

By: Representative Moody

To: Public Health and  
Welfare

## HOUSE BILL NO. 1301

1 AN ACT TO AMEND SECTION 41-13-10, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT A COMMUNITY HOSPITAL THAT IS LEASED BY ANOTHER  
3 COMMUNITY HOSPITAL WILL REMAIN SUBJECT TO THE LAWS APPLICABLE TO  
4 COMMUNITY HOSPITALS; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 41-13-10, Mississippi Code of 1972, is  
7 amended as follows:

8 41-13-10. For purposes of Sections 41-13-10 through  
9 41-13-47, the following words shall have the meanings ascribed  
10 herein, unless the context otherwise requires:

11 (a) "Administrator" shall mean the chief administrative  
12 official and executive officer of a community hospital selected by  
13 the board of trustees of such community hospital.

14 (b) "Board of trustees" shall mean the board appointed  
15 pursuant to Section 41-13-29, to operate a community hospital.

16 (c) "Community hospital" shall mean any hospital,  
17 nursing home and/or related health facilities or programs,  
18 including without limitation, ambulatory surgical facilities,  
19 intermediate care facilities, after-hours clinics, home health  
20 agencies and rehabilitation facilities, established and acquired  
21 by boards of trustees or by one or more owners which is governed,  
22 operated and maintained by a board of trustees.

23 (d) "Owner" shall mean any board of supervisors of any  
24 county having an ownership interest in any community hospital or  
25 leased facility on behalf of the county or on behalf of any  
26 supervisors district, judicial district or election district of  
27 the county and shall also mean any governing council or board of



28 any municipality having an ownership interest in any community  
29 hospital or leased facility.

30 (e) "Leased facility" shall mean a hospital, nursing  
31 home or related health facilities which an owner has leased to an  
32 individual, partnership, corporation, other owner or board of  
33 trustees for a term not in excess of fifty (50) years, conditioned  
34 upon the facility continuing to operate on a nonprofit basis. A  
35 leased facility shall not be deemed or considered to be a  
36 community hospital except for purposes of Sections 41-13-19  
37 through 41-13-25, and shall not be subject to the statutory  
38 requirements placed on community hospitals except to the extent as  
39 may be specifically required by the terms of the applicable lease  
40 agreement. However, in situations where another community  
41 hospital, acting through its board of trustees, is the lessee of a  
42 leased facility, the leased facility shall remain subject to this  
43 chapter and other laws applicable to community hospitals, except  
44 that the owners of the lessee shall have sole authority to appoint  
45 the board of trustees for the leased facility, which shall be the  
46 same board of trustees as appointed under Section 41-13-29 for the  
47 lessee community hospital.

48 (f) "Service area" means that area as determined by a  
49 board of trustees by its patient origin studies.

50 **SECTION 2.** This act shall take effect and be in force from  
51 and after July 1, 2002.

