

By: Representative Taylor

To: Public Health and Welfare

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1478

1 AN ACT TO AMEND SECTION 43-11-13, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE A RESIDENT OF A PERSONAL CARE HOME TO CONTINUE TO  
3 RESIDE IN THE PERSONAL CARE HOME, REGARDLESS OF A DETERMINATION BY  
4 THE LICENSING AGENCY THAT SKILLED NURSING SERVICES WOULD BE  
5 APPROPRIATE FOR THE RESIDENT, IF THE RESIDENT, THE RESIDENT'S  
6 GUARDIAN OR THE LEGALLY RECOGNIZED RESPONSIBLE PARTY FOR THE  
7 RESIDENT CONSENTS IN WRITING FOR THE RESIDENT TO CONTINUE TO  
8 RESIDE IN THE PERSONAL CARE HOME; AND FOR RELATED PURPOSES.

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

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

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



31 receive the same shall in no way affect the validity thereof. The  
32 rules, regulations and standards may be amended by the licensing  
33 agency from time to time as necessary to promote the health,  
34 safety and welfare of persons living in those institutions.

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

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

53 (4) Notwithstanding any determination by the licensing  
54 agency that skilled nursing services would be appropriate for a  
55 resident of a personal care home, that resident, the resident's  
56 guardian or the legally recognized responsible party for the  
57 resident may consent in writing for the resident to continue to  
58 reside in the personal care home. This consent shall be deemed to  
59 be appropriately informed consent as described in the regulations  
60 promulgated by the licensing agency. After that written consent  
61 has been obtained, the resident shall have the right to continue  
62 to reside in the personal care home for as long as the resident  
63 meets the other conditions for residing in the personal care home.



64 SECTION 2. This act shall take effect and be in force from  
65 and after its passage.

