

By: Representatives Yancey, Waldo, Anthony,  
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To: Public Health and Human  
Services

## HOUSE BILL NO. 116

1 AN ACT TO REQUIRE THE STATE DEPARTMENT OF HEALTH TO  
2 INCORPORATE ALZHEIMER'S DISEASE AND DEMENTIA EDUCATION INTO  
3 EXISTING PUBLIC HEALTH PROGRAMS; TO BRING FORWARD SECTION 41-3-15,  
4 MISSISSIPPI CODE OF 1972, WHICH RELATES TO POWERS AND DUTIES OF  
5 THE STATE DEPARTMENT OF HEALTH AND THE STATE BOARD OF HEALTH, FOR  
6 PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** The State Department of Health, in partnership  
9 with the Division of Aging and Adult Services and other entities,  
10 shall incorporate information about brain health, dementia risk  
11 reduction, Alzheimer's disease and other dementias in its  
12 existing, relevant public health outreach programs to:

13 (a) Increase public understanding and awareness of:

14 (i) Brain health and dementia risk reduction;

15 (ii) Early warning signs of Alzheimer's disease and  
16 other dementias;

17 (iii) The value of early detection and timely  
18 diagnosis; and

19 (iv) The relationship between Alzheimer's disease,  
20 dementia, and other chronic health conditions.



(b) Public awareness and outreach programs shall:

(i) Provide clear, uniform guidance in nonclinical terms; and

(ii) Prioritize populations at greater risk of developing Alzheimer's disease and other dementias.

**SECTION 2.** The State Department of Health shall, within its existing healthcare provider education and outreach programs, educate healthcare providers on:

(a) The importance of risk reduction, early detection and timely diagnosis of cognitive impairment and dementia;

(b) Validated assessment tools for the detection and diagnosis of cognitive impairment;

(c) The value of the use of validated cognitive assessment tools during Medicare Annual Wellness Visit for cognitive health; and

(d) Medicare care planning billing codes for individuals with cognitive impairment, provision of effective care planning, and available treatments.

**SECTION 3.** Section 41-3-15, Mississippi Code of 1972, is brought forward as follows:

41-3-15. (1) (a) There shall be a State Department of Health.

(b) The State Board of Health shall have the following powers and duties:



45                   (i) To formulate the policy of the State  
46 Department of Health regarding public health matters within the  
47 jurisdiction of the department;

48                   (ii) To adopt, modify, repeal and promulgate,  
49 after due notice and hearing, and enforce rules and regulations  
50 implementing or effectuating the powers and duties of the  
51 department under any and all statutes within the department's  
52 jurisdiction, and as the board may deem necessary;

53                   (iii) To apply for, receive, accept and expend any  
54 federal or state funds or contributions, gifts, trusts, devises,  
55 bequests, grants, endowments or funds from any other source or  
56 transfers of property of any kind;

57                   (iv) To enter into, and to authorize the executive  
58 officer to execute contracts, grants and cooperative agreements  
59 with any federal or state agency or subdivision thereof, or any  
60 public or private institution located inside or outside the State  
61 of Mississippi, or any person, corporation or association in  
62 connection with carrying out the provisions of this chapter, if it  
63 finds those actions to be in the public interest and the contracts  
64 or agreements do not have a financial cost that exceeds the  
65 amounts appropriated for those purposes by the Legislature;

66                   (v) To appoint, upon recommendation of the  
67 Executive Officer of the State Department of Health, a Director of  
68 Internal Audit who shall be either a Certified Public Accountant  
69 or Certified Internal Auditor, and whose employment shall be



continued at the discretion of the board, and who shall report directly to the board, or its designee; and

(vi) To discharge such other duties, responsibilities and powers as are necessary to implement the provisions of this chapter.

(c) The Executive Officer of the State Department of Health shall have the following powers and duties:

(i) To administer the policies of the State Board of Health within the authority granted by the board;

(ii) To supervise and direct all administrative and technical activities of the department, except that the department's internal auditor shall be subject to the sole supervision and direction of the board;

(iii) To organize the administrative units of the department in accordance with the plan adopted by the board and, with board approval, alter the organizational plan and reassign responsibilities as he or she may deem necessary to carry out the policies of the board;

(iv) To coordinate the activities of the various offices of the department;

(v) To employ, subject to regulations of the State Personnel Board, qualified professional personnel in the subject matter or fields of each office, and such other technical and clerical staff as may be required for the operation of the department. The executive officer shall be the appointing



95 authority for the department, and shall have the power to delegate  
96 the authority to appoint or dismiss employees to appropriate  
97 subordinates, subject to the rules and regulations of the State  
98 Personnel Board;

99 (vi) To recommend to the board such studies and  
100 investigations as he or she may deem appropriate, and to carry out  
101 the approved recommendations in conjunction with the various  
102 offices;

103 (vii) To prepare and deliver to the Legislature  
104 and the Governor on or before January 1 of each year, and at such  
105 other times as may be required by the Legislature or Governor, a  
106 full report of the work of the department and the offices thereof,  
107 including a detailed statement of expenditures of the department  
108 and any recommendations the board may have;

