

By: Senator(s) Huggins

To: Public Health and Welfare

SENATE BILL NO. 2350
(As Passed the Senate)

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 PERSONAL CARE HOME
9 PATIENT'S PERSONAL DEPOSIT ACCOUNTS AND THE USE OF PATIENT FOOD
10 AND MEDICINE RECORDS IN PERSONAL CARE HOMES; 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 personal care home. Any funds given
125 or provided for the purpose of supplying extra comforts,
126 conveniences or services to any patient in any personal care home,
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 personal care home to the credit of that
130 patient in an account which shall be known as the Resident's
131 Personal Deposit Fund. No more than one (1) month charge for the
132 care, support, maintenance and medical attention of the patient
133 shall be applied from such account at any one (1) time. After the
134 death, discharge or transfer of any resident for whose benefit any
135 such fund has been provided, any unexpended balance remaining in
136 his personal deposit fund shall be applied for the payment of
137 care, cost of support, maintenance and medical attention which is
138 accrued. In the event any unexpended balance remains in that
139 resident's personal deposit fund after complete reimbursement has
140 been made for payment of care, support, maintenance and medical
141 attention, and the director or other proper officer of the
142 personal care home has been or shall be unable to locate the
143 person or persons entitled to such unexpended balance, the
144 director or other proper officer may, after the lapse of one (1)
145 year from the date of such death, discharge or transfer, deposit
146 the unexpended balance to the credit of the personal care home's
147 operating fund.

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

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