

By: Representatives Smith (39th), Reeves

To: Public Health and Human
Services

HOUSE BILL NO. 1034

1 AN ACT TO AMEND SECTION 41-9-209, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE NUMBER OF SWING BEDS OR ACUTE CARE BEDS THAT
3 CRITICAL ACCESS HOSPITALS MAY OPERATE; TO PROVIDE THAT A CRITICAL
4 ACCESS HOSPITAL MAY OPERATE A CERTAIN NUMBER OF PSYCHIATRIC OR
5 REHABILITATION DISTINCT-PART BEDS; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 41-9-209, Mississippi Code of 1972, is
8 amended as follows:

9 41-9-209. Any hospital is authorized to seek designation as
10 a critical access hospital. Subject to federal law, there shall
11 be no requirement or limitation regarding the distance that a
12 critical access hospital must be located from another hospital.
13 The bed-size limit for a critical access hospital is twenty-five
14 (25) operational acute care beds, and the average maximum length
15 of stay for * * * patients in a critical access hospital is
16 ninety-six (96) hours, unless a longer period is required because
17 of inclement weather or other emergency conditions. If the
18 critical access hospital is a swing bed facility, any of the
19 twenty-five (25) acute care beds allowed in a critical access
20 hospital may be used to provide extended care services or acute
21 care inpatient services as long as the furnishing of the services
22 does not exceed twenty-five (25) beds. A critical access hospital
23 (a) must make available twenty-four-hour emergency care services,
24 as described in the state rural health care plan, for ensuring
25 access to emergency care services in the rural area served by the
26 critical access hospital, and (b) must be a member of a rural
27 health network. Any hospital that has a distinct-part skilled
28 nursing facility, certified under Title XVIII of the federal

29 Social Security Act, at the time it applies for designation as
30 critical access hospital, may continue its operation of the
31 distinct-part skilled nursing facility and is not required to
32 count the beds in the distinct-part skilled nursing facility for
33 purposes of the allowed twenty-five (25) acute care inpatient
34 beds. To the extent permitted under Section 41-7-171 et seq., a
35 critical access hospital may establish a distinct-part psychiatric
36 unit and a distinct-part rehabilitation unit, each of which must
37 be certified under Title XVIII of the federal Social Security Act
38 and each of which may consist of not more than ten (10) beds. No
39 bed in the critical access hospital's distinct-part psychiatric
40 unit or distinct-part rehabilitation unit shall be counted for
41 purposes of the twenty-five (25) bed limitation. Each
42 distinct-part unit in a critical access hospital must comply with
43 all applicable state licensure laws and federal certification
44 laws.

45 **SECTION 2.** This act shall take effect and be in force from
46 and after July 1, 2004.