

By: Senator(s) Blackwell

To: Public Health and Welfare

SENATE BILL NO. 2108

1 AN ACT TO AMEND SECTIONS 41-71-1 AND 41-71-13, MISSISSIPPI
 2 CODE OF 1972, TO AUTHORIZE NURSE PRACTITIONERS, PHYSICIAN
 3 ASSISTANTS AND CLINICAL NURSE SPECIALISTS TO PRESCRIBE OR ORDER
 4 HOME HEALTH SERVICES AND PLANS OF CARE, CERTIFY AND RECERTIFY
 5 ELIGIBILITY FOR HOME HEALTH SERVICES AND CONDUCT THE REQUIRED
 6 INITIAL FACE-TO-FACE VISIT WITH THE RECIPIENT OF THE SERVICES; TO
 7 PROVIDE THAT THE AMENDMENTS IN THE ACT ARE RETROACTIVE TO MAY 8,
 8 2020; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 41-71-1, Mississippi Code of 1972, is
 11 amended as follows:

12 41-71-1. As used in this chapter, unless the context
 13 otherwise requires:

14 (a) "Home health agency" means a public or privately
 15 owned agency or organization, or a subdivision of such an agency
 16 or organization, properly authorized to conduct business in
 17 Mississippi, which is primarily engaged in providing to
 18 individuals, at the written direction of a licensed physician,
 19 nurse practitioner, physician assistant or clinical nurse
 20 specialist, in the individual's place of residence, skilled
 21 nursing services provided by or under the supervision of a



22 registered nurse licensed to practice in Mississippi, and one or
23 more of the following services or items:

24 (i) Physical, occupational or speech therapy;

25 (ii) Medical social services;

26 (iii) Part-time or intermittent services of a home
27 health aide;

28 (iv) Other services as approved by the licensing
29 agency;

30 (v) Medical supplies, other than drugs and
31 biologicals, and the use of medical appliances; or

32 (vi) Medical services provided by an intern or
33 resident in training at a hospital under a teaching program of
34 such hospital.

35 (b) "Licensing agency" means the State Department of
36 Health.

37 **SECTION 2.** Section 41-71-13, Mississippi Code of 1972, is
38 amended as follows:

39 41-71-13. The licensing agency shall adopt, amend,
40 promulgate and enforce rules, regulations and standards, including
41 classifications, with respect to home health agencies licensed, or
42 which may be licensed, to further the accomplishment of the
43 purpose of this chapter in protecting and promoting the health,
44 safety and welfare of the public by insuring adequate care of
45 individuals receiving such services. Such rules, regulations and
46 standards shall be adopted and promulgated by the licensing agency



47 in accordance with the provisions of Section 25-43-1 et seq., and
48 shall be recorded and indexed in a book to be maintained by the
49 licensing agency in its office in the City of Jackson,
50 Mississippi, entitled "Records of Rules, Regulations and
51 Standards." The book shall be open and available to all home
52 health agencies and the public generally at all reasonable times.

53 Such rules, regulations and standards shall authorize
54 licensed physicians, nurse practitioners, physician assistants and
55 clinical nurse specialists to prescribe or order home health
56 services and plans of care, certify and recertify eligibility for
57 home health services and conduct the required initial face-to-face
58 visit with recipient of the services.

59 **SECTION 3.** The amendments to Sections 41-71-1 and 41-71-13
60 in this act are retroactive to May 8, 2020, and any action taken
61 on or after May 8, 2020, by a home health agency, physician, nurse
62 practitioner, physician assistant or clinical nurse specialist, or
63 by any other person or entity with regard to a home health agency,
64 physician, nurse practitioner, physician assistant or clinical
65 nurse specialist, that would have been valid and lawful if those
66 amendments had been in effect at the time that the action was
67 taken are ratified, approved and confirmed.

68 **SECTION 4.** This act shall take effect and be in force from
69 and after its passage.

