

By: Senator(s) Johnson (19th)

To: Public Health and Welfare

SENATE BILL NO. 2114

1 AN ACT TO AMEND SECTION 43-11-13, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE CERTAIN REQUIREMENTS FOR THE ASSIGNMENT OF NURSING HOME
 3 SURVEYORS BY THE STATE DEPARTMENT OF HEALTH, TO PROVIDE
 4 EDUCATIONAL AND EXPERIENCE REQUIREMENTS FOR SUCH NURSING HOME
 5 SURVEYORS, TO PROVIDE FOR CONTINUING EDUCATION IN GERIATRIC CARE
 6 FOR SUCH NURSING HOME SURVEYORS AND TO PROVIDE FOR ANNUAL REPORTS
 7 TO THE LEGISLATURE ON THE NUMBER OF NURSING HOME CITATIONS
 8 APPEALED AND AMENDED; AND FOR RELATED PURPOSES.

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

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

12 43-11-13. (1) The licensing agency shall adopt, amend,
 13 promulgate and enforce such rules, regulations and standards,
 14 including classifications, with respect to all institutions for
 15 the aged or infirm to be licensed hereunder as may be designed to
 16 further the accomplishment of the purpose of this chapter in
 17 promoting adequate care of individuals in such institutions in the
 18 interest of public health, safety and welfare. Such rules,
 19 regulations and standards shall be adopted and promulgated by the
 20 licensing agency and shall be recorded and indexed in a book to be
 21 maintained by the licensing agency in its main office in the State
 22 of Mississippi, entitled "Rules, Regulations and Minimum Standards
 23 for Institutions for the Aged or Infirm" and said book shall be
 24 open and available to all institutions for the aged or infirm and
 25 the public generally at all reasonable times. Upon the adoption
 26 of such rules, regulations and standards, the licensing agency
 27 shall mail copies thereof to all such institutions in the state
 28 which have filed with said agency their names and addresses for
 29 this purpose, but the failure to mail the same or the failure of
 30 the institutions to receive the same shall in nowise affect the



31 validity thereof. Said rules, regulations and standards may be
32 amended by the licensing agency from time to time as necessary to
33 promote the health, safety and welfare of persons living in said
34 institutions.

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

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

53 (4) Beginning July 1, 2001, the licensing agency shall
54 provide that each newly hired nursing home surveyor, as part of
55 his basic training, is assigned full time to a licensed
56 institution for the aged or infirm, for at least ten (10) days
57 within a fourteen-day period to observe actual operation outside
58 of the survey process before the trainee begins oversight
59 responsibilities. A member of a survey team shall not be employed
60 by a licensed institution for the aged or infirm or a nursing home
61 management company doing business in this state at the time of
62 conducting a survey required under this section, and the licensing
63 agency shall not assign an individual to be a member of a survey



64 team for the purposes of a survey, evaluation or consultation
65 visit at an institution for the aged or infirm in which he or she
66 was an employee within the preceding five (5) years. The
67 licensing agency shall semiannually provide for joint training
68 with nursing home surveyors and providers on at least one (1) of
69 the ten (10) most frequently issued federal citations in this
70 state during the past calendar year. The licensing agency shall
71 develop a protocol for the review of citation patterns compared to
72 regional outcomes and standards and complaints regarding the
73 nursing home survey process. Each member of a nursing home survey
74 team who is a health professional licensee shall earn at least
75 fifty percent (50%) of his required continuing education credits,
76 if any, in geriatric care, and if the individual is a licensed
77 pharmacist, he shall earn not less than thirty percent (30%) of
78 his required continuing education credits in geriatric care. The
79 licensing agency shall report to the Appropriation and Public
80 Health and Welfare Committees of each house of the Legislature on
81 or before December 1 of each year on the initial and follow-up
82 surveys conducted on all institutions for the aged or infirm in
83 this state. The report shall include all of the following
84 information: (a) the number of surveys conducted; (b) the number
85 requiring follow-up surveys; (c) the number referred for
86 remediation; (d) the number of citations per nursing home; (e) the
87 number of night and weekend complaints filed; (f) the number of
88 night and weekend responses to complaints conducted by the
89 licensing agency; (g) the average length of time for the licensing
90 agency to respond to a complaint filed against a nursing home; (h)
91 the number and percentage of citations appealed; and (i) the
92 number and percentage of citations overturned or modified, or
93 both. The licensing agency in consultation with nursing home
94 provider groups, the American Medical Directors Association, the
95 state long-term care ombudsman, and the federal Health Care
96 Finance Administration shall clarify the following terms as those



97 terms are used in Title XVIII and Title XIX and applied by the
98 licensing agency to provide more consistent regulation of
99 institutions for the aged or infirm in Mississippi: (a) immediate
100 jeopardy; (b) harm; (c) potential harm; (d) avoidable; and (e)
101 unavoidable.

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

