

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



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

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

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

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

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

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

(iii) Procedures for maintaining records; and

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

(2) All fees collected by the department under this section  
shall be used by the department exclusively for the purposes of  
licensure, regulation, inspection, investigations and discipline  
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



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

This subsection (3) shall stand repealed on July 1, \* \* \* 2027.

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

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

