

By: Representative Smith (59th)

To: Public Health and Welfare

HOUSE BILL NO. 1479

1 AN ACT TO AMEND SECTIONS 43-11-13 AND 73-17-9, MISSISSIPPI  
2 CODE OF 1972, TO REQUIRE NURSING HOME SURVEYORS TO OBSERVE ACTUAL  
3 NURSING HOME OPERATIONS AS PART OF BASIC TRAINING; AND FOR RELATED  
4 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 they  
47 are administered or stored utilizing proper procedures under the  
48 direct supervision of a licensed physician or nurse.

49 (4) Beginning July 1, 2001, the licensing agency shall  
50 provide that each newly hired nursing home surveyor, as part of  
51 his basic training, is assigned full time to a licensed  
52 institution for the aged or infirm, for at least ten (10) days  
53 within a fourteen-day period to observe actual operation outside  
54 of the survey process before the trainee begins oversight  
55 responsibilities. Subsequently, the surveyor shall not be a part  
56 of a survey or survey team in a facility in which he has observed,  
57 for a period of at least three (3) years.

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

60 73-17-9. It shall be the function and duty of the board to:

61           (a) (i) Develop, impose, and enforce standards which  
62 must be met by individuals in order to receive a license as a  
63 nursing home administrator, which standards shall be designed to  
64 insure that nursing home administrators will be individuals who  
65 are of good character and are otherwise suitable, and who, by  
66 training or experience in the field of institutional  
67 administration, are qualified to serve as nursing home  
68 administrators;

69                   (ii) Beginning July 1, 2001, the board shall  
70 provide that meeting the standard will include a requirement that  
71 the individual spend at least ten (10) days within a fourteen-day  
72 period with surveyors and personnel of the Division of Licensure  
73 and Certification, State Department of Health, to observe actual  
74 operations of the licensure and survey process.

75           (b) Develop and apply appropriate techniques, including  
76 examinations and investigations, for determining whether an  
77 individual meets such standards;

78           (c) Issue licenses to individuals determined, after the  
79 application of such techniques, to meet such standards, and revoke  
80 or suspend licenses previously issued by the board in any case  
81 where the individual holding any such license is determined  
82 substantially to have failed to conform to the requirements of  
83 such standards;

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

88           (e) Receive, investigate, and take appropriate action  
89 with respect to any charge or complaint filed with the board to  
90 the effect that any individual licensed as a nursing home  
91 administrator has failed to comply with the requirements of such  
92 standards;

93                   (f) Conduct a continuing study and investigation of  
94 nursing homes and administrators of nursing homes within the state  
95 with a view to the improvement of the standards imposed for the  
96 licensing of such administrators and of procedures and methods for  
97 the enforcement of such standards with respect to administrators  
98 of nursing homes who have been licensed as such; and

99                   (g) To devise and implement an educational program  
100 designed to increase the professional proficiency of nursing home  
101 administrators and to assist otherwise qualified individuals to  
102 prepare for careers in nursing home administration.

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