MISSISSIPPI LEGISLATURE

By: Representative Holland

HOUSE BILL NO. 1376

AN ACT TO AMEND SECTION 41-85-9, MISSISSIPPI CODE OF 1972, TO DIRECT THE STATE DEPARTMENT OF HEALTH TO MAINTAIN SUFFICIENT SURVEY STAFF TO FULFILL THE LICENSURE INSPECTION REQUIREMENTS FOR HOSPICES; TO PROVIDE THAT THE DEPARTMENT SHALL RESTRICT NEW APPLICATIONS FOR LICENSURE AS A HOSPICE UNLESS THE DEPARTMENT HAS INSPECTED ALL EXISTING AND FULLY FUNCTIONAL LICENSED MISSISSIPPI HOSPICES WITHIN TWELVE MONTHS BEFORE THE DATE OF THE APPLICATION; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 41-85-9, Mississippi Code of 1972, is amended as follows:

41-85-9. (1) Any duly authorized officer or employee of the department shall have the right to make such inspections and investigations as are necessary in order to determine the state of compliance with the provisions of this chapter and of rules or standards in force under this chapter. The right of inspection shall also extend to any program that the department has reason to believe is offering or advertising itself as a hospice without a license, but no inspection of any such program may be made without the permission of the owner or person in charge thereof unless a warrant is first obtained authorizing the inspection. Any application for a license or renewal thereof made under this chapter shall constitute permission for any inspection of the hospice for which the license is sought in order to facilitate verification of the information submitted on or in connection with the application.

(2) The department shall maintain sufficient and adequate survey staff to fulfill the requirements of this section and

Section 41-85-7(c). The department shall restrict any new application for licensure as a hospice when filed with the
ST: Hospices; new applications for license are restricted unless all licensed hospices have been inspected.

SECTION 2. This act shall take effect and be in force from and after July 1, 2007.