

By: Senator(s) Burton

To: Accountability,  
Efficiency, Transparency;  
Public Health and Welfare

SENATE BILL NO. 2021

1 AN ACT TO AMEND SECTIONS 41-9-9, 41-71-5, 41-75-7, 41-75-9,  
2 41-77-9, 41-85-7, 43-11-7 AND 43-11-8, MISSISSIPPI CODE OF 1972,  
3 TO DELETE CERTAIN HEALTH CARE FACILITY LICENSURE AND INSPECTION  
4 STATUTORY FEES AND AUTHORIZE THE STATE BOARD OF HEALTH TO SET  
5 THOSE FEES; AND FOR RELATED PURPOSES.

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

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

9 41-9-9. (1) An application for a license shall be made to  
10 the licensing agency upon forms provided by it and shall contain  
11 such information as the licensing agency reasonably requires,  
12 which may include affirmative evidence of ability to comply with  
13 such reasonable standards, rules and regulations as are lawfully  
14 prescribed under Section 41-9-17. A license, unless suspended or  
15 revoked, shall be renewable annually upon payment of a renewal  
16 fee \* \* \* set by the State Board of Health for each licensed bed  
17 in the hospital which shall be paid to the licensing agency, with  
18 a minimum fee \* \* \* set by the State Board of Health per hospital  
19 and a maximum fee of \* \* \* Ten Thousand Dollars (\$10,000.00), and



20 upon filing by the licensee and approval by the licensing agency  
21 of an annual report upon such uniform dates and containing such  
22 information in such form as the licensing agency prescribes by  
23 rule or regulation. Each license shall be issued only for the  
24 premises and person or persons or other legal entity or entities  
25 named in the application and shall not be transferable or  
26 assignable except with the written approval of the licensing  
27 agency. Licenses shall be posted in a conspicuous place on the  
28 licensed premises.

29 (2) The appropriate licensure fee, according to the schedule  
30 herein, shall be paid to the licensing agency and may be paid by  
31 check, draft or money order. A license shall not be issued to any  
32 hospital until such fee is received by the licensing agency.

33 (3) A fee known as a "User Fee" shall be applicable and  
34 shall be paid to the licensing agency as set out in subsection (2)  
35 of this section. This user fee shall be assessed for the purpose  
36 of the required reviewing and inspections of the proposal of any  
37 hospital in which there are additions, renovations,  
38 modernizations, expansion, alterations, conversions, modifications  
39 or replacement of the entire facility involved in such proposal.  
40 This fee includes the reviewing of architectural plans in all  
41 steps required. \* \* \* The user fee shall be set by the State  
42 Board of Health and calculated at an hourly rate based on the  
43 actual time spent performing this service.



44           **SECTION 2.** Section 41-71-5, Mississippi Code of 1972, is  
45 amended as follows:

46           41-71-5. An application for a license shall be made to the  
47 licensing agency upon forms provided by the agency and shall  
48 contain such information as the agency shall require, which may  
49 include affirmative evidence of ability to comply with such  
50 reasonable standards, rules and regulations as are lawfully  
51 prescribed under this chapter. A license fee \* \* \* set by the  
52 State Board of Health, payable to the licensing agency, shall be  
53 submitted with each application.

54           **SECTION 3.** Section 41-75-7, Mississippi Code of 1972, is  
55 amended as follows:

56           41-75-7. An application for a license shall be made to the  
57 licensing agency upon forms provided by it and shall contain such  
58 information as the licensing agency reasonably requires, which may  
59 include affirmative evidence of ability to comply with such  
60 reasonable standards, rules and regulations as are lawfully  
61 prescribed hereunder. Each application for a license shall be  
62 accompanied by a license fee \* \* \* set by the State Board of  
63 Health, which shall be paid to the licensing agency.

64           **SECTION 4.** Section 41-75-9, Mississippi Code of 1972, is  
65 amended as follows:

66           41-75-9. Upon receipt of an application for license and the  
67 license fee, the licensing agency shall issue a license if the  
68 applicant and the institutional facilities meet the requirements



69 established under this chapter and the requirements of Section  
70 41-7-173 et seq. where determined by the licensing agency to be  
71 applicable. A license, unless suspended or revoked, shall be  
72 renewable annually upon payment of a renewal fee \* \* \* set by the  
73 State Board of Health, which shall be paid to the licensing  
74 agency, and upon filing by the licensee and approval by the  
75 licensing agency of an annual report upon such uniform dates and  
76 containing such information in such form as the licensing agency  
77 requires. Each license shall be issued only for the premises and  
78 person or persons named in the application and shall not be  
79 transferable or assignable. Licenses shall be posted in a  
80 conspicuous place on the licensed premises.

