

CR 93-130

CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

I, Gerald Whitburn, Secretary of the Department of Health and Social Services and custodian of the official records of the Department, do hereby certify that the annexed repeal of rules relating to prior review of the capital expenditures of hospitals, other acute care facilities and home health agencies was duly approved and adopted by this Department on December 21, 1993.

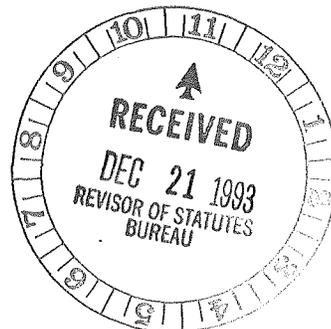
I further certify that this copy has been compared by me with the original on file in the Department and that this copy is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 21st day of December, 1993.



SEAL:

Gerald Whitburn, Secretary
Department of Health and Social Services



3-1-94

ORDER OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
REPEALING RULES

To repeal chapter HSS 123, relating to prior review by the Department of Health and Social Services of the capital expenditures of hospitals, ambulatory surgery centers, other acute care facilities and home health agencies.

Analysis Prepared by the Department of Health and Social Services

This order repeals ch. HSS 123, Wis. Adm. Code, which was created effective April 1, 1985 to replace emergency rules that went into effect on January 1, 1984 to implement the capital expenditure review program under subch. III of ch. 150, Stats., as created by 1983 Wisconsin Act 27.

The capital expenditure review program, which replaced a similar certificate of need program, was directed at helping contain increases in health care costs. The Department was expected to review for approval all proposals to purchase or otherwise acquire a hospital, add to a hospital's approved bed capacity, purchase clinical medical equipment costing more than \$1 million, obligate for any other capital expenditure for a hospital that would exceed \$1 million, convert or renovate a hospital when the cost would exceed \$1.5 million, construct or operate an ambulatory surgery center, operate a home health agency and, before July 1, 1986, undertake a substantial change in a health service and, on or after July 1, 1986, implement any of 5 health care programs or add psychiatric or chemical dependency beds.

The program statutes for that original capital expenditure review program were repealed by 1987 Wisconsin Act 27. That session law added s. 150.90, Stats., which prohibited enforcement of the rules beginning August 1, 1987. The Department at that time did not repeal its rules, even though they were defunct, in case the Legislature decided to revive the capital expenditure review program. In fact the capital expenditure review program was revived by 1991 Wisconsin Act 250, effective July 1, 1993, although it was revived in modified form and placed under administration of a new state agency, the Cost Containment Commission.

The Cost Containment Commission has its own rules for administration of the new capital expenditure review program. Those rules are numbered ch. CCC 1. Therefore the Department's rules should be repealed and are being repealed by this order.

The Department's authority to repeal these rules is found in s. 150.03, 1985-86 Stats., and s. 227.11(2), Stats. The rules interpret ss. 150.61 to 150.83, 1985-86 Stats.

SECTION 1. Chapter HSS 123 is repealed.

The repeal of rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, as provided in s. 227.22(2), Stats.

Wisconsin Department of Health and
Social Services

Dated: December 21, 1993

By: _____

Gerald Whitburn
Gerald Whitburn
Secretary

SEAL:

