

By: Senator(s) Nunnelee

To: Public Health and Welfare

SENATE BILL NO. 2386

1 AN ACT TO AMEND SECTIONS 41-85-3 AND 41-85-7, MISSISSIPPI
2 CODE OF 1972, TO REVISE THE DEFINITION OF "HOSPICE" TO CONFORM TO
3 THE FEDERAL DEFINITION OF TERMINALLY ILL FOR FACILITY LICENSURE
4 PURPOSES; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 41-85-3, Mississippi Code of 1972, is
7 amended as follows:

8 41-85-3. When used in this chapter, unless the context
9 otherwise requires:

10 (a) "Autonomous" means a separate and distinct
11 operational entity which functions under its own administration
12 and bylaws, either within or independently of a parent
13 organization.

14 (b) "Department" means the Mississippi Department of
15 Health.

16 (c) "Freestanding hospice" means a hospice that is not
17 a part of any other type of health care provider.

18 (d) "Hospice" means an autonomous, centrally
19 administered, nonprofit or profit, medically directed,
20 nurse-coordinated program providing a continuum of home,
21 outpatient and homelike inpatient care for not less than four (4)
22 terminally ill patients and their families. It employs a hospice
23 care team to assist in providing palliative and supportive care to
24 meet the special needs arising out of the physical, emotional,
25 spiritual, social and economic stresses which are experienced
26 during the final stages of illness and during dying and
27 bereavement. This care is available twenty-four (24) hours a day,

28 seven (7) days a week, and is provided on the basis of need
29 regardless of inability to pay.

30 (e) "Hospice care team" means an interdisciplinary team
31 which is a working unit composed by the integration of the various
32 helping professions and lay persons providing hospice care. Such
33 team shall, as a minimum, consist of a licensed physician, a
34 registered nurse, a social worker, a member of the clergy or a
35 counselor and volunteers.

36 (f) "Hospice services" means items and services
37 furnished to an individual by a hospice, or by others under
38 arrangements with such a hospice program.

39 (g) "Medically directed" means that the delivery of
40 medical care is directed by a licensed physician who is employed
41 by the hospice for the purpose of providing ongoing palliative
42 care as a participating care giver on the hospice care team.

43 (h) "Palliative care" means the reduction or abatement
44 of pain and other troubling symptoms by appropriate coordination
45 of all elements of the hospice care team needed to achieve needed
46 relief of distress.

47 (i) "Patient" means the terminally ill individual
48 receiving hospice services.

49 (j) "Person" means an individual, a trust or estate,
50 partnership, corporation, association, the state, or a political
51 subdivision or agency of the state.

52 (k) "Terminally ill" refers to a medical prognosis of
53 limited expected survival, of six (6) months or less at the time
54 of referral to a hospice, of an individual who is experiencing an
55 illness for which therapeutic strategies directed toward cure and
56 control of the disease alone outside the context of symptom
57 control are no longer appropriate.

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

60 41-85-7. The administration of this chapter is vested in the
61 Mississippi Department of Health, which shall:

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

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

68 (c) Conduct * * * inspections of hospice facilities at
69 such intervals as the licensing agency may direct which may be the
70 same inspection as the annual Medicare certification inspection;
71 and

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

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

78 (ii) Standards for the organization and quality of
79 patient care;

80 (iii) Procedures for maintaining records; and

81 (iv) Provision for the inpatient component of
82 hospice care and for other professional and ancillary hospice
83 services.

84 **SECTION 3.** This act shall take effect and be in force from
85 and after July 1, 2006.