

By: Representative Moody

To: Public Health and Welfare

HOUSE BILL NO. 1305

1 AN ACT TO AMEND SECTION 43-11-13, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE CERTAIN MINIMUM REQUIREMENTS RELATING TO THE LICENSURE
3 OF PERSONAL CARE HOMES AND THE LICENSURE OF NURSING FACILITIES
4 DESIGNATED AS ALZHEIMER'S/DEMENTIA CARE UNITS; AND FOR RELATED
5 PURPOSES.

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

7 SECTION 1. Section 43-11-13, Mississippi Code of 1972, is
8 amended as follows:

9 43-11-13. (1) The licensing agency shall adopt, amend,
10 promulgate and enforce such rules, regulations and standards,
11 including classifications, with respect to all institutions for
12 the aged or infirm to be licensed under this chapter as may be
13 designed to further the accomplishment of the purpose of this
14 chapter in promoting adequate care of individuals in such
15 institutions in the interest of public health, safety and welfare.
16 Such rules, regulations and standards shall be adopted and
17 promulgated by the licensing agency and shall be recorded and
18 indexed in a book to be maintained by the licensing agency in its
19 main office in the State of Mississippi, entitled "Rules,
20 Regulations and Minimum Standards for Institutions for the Aged or
21 Infirm" and the book shall be open and available to all
22 institutions for the aged or infirm and the public generally at
23 all reasonable times. Upon the adoption of such rules,
24 regulations and standards, the licensing agency shall mail copies
25 thereof to all such institutions in the state which have filed
26 with the agency their names and addresses for this purpose, but
27 the failure to mail the same or the failure of the institutions to
28 receive the same shall in no way affect the validity thereof. The

29 rules, regulations and standards may be amended by the licensing
30 agency from time to time as necessary to promote the health,
31 safety and welfare of persons living in those institutions.

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

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

50 (4) The licensing agency shall promulgate rules and
51 regulations providing for sufficient staff to meet the needs of
52 residents in personal care homes. Personnel shall be employed and
53 on duty, awake and fully dressed to provide personal care to the
54 residents. The following staffing ratio shall apply: For Level I
55 facilities: (a) one (1) resident attendant per ten (10) or fewer
56 residents for the hours of 7 a.m. until 3 p.m.; (b) one (1)
57 resident attendant per fifteen (15) or fewer residents for the
58 hours of 3 p.m. until 11 p.m.; (c) one (1) resident attendant per
59 twenty-five (25) or fewer residents for the hours of 11 p.m. until
60 7 a.m.; (d) one (1) licensed nurse on the premises from 7 a.m.
61 until 7 p.m., who may be included in the resident attendant ratio;

62 (e) for instances where a resident is unable to self-administer
63 prescription medication during the 7 p.m. until 7 a.m. time frame,
64 a licensed nurse must be present to administer the prescription
65 medication; and (f) nursing activities must comply with
66 Mississippi Board of Nursing regulation. For Level II facilities:
67 (a) one (1) resident attendant per ten (10) residents for the
68 hours of 7 a.m. until 6 p.m.; and (b) sufficient staff shall be
69 present to meet the personal care needs of the residents for the
70 hours of 6 p.m. until 7 a.m.

71 (5) The licensing agency shall promulgate rules and
72 regulations providing for the designation and licensure of
73 Alzheimer's/dementia care units which shall be no more restrictive
74 than the following:

75 (a) The maximum number of residents in any freestanding
76 Alzheimer's/dementia care unit shall be seventy-five (75)
77 residents.

78 (b) The minimum requirements for nursing staff for an
79 Alzheimer's/dementia care unit shall be based on the ratio of
80 three (3.0) hours of nursing care per resident per twenty-four
81 (24) hours.

82 (c) Admission criteria for residents in an
83 Alzheimer's/dementia care unit shall provide that the resident may
84 not be permanently bedfast, but may require assistance
85 transferring to and from a wheelchair.

86 (d) Admission criteria for residents in an
87 Alzheimer's/dementia care unit shall not require the resident to
88 be continent; however, the staff shall be sufficiently trained to
89 ensure that a toileting program is provided to maintain the
90 functional ability of continent residents and to assess each
91 resident to determine any additional continence support required.

92 (e) The nursing staff of an Alzheimer's/dementia care
93 unit shall be authorized to deliver oral medication to residents
94 which has been prescribed, including, but not limited to, the

95 physical act of handing an oral prescription medication to the
96 resident along with liquids to assist the resident in swallowing.

97 SECTION 2. This act shall take effect and be in force from
98 and after July 1, 2001.