

By: Representative Currie

To: Public Health and Human Services

HOUSE BILL NO. 296

1 AN ACT TO AMEND SECTION 41-85-7, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE THE STATE DEPARTMENT OF HEALTH TO ISSUE UP TO TWO NEW
3 PEDIATRIC PALLIATIVE CARE HOSPICE LICENSES DURING A CERTAIN PERIOD
4 OF TIME; TO REQUIRE THAT AT LEAST ONE OF THE NEW HOSPICE LICENSES
5 BE ISSUED TO AN APPLICANT THAT IS LOCATED WITHIN THE SECOND UNITED
6 STATES CONGRESSIONAL DISTRICT; TO EXTEND THE DATE OF THE REPEALER
7 ON THE MORATORIUM ON THE ISSUANCE OF NEW HOSPICE LICENSES; AND FOR
8 RELATED PURPOSES.

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

10 **SECTION 1.** Section 41-85-7, Mississippi Code of 1972, is
11 amended as follows:

12 41-85-7. (1) The administration of this chapter is vested
13 in the Mississippi Department of Health, which shall:

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

17 (b) Collect in advance at the time of filing an
18 application for a license or at the time of renewal of a license a
19 fee of One Thousand Dollars (\$1,000.00) for each site or location
20 of the licensee; any increase in the fee charged by the department



21 under this paragraph shall be in accordance with the provisions of
22 Section 41-3-65;

23 (c) Levy a fee of Eighteen Dollars (\$18.00) per bed for
24 the review of inpatient hospice care; any increase in the fee
25 charged by the department under this paragraph shall be in
26 accordance with the provisions of Section 41-3-65;

27 (d) Conduct annual licensure inspections of all
28 licensees which may be the same inspection as the annual Medicare
29 certification inspection; and

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

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

36 (ii) Standards for the organization and quality of
37 patient care;

38 (iii) Procedures for maintaining records; and

39 (iv) Provision for the inpatient component of
40 hospice care and for other professional and ancillary hospice
41 services.

42 (2) All fees collected by the department under this section
43 shall be used by the department exclusively for the purposes of
44 licensure, regulation, inspection, investigations and discipline
45 of hospices under this chapter.



46 (3) The State Department of Health shall not process any new
47 applications for hospice licensure or issue any new hospice
48 licenses, except renewals * * *, except as follows:

49 (a) * * * The department shall process applications for
50 new hospice licenses filed during the period from and including
51 March 27, 2017, through and until July 1, 2017, and shall issue no
52 more than five (5) new hospice licenses in accordance with this
53 chapter so long as the related applicant can show good cause for
54 the issuance of the hospice license(s) for which application is
55 made (including specifically, without limitation, the capability
56 and capacity to provide unique or otherwise unavailable services
57 related to serving patients under eighteen (18) years of age in
58 the service area to which such application relates). If the
59 applicant at the time of filing holds one or more hospice
60 licenses, the applicant must be in good standing with the
61 department regarding those licenses. Not more than two (2) of the
62 new hospice licenses issued under this * * * paragraph (a) shall
63 be issued to the same applicant.

64 (b) The department shall process applications for new
65 pediatric palliative care hospice licenses filed during the period
66 from and including the effective date of this section through and
67 until July 1, 2021, and shall issue no more than two (2) new
68 pediatric palliative care hospice licenses in accordance with this
69 chapter so long as the applicant can show good cause for the
70 issuance of the hospice license for which application is made. If



71 the applicant at the time of filing holds one or more hospice
72 licenses, the applicant must be in good standing with the
73 department regarding those licenses. At least one (1) of the new
74 hospice licenses issued under this paragraph (b) shall be issued
75 to an applicant that is located within the Second United States
76 Congressional District as it exists on January 1, 2021. Not more
77 than one (1) of the new hospice licenses issued under this
78 paragraph (b) shall be issued to the same applicant.

79 This subsection (3) shall stand repealed on July 1, * * *
80 2027.

81 (4) The provisions of subsection (3) prohibiting the
82 processing of any new applications for hospice licensure shall not
83 be applicable to an application for license reinstatement by a
84 hospice whose license was temporarily suspended as a result of a
85 federal audit by the U.S. Department of Health and Human Services,
86 Office of Inspector General (HHS-OIG), and the audit has been
87 concluded without any penalty imposed by the federal agency.

88 **SECTION 2.** This act shall take effect and be in force from
89 and after its passage.

