

By: Representatives Hulum, Haney

To: Public Health and Human Services

HOUSE BILL NO. 1278

1 AN ACT TO AMEND SECTION 41-13-29, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE OWNER OF A COMMUNITY HOSPITAL TO REMOVE A MEMBER
3 OF THE BOARD OF TRUSTEES AFTER APPOINTMENT UPON A MAJORITY VOTE OF
4 ALL MEMBERS OF THE GOVERNING BOARD OF THE OWNER THAT APPOINTED THE
5 TRUSTEE OR RATIFIED SUCH APPOINTMENT; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 41-13-29, Mississippi Code of 1972, is
8 amended as follows:

9 41-13-29. (1) (a) The owners are authorized to appoint
10 trustees for the purpose of operating and governing community
11 hospitals. The owner of a community hospital may remove a trustee
12 after appointment * * * upon a * * * majority vote of all members
13 of the governing board of the owner that appointed the
14 trustee * * * or ratified such appointment. To be eligible for
15 appointment, an appointee must be an adult legal resident of the
16 county which has an ownership interest in the community hospital
17 or the county in which the municipality or other political
18 subdivision holding the ownership interest in the community
19 hospital is located. The authority to appoint trustees shall not



20 apply to leased facilities, unless specifically reserved by the
21 owner in the applicable lease agreement.

22 (b) The board of trustees shall consist of not more
23 than seven (7) members nor less than five (5) members, except
24 where specifically authorized by statute, and shall be appointed
25 by the respective owners on a pro rata basis comparable to the
26 ownership interests in the community hospital. Where the
27 community hospital is owned solely by a county, or any supervisors
28 districts, judicial districts or election district of a county, or
29 by a municipality, the trustees shall be residents of the owning
30 entity.

31 (c) Trustees for municipally owned community hospitals
32 shall be appointed by the governing authority of the municipality.
33 Trustees for a community hospital owned by a county shall be
34 appointed by the board of supervisors with each supervisor having
35 the right to nominate one (1) trustee from his district or from
36 the county at large. Appointments exceeding five (5) in number
37 shall be from the county at large. Trustees for a community
38 hospital owned solely by supervisors districts, judicial districts
39 or election district of a county, shall be appointed by the board
40 of supervisors of the county from nominees submitted by the
41 supervisor or supervisors representing the owner district or
42 districts.

43 (2) (a) Initially the board of trustees shall be appointed
44 as follows: one (1) for a term of one (1) year, one (1) for a



45 term of two (2) years, one (1) for a term of three (3) years, one
46 (1) for a term of four (4) years, and one (1) for a term of five
47 (5) years. Appointments exceeding five (5) in number shall be for
48 terms of four (4) and five (5) years, respectively. Thereafter,
49 all terms shall be for five (5) years. No community hospital
50 trustee holding office on July 1, 1982, shall be affected by this
51 provision, but the terms shall be filled at the expiration thereof
52 according to the provisions of this section; provided, however,
53 that any other specific appointment procedures presently
54 authorized shall likewise not be affected by the terms hereof.
55 Any vacancy on the board of trustees shall be filled within ninety
56 (90) days by appointment by the applicable owner for the remainder
57 of the unexpired term.

58 (b) From and after January 1, 2016, to be eligible for
59 appointment, an appointee must have no felony convictions, possess
60 at least a high school diploma or the equivalent, owe no
61 outstanding debt to the community hospital, and not be a plaintiff
62 in any pending lawsuit against the community hospital. The
63 appointee may not own an interest in, or be an officer or employee
64 of, a company or business that provides goods or services in
65 direct competition with the community hospital, nor may the
66 appointee's spouse own an interest in, or be an officer of, such
67 company or business.

68 (3) (a) Any community hospital erected, owned, maintained
69 and operated by any county located in the geographical center of



70 the State of Mississippi and in which State Highways No. 12 and
71 No. 35 intersect, shall be operated by a board of trustees of five
72 (5) members who have the qualifications set forth in this section
73 to be appointed by the board of supervisors from the county at
74 large, one (1) for a term of one (1) year, one (1) for a term of
75 two (2) years, one (1) for a term of three (3) years, one (1) for
76 a term of four (4) years, and one (1) for a term of five (5)
77 years. Thereafter all trustees shall be appointed from the county
78 at large for a period of five (5) years.

