
8                    ~~prohibited by law."~~

9                    Sec. 2. G.S. 131E-192.11 reads as rewritten:

10 **"§ 131E-192.11. Fees for applications and periodic reports.**

11                    (a) The Department and the Attorney General shall establish a schedule of fees for  
12                    filing an application for a certificate of public advantage and for filing a periodic report  
13                    based on the total cost of the project for which the application or periodic report is made.  
14                    The fee for filing an application may not exceed fifteen thousand dollars (\$15,000). The  
15                    fee for filing a periodic report may not exceed two thousand five hundred dollars  
16                    (\$2,500). The fee schedule established should generate sufficient revenue to offset the  
17                    costs of the program. An application filing fee must be paid to the Department at the  
18                    time an application for a certificate of public advantage is submitted to it pursuant to G.S.  
19                    131E-192.3. A periodic report filing fee must be paid to the Department at the time a  
20                    periodic report is submitted to it pursuant to G.S. 131E-192.9.

21                    (b) If the Department or the Attorney General determines that consultants are  
22                    needed to complete a review of an application, an additional application fee may be  
23                    established by prior agreement with the applicants before the application is considered.  
24                    The amount of the additional fee may not exceed the costs of contracting with the  
25                    necessary consultants. The additional fee shall not be considered in determining whether  
26                    an application fee exceeds the maximum application fee amount set in subsection (a) of  
27                    this section."

28                    Sec. 3. This act is effective upon ratification and applies to applications filed  
29                    on or after this date.