

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.