

By: Senator(s) Hyde-Smith

To: Public Health and Welfare

SENATE BILL NO. 2898

1 AN ACT TO AMEND SECTIONS 41-85-5 AND 41-85-7, MISSISSIPPI
2 CODE OF 1972, TO PROVIDE THAT THE STATE DEPARTMENT OF HEALTH SHALL
3 NOT ISSUE A NEW LICENSE TO ANY PERSON FOR A HOSPICE UNIT, SERVICE
4 OR PROGRAM AFTER JULY 1, 2004; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 41-85-5, Mississippi Code of 1972, is
7 amended as follows:

8 41-85-5. (1) It is unlawful for a person to operate or
9 maintain a hospice, use the title "hospice," or represent that the
10 person provides a hospice program of care, without first obtaining
11 a license therefor from the department.

12 (2) The license shall be displayed in a conspicuous place
13 inside the hospice program office; shall be valid only in the
14 possession of the person to which it is issued; shall not be
15 subject to sale, assignment or other transfer, voluntary or
16 involuntary; and shall not be valid for any hospice other than the
17 hospice for which originally issued.

18 (3) Services provided by a hospital, nursing home or other
19 health care facility or health care provider shall not be
20 considered to constitute a hospice program of care unless such
21 facility, provider or care giver establishes a freestanding or
22 distinct hospice unit, staff, facility and services to provide
23 hospice home care, homelike inpatient hospice care, or outpatient
24 hospice care under the separate and distinct administrative
25 authority of a hospice program.

26 (4) A license for a hospice program shall not be issued if
27 the hospice is to be located in an area in violation of any local
28 zoning ordinances or regulations.

29 (5) A new license for a distinct hospice unit, service or
30 program shall not be issued to any person after July 1, 2004.

31 **SECTION 2.** Section 41-85-7, Mississippi Code of 1972, is
32 amended as follows:

33 41-85-7. The administration of this chapter is vested in the
34 Mississippi Department of Health, which shall:

35 (a) Prepare and furnish all forms necessary under the
36 provisions of this chapter in relation to applications for
37 licensure or renewals thereof;

38 (b) Collect in advance at the time of filing an
39 application for a license or at the time of renewal of a license a
40 fee of Five Hundred Dollars (\$500.00);

41 (c) Conduct annual licensure inspections of all
42 licensees which may be the same inspection as the annual Medicare
43 certification inspection; and

44 (d) Promulgate applicable rules and standards in
45 furtherance of the purpose of this chapter and may amend such
46 rules as may be necessary. The rules shall include, but not be
47 limited to, the following:

48 (i) The qualifications of professional and
49 ancillary personnel in order to adequately furnish hospice care;

50 (ii) Standards for the organization and quality of
51 patient care;

52 (iii) Procedures for maintaining records; and

53 (iv) Provision for the inpatient component of
54 hospice care and for other professional and ancillary hospice
55 services;

56 (e) Not issue a new license to any person for a new
57 hospice unit, service or program after July 1, 2004.

58 **SECTION 3.** This act shall take effect and be in force from
59 and after its passage.