109 (viii) To prepare and deliver to the Chairmen of  
110 the Public Health and Welfare/Human Services Committees of the  
111 Senate and House on or before January 1 of each year, a plan for  
112 monitoring infant mortality in Mississippi and a full report of  
113 the work of the department on reducing Mississippi's infant  
114 mortality and morbidity rates and improving the status of maternal  
115 and infant health; and

116 (ix) To enter into contracts, grants and  
117 cooperative agreements with any federal or state agency or  
118 subdivision thereof, or any public or private institution located  
119 inside or outside the State of Mississippi, or any person,



corporation or association in connection with carrying out the provisions of this chapter, if he or she finds those actions to be in the public interest and the contracts or agreements do not have a financial cost that exceeds the amounts appropriated for those purposes by the Legislature. Each contract or agreement entered into by the executive officer shall be submitted to the board before its next meeting.

(2) The State Board of Health shall have the authority to establish an Office of Rural Health within the department. The duties and responsibilities of this office shall include the following:

(a) To collect and evaluate data on rural health conditions and needs;

(b) To engage in policy analysis, policy development and economic impact studies with regard to rural health issues;

(c) To develop and implement plans and provide technical assistance to enable community health systems to respond to various changes in their circumstances;

(d) To plan and assist in professional recruitment and retention of medical professionals and assistants; and

(e) To establish information clearinghouses to improve access to and sharing of rural health care information.

(3) The State Board of Health shall have general supervision of the health interests of the people of the state and to exercise



the rights, powers and duties of those acts which it is authorized by law to enforce.

(4) The State Board of Health shall have authority:

(a) To make investigations and inquiries with respect to the causes of disease and death, and to investigate the effect of environment, including conditions of employment and other conditions that may affect health, and to make such other investigations as it may deem necessary for the preservation and improvement of health.

(b) To make such sanitary investigations as it may, from time to time, deem necessary for the protection and improvement of health and to investigate nuisance questions that affect the security of life and health within the state.

(c) To direct and control sanitary and quarantine measures for dealing with all diseases within the state possible to suppress same and prevent their spread.

(d) To obtain, collect and preserve such information relative to mortality, morbidity, disease and health as may be useful in the discharge of its duties or may contribute to the prevention of disease or the promotion of health in this state.

(e) To charge and collect reasonable fees for health services, including immunizations, inspections and related activities, and the board shall charge fees for those services; however, if it is determined that a person receiving services is unable to pay the total fee, the board shall collect any amount



169 that the person is able to pay. Any increase in the fees charged  
170 by the board under this paragraph shall be in accordance with the  
171 provisions of Section 41-3-65.

172 (f) (i) To establish standards for, issue permits and  
173 exercise control over, any cafes, restaurants, food or drink  
174 stands, sandwich manufacturing establishments, and all other  
175 establishments, other than churches, church-related and private  
176 schools, and other nonprofit or charitable organizations, where  
177 food or drink is regularly prepared, handled and served for pay;  
178 and

179 (ii) To require that a permit be obtained from the  
180 Department of Health before those persons begin operation. If any  
181 such person fails to obtain the permit required in this  
182 subparagraph (ii), the State Board of Health, after due notice and  
183 opportunity for a hearing, may impose a monetary penalty not to  
184 exceed One Thousand Dollars (\$1,000.00) for each violation.  
185 However, the department is not authorized to impose a monetary  
186 penalty against any person whose gross annual prepared food sales  
187 are less than Five Thousand Dollars (\$5,000.00). Money collected  
188 by the board under this subparagraph (ii) shall be deposited to  
189 the credit of the State General Fund of the State Treasury.

190 (g) To promulgate rules and regulations and exercise  
191 control over the production and sale of milk pursuant to the  
192 provisions of Sections 75-31-41 through 75-31-49.





193           (h) On presentation of proper authority, to enter into  
194 and inspect any public place or building where the State Health  
195 Officer or his representative deems it necessary and proper to  
196 enter for the discovery and suppression of disease and for the  
197 enforcement of any health or sanitary laws and regulations in the  
198 state.

199           (i) To conduct investigations, inquiries and hearings,  
200 and to issue subpoenas for the attendance of witnesses and the  
201 production of books and records at any hearing when authorized and  
202 required by statute to be conducted by the State Health Officer or  
203 the State Board of Health.

204           (j) To promulgate rules and regulations, and to collect  
205 data and information, on (i) the delivery of services through the  
206 practice of telemedicine; and (ii) the use of electronic records  
207 for the delivery of telemedicine services.

208           (k) To enforce and regulate domestic and imported fish  
209 as authorized under Section 69-7-601 et seq.

