

By: Watson

To: Public Health and
Welfare

HOUSE BILL NO. 1307

1 AN ACT TO AMEND SECTION 43-11-13, MISSISSIPPI CODE OF 1972,
2 TO DIRECT THE STATE BOARD OF HEALTH TO PROMULGATE RULES AND
3 REGULATIONS TO ALLOW PERSONS RESIDING IN A PERSONAL CARE HOME TO
4 "AGE IN PLACE"; TO DEFINE AGE IN PLACE AS ALLOWING A PERSON TO
5 CONTINUE RESIDING IN A PERSONAL CARE HOME AS THE PERSON AGES AND
6 THE PERSON'S NEEDS CHANGE OVER TIME, AS LONG AS THE PERSON IS
7 STILL ABLE TO RECEIVE THE CARE THAT HE OR SHE NEEDS WHILE RESIDING
8 IN THE PERSONAL CARE HOME; TO PROVIDE THAT THE AGE IN PLACE
9 REGULATIONS WILL BE SUBJECT TO STATE LAWS, LOCAL ORDINANCES AND
10 RULES, REGULATIONS AND MINIMUM STANDARDS ADOPTED BY THE BOARD
11 RELATIVE TO FIRE PROTECTION MEASURES AND LIFE SAFETY CODES; AND
12 FOR RELATED PURPOSES.

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

14 SECTION 1. Section 43-11-13, Mississippi Code of 1972, is
15 amended as follows:[RF1]

16 43-11-13. (1) The licensing agency shall adopt, amend,
17 promulgate and enforce such rules, regulations and standards,
18 including classifications, with respect to all institutions for
19 the aged or infirm to be licensed hereunder as may be designed to
20 further the accomplishment of the purpose of this chapter in
21 promoting adequate care of individuals in such institutions in the
22 interest of public health, safety and welfare. Such rules,
23 regulations and standards shall be adopted and promulgated by the
24 licensing agency and shall be recorded and indexed in a book to be
25 maintained by the licensing agency in its main office in the State
26 of Mississippi, entitled "Rules, Regulations and Minimum Standards
27 for Institutions for the Aged or Infirm" and the book shall be
28 open and available to all institutions for the aged or infirm and
29 the public generally at all reasonable times. Upon the adoption
30 of such rules, regulations and standards, the licensing agency
31 shall mail copies thereof to all such institutions in the state

32 which have filed with the agency their names and addresses for
33 this purpose, but the failure to mail the same or the failure of
34 the institutions to receive the same shall in nowise affect the
35 validity thereof. Those rules, regulations and standards may be
36 amended by the licensing agency from time to time as necessary to
37 promote the health, safety and welfare of persons living in those
38 institutions.

39 (2) The licensee shall keep posted in a conspicuous place on
40 the licensed premises all current rules, regulations and minimum
41 standards applicable to fire protection measures as adopted by the
42 licensing agency. The licensee shall furnish to the licensing
43 agency at least once each six (6) months a certificate of approval
44 and inspection by state or local fire authorities. Failure to
45 comply with state laws and/or municipal ordinances and current
46 rules, regulations and minimum standards as adopted by the
47 licensing agency, relative to fire prevention measures, shall be
48 prima facie evidence for revocation of license.

49 (3) The State Board of Health shall promulgate rules and
50 regulations restricting the storage, quantity and classes of drugs
51 allowed in personal care homes. Residents requiring
52 administration of Schedule II Narcotics as defined in the Uniform
53 Controlled Substances Law may be admitted to a personal care home.
54 Schedule drugs may only be allowed in a personal care home if
55 they are administered or stored utilizing proper procedures under
56 the direct supervision of a licensed physician or nurse.

57 (4) The State Board of Health shall promulgate rules and
58 regulations to allow persons residing in a personal care home to
59 "age in place" to the greatest extent possible. "Age in place"
60 means that a person will be allowed to continue residing in the
61 personal care home as the person ages and the person's needs
62 change over time, up until the person's death, if the person or
63 the person's family wishes for the person to do so, and as long as
64 the person is still able to receive the care that he or she needs
65 while residing in the personal care home. The determination about
66 whether the person is able to receive needed care while residing
67 in the personal care home will be made by the personal care home
68 operator, subject to any final determination made by the licensing

69 agency. The age in place rules and regulations will be subject to
70 state laws, municipal ordinances and rules, regulations and
71 minimum standards adopted by the licensing agency relative to fire
72 protection measures and life safety codes. If allowing a person
73 to continue residing in a personal care home would cause the home
74 to be in violation of any fire protection measures or life safety
75 codes, then that person will not be allowed to remain in the
76 personal care home under the age in place rules and regulations.

77 SECTION 2. This act shall take effect and be in force from
78 and after July 1, 2000.