

By: Senator(s) Hamilton, Bean

To: Public Health and
Welfare

SENATE BILL NO. 2533

1 AN ACT TO AMEND SECTION 43-11-13, MISSISSIPPI CODE OF 1972,
2 TO DIRECT THE STATE BOARD OF HEALTH TO ADOPT REGULATIONS REQUIRING
3 BACK-UP GENERATORS FOR HEATING AND COOLING NURSING FACILITIES IN
4 EMERGENCY SITUATIONS; AND FOR RELATED PURPOSES.

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

6 SECTION 1. Section 43-11-13, Mississippi Code of 1972, is
7 amended as follows:

8 43-11-13. (1) The licensing agency shall adopt, amend,
9 promulgate and enforce such rules, regulations and standards,
10 including classifications, with respect to all institutions for
11 the aged or infirm to be licensed hereunder as may be designed to
12 further the accomplishment of the purpose of this chapter in
13 promoting adequate care of individuals in such institutions in the
14 interest of public health, safety and welfare. Such rules,
15 regulations and standards shall be adopted and promulgated by the
16 licensing agency and shall be recorded and indexed in a book to be
17 maintained by the licensing agency in its main office in the State
18 of Mississippi, entitled "Rules, Regulations and Minimum Standards
19 for Institutions for the Aged or Infirm" and said book shall be
20 open and available to all institutions for the aged or infirm and
21 the public generally at all reasonable times. Upon the adoption
22 of such rules, regulations and standards, the licensing agency
23 shall mail copies thereof to all such institutions in the state
24 which have filed with said agency their names and addresses for
25 this purpose, but the failure to mail the same or the failure of
26 the institutions to receive the same shall in nowise affect the
27 validity thereof. Said rules, regulations and standards may be
28 amended by the licensing agency from time to time as necessary to

29 promote the health, safety and welfare of persons living in said
30 institutions.

31 (2) The licensee shall keep posted in a conspicuous place on
32 the licensed premises all current rules, regulations and minimum
33 standards applicable to fire protection measures as adopted by the
34 licensing agency. The licensee shall furnish to the licensing
35 agency at least once each six (6) months a certificate of approval
36 and inspection by state or local fire authorities. Failure to
37 comply with state laws and/or municipal ordinances and current
38 rules, regulations and minimum standards as adopted by the
39 licensing agency, relative to fire prevention measures, shall be
40 prima facie evidence for revocation of license.

41 (3) The State Board of Health shall promulgate rules and
42 regulations restricting the storage, quantity and classes of drugs
43 allowed in personal care homes. Residents requiring
44 administration of Schedule II Narcotics as defined in the Uniform
45 Controlled Substances Law may be admitted to a personal care home.
46 Schedule drugs may only be allowed in a personal care home if
47 they are administered or stored utilizing proper procedures under
48 the direct supervision of a licensed physician or nurse.

49 (4) The State Board of Health shall adopt rules and
50 regulations requiring institutions for the aged or infirm to have
51 appropriate on-premises backup generators for heating and cooling
52 purposes in emergency situations.

53 SECTION 2. This act shall take effect and be in force from
54 and after July 1, 1999.