

By: Senator(s) Seymour

To: Veterans and Military
Affairs; Public Health and
Welfare

SENATE BILL NO. 2342

1 AN ACT TO AMEND SECTION 35-1-21, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE AND DIRECT THE ADMINISTRATOR OF EACH MISSISSIPPI STATE
3 VETERANS HOME TO ENSURE THAT THE VOLUNTARY INFORMED CONSENT OF ANY
4 RESIDENT IS GIVEN PRIOR TO ADMINISTERING VACCINATIONS FOR
5 PREVENTABLE DISEASES ON THE PREMISES AND THAT THE RESIDENT SHALL
6 HAVE THE LEGAL CAPACITY TO GIVE THE INFORMED CONSENT; AND FOR
7 RELATED PURPOSES.

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

9 **SECTION 1.** Section 35-1-21, Mississippi Code of 1972, is
10 amended as follows:

11 35-1-21. (1) Upon the establishment of the Mississippi
12 State Veterans Home, and any additional homes as may be
13 established, the Mississippi State Veterans Affairs Board is
14 hereby designated as the governing authority of any such
15 facilities. The operation and maintenance of all veterans homes
16 shall meet the standards of the United States Department of
17 Veterans Affairs with regard to the operation of state veterans
18 homes.

19 (2) The State Veterans Affairs Board may contract with
20 nongovernmental entities or the United States Department of



21 Veterans Affairs to operate and provide services to state veterans
22 homes. The board may contract with the vendor whose proposal is
23 most advantageous to the state and veterans, taking into
24 consideration cost factors, program suitability factors,
25 management plan, delivery of care and service to residents,
26 excellence of program design, key personnel, corporate or company
27 resources, financial condition of the vendor, corporate experience
28 and past performance, and any other requirements deemed necessary
29 by the board and expressed in its solicitation for proposals.
30 Contract(s) awarded under this section may be for periods
31 exceeding one (1) year. The board is not required to select the
32 vendor offering the lowest cost proposal, but shall select the
33 vendor who, in the board's discretion, offers the proposal most
34 advantageous to the State of Mississippi and veterans. When any
35 contract is awarded, the reason(s) for the awarding of the
36 contract shall be entered on the minutes of the board. The
37 provisions of this paragraph shall supersede any rule or
38 regulation of the Public Procurement Review Board to the contrary.

39 (3) The State Veterans Affairs Board may, as permitted by
40 federal laws or regulations, purchase from the United States
41 Department of Veterans Affairs, from contracts established by the
42 United States Department of Veterans Affairs, or through other
43 sharing agreements between the board and the United States
44 Department of Veterans Affairs, services, commodities, supplies
45 and equipment for use in operation of, and provision of care to



46 residents of, the state veterans homes when such purchases or
47 agreements are advantageous to the veterans and the state.

48 (4) The State Veterans Affairs Board may operate and
49 maintain the state veterans homes without entering into any
50 contract for management purposes with any nongovernmental entity
51 or the United States Department of Veterans Affairs to operate the
52 homes. In such instances, the State Veterans Affairs Board shall
53 be solely responsible for the operation and maintenance of the
54 state veterans homes and shall hire the administrators and all
55 other personnel for the veterans homes. The mission of the State
56 Veterans Affairs Board in managing the state veterans homes shall
57 be to provide domiciliary care and other related services for
58 eligible veterans in the most cost-efficient manner.

59 (5) The State Department of Health shall perform an initial
60 certification survey of the State Veterans Home in Collins,
61 Mississippi, on or about July 1, 2000. The purpose of this
62 initial survey is to provide a baseline for measuring the quality
63 of care during the period for which this section applies. In
64 addition to the initial certification survey, the State Department
65 of Health shall, * * * beginning on or about July 1, 2022, conduct
66 periodic follow-up certification surveys * * * of the State
67 Veterans Home in Collins, Mississippi.

68 (6) The State Veterans Affairs Board is hereby authorized
69 and directed to require the administrator of each Mississippi
70 State Veterans Home to ensure that the voluntary informed consent



71 of any nursing home resident is given prior to the administration
72 of any vaccination for preventable disease approved by the State
73 Board of Health to such resident residing on the premises and that
74 the resident shall have the legal capacity to give the informed
75 consent. For purposes of this section, "informed consent" means
76 that the resident shall be able to exercise free power of choice,
77 without the intervention of any element of force, fraud, deceit,
78 duress, overreaching or other form of constraint or coercion, and
79 should have sufficient knowledge and comprehension of the elements
80 of the vaccination as to enable him or her to make an informed
81 decision. During the course of the administration of the
82 vaccination to the resident, the health care practitioner in
83 charge shall be prepared to terminate the vaccination at any
84 stage, if he has probable cause to believe, in the exercise of
85 careful judgment required of him, that a continuation of the
86 vaccination procedure is likely to result in physical or mental
87 injury or disability.

88 **SECTION 2.** This act shall take effect and be in force from
89 and after July 1, 2022.

