

By: Senator(s) Nunnelee

To: Public Health and Welfare

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. * * * A critical
21 access hospital (a) must make available twenty-four-hour emergency
22 care services, as described in the state rural health care plan,
23 for ensuring access to emergency care services in the rural area
24 served by the critical access hospital, and (b) must be a member
25 of a rural health network. Any hospital that has a distinct-part
26 skilled nursing facility, certified under Title XVIII of the
27 federal Social Security Act, at the time it applies for

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

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