

By: Senator(s) Huggins

To: Public Health and Welfare

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2350

1 AN ACT TO AMEND SECTION 43-11-13, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE CERTAIN MINIMUM REQUIREMENTS RELATING TO THE LICENSURE  
3 OF PERSONAL CARE HOMES AND THE LICENSURE OF NURSING FACILITIES  
4 DESIGNATED AS ALZHEIMER'S/DEMENTIA CARE UNITS; TO PROVIDE FOR  
5 LICENSURE PURPOSES THAT NURSING FACILITIES DESIGNATED AS  
6 ALZHEIMER'S/DEMENTIA CARE UNITS SHALL DISCLOSE CERTAIN PROGRAM  
7 INFORMATION TO FAMILIES OF RESIDENTS; TO DIRECT THE STATE BOARD OF  
8 HEALTH TO ADOPT CERTAIN REGULATIONS REGARDING NURSING FACILITY  
9 PATIENT'S PERSONAL DEPOSIT ACCOUNTS AND THE USE OF PATIENT FOOD  
10 AND MEDICINE RECORDS IN NURSING FACILITIES; AND FOR RELATED  
11 PURPOSES.

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

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

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



32 this purpose, but the failure to mail the same or the failure of  
33 the institutions to receive the same shall in nowise affect the  
34 validity thereof. Said rules, regulations and standards may be  
35 amended by the licensing agency from time to time as necessary to  
36 promote the health, safety and welfare of persons living in said  
37 institutions.

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

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

56 (4) The State Board of Health shall promulgate rules and  
57 regulations providing for sufficient staff to meet the needs of  
58 residents in personal care homes. Personnel shall be employed and  
59 on duty, awake and fully dressed to provide personal care to the  
60 residents. The following staffing ratio shall apply: For Level I  
61 facilities: (a) one (1) resident attendant per ten (10) or fewer  
62 residents for the hours of 7 a.m. until 3 p.m.; (b) one (1)  
63 resident attendant per fifteen (15) or fewer residents for the  
64 hours of 3 p.m. until 11 p.m.; (c) one (1) resident attendant per



65 twenty-five (25) or fewer residents for the hours of 11 p.m. until  
66 7 a.m.; (d) Level I facilities shall have a licensed nurse on the  
67 premises from 7 a.m. until 7 p.m. and may be included in the  
68 resident attendant ratio; (e) for instances where a resident is  
69 unable to self-administer prescription medication during the 7  
70 p.m. until 7 a.m. timeframe, a licensed nurse must be present to  
71 administer the prescription medication; and (f) nursing activities  
72 must comply with Mississippi Board of Nursing regulation. For  
73 Level II facilities: (a) one (1) resident attendant per ten (10)  
74 residents for the hours of 7 a.m. until 6 p.m.; and (b) sufficient  
75 staff shall be present to meet the personal care needs of the  
76 residents for the hours of 6 p.m. until 7 a.m.

77 (5) The State Board of Health shall promulgate rules and  
78 regulations providing for the designation and licensure of  
79 Alzheimer's/dementia care units which shall be no more restrictive  
80 than the following:

81 (a) The maximum number of residents in any freestanding  
82 Alzheimer's/dementia care unit shall be seventy-five (75)  
83 residents.

84 (b) The minimum requirements for nursing staff for an  
85 Alzheimer's/dementia care unit shall be based on the ratio of  
86 three (3.0) hours of nursing care per resident per twenty-four  
87 (24) hours.

88 (c) Admission criteria for residents in an  
89 Alzheimer's/dementia care unit shall provide that the resident may  
90 not be permanently bedfast, but may require assistance  
91 transferring to and from a wheelchair.

92 (d) Admission criteria for residents in an  
93 Alzheimer's/dementia care unit shall not require the resident to  
94 be continent; however, the staff shall be sufficiently trained to  
95 ensure that a toileting program is provided to maintain the  
96 functional ability of continent residents and to assess each  
97 resident to determine any additional continence support required.



98           (e) The nursing staff of an Alzheimer's/dementia care  
99 unit shall be authorized to deliver oral medication to residents  
100 which has been prescribed, including, but not limited to, the  
101 physical act of handing an oral prescription medication to the  
102 resident along with liquids to assist the resident in swallowing.

103           (6) The State Board of Health shall promulgate rules and  
104 regulations providing for the designation and licensure of  
105 Alzheimer's/dementia care units which shall include, at a minimum,  
106 that the following information shall be disclosed to families of  
107 residents at the time of admitting:

108           (a) The philosophy of the care and mission of the  
109 Alzheimer's/dementia care program;

110           (b) The criteria for placement in, and transfer or  
111 discharge of, residents from the program;

112           (c) The process used for assessment and establishment  
113 of the plan of care for the resident and its implementation;

114           (d) The procedures for staff training and continuing  
115 education;

116           (e) The facility design features that are intended to  
117 aid Alzheimer's/dementia residents;

118           (f) The frequency and types of resident activities, as  
119 well as family involvement; and

120           (g) The cost of care for the residents in such  
121 Alzheimer's/dementia units.

122           (7) The State Board of Health shall promulgate rules and  
123 regulations restricting the handling of a resident's personal  
124 deposits by the director of a nursing facility. Any funds given  
125 or provided for the purpose of supplying extra comforts,  
126 conveniences or services to any patient in any nursing facility,  
127 and any funds otherwise received and held from, for or on behalf  
128 of any such resident, shall be deposited by the director or other  
129 proper officer of the institution to the credit of that patient in  
130 an account which shall be known as the Resident's Personal Deposit



131 Fund. No more than one (1) month charge for the care, support,  
132 maintenance and medical attention of the patient shall be applied  
133 from such account at any one (1) time. After the death, discharge  
134 or transfer of any resident for whose benefit any such fund has  
135 been provided, any unexpended balance remaining in his personal  
136 deposit fund shall be applied for the payment of care, cost of  
137 support, maintenance and medical attention which is accrued. In  
138 the event any unexpended balance remains in that resident's  
139 personal deposit fund after complete reimbursement has been made  
140 for payment of care, support, maintenance and medical attention,  
141 and the director or other proper officer of the institution has  
142 been or shall be unable to locate the person or persons entitled  
143 to such unexpended balance, the director or other proper officer  
144 may, after the lapse of one (1) year from the date of such death,  
145 discharge or transfer, deposit the unexpended balance to the  
146 credit of the institution's operating fund.

147 (8) The State Board of Health shall promulgate rules and  
148 regulations requiring nursing facilities to maintain a daily  
149 record of the food intake, diet, health condition, medicine  
150 dispensed and administered and any reaction to such medicine.  
151 The director of the nursing facility shall be responsible for  
152 explaining the availability of such records to the family of the  
153 resident at any time upon reasonable request.

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

