

By: Senator(s) Burton

To: Public Health and Welfare

SENATE BILL NO. 2579

1 AN ACT TO AMEND SECTIONS 41-9-17 AND 41-75-13, MISSISSIPPI  
2 CODE OF 1972, TO PROVIDE THAT THE STATE DEPARTMENT OF HEALTH SHALL  
3 REQUIRE HOSPITALS AND AMBULATORY SURGICAL FACILITIES TO HAVE A  
4 QUALIFIED REGISTERED NURSE PRESENT AS A CIRCULATING NURSE IN EACH  
5 SEPARATE OPERATING ROOM AND EACH SEPARATE INVASIVE PROCEDURE ROOM  
6 FOR THE DURATION OF THE OPERATIVE PROCEDURE; AND FOR RELATED  
7 PURPOSES.

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

9 **SECTION 1.** Section 41-9-17, Mississippi Code of 1972, is  
10 amended as follows:

11 41-9-17. The licensing agency shall adopt, amend, promulgate  
12 and enforce such rules, regulations and standards with respect to  
13 all hospitals to be licensed under Section 41-9-11 as may be  
14 designed to further the accomplishment of the purposes of Sections  
15 41-9-1 through 41-9-35 in promoting safe and adequate treatment of  
16 individuals in hospitals in the interest of public health, safety  
17 and welfare. Any rule, regulation or standard adopted hereunder  
18 shall be considered as promulgated and effective from and after  
19 the time the same is recorded and indexed in a book to be  
20 maintained by the licensing agency in its main office in the State  
21 of Mississippi, entitled "Minimum Standard of Operation for  
22 Mississippi Hospitals." Said book shall be open and available to  
23 all hospitals and the public generally at all reasonable times.  
24 Upon the adoption of any such rule, regulation or standard, the  
25 licensing agency shall mail copies thereof to all hospitals in the  
26 state which have filed with said agency their names and addresses  
27 for this purpose, but the failure to mail the same or the failure  
28 of the hospital to receive the same shall in nowise affect the  
29 validity thereof. No such rules, regulations or standards shall



30 be adopted or enforced which would have the effect of denying a  
31 license to a hospital or other institution required to be  
32 licensed, solely by reason of the school or system of practice  
33 employed or permitted to be employed therein.

34 A registered nurse, qualified by training and experience in  
35 operating room nursing, shall be present as a circulating nurse in  
36 any and each separate operating room and in any and each separate  
37 invasive procedure room in a licensed hospital for the duration of  
38 the operative procedure. Invasive procedures are defined as the  
39 puncture or incision of the skin, insertion of an instrument, or  
40 insertion of foreign material into the body. Invasive procedure  
41 may be performed for diagnostic or treatment related purposes.  
42 Nothing in this section precludes a circulating nurse from leaving  
43 the operating room or invasive procedure room as part of the  
44 operative or invasive procedure, leaving the operating room or  
45 invasive procedure room for short periods; or, in accordance with  
46 employee rules and regulations, being relieved during an operative  
47 or invasive procedure by another circulating nurse assigned to  
48 continue the operative or invasive procedure.

49 **SECTION 2.** Section 41-75-13, Mississippi Code of 1972, is  
50 amended as follows:

51 41-75-13. The licensing agency shall adopt, amend,  
52 promulgate and enforce rules, regulations and standards, including  
53 classifications, with respect to ambulatory surgical facilities  
54 and abortion facilities licensed, or which may be licensed, to  
55 further the accomplishment of the purpose of this chapter in  
56 protecting and promoting the health, safety and welfare of the  
57 public by ensuring adequate care of individuals receiving services  
58 from such facilities. The licensing agency also shall adopt,  
59 amend, promulgate and enforce rules, regulations and standards  
60 with respect to the enforcement of the informed consent  
61 requirements of Sections 41-41-31 through 41-41-39 at abortion  
62 facilities. Such rules, regulations and standards shall be



63 adopted and promulgated by the licensing agency in accordance with  
64 the provisions of Section 25-43-1 et seq., and shall be recorded  
65 and indexed in a book to be maintained by the licensing agency in  
66 its main office in the State of Mississippi, entitled "Rules and  
67 Regulations for Operation of Ambulatory Surgical Facilities and  
68 Abortion Facilities." The book shall be open and available to all  
69 ambulatory surgical facilities and abortion facilities and the  
70 public during regular business hours.

71 A registered nurse, qualified by training and experience in  
72 operating room nursing, shall be present as a circulating nurse in  
73 any and each separate operating room and in any and each separate  
74 invasive procedure room in a licensed ambulatory surgical facility  
75 for the duration of the operative procedure. Invasive procedures  
76 are defined as the puncture or incision of the skin, insertion of  
77 an instrument, or insertion of foreign material into the body.  
78 Invasive procedure may be performed for diagnostic or treatment  
79 related purposes. Nothing in this section precludes a circulating  
80 nurse from leaving the operating room or invasive procedure room  
81 as part of the operative or invasive procedure, leaving the  
82 operating room or invasive procedure room for short periods; or,  
83 in accordance with employee rules and regulations, being relieved  
84 during an operative or invasive procedure by another circulating  
85 nurse assigned to continue the operative or invasive procedure.

86 **SECTION 3.** This act shall take effect and be in force from  
87 and after July 1, 2010.

