

By: Representative Banks

To: Public Health and Human Services

HOUSE BILL NO. 619

1 AN ACT TO AMEND SECTION 43-11-1, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT PERSONAL CARE HOMES MUST BE LICENSED AND REGULATED BY
3 THE STATE DEPARTMENT OF HEALTH IF THEY PROVIDE INDIVIDUAL OR GROUP
4 LIVING ARRANGEMENTS FOR ONE OR MORE PERSONS WHO ARE UNRELATED TO
5 THE OPERATOR; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 43-11-1, Mississippi Code of 1972, is
8 amended as follows:

9 43-11-1. When used in this chapter, the following words
10 shall have the following meaning:

11 (a) "Institutions for the aged or infirm" means a place
12 either governmental or private that provides group living
13 arrangements for four (4) or more persons who are unrelated to the
14 operator and who are being provided food, shelter and personal
15 care, whether any such place is organized or operated for profit
16 or not. The term "institution for the aged or infirm" includes
17 nursing homes, pediatric skilled nursing facilities, psychiatric
18 residential treatment facilities, personal care homes,
19 convalescent homes, homes for the aged and adult foster care



20 facilities, provided that these institutions fall within the scope
21 of the definitions set forth * * * in this section. The term
22 "institution for the aged or infirm" does not include hospitals,
23 clinics or mental institutions devoted primarily to providing
24 medical service, and does not include any private residence in
25 which the owner of the residence is providing personal care
26 services to disabled or homeless veterans under an agreement with,
27 and in compliance with the standards prescribed by, the United
28 States Department of Veterans Affairs, if the owner of the
29 residence also provided personal care services to disabled or
30 homeless veterans at any time during calendar year 2008.

31 (b) "Person" means any individual, firm, partnership,
32 corporation, company, association or joint-stock association, or
33 any licensee herein or the legal successor thereof.

34 (c) "Personal care" means assistance rendered by
35 personnel of the home to aged or infirm residents in performing
36 one or more of the activities of daily living, which includes, but
37 is not limited to, the bathing, walking, excretory functions,
38 feeding, personal grooming and dressing of such residents.

39 (d) "Personal care home" means a place either
40 governmental or private that provides individual or group living
41 arrangements for one or more persons who are unrelated to the
42 operator and who are being provided food, shelter and personal
43 care, whether any such place is organized or operated for profit
44 or not and whether the place is for assisted living or residential



45 living. Personal care homes shall be subject to routine
46 inspections by the licensing agency to protect the health and
47 safety of the residents.

48 (* * *e) "Psychiatric residential treatment facility"
49 means any nonhospital establishment with permanent facilities
50 which provides a twenty-four-hour program of care by qualified
51 therapists, including, but not limited to, duly licensed mental
52 health professionals, psychiatrists, psychologists,
53 psychotherapists and licensed certified social workers, for
54 emotionally disturbed children and adolescents referred to such
55 facility by a court, local school district or by the Department of
56 Human Services, who are not in an acute phase of illness requiring
57 the services of a psychiatric hospital, and are in need of such
58 restorative treatment services. For purposes of this paragraph,
59 the term "emotionally disturbed" means a condition exhibiting one
60 or more of the following characteristics over a long period of
61 time and to a marked degree, which adversely affects educational
62 performance:

63 * * *(i) An inability to learn which cannot be
64 explained by intellectual, sensory or health factors;

65 * * *(ii) An inability to build or maintain
66 satisfactory relationships with peers and teachers;

67 * * *(iii) Inappropriate types of behavior or
68 feelings under normal circumstances;



69 * * * (iv) A general pervasive mood of unhappiness
70 or depression; or

71 * * * (v) A tendency to develop physical symptoms
72 or fears associated with personal or school problems. An
73 establishment furnishing primarily domiciliary care is not within
74 this definition.

75 (* * * f) "Pediatric skilled nursing facility" means an
76 institution or a distinct part of an institution that is primarily
77 engaged in providing to inpatients skilled nursing care and
78 related services for persons under twenty-one (21) years of age
79 who require medical or nursing care or rehabilitation services for
80 the rehabilitation of injured, disabled or sick persons.

81 (* * * g) "Licensing agency" means the State Department
82 of Health.

83 (* * * h) "Medical records" mean, without restriction,
84 those medical histories, records, reports, summaries, diagnoses
85 and prognoses, records of treatment and medication ordered and
86 given, notes, entries, x-rays and other written or graphic data
87 prepared, kept, made or maintained in institutions for the aged or
88 infirm that pertain to residency in, or services rendered to
89 residents of, an institution for the aged or infirm.

90 (* * * i) "Adult foster care facility" means a home
91 setting for vulnerable adults in the community who are unable to
92 live independently due to physical, emotional, developmental or
93 mental impairments, or in need of emergency and continuing



94 protective social services for purposes of preventing further
95 abuse or neglect and for safeguarding and enhancing the welfare of
96 the abused or neglected vulnerable adult. Adult foster care
97 programs shall be designed to meet the needs of vulnerable adults
98 with impairments through individual plans of care, which provide a
99 variety of health, social and related support services in a
100 protective setting, enabling participants to live in the
101 community. Adult foster care programs may be:

102 (i) Traditional, where the foster care provider
103 lives in the residence and is the primary caregiver to clients in
104 the home;

105 (ii) Corporate, where the foster care home is
106 operated by a corporation with shift staff delivering services to
107 clients; or

108 (iii) Shelter, where the foster care home accepts
109 clients on an emergency short-term basis for up to thirty (30)
110 days.

111 **SECTION 2.** This act shall take effect and be in force from
112 and after July 1, 2018.

