MISSISSIPPI LEGISLATURE                        REGULAR SESSION 2001
By: Senator(s) Huggins                        To: Public Health and Welfare

SENATE BILL NO. 2350
(As Passed the Senate)

AN ACT TO AMEND SECTION 43-11-13, MISSISSIPPI CODE OF 1972, TO PROVIDE CERTAIN MINIMUM REQUIREMENTS RELATING TO THE LICENSURE OF PERSONAL CARE HOMES AND THE LICENSURE OF NURSING FACILITIES DESIGNATED AS ALZHEIMER'S/Dementia CARE UNITS; TO PROVIDE FOR LICENSURE PURPOSES THAT NURSING FACILITIES DESIGNATED AS ALZHEIMER'S/Dementia CARE UNITS SHALL DISCLOSE CERTAIN PROGRAM INFORMATION TO FAMILIES OF RESIDENTS; TO DIRECT THE STATE BOARD OF HEALTH TO ADOPT CERTAIN REGULATIONS REGARDING PERSONAL CARE HOME PATIENT'S PERSONAL DEPOSIT ACCOUNTS AND THE USE OF PATIENT FOOD AND MEDICINE RECORDS IN PERSONAL CARE HOMES; 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 nowise 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) The State Board of Health shall promulgate rules and
regulations providing for sufficient staff to meet the needs of
residents in personal care homes. Personnel shall be employed and
on duty, awake and fully dressed to provide personal care to the
residents. The following staffing ratio shall apply: For Level I
facilities: (a) one (1) resident attendant per ten (10) or fewer
residents for the hours of 7 a.m. until 3 p.m.; (b) one (1)
resident attendant per fifteen (15) or fewer residents for the
hours of 3 p.m. until 11 p.m.; (c) one (1) resident attendant per twenty-five (25) or fewer residents for the hours of 11 p.m. until 7 a.m.; (d) Level I facilities shall have a licensed nurse on the premises from 7 a.m. until 7 p.m. and may be included in the resident attendant ratio; (e) for instances where a resident is unable to self-administer prescription medication during the 7 p.m. until 7 a.m. timeframe, a licensed nurse must be present to administer the prescription medication; and (f) nursing activities must comply with Mississippi Board of Nursing regulation. For Level II facilities: (a) one (1) resident attendant per ten (10) residents for the hours of 7 a.m. until 6 p.m.; and (b) sufficient staff shall be present to meet the personal care needs of the residents for the hours of 6 p.m. until 7 a.m.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) The State Board of Health shall promulgate rules and
regulations restricting the handling of a resident's personal
deposits by the director of a personal care home. Any funds given
or provided for the purpose of supplying extra comforts,
conveniences or services to any patient in any personal care home,
and any funds otherwise received and held from, for or on behalf
of any such resident, shall be deposited by the director or other
The State Board of Health shall promulgate rules and regulations requiring personal care homes to maintain a daily record of the food intake, diet, health condition, medicine dispensed and administered and any reaction to such medicine. The director of the personal care home shall be responsible for explaining the availability of such records to the family of the resident at any time upon reasonable request.