

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.