

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MADAM PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1478: Personal care homes; resident may continue to reside there with consent regardless of certain licensing agency determination.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

14 SECTION 1. Section 43-11-13, Mississippi Code of 1972, is
15 amended as follows:
16 43-11-13. (1) The licensing agency shall adopt, amend,
17 promulgate and enforce such rules, regulations and standards,
18 including classifications, with respect to all institutions for
19 the aged or infirm to be licensed hereunder as may be designed to
20 further the accomplishment of the purpose of this chapter in
21 promoting adequate care of individuals in such institutions in the
22 interest of public health, safety and welfare. Such rules,
23 regulations and standards shall be adopted and promulgated by the
24 licensing agency and shall be recorded and indexed in a book to be
25 maintained by the licensing agency in its main office in the State
26 of Mississippi, entitled "Rules, Regulations and Minimum Standards
27 for Institutions for the Aged or Infirm" and said book shall be
28 open and available to all institutions for the aged or infirm and
29 the public generally at all reasonable times. Upon the adoption
30 of such rules, regulations and standards, the licensing agency
31 shall mail copies thereof to all such institutions in the state
32 which have filed with said agency their names and addresses for
33 this purpose, but the failure to mail the same or the failure of

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

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

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

57 (4) (a) Notwithstanding any determination by the licensing
58 agency that skilled nursing services would be appropriate for a
59 resident of a personal care home, that resident, the resident's
60 guardian or the legally recognized responsible party for the
61 resident may consent in writing for the resident to continue to
62 reside in the personal care home, if approved in writing by a
63 licensed physician. Provided, however, that no personal care home
64 shall allow more than two (2) residents, or ten percent (10%) of
65 the total number of residents in the facility, whichever is

66 greater, to remain in the personal care home under the provisions
67 of this subsection (4). This consent shall be deemed to be
68 appropriately informed consent as described in the regulations
69 promulgated by the licensing agency. After that written consent
70 has been obtained, the resident shall have the right to continue
71 to reside in the personal care home for as long as the resident
72 meets the other conditions for residing in the personal care home.
73 A copy of the written consent and the physician's approval shall
74 be forwarded by the personal care home to the licensing agency.

75 (b) The State Board of Health shall promulgate rules
76 and regulations restricting the handling of a resident's personal
77 deposits by the director of a personal care home. Any funds given
78 or provided for the purpose of supplying extra comforts,
79 conveniences or services to any patient in any personal care home,
80 and any funds otherwise received and held from, for or on behalf
81 of any such resident, shall be deposited by the director or other
82 proper officer of the personal care home to the credit of that
83 patient in an account which shall be known as the Resident's
84 Personal Deposit Fund. No more than one (1) month charge for the
85 care, support, maintenance and medical attention of the patient
86 shall be applied from such account at any one (1) time. After the
87 death, discharge or transfer of any resident for whose benefit any
88 such fund has been provided, any unexpended balance remaining in
89 his personal deposit fund shall be applied for the payment of
90 care, cost of support, maintenance and medical attention which is
91 accrued. In the event any unexpended balance remains in that
92 resident's personal deposit fund after complete reimbursement has
93 been made for payment of care, support, maintenance and medical
94 attention, and the director or other proper officer of the
95 personal care home has been or shall be unable to locate the
96 person or persons entitled to such unexpended balance, the
97 director or other proper officer may, after the lapse of one (1)

98 year from the date of such death, discharge or transfer, deposit
99 the unexpended balance to the credit of the personal care home's
100 operating fund.

101 (c) The State Board of Health shall promulgate rules
102 and regulations requiring personal care homes to maintain records
103 relating to health condition, medicine dispensed and administered,
104 and any reaction to such medicine. The director of the personal
105 care home shall be responsible for explaining the availability of
106 such records to the family of the resident at any time upon
107 reasonable request.

108 (d) The State Board of Health shall evaluate the
109 effects of this section as it promotes adequate care of
110 individuals in personal care homes in the interest of public
111 health, safety and welfare. It shall report its findings to the
112 Chairmen of the Public Health and Welfare Committees of the House
113 and Senate by January 1, 2003. This subsection (4) shall stand
114 repealed June 30, 2003.

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 43-11-13, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE A RESIDENT OF A PERSONAL CARE HOME TO CONTINUE TO
3 RESIDE IN THE PERSONAL CARE HOME, REGARDLESS OF A DETERMINATION BY
4 THE LICENSING AGENCY THAT SKILLED NURSING SERVICES WOULD BE
5 APPROPRIATE FOR THE RESIDENT, IF THE RESIDENT, THE RESIDENT'S
6 GUARDIAN OR THE LEGALLY RECOGNIZED RESPONSIBLE PARTY FOR THE
7 RESIDENT, AND A PHYSICIAN CONSENTS IN WRITING FOR THE RESIDENT TO
8 CONTINUE TO RESIDE IN THE PERSONAL CARE HOME, TO DIRECT THE STATE
9 BOARD OF HEALTH TO ADOPT CERTAIN REGULATIONS REGARDING PERSONAL
10 CARE HOME PATIENT'S PERSONAL DEPOSIT ACCOUNTS AND THE USE OF
11 PATIENT FOOD AND MEDICINE RECORDS IN PERSONAL CARE HOMES; AND FOR
12 RELATED PURPOSES.

CONFEREES FOR THE HOUSE

X
Bobby Moody

X
George Flaggs, Jr.

X
D. Stephen Holland

CONFEREES FOR THE SENATE

X
Robert G. Huggins

X
Ron Farris

X
Billy V. Harvey