79 (b) Any community hospital erected, owned, maintained
80 and operated by any county situated in the Yazoo-Mississippi Delta
81 Levee District and bordering on the Mississippi River and having a
82 population of not less than forty-five thousand (45,000) and
83 having an assessed valuation of not less than Thirty Million
84 Dollars (\$30,000,000.00) for the year 1954, shall be operated by a
85 board of trustees which may consist of not more than eleven (11)
86 members who have the qualifications set forth in this section.

87 (c) Any hospital erected, owned, maintained and
88 operated by any county having two (2) judicial districts, which is
89 traversed by U.S. Interstate Highway 59, which intersects Highway
90 84 therein, shall be operated by a board of trustees which shall
91 consist of seven (7) members who have the qualifications set forth
92 in this section. The first seven (7) members appointed under
93 authority of this paragraph shall be appointed by the board of
94 supervisors for terms as follows:



95 Each supervisor of Supervisors Districts One and Two shall
96 nominate and the board of supervisors shall appoint one (1) person
97 from each said beat for a one-year term. Each supervisor of
98 Supervisors Districts Three and Four shall nominate and the board
99 of supervisors shall appoint one (1) person from each beat for a
100 two-year term. The supervisor of Supervisors District Five shall
101 nominate and the board of supervisors shall appoint one (1) person
102 from the beat for a three-year term. The medical staff at the
103 hospital shall submit a list of four (4) nominees and the
104 supervisors shall appoint two (2) trustees from the list of
105 nominees, one (1) for a three-year term and one (1) for a one-year
106 term. Thereafter, as the terms of the board of trustee members
107 authorized by this paragraph expire, all but the trustee
108 originally appointed from the medical staff nominees for a
109 one-year term shall be appointed by the board of supervisors for
110 terms of three (3) years. The term of the trustee originally
111 appointed from the medical staff nominees by the board of
112 supervisors for a term of one (1) year shall remain a term of one
113 (1) year and shall thereafter be appointed for a term of one (1)
114 year. The two (2) members appointed from medical staff nominees
115 shall be appointed from a list of two (2) nominees for each
116 position to be submitted by the medical staff of the hospital for
117 each vacancy to be filled. It is the intent of the Legislature
118 that the board of trustees which existed prior to July 1, 1985,
119 was abolished by amendment to this section under Section 5,



120 Chapter 511, Laws of 1985, and the amendment authorized the
121 appointment of a new board of trustees on or after July 1, 1985,
122 in the manner provided in this paragraph. Any member of the board
123 of trustees which existed before July 1, 1985, who has the
124 qualifications set forth in this section shall be eligible for
125 reappointment subject to the provisions of this paragraph.

126 (d) Any community hospital erected, owned, maintained
127 and operated by any county bordering on the Mississippi River
128 having two (2) judicial districts, wherein U.S. Highway 61 and
129 Mississippi Highway 8 intersect, lying wholly within a levee
130 district, shall be operated by a board of trustees which may
131 consist of not more than nine (9) members who have the
132 qualifications set forth in this section.

133 (e) Any community hospital system owned, maintained and
134 operated by any county bordering on the Gulf of Mexico and the
135 State of Alabama shall be operated by a board of trustees
136 constituted as follows: seven (7) members shall be selected as
137 provided in subsection (1) of this section and two (2) advisors
138 who shall be the chiefs of staff at those hospitals which are a
139 part of the hospital system; the members must have the
140 qualifications set forth in this section. The term of the chiefs
141 of staff on the board of trustees shall coincide with their
142 service as chiefs of staff at their respective hospitals.

143 (4) Any community hospital owned, maintained and operated by
144 any county wherein Mississippi Highways 16 and 19 intersect,



