

By: Senator(s) Nunnelee

To: Public Health and Welfare

SENATE BILL NO. 2926

1 AN ACT TO AMEND SECTIONS 43-16-5, 43-16-7 AND 43-16-9, AND TO
2 CODIFY SECTION 43-16-8, MISSISSIPPI CODE OF 1972, TO CLARIFY THE
3 POWERS AND RESPONSIBILITIES OF THE STATE DEPARTMENT OF HEALTH
4 RELATING TO THE CHILD RESIDENTIAL HOME NOTIFICATION ACT AND TO
5 REQUIRE LICENSEES, EMPLOYEES AND VOLUNTEERS AT SUCH HOMES TO HAVE
6 CRIMINAL RECORD BACKGROUND CHECKS; TO AMEND SECTION 43-16-25,
7 MISSISSIPPI CODE OF 1972, TO INCREASE LICENSURE FEES FOR SUCH
8 CHILD RESIDENTIAL HOMES; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 43-16-5, Mississippi Code of 1972, is
11 amended as follows:

12 43-16-5. (1) The State Department of Health shall be the
13 notification agency for all child residential homes, and the
14 department shall discharge as additional duties and
15 responsibilities the provisions of this chapter.

16 (2) The department shall have powers and duties as set forth
17 below, in addition to other duties prescribed under this chapter:

18 (a) Promulgate rules and regulations concerning the
19 licensing and regulation of child residential homes as defined
20 herein consistent with the policy and purpose of this chapter;

21 (b) Have the authority to issue, deny, suspend, revoke,
22 restrict or otherwise take disciplinary action against licensees
23 as provided for in this chapter;

24 (c) Set and collect fees and penalties, as authorized
25 by law; and

26 (d) Have such other powers as may be required to carry
27 out the provisions of this chapter.

28 **SECTION 2.** Section 43-16-7, Mississippi Code of 1972, is
29 amended as follows:

30 43-16-7. (1) No person may operate a child residential home
31 in Mississippi without complying with all provisions of this
32 chapter, and any rules, regulations and orders of the State
33 Department of Health.

34 (2) All child residential homes operating on July 1, 1989,
35 shall either apply for a license from the Department of Human
36 Services pursuant to Section 43-15-5, Mississippi Code of 1972, or
37 file notification in accordance with this chapter, prior to August
38 1, 1989.

39 **SECTION 3.** The following shall be codified as Section
40 43-16-8, Mississippi Code of 1972:

41 43-16-8. (1) Licensees shall require that, for any
42 employee, prospective employee, volunteer and prospective
43 volunteer, all criminal records, background and sex offender
44 registry checks and current child abuse registry checks are
45 obtained. In order to determine the applicant's suitability for
46 employment or to volunteer, the applicant shall be fingerprinted.
47 If no disqualifying record is identified at the state level, the
48 fingerprints shall be forwarded by the Department of Public Safety
49 to the FBI for a national criminal history record check.

50 (2) The Department of Human Services shall have the
51 authority to disclose to the State Department of Health any
52 potential applicant whose name is listed on the Child Abuse
53 Central Registry or has a pending administrative review. That
54 information shall remain confidential by all parties.

55 (3) The department shall have the authority to exclude a
56 particular crime or crimes or a substantiated finding of child
57 abuse and/or neglect as disqualifying individuals or entities for
58 prospective or current employment or licensure.

59 (4) The department and its agents, officer, employees,
60 attorneys and representatives shall not be held civilly liable for
61 any findings, recommendations or actions taken under this section.

62 (5) All fees incurred in compliance with this section shall
63 be borne by child residential homes. The department is authorized
64 to charge a fee that includes the amount required by the Federal
65 Bureau of Investigation for the national criminal history record
66 check in compliance with the Child Protection Act of 1993, as
67 amended, and any necessary costs incurred by the licensing agency
68 for the handling and administration of the criminal history
69 background checks.

70 **SECTION 4.** Section 43-16-9, Mississippi Code of 1972, is
71 amended as follows:

72 43-16-9. Such notification shall be filed by the executive
73 director of the child residential home to the department upon
74 forms provided by the department and shall contain the following
75 information:

76 (a) Name, street address, mailing address and phone
77 number of the home.

78 (b) Name of the executive director and all staff
79 members of the home.

80 (c) Name and description of the agency or organization
81 operating the home, which shall include a statement as to whether
82 or not the agency or organization is incorporated.

83 (d) Name and address of the sponsoring organization of
84 the home, if applicable.

85 (e) The names of all children living at the home which
86 shall include the following personal data:

87 (i) Full name and a copy of the child's birth
88 certificate;

89 (ii) Name and address of parent(s) or guardian(s);
90 and

91 (iii) Name and address of other nearest relative.

92 (f) School(s) attended by the children served by such
93 home.

94 (g) Fire department or State Fire Marshal inspection
95 certificate.

96 (h) Local health department inspection certificate.

97 * * *

98 (i) Proof, to be shown by the sworn affidavit of the
99 executive director of the home, that medical records are
100 maintained for each child.

101 **SECTION 5.** Section 43-16-25, Mississippi Code of 1972, is
102 amended as follows:

103 43-16-25. A license issued under the provisions of this
104 chapter shall be renewed annually upon payment of a renewal fee
105 not to exceed Two Hundred Dollars (\$200.00) and upon filing by the
106 licensee of an annual report upon such uniform dates and upon
107 forms provided by the licensing agency, accompanied by a current
108 certificate of inspection and approval by the fire department and
109 the county health department specified in Section 43-16-11.

110 No governmental entity or agency shall be required to pay the
111 fee or fees set forth in this section.

112 **SECTION 6.** This act shall take effect and be in force from
113 and after July 1, 2007.