HOUSE BILL NO. 1305

AN ACT TO AMEND SECTION 43-11-13, MISSISSIPPI CODE OF 1972, TO PROVIDE CERTAIN MINIMUM REQUIREMENTS RELATING TO THE LICENSURE OF PERSONAL CARE HOMES AND THE LICENSURE OF NURSING FACILITIES DESIGNATED AS ALZHEIMER'S/DEMENTIA CARE UNITS; AND FOR RELATED PURPOSES.

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

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

43-11-13. (1) The licensing agency shall adopt, amend, promulgate and enforce such rules, regulations and standards, including classifications, with respect to all institutions for the aged or infirm to be licensed under this chapter as may be designed to further the accomplishment of the purpose of this chapter in promoting adequate care of individuals in such institutions in the interest of public health, safety and welfare. Such rules, regulations and standards shall be adopted and promulgated by the licensing agency and shall be recorded and indexed in a book to be maintained by the licensing agency in its main office in the State of Mississippi, entitled "Rules, Regulations and Minimum Standards for Institutions for the Aged or Infirm" and the book shall be open and available to all institutions for the aged or infirm and the public generally at all reasonable times. Upon the adoption of such rules, regulations and standards, the licensing agency shall mail copies thereof to all such institutions in the state which have filed with the agency their names and addresses for this purpose, but the failure to mail the same or the failure of the institutions to receive the same shall in no way affect the validity thereof. The

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rules, regulations and standards may be amended by the licensing 
agency from time to time as necessary to promote the health, 
safety and welfare of persons living in those institutions. 

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

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

(4) The licensing agency shall promulgate rules and 
regulations providing for sufficient staff to meet the needs of 
residents in personal care homes. Personnel shall be employed and 
on duty, awake and fully dressed to provide personal care to the 
residents. The following staffing ratio shall apply: For Level I 
facilities: (a) one (1) resident attendant per ten (10) or fewer 
residents for the hours of 7 a.m. until 3 p.m.; (b) one (1) 
resident attendant per fifteen (15) or fewer residents for the 
hours of 3 p.m. until 11 p.m.; (c) one (1) resident attendant per 
twenty-five (25) or fewer residents for the hours of 11 p.m. until 
7 a.m.; (d) one (1) licensed nurse on the premises from 7 a.m. 
until 7 p.m., who may be included in the resident attendant ratio;
(e) for instances where a resident is unable to self-administer prescription medication during the 7 p.m. until 7 a.m. time frame, a licensed nurse must be present to administer the prescription medication; and (f) nursing activities must comply with Mississippi Board of Nursing regulation. For Level II facilities:

(a) one (1) resident attendant per ten (10) residents for the hours of 7 a.m. until 6 p.m.; and (b) sufficient staff shall be present to meet the personal care needs of the residents for the hours of 6 p.m. until 7 a.m.

(5) The licensing agency shall promulgate rules and regulations providing for the designation and licensure of Alzheimer's/dementia care units which shall be no more restrictive than the following:

(a) The maximum number of residents in any freestanding Alzheimer's/dementia care unit shall be seventy-five (75) residents.

(b) The minimum requirements for nursing staff for an Alzheimer's/dementia care unit shall be based on the ratio of three (3.0) hours of nursing care per resident per twenty-four (24) hours.

(c) Admission criteria for residents in an Alzheimer's/dementia care unit shall provide that the resident may not be permanently bedfast, but may require assistance transferring to and from a wheelchair.

(d) Admission criteria for residents in an Alzheimer's/dementia care unit shall not require the resident to be continent; however, the staff shall be sufficiently trained to ensure that a toileting program is provided to maintain the functional ability of continent residents and to assess each resident to determine any additional continence support required.

(e) The nursing staff of an Alzheimer's/dementia care unit shall be authorized to deliver oral medication to residents which has been prescribed, including, but not limited to, the...
physical act of handing an oral prescription medication to the
resident along with liquids to assist the resident in swallowing.

SECTION 2. This act shall take effect and be in force from
and after July 1, 2001.