SENATE BILL NO. 2114

AN ACT TO AMEND SECTION 43-11-13, MISSISSIPPI CODE OF 1972, TO PROVIDE CERTAIN REQUIREMENTS FOR THE ASSIGNMENT OF NURSING HOME SURVEYORS BY THE STATE DEPARTMENT OF HEALTH, TO PROVIDE EDUCATIONAL AND EXPERIENCE REQUIREMENTS FOR SUCH NURSING HOME SURVEYORS, TO PROVIDE FOR CONTINUING EDUCATION IN GERIATRIC CARE FOR SUCH NURSING HOME SURVEYORS AND TO PROVIDE FOR ANNUAL REPORTS TO THE LEGISLATURE ON THE NUMBER OF NURSING HOME CITATIONS APPEALED AND AMENDED; 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 hereunder as may be designed to further the accomplishment of the purpose of this chapter in promoting adequate care of individuals in such institutions in the interest of public health, safety and welfare. Such 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 said 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 such rules, regulations and standards, the licensing agency shall mail copies thereof to all such institutions in the state which have filed with said 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 wise affect the
validity thereof. Said 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 said 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 basic training, is assigned full time to a licensed institution for the aged or infirm, for at least ten (10) days within a fourteen-day period to observe actual operation outside of the survey process before the trainee begins oversight responsibilities. A member of a survey team shall not be employed by a licensed institution for the aged or infirm or a nursing home management company doing business in this state at the time of conducting a survey required under this section, and the licensing agency shall not assign an individual to be a member of a survey team at any time at the request of the licensed institution for the aged or infirm or a nursing home management company doing business in this state.
team for the purposes of a survey, evaluation or consultation visit at an institution for the aged or infirm in which he or she was an employee within the preceding five (5) years. The licensing agency shall semiannually provide for joint training with nursing home surveyors and providers on at least one (1) of the ten (10) most frequently issued federal citations in this state during the past calendar year. The licensing agency shall develop a protocol for the review of citation patterns compared to regional outcomes and standards and complaints regarding the nursing home survey process. Each member of a nursing home survey team who is a health professional licensee shall earn at least fifty percent (50%) of his required continuing education credits, if any, in geriatric care, and if the individual is a licensed pharmacist, he shall earn not less than thirty percent (30%) of his required continuing education credits in geriatric care. The licensing agency shall report to the Appropriation and Public Health and Welfare Committees of each house of the Legislature on or before December 1 of each year on the initial and follow-up surveys conducted on all institutions for the aged or infirm in this state. The report shall include all of the following information: (a) the number of surveys conducted; (b) the number requiring follow-up surveys; (c) the number referred for remediation; (d) the number of citations per nursing home; (e) the number of night and weekend complaints filed; (f) the number of night and weekend responses to complaints conducted by the licensing agency; (g) the average length of time for the licensing agency to respond to a complaint filed against a nursing home; (h) the number and percentage of citations appealed; and (i) the number and percentage of citations overturned or modified, or both. The licensing agency in consultation with nursing home provider groups, the American Medical Directors Association, the state long-term care ombudsman, and the federal Health Care Finance Administration shall clarify the following terms as those
terms are used in Title XVIII and Title XIX and applied by the licensing agency to provide more consistent regulation of institutions for the aged or infirm in Mississippi: (a) immediate jeopardy; (b) harm; (c) potential harm; (d) avoidable; and (e) unavoidable.

SECTION 2. This act shall take effect and be in force from and after July 1, 2001.