AN ACT TO AMEND SECTION 43-11-13, MISSISSIPPI CODE OF 1972, 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 NURSING FACILITIES; 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 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 proper officer of the personal care home to the credit of that patient in an account which shall be known as the Resident's Personal Deposit Fund. No more than one (1) month charge for the care, support, maintenance and medical attention of the patient shall be applied from such account at any one (1) time.
death, discharge or transfer of any resident for whose benefit any
such fund has been provided, any unexpended balance remaining in
his personal deposit fund shall be applied for the payment of
care, cost of support, maintenance and medical attention which is
accrued. In the event any unexpended balance remains in that
resident's personal deposit fund after complete reimbursement has
been made for payment of care, support, maintenance and medical
attention, and the director or other proper officer of the
personal care home has been or shall be unable to locate the
person or persons entitled to such unexpended balance, the
director or other proper officer may, after the lapse of one (1)
year from the date of such death, discharge or transfer, deposit
the unexpended balance to the credit of the personal care home's
operating fund.

(5) 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.

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