145 having a land area of five hundred sixty-eight (568) square miles,
146 and having a population in excess of twenty-three thousand seven
147 hundred (23,700) according to the 1980 federal decennial census,
148 shall be operated by a board of trustees of five (5) members who
149 have the qualifications set forth in this section, one (1) of whom
150 shall be elected by the qualified electors of each supervisors
151 district of the county in the manner provided herein. Each member
152 so elected shall be a resident and qualified elector of the
153 district from which he is elected. The first elected members of
154 the board of trustees shall be elected at the regular general
155 election held on November 4, 1986. At the election, the members
156 of the board from Supervisors Districts One and Two shall be
157 elected for a term of six (6) years; members of the board from
158 Supervisors Districts Three and Four shall be elected for a term
159 of two (2) years; and the member of the board from Supervisors
160 District Five shall be elected for a term of four (4) years. Each
161 subsequent member of the board shall be elected for a term of six
162 (6) years at the same time as the general election in which the
163 member of the county board of education representing the same
164 supervisors district is elected. All members of the board shall
165 take office on the first Monday of January following the date of
166 their election. The terms of all seven (7) appointed members of
167 the board of trustees holding office on the effective date of this
168 act (Laws 1986, Chapter 462) shall expire on the date that the
169 first elected members of the board take office. The board of



170 trustees provided for herein shall not lease or sell the community
171 hospital property under its jurisdiction unless the board of
172 supervisors of the county calls for an election on the proposition
173 and a majority voting in the election shall approve the lease or
174 sale.

175 The members of the board of trustees provided for in this
176 subsection shall be compensated a per diem and reimbursed for
177 their expenses and mileage in the same amount and subject to the
178 same restrictions provided for members of the county board of
179 education in Section 37-5-21 and may, at the discretion of the
180 board, choose to participate in any hospital medical benefit plan
181 which may be in effect for hospital employees. Any member of the
182 board of trustees choosing to participate in the plan shall pay
183 the full cost of his participation in the plan so that no
184 expenditure of hospital funds is required.

185 The name of any qualified elector who is a candidate for the
186 community hospital board of trustees shall be placed on the ballot
187 used in the general elections by the county election
188 commissioners, if the candidate files with the county election
189 commissioners, not more than ninety (90) days and not less than
190 thirty (30) days before the date of the general election, a
191 petition of nomination signed by not less than fifty (50)
192 qualified electors of the county residing within each supervisors
193 district. The candidate in each supervisors district who receives



194 the highest number of votes cast in the district shall be declared
195 elected.

196 (5) A board of trustees provided for herein may, in its
197 discretion, where funds are available, compensate each trustee per
198 diem in at least the amount established by Section 25-3-69 up to
199 the maximum amount of not more than One Hundred Fifty Dollars
200 (\$150.00) for each meeting of the board of trustees or meeting of
201 a committee established by the board of trustees where the trustee
202 was in attendance, and in addition thereto provide meals at the
203 meetings and compensate each member attending travel expenses at
204 the rate authorized by Section 25-3-41 for actual mileage traveled
205 to and from the place of meeting.

206 (6) The owner which appointed a trustee may likewise remove
207 him from office by majority vote for failure to attend at least
208 fifty percent (50%) of the regularly scheduled meetings of the
209 board during the twelve-month period preceding the vote, or for
210 violation of any statute relating to the responsibilities of his
211 office, based upon the recommendation of a majority of the
212 remaining trustees.

213 (7) For community hospitals located in a county having a
214 population of less than one hundred thousand (100,000) according
215 to the most recent federal decennial census, the members of the
216 board of trustees, administrator and any other officials of the
217 community hospital as may be deemed necessary or proper by the
218 board of trustees shall be under bond in an amount not less than



219 Ten Thousand Dollars (\$10,000.00) nor more than One Hundred
220 Thousand Dollars (\$100,000.00) with some surety company authorized
221 to do business in the State of Mississippi to faithfully perform
222 the duties of his office. For community hospitals located in a
223 county having a population of one hundred thousand (100,000) or
224 more according to the most recent federal decennial census, the
225 bond shall be in an amount not less than Fifty Thousand Dollars
226 (\$50,000.00) nor more than Five Hundred Thousand Dollars
227 (\$500,000.00). Premiums for the bonds shall be paid from funds of
228 the community hospital.

229 (8) The members of the board of trustees of a community
230 hospital may, at the discretion of the board, choose to
231 participate in any hospital medical benefit plan or health
232 insurance plan, whether self-funded or otherwise, which may be in
233 effect for hospital employees. Any member of the board of
234 trustees choosing to participate in such plan shall pay the same
235 amount for his or her participation in the plan as hospital
236 employees are required to pay for their participation in such
237 plan.

238 **SECTION 2.** This act shall take effect and be in force from
239 and after July 1, 2023.

