

By: Representative Smith (59th)

To: Public Health and Welfare

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1479

1 AN ACT TO AMEND SECTION 43-11-13, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE NURSING HOME SURVEYORS TO OBSERVE ACTUAL NURSING HOME
3 OPERATIONS AS PART OF BASIC TRAINING; TO AMEND SECTION 73-17-9,
4 MISSISSIPPI CODE OF 1972, TO REQUIRE NURSING HOME ADMINISTRATORS
5 TO OBSERVE ACTUAL OPERATIONS OF THE DEPARTMENT OF HEALTH'S
6 LICENSURE AND SURVEY PROCESS AS PART OF REQUIRED LICENSURE
7 STANDARDS; TO REQUIRE NURSING HOME SURVEYORS AND NURSING HOME
8 ADMINISTRATORS TO KEEP CONFIDENTIAL IDENTIFYING INFORMATION ABOUT
9 PERSONS OR ENTITIES LEARNED WHILE OBSERVING THOSE OPERATIONS; AND
10 FOR RELATED PURPOSES.

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

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

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



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

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

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

55 (4) Beginning July 1, 2001, the licensing agency shall
56 provide that each newly hired nursing home surveyor, as part of
57 his or her basic training, is assigned full time to a licensed
58 institution for the aged or infirm, for at least two (2) days
59 within a fourteen-day period to observe actual operations in a
60 facility outside of the survey process before the trainee begins
61 oversight responsibilities. Subsequently, the surveyor shall not
62 be a part of a survey or survey team in a facility in which he or
63 she has observed, for a period of at least two (2) years. The
64 surveyor shall keep confidential and not disclose to any person



65 identifying information about any person or entity that the
66 surveyor learned while observing operations as required by this
67 section.

68 SECTION 2. Section 73-17-9, Mississippi Code of 1972, is
69 amended as follows:

70 73-17-9. It shall be the function and duty of the board to:

71 (a) (i) Develop, impose, and enforce standards which
72 must be met by individuals in order to receive a license as a
73 nursing home administrator, which standards shall be designed to
74 insure that nursing home administrators will be individuals who
75 are of good character and are otherwise suitable, and who, by
76 training or experience in the field of institutional
77 administration, are qualified to serve as nursing home
78 administrators;

79 (ii) Beginning July 1, 2001, the board shall
80 provide that meeting the licensure standards will include a
81 requirement that the individual spend at least two (2) days within
82 a fourteen-day period with surveyors and personnel of the Division
83 of Licensure and Certification, State Department of Health, to
84 observe actual operations of the licensure and survey process.
85 The individual shall keep confidential and not disclose to any
86 person identifying information about any person or entity that the
87 individual learned while observing operations as required by this
88 subparagraph.

89 (b) Develop and apply appropriate techniques, including
90 examinations and investigations, for determining whether an
91 individual meets such standards;

92 (c) Issue licenses to individuals determined, after the
93 application of such techniques, to meet such standards, and revoke
94 or suspend licenses previously issued by the board in any case
95 where the individual holding any such license is determined
96 substantially to have failed to conform to the requirements of
97 such standards;



98 (d) Establish and carry out procedures designed to
99 insure that individuals licensed as nursing home administrators
100 will, during any period that they serve as such, comply with the
101 requirements of such standards;

102 (e) Receive, investigate, and take appropriate action
103 with respect to any charge or complaint filed with the board to
104 the effect that any individual licensed as a nursing home
105 administrator has failed to comply with the requirements of such
106 standards;

107 (f) Conduct a continuing study and investigation of
108 nursing homes and administrators of nursing homes within the state
109 with a view to the improvement of the standards imposed for the
110 licensing of such administrators and of procedures and methods for
111 the enforcement of such standards with respect to administrators
112 of nursing homes who have been licensed as such; and

113 (g) To devise and implement an educational program
114 designed to increase the professional proficiency of nursing home
115 administrators and to assist otherwise qualified individuals to
116 prepare for careers in nursing home administration.

117 SECTION 3. This act shall take effect and be in force from
118 and after July 1, 2001.