81 **SECTION 5.** Section 41-77-9, Mississippi Code of 1972, is  
82 amended as follows:

83 41-77-9. An application for a license shall be made to the  
84 licensing agency upon forms provided by it and shall contain such  
85 information as the licensing agency reasonably requires, which may  
86 include affirmative evidence of ability to comply with such  
87 reasonable standards, rules and regulations as are lawfully  
88 prescribed hereunder. Each application for a license shall be  
89 accompanied by a license fee \* \* \* set by the State Board of  
90 Health, which shall be paid to the licensing agency.

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



93 41-85-7. (1) The administration of this chapter is vested  
94 in the Mississippi Department of Health, which shall:

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

98 (b) Collect in advance at the time of filing an  
99 application for a license or at the time of renewal of a license a  
100 fee \* \* \* set by the State Board of Health for each site or  
101 location of the licensee;

102 (c) Levy a fee \* \* \* per inpatient bed, for the review  
103 of inpatient hospice care, set by the State Board of Health, to be  
104 paid annually at the time of licensure renewal;

105 (d) Conduct annual licensure inspections of all  
106 licensees which may be the same inspection as the annual Medicare  
107 certification inspection; and

108 (e) Promulgate applicable rules and standards in  
109 furtherance of the purpose of this chapter and may amend such  
110 rules as may be necessary. The rules shall include, but not be  
111 limited to, the following:

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

114 (ii) Standards for the organization and quality of  
115 patient care;

116 (iii) Procedures for maintaining records; and



117 (iv) Provision for the inpatient component of  
118 hospice care and for other professional and ancillary hospice  
119 services.

120 (2) All fees collected by the department under this section  
121 shall be used by the department exclusively for the purposes of  
122 licensure, regulation, inspection, investigations and discipline  
123 of hospices under this chapter.

124 (3) The State Department of Health shall not process any new  
125 applications for hospice licensure or issue any new hospice  
126 licenses, except renewals, unless the application for a new  
127 hospice license was pending with the department on March 1, 2013.  
128 This subsection (3) shall stand repealed on July 1, \* \* \* 2017.

129 **SECTION 7.** Section 43-11-7, Mississippi Code of 1972, is  
130 amended as follows:

131 43-11-7. Any person, as defined in Section 43-11-1, may  
132 apply for a license as provided in this section. An application  
133 for a license shall be made to the licensing agency upon forms  
134 provided by it and shall contain such information as the licensing  
135 agency reasonably requires, which may include affirmative evidence  
136 of ability to comply with such reasonable standards, rules and  
137 regulations as are lawfully prescribed under this chapter. Each  
138 application for a license for an institution for the aged or  
139 infirm, except for personal care homes, shall be accompanied by a  
140 license fee \* \* \* set by the State Board of Health for each bed in  
141 the institution, \* \* \* which shall be paid to the licensing



142 agency. Each application for a license for a personal care home  
143 shall be accompanied by a license fee \* \* \* set by the State Board  
144 of Health for each bed in the institution, \* \* \* which shall be  
145 paid to the licensing agency.

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

148 **SECTION 8.** Section 43-11-8, Mississippi Code of 1972, is  
149 amended as follows:

150 43-11-8. (1) An application for a license for an adult  
151 foster care facility shall be made to the licensing agency upon  
152 forms provided by it and shall contain such information as the  
153 licensing agency reasonably requires, which may include  
154 affirmative evidence of ability to comply with such reasonable  
155 standards, rules and regulations as are lawfully prescribed  
156 hereunder. Each application for a license for an adult foster  
157 care facility shall be accompanied by a license fee \* \* \* set by  
158 the State Board of Health for each person or bed of licensed  
159 capacity, with a minimum fee per home or institution \* \* \* set by  
160 the State Board of Health, which shall be paid to the licensing  
161 agency.

162 (2) A license, unless suspended or revoked, shall be  
163 renewable annually upon payment by the licensee of an adult foster  
164 care facility, except for personal care homes, of a renewal  
165 fee \* \* \* set by the State Board of Health for each person or bed  
166 of licensed capacity in the institution, with a minimum renewal



167 fee per institution \* \* \* set by the State Board of Health, which  
168 shall be paid to the licensing agency, and upon filing by the  
169 licensee and approval by the licensing agency of an annual report  
170 upon such uniform dates and containing such information in such  
171 form as the licensing agency prescribes by regulation. Each  
172 license shall be issued only for the premises and person or  
173 persons or other legal entity or entities named in the application  
174 and shall not be transferable or assignable except with the  
175 written approval of the licensing agency. Licenses shall be  
176 posted in a conspicuous place on the licensed premises.

177       **SECTION 9.** This act shall take effect and be in force from  
178 and after July 1, 2016.

