MISSISSIPPI LEGISLATURE

By: Representative Smith (59th)

To: Public Health and Welfare

REGULAR SESSION 2001

H. B. No. 1479

*HR07/R1752CS*

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1479

AN ACT TO AMEND SECTION 43-11-13, MISSISSIPPI CODE OF 1972,
TO REQUIRE NURSING HOME SURVEYORS TO OBSERVE ACTUAL NURSING HOME
OPERATIONS AS PART OF BASIC TRAINING; TO AMEND SECTION 73-17-9,
MISSISSIPPI CODE OF 1972, TO REQUIRE NURSING HOME ADMINISTRATORS
TO OBSERVE ACTUAL OPERATIONS OF THE DEPARTMENT OF HEALTH'S
LICENSE AND SURVEY PROCESS AS PART OF REQUIRED LICENSURE
STANDARDS; TO REQUIRE NURSING HOME SURVEYORS AND NURSING HOME
ADMINISTRATORS TO KEEP CONFIDENTIAL IDENTIFYING INFORMATION ABOUT
PERSONS OR ENTITIES LEARNED WHILE OBSERVING THOSE OPERATIONS; 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 those
institutions in the interest of public health, safety and welfare.

Those 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 those rules,
regulations and standards, the licensing agency shall mail copies
thereof to all such institutions in the state which have filed

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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
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) Beginning July 1, 2001, the licensing agency shall
provide that each newly hired nursing home surveyor, as part of
his or her basic training, is assigned full time to a licensed
institution for the aged or infirm, for at least two (2) days
within a fourteen-day period to observe actual operations in a
facility outside of the survey process before the trainee begins
oversight responsibilities. Subsequently, the surveyor shall not
be a part of a survey or survey team in a facility in which he or
she has observed, for a period of at least two (2) years. The
surveyor shall keep confidential and not disclose to any person identifying information about any person or entity that the surveyor learned while observing operations as required by this section.

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

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

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

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

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

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

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

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

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

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

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