

By: Representative Scott (80th)

To: Public Health and  
Welfare;  
Appropriations

## HOUSE BILL NO. 82

1 AN ACT TO ESTABLISH FIVE TEACHING HOSPITALS IN THE STATE IN  
2 ADDITION TO THE TEACHING HOSPITAL AT THE UNIVERSITY MEDICAL  
3 CENTER; TO PROVIDE FOR THE DETERMINATION OF THE LOCATION OF THE  
4 HOSPITALS; TO PROVIDE THAT THE HOSPITALS MAY BE ESTABLISHED AT  
5 EXISTING HOSPITALS, AT NEW HOSPITALS CONSTRUCTED BY THE STATE, OR  
6 ANY COMBINATION THEREOF; TO PROVIDE FOR TRANSFER TO THE STATE OF  
7 THE TITLE TO ANY EXISTING HOSPITAL AT WHICH A TEACHING HOSPITAL  
8 MAY BE ESTABLISHED; TO PROVIDE THAT EMPLOYEES OF ANY HOSPITAL  
9 TRANSFERRED TO THE STATE SHALL AUTOMATICALLY BECOME STATE  
10 EMPLOYEES; TO PROVIDE THAT THE TEACHING HOSPITALS SHALL BE  
11 OPERATED BY THE UNIVERSITY MEDICAL CENTER AS SATELLITE FACILITIES  
12 OF THE MEDICAL CENTER; TO PROVIDE THAT WITHIN TEN YEARS OF THEIR  
13 ESTABLISHMENT, EACH OF THE HOSPITALS SHALL BE COMPREHENSIVE  
14 HOSPITAL FACILITIES; TO PROVIDE THAT ALL OF THE HOSPITALS SHALL  
15 OFFER FAMILY MEDICINE RESIDENCIES; TO PROVIDE THAT THE HOSPITALS  
16 SHALL BE OPERATED ON THE BASIS OF CHARGES FOR SERVICES RENDERED,  
17 BUT THAT THERE SHALL BE A REASONABLE VOLUME OF FREE WORK; TO  
18 PROVIDE THAT THE STATE DEPARTMENT OF HEALTH SHALL TRANSFER ITS  
19 HOME HEALTH AGENCIES TO THE HOSPITALS; TO PROVIDE THAT ALL HOME  
20 HEALTH SERVICES OFFERED BY THE STATE SHALL BE OFFERED THROUGH THE  
21 HOSPITALS; TO AMEND SECTION 41-3-15, MISSISSIPPI CODE OF 1972, TO  
22 DELETE THE PROHIBITION ON TRANSFERRING HOME HEALTH SERVICES  
23 OPERATED BY THE STATE DEPARTMENT OF HEALTH; AND FOR RELATED  
24 PURPOSES.

25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

26 SECTION 1. (1) (a) There shall be established in the state  
27 five (5) teaching hospitals to be operated by the state in  
28 addition to the teaching hospital of the University of Mississippi  
29 Medical Center. One (1) of the hospitals shall be located in each  
30 of the five (5) congressional districts of the state as  
31 constituted on July 1, 1999, and none of the hospitals shall be  
32 located less than eighty (80) miles from the University Medical  
33 Center.

34 (b) The determination of the location of the hospitals  
35 shall be made by the Board of Trustees of State Institutions of  
36 Higher Learning in conjunction with a special committee appointed  
37 by the board of trustees to be composed of representatives of the

38 University Medical Center, health care educators, professionals,  
39 administrators and consumers. The special committee shall conduct  
40 public hearings and meetings in each of the congressional  
41 districts to receive input on the best locations for the  
42 hospitals, and shall make its recommendations to the board of  
43 trustees. The board of trustees shall select the location of the  
44 hospitals, subject to the approval of the committee.

45 (2) (a) The teaching hospitals established under this  
46 section may be established at existing hospitals or existing  
47 hospital facilities that are willing to become state teaching  
48 hospitals, may be established at new hospitals constructed by the  
49 state, or may be any combination thereof, as determined by the  
50 Board of Trustees of State Institutions of Higher Learning  
51 considering the amount of funds that will be available for the  
52 establishment of the hospitals.