210           (5) (a) The State Board of Health shall have the authority,  
211 in its discretion, to establish programs to promote the public  
212 health, to be administered by the State Department of Health.  
213 Specifically, those programs may include, but shall not be limited  
214 to, programs in the following areas:

- 215                   (i) Maternal and child health;
- 216                   (ii) Family planning;
- 217                   (iii) Pediatric services;



218 (iv) Services to crippled and disabled children;  
219 (v) Control of communicable and noncommunicable  
220 disease;  
221 (vi) Chronic disease;  
222 (vii) Accidental deaths and injuries;  
223 (viii) Child care licensure;  
224 (ix) Radiological health;  
225 (x) Dental health;  
226 (xi) Milk sanitation;  
227 (xii) Occupational safety and health;  
228 (xiii) Food, vector control and general  
229 sanitation;  
230 (xiv) Protection of drinking water;  
231 (xv) Sanitation in food handling establishments  
232 open to the public;  
233 (xvi) Registration of births and deaths and other  
234 vital events;  
235 (xvii) Such public health programs and services as  
236 may be assigned to the State Board of Health by the Legislature or  
237 by executive order; and  
238 (xviii) Regulation of domestic and imported fish  
239 for human consumption.  
240 (b) [Deleted]  
241 (c) The State Department of Health may undertake such  
242 technical programs and activities as may be required for the



support and operation of those programs, including maintaining physical, chemical, bacteriological and radiological laboratories, and may make such diagnostic tests for diseases and tests for the evaluation of health hazards as may be deemed necessary for the protection of the people of the state.

(6) (a) The State Board of Health shall administer the local governments and rural water systems improvements loan program in accordance with the provisions of Section 41-3-16.

(b) The State Board of Health shall have authority:

(i) To enter into capitalization grant agreements with the United States Environmental Protection Agency, or any successor agency thereto;

(ii) To accept capitalization grant awards made under the federal Safe Drinking Water Act, as amended;

(iii) To provide annual reports and audits to the United States Environmental Protection Agency, as may be required by federal capitalization grant agreements; and

(iv) To establish and collect fees to defray the reasonable costs of administering the revolving fund or emergency fund if the State Board of Health determines that those costs will exceed the limitations established in the federal Safe Drinking Water Act, as amended. The administration fees may be included in loan amounts to loan recipients for the purpose of facilitating payment to the board; however, those fees may not exceed five percent (5%) of the loan amount.



268 (7) [Deleted]

269 (8) Notwithstanding any other provision to the contrary, the  
270 State Department of Health shall have the following specific  
271 powers: The State Department of Health is authorized to issue a  
272 license to an existing home health agency for the transfer of a  
273 county from that agency to another existing home health agency,  
274 and to charge a fee for reviewing and making a determination on  
275 the application for such transfer not to exceed one-half (1/2) of  
276 the authorized fee assessed for the original application for the  
277 home health agency, with the revenue to be deposited by the State  
278 Department of Health into the special fund created under Section  
279 41-7-188.

280 (9) [Deleted]

281 (10) Notwithstanding any other provision to the contrary,  
282 the State Department of Health shall have the following specific  
283 powers: The State Department of Health is authorized to extend  
284 and renew any certificate of need that has expired, and to charge  
285 a fee for reviewing and making a determination on the application  
286 for such action not to exceed one-half (1/2) of the authorized fee  
287 assessed for the original application for the certificate of need,  
288 with the revenue to be deposited by the State Department of Health  
289 into the special fund created under Section 41-7-188.

290 (11) Notwithstanding any other provision to the contrary,  
291 the State Department of Health shall have the following specific  
292 powers: The State Department of Health is authorized and



empowered, to revoke, immediately, the license and require closure of any institution for the aged or infirm, including any other remedy less than closure to protect the health and safety of the residents of said institution or the health and safety of the general public.

(12) Notwithstanding any other provision to the contrary, the State Department of Health shall have the following specific powers: The State Department of Health is authorized and empowered, to require the temporary detainment of individuals for disease control purposes based upon violation of any order of the State Health Officer, as provided in Section 41-23-5. For the purpose of enforcing such orders of the State Health Officer, persons employed by the department as investigators shall have general arrest powers. All law enforcement officers are authorized and directed to assist in the enforcement of such orders of the State Health Officer.

(13) Additionally, the State Board of Health and the State Health Officer each are authorized and directed to study the status of health care, in its broadest sense, throughout the state. The study should include challenges such as access to care; the cost of care; indigent care; providing health care to the incarcerated; the availability of health care workers, paraprofessionals, and professionals; the effects of unhealthy lifestyle choices; the consequences of health care facilities locating in affluent and urban areas to the detriment of less



318 affluent areas, small towns, and rural areas; and negative trends  
319 which may cause ill effects if they continue. The study shall  
320 also include opportunities to improve health care, such as greater  
321 coordination among state agencies, local governments, and other  
322 entities which provide various types of health care; methods of  
323 increasing the health care workforce; and methods to increase the  
324 location of health care facilities in distressed areas, rural  
325 areas, and small towns. All state agencies, the Legislative  
326 Budget Office and the Joint Legislative Committee on Performance  
327 Evaluation and Expenditure Review (PEER) are directed to assist  
328 the department in developing this study. This provision does not  
329 by itself grant any additional power to the State Board of Health  
330 or the State Health Officer to require any entity to operate  
331 differently. It does, however, empower and direct them to obtain  
332 information and make recommendations, and it does require all  
333 entities to cooperate with the board and health officer as they  
334 seek information.

335       **SECTION 4.** This act shall take effect and be in force from  
336 and after July 1, 2025.

