

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 1478

By Senator(s) Committee

**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. This consent shall be deemed to
63 be appropriately informed consent as described in the regulations
64 promulgated by the licensing agency. After that written consent
65 has been obtained, the resident shall have the right to continue
66 to reside in the personal care home for as long as the resident
67 meets the other conditions for residing in the personal care home.

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

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

94 (c) The State Board of Health shall promulgate rules
95 and regulations requiring personal care homes to maintain a daily
96 record of the food intake, diet, health condition, medicine
97 dispensed and administered and any reaction to such medicine. The
98 director of the personal care home shall be responsible for
99 explaining the availability of such records to the family of the
100 resident at any time upon reasonable request.

101 (d) The State Board of Health shall evaluate the
102 effects of this section as it promotes adequate care of
103 individuals in personal care homes in the interest of public
104 health, safety and welfare. It shall report its findings to the
105 Chairmen of the Public Health and Welfare Committees of the House
106 and Senate by January 1, 2003. This subsection (4) shall stand
107 repealed June 30, 2003.

108 SECTION 2. This act shall take effect and be in force from
109 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 CONSENTS IN WRITING FOR THE RESIDENT TO CONTINUE TO
8 RESIDE IN THE PERSONAL CARE HOME, TO DIRECT THE STATE BOARD OF
9 HEALTH TO ADOPT CERTAIN REGULATIONS REGARDING PERSONAL CARE HOME
10 PATIENT'S PERSONAL DEPOSIT ACCOUNTS AND THE USE OF PATIENT FOOD
11 AND MEDICINE RECORDS IN PERSONAL CARE HOMES; AND FOR RELATED
12 PURPOSES.