53 (b) If any of the hospitals is to be established at an  
54 existing hospital or existing hospital facility, the owner of the  
55 hospital or hospital facility shall transfer the title of the  
56 hospital or hospital facility to the state, subject to the  
57 following conditions: In cases where the owner of the transferred  
58 hospital or hospital facility is a governmental entity, if the  
59 state ever ceases to use the hospital or hospital facility as a  
60 teaching hospital, then title to the hospital, together with all  
61 improvements made to the hospital by the state and all equipment  
62 in the hospital, shall revert to the owner if the owner notifies  
63 the state within sixty (60) days that the owner wants the hospital  
64 back. However, in cases where the owner of the transferred  
65 hospital or hospital facility is a private entity, if the state  
66 ever ceases to use the hospital or hospital facility as a teaching  
67 hospital, then title to the hospital, together with all  
68 improvements made to the hospital by the state and all equipment  
69 in the hospital, shall not revert to the owner but shall remain in  
70 the state, and the state may use the hospital for any public  
71 purpose or may dispose of the hospital to the highest bidder.

72 (c) The obligation for the payment of the existing debt  
73 of the hospital or hospital facility that is transferred to the  
74 state shall be negotiated between the state and the owner.

75           (d) All employees of any such hospital on the date that  
76 title to the hospital is transferred to the state shall  
77 automatically become state employees and shall be covered by the  
78 State Personnel System beginning on that date, with no  
79 probationary period.

80           (3) The teaching hospitals established under this section  
81 shall be operated by the University Medical Center as satellite  
82 facilities of the medical center. At the time of their  
83 establishment, each of the hospitals shall offer a limited number  
84 of medical specialties as determined by the University Medical  
85 Center, but the number of medical specialties offered at the  
86 hospitals shall be gradually expanded so that within ten (10)  
87 years from the date of their establishment, all five (5) of the  
88 hospitals shall be comprehensive hospital facilities offering  
89 substantially all of the medical specialties offered at the  
90 University Medical Center. All five (5) of the hospitals shall  
91 offer family medicine residencies from the date of their  
92 establishment.

93           (4) The teaching hospitals established under this section  
94 shall be utilized to serve the people of Mississippi generally.  
95 They shall be operated on the basis of charges for services  
96 rendered, but there shall be a reasonable volume of free work;  
97 however, such volume shall never be less than one-half (1/2) of  
98 their respective bed capacities. The income derived from the  
99 operation of each hospital shall be utilized toward the payment of  
100 the operating expenses of that hospital.

101           (5) The home health agencies operated by the State  
102 Department of Health shall be transferred to the teaching  
103 hospitals established under this section, and all home health  
104 services offered by the state shall be provided through the  
105 hospitals after the date that the department transfers the home  
106 health agencies to the hospitals. Employees of the home health  
107 agencies shall become employees of the hospitals after the date

108 that they are transferred to the hospitals.

109 SECTION 2. Section 41-3-15, Mississippi Code of 1972, is  
110 amended as follows:

111 41-3-15. (1) There shall be a State Department of Health  
112 which shall be organized into such bureaus and divisions as are  
113 considered necessary by the executive officer, and shall be  
114 assigned appropriate functions as are required of the State Board  
115 of Health by law, subject to the approval of the board.

116 (2) The State Board of Health shall have the authority to  
117 establish an Office of Rural Health within the department. The  
118 duties and responsibilities of this office shall include the  
119 following:

120 (a) To collect and evaluate data on rural health  
121 conditions and needs;

122 (b) To engage in policy analysis, policy development  
123 and economic impact studies with regard to rural health issues;

124 (c) To develop and implement plans and provide  
125 technical assistance to enable community health systems to respond  
126 to various changes in their circumstances;

127 (d) To plan and assist in professional recruitment and  
128 retention of medical professionals and assistants; and

129 (e) To establish information clearinghouses to improve  
130 access to and sharing of rural health care information.

131 (3) The State Board of Health shall have general supervision  
132 of the health interests of the people of the state and to exercise  
133 the rights, powers and duties of those acts which it is authorized  
134 by law to enforce.

135 (4) The State Board of Health shall have authority:

136 (a) To make investigations and inquiries with respect  
137 to the causes of disease and death, and to investigate the effect  
138 of environment, including conditions of employment and other  
139 conditions which may affect health, and to make such other  
140 investigations as it may deem necessary for the preservation and

141 improvement of health.

142           (b) To make such sanitary investigations as it may,  
143 from time to time, deem necessary for the protection and  
144 improvement of health and to investigate nuisance questions which  
145 affect the security of life and health within the state.

146           (c) To direct and control sanitary and quarantine  
147 measures for dealing with all diseases within the state possible  
148 to suppress same and prevent their spread.

149           (d) To obtain, collect and preserve such information  
150 relative to mortality, morbidity, disease and health as may be  
151 useful in the discharge of its duties or may contribute to the  
152 prevention of disease or the promotion of health in this state.

153           (e) To enter into contracts or agreements with any  
154 other state or federal agency, or with any private person,  
155 organization or group capable of contracting, if it finds such  
156 action to be in the public interest.

