

By: Senator(s) Farris

To: Public Health and
Welfare

SENATE BILL NO. 2507

1 AN ACT TO AMEND SECTION 43-11-13, MISSISSIPPI CODE OF 1972,
2 TO DIRECT THE STATE BOARD OF HEALTH TO ADOPT CERTAIN REGULATIONS
3 REGARDING NURSING FACILITY PATIENT'S PERSONAL DEPOSIT ACCOUNTS AND
4 THE USE OF PATIENT FOOD AND MEDICINE RECORDS IN NURSING
5 FACILITIES; AND FOR RELATED PURPOSES.

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

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

9 43-11-13. (1) The licensing agency shall adopt, amend,
10 promulgate and enforce such rules, regulations and standards,
11 including classifications, with respect to all institutions for
12 the aged or infirm to be licensed hereunder as may be designed to
13 further the accomplishment of the purpose of this chapter in
14 promoting adequate care of individuals in such institutions in the
15 interest of public health, safety and welfare. Such rules,
16 regulations and standards shall be adopted and promulgated by the
17 licensing agency and shall be recorded and indexed in a book to be
18 maintained by the licensing agency in its main office in the State
19 of Mississippi, entitled "Rules, Regulations and Minimum Standards
20 for Institutions for the Aged or Infirm" and said book shall be
21 open and available to all institutions for the aged or infirm and
22 the public generally at all reasonable times. Upon the adoption
23 of such rules, regulations and standards, the licensing agency
24 shall mail copies thereof to all such institutions in the state
25 which have filed with said agency their names and addresses for
26 this purpose, but the failure to mail the same or the failure of
27 the institutions to receive the same shall in nowise affect the
28 validity thereof. Said rules, regulations and standards may be

29 amended by the licensing agency from time to time as necessary to
30 promote the health, safety and welfare of persons living in said
31 institutions.

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

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

50 (4) The State Board of Health shall promulgate rules and
51 regulations restricting the handling of a resident's personal
52 deposits by the director of a nursing facility. Any funds given
53 or provided for the purpose of supplying extra comforts,
54 conveniences or services to any patient in any nursing facility,
55 and any funds otherwise received and held from, for or on behalf
56 of any such resident, shall be deposited by the director or other
57 proper officer of the institution to the credit of that patient in
58 an account which shall be known as the Resident's Personal Deposit
59 Fund. No more than one (1) month charge for the care, support,
60 maintenance and medical attention of the patient shall be applied
61 from such account at any one (1) time. After the death, discharge

62 or transfer of any resident for whose benefit any such fund has
63 been provided, any unexpended balance remaining in his personal
64 deposit fund shall be applied for the payment of care, cost of
65 support, maintenance and medical attention which is accrued. In
66 the event any unexpended balance remains in that resident's
67 personal deposit fund after complete reimbursement has been made
68 for payment of care, support, maintenance and medical attention,
69 and the director or other proper officer of the institution has
70 been or shall be unable to locate the person or persons entitled
71 to such unexpended balance, the director or other proper officer
72 may, after the lapse of one (1) year from the date of such death,
73 discharge or transfer, deposit the unexpended balance to the
74 credit of the institution's operating fund.

75 (5) The State Board of Health shall promulgate rules and
76 regulations requiring nursing facilities to maintain a daily
77 record of the food intake, diet, health condition, medicine
78 dispensed and administered and any reaction to such medicine.
79 The director of the nursing facility shall be responsible for
80 explaining the availability of such records to the family of the
81 resident at any time upon reasonable request.

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