

By: Senator(s) Barnett, Simmons (13th)

To: Corrections

SENATE BILL NO. 2817

1 AN ACT TO AUTHORIZE THE DEPARTMENT OF CORRECTIONS TO PROVIDE  
 2 FOR HOSPICE CARE SERVICES FOR INMATES WHO ARE CONFINED IN  
 3 FACILITIES UNDER THE JURISDICTION OF THE DEPARTMENT AND WHO ARE  
 4 TERMINALLY ILL; TO AUTHORIZE THE DEPARTMENT TO HAVE THOSE HOSPICE  
 5 CARE SERVICES PROVIDED BY PROPERLY QUALIFIED EMPLOYEES OF THE  
 6 DEPARTMENT OR TO CONTRACT FOR THE PROVIDING OF THE HOSPICE CARE  
 7 SERVICES; TO PROVIDE THAT IF THE DEPARTMENT PROVIDES THE HOSPICE  
 8 CARE SERVICES WITH DEPARTMENT EMPLOYEES, THE DEPARTMENT IS NOT  
 9 REQUIRED TO HAVE A LICENSE UNDER THE MISSISSIPPI HOSPICE LAW; TO  
 10 AMEND SECTION 41-85-5, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE  
 11 PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** The Department of Corrections is authorized to  
 14 provide for hospice care services for inmates who are confined in  
 15 facilities under the jurisdiction of the department and who are  
 16 terminally ill as defined in Section 41-85-3. The department may  
 17 have those hospice care services provided by properly qualified  
 18 employees of the department or may contract for the providing of  
 19 the hospice care services. If the department provides the hospice  
 20 care services with department employees, the department is not  
 21 required to have a license under the Mississippi Hospice Law.



22           **SECTION 2.** Section 41-85-5, Mississippi Code of 1972, is  
23 amended as follows:

24           41-85-5. (1) It is unlawful for a person to operate or  
25 maintain a hospice, use the title "hospice," or represent that the  
26 person provides a hospice program of care, without first obtaining  
27 a license therefor from the department.

28           (2) The license shall be displayed in a conspicuous place  
29 inside the hospice program office; shall be valid only in the  
30 possession of the person to which it is issued; shall not be  
31 subject to sale, assignment or other transfer, voluntary or  
32 involuntary; and shall not be valid for any hospice other than the  
33 hospice for which originally issued.

34           (3) Services provided by a hospital, nursing home or other  
35 health care facility or health care provider shall not be  
36 considered to constitute a hospice program of care unless such  
37 facility, provider or care giver establishes a freestanding or  
38 distinct hospice unit, staff, facility and services to provide  
39 hospice home care, homelike inpatient hospice care, or outpatient  
40 hospice care under the separate and distinct administrative  
41 authority of a hospice program.

42           (4) A license for a hospice program shall not be issued if  
43 the hospice is to be located in an area in violation of any local  
44 zoning ordinances or regulations.

45           (5) The Department of Corrections may provide hospice care  
46 services to inmates confined in facilities under the jurisdiction



47 of the department as authorized under Section 1 of this act  
48 without a license issued under this chapter.

49       **SECTION 3.** This act shall take effect and be in force from  
50 and after July 1, 2022.