157           (f) To charge and collect reasonable fees for health  
158 services, including immunizations, inspections and related  
159 activities, and the board shall charge fees for such services;  
160 provided, however, if it is determined that a person receiving  
161 services is unable to pay the total fee, the board shall collect  
162 any amount such person is able to pay.

163           (g) To accept gifts, trusts, bequests, grants,  
164 endowments or transfers of property of any kind.

165           (h) To receive monies coming to it by way of fees for  
166 services or by appropriations.

167           (i) (i) To establish standards for, issue permits and  
168 exercise control over, any cafes, restaurants, food or drink  
169 stands, sandwich manufacturing establishments, and all other  
170 establishments, other than churches, church-related and private  
171 schools, and other nonprofit or charitable organizations, where  
172 food or drink is regularly prepared, handled and served for pay;  
173 and

174                   (ii) To require that a permit be obtained from the  
175 Department of Health before such persons begin operation.

176                   (j) To promulgate rules and regulations and exercise  
177 control over the production and sale of milk pursuant to the  
178 provisions of Sections 75-31-41 through 75-31-49.

179                   (k) On presentation of proper authority, to enter into  
180 and inspect any public place or building where the State Health  
181 Officer or his representative deems it necessary and proper to  
182 enter for the discovery and suppression of disease and for the  
183 enforcement of any health or sanitary laws and regulations in the  
184 state.

185                   (l) To conduct investigations, inquiries and hearings,  
186 and to issue subpoenas for the attendance of witnesses and the  
187 production of books and records at any hearing when authorized and  
188 required by statute to be conducted by the State Health Officer or  
189 the State Board of Health.

190                   (m) To employ, subject to the regulations of the State  
191 Personnel Board, qualified professional personnel in the subject  
192 matter or fields of each bureau, and such other technical and  
193 clerical staff as may be required for the operation of the  
194 department. The executive officer shall be the appointing  
195 authority for the department, and shall have the power to delegate  
196 the authority to appoint or dismiss employees to appropriate  
197 subordinates, subject to the rules and regulations of the State  
198 Personnel Board.

199                   (n) To promulgate rules and regulations, and to collect  
200 data and information, on (i) the delivery of services through the  
201 practice of telemedicine; and (ii) the use of electronic records  
202 for the delivery of telemedicine services.

203                   (5) (a) The State Board of Health shall have the authority,  
204 in its discretion, to establish programs to promote the public  
205 health, to be administered by the State Department of Health.  
206 Specifically, such programs may include, but shall not be limited

207 to, programs in the following areas:

208 (i) Maternal and child health;

209 (ii) Family planning;

210 (iii) Pediatric services;

211 (iv) Services to crippled and disabled children;

212 (v) Control of communicable and noncommunicable

213 disease;

214 (vi) Child care licensure;

215 (vii) Radiological health;

216 (viii) Dental health;

217 (ix) Milk sanitation;

218 (x) Occupational safety and health;

219 (xi) Food, vector control and general sanitation;

220 (xii) Protection of drinking water;

221 (xiii) Sanitation in food handling establishments

222 open to the public;

223 (xiv) Registration of births and deaths and other

224 vital events;

225 (xv) Such public health programs and services as

226 may be assigned to the State Board of Health by the Legislature or

227 by executive order.

228 \* \* \*

229 (b) The State Department of Health may undertake such

230 technical programs and activities as may be required for the

231 support and operation of such programs, including maintaining

232 physical, chemical, bacteriological and radiological laboratories,

233 and may make such diagnostic tests for diseases and tests for the

234 evaluation of health hazards as may be deemed necessary for the

235 protection of the people of the state.

236 (6) (a) The State Board of Health shall administer the

237 local governments and rural water systems improvements loan

238 program in accordance with the provisions of Section 41-3-16.

239 (b) The State Board of Health shall have authority:

240                   (i) To enter into capitalization grant agreements  
241 with the United States Environmental Protection Agency, or any  
242 successor agency thereto;

243                   (ii) To accept capitalization grant awards made  
244 under the federal Safe Drinking Water Act, as amended;

245                   (iii) To provide annual reports and audits to the  
246 United States Environmental Protection Agency, as may be required  
247 by federal capitalization grant agreements; and

248                   (iv) To establish and collect fees to defray the  
249 reasonable costs of administering the revolving fund or emergency  
250 fund if the State Board of Health determines that such costs will  
251 exceed the limitations established in the federal Safe Drinking  
252 Water Act, as amended. The administration fees may be included in  
253 loan amounts to loan recipients for the purpose of facilitating  
254 payment to the board; however, such fees may not exceed five  
255 percent (5%) of the loan amount.

256           SECTION 3. This act shall take effect and be in force from  
257 and after July 1, 1999.