

By: Senator(s) Nunnelee, Albritton, Burton,
Chaney, Harden, Harvey, Hyde-Smith, Jackson
(32nd), Jordan, Thomas, Williamson

To: Public Health and
Welfare

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2519

1 AN ACT TO AMEND SECTION 41-9-209, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE DEFINITION OF CRITICAL ACCESS HOSPITALS IN
3 MISSISSIPPI TO CONFORM TO FEDERAL LAW; AND FOR RELATED PURPOSES.

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

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

7 41-9-209. Any hospital is authorized to seek designation as
8 a critical access hospital. Subject to federal law, there shall
9 be no requirement or limitation regarding the distance that a
10 critical access hospital must be located from another hospital.
11 The bed-size limit for a critical access hospital is twenty-five
12 (25) operational acute care beds, and the average maximum length
13 of stay for patients in a critical access hospital is ninety-six
14 (96) hours, unless a longer period is required because of
15 inclement weather or other emergency conditions. In the event the
16 critical access hospital is a swing bed facility, any of the
17 twenty-five (25) acute care beds allowed in a critical access
18 hospital may be used for the provision of extended care services
19 or acute care inpatient services so long as the furnishing of such
20 services does not exceed twenty-five (25) beds and so long as the
21 hospital does not seek Medicaid reimbursement for more than
22 fifteen (15) acute care inpatient beds. * * * A critical access
23 hospital (a) must make available twenty-four-hour emergency care
24 services, as described in the state rural health care plan, for
25 ensuring access to emergency care services in the rural area
26 served by the critical access hospital, and (b) must be a member
27 of a rural health network. Any hospital that has a distinct-part

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

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