

By: Senator(s) Nunnelee, Albritton, Burton, Chaney, Harden, Harvey, Hyde-Smith, Jackson (32nd), Jordan, Thomas, Williamson

To: Public Health and Welfare

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2519

1 AN ACT TO AMEND SECTION 41-9-209, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE DEFINITION OF CRITICAL ACCESS HOSPITALS IN  
3 MISSISSIPPI TO CONFORM TO FEDERAL LAW; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 41-9-209, Mississippi Code of 1972, is  
6 amended as follows:

7 41-9-209. Any hospital is authorized to seek designation as  
8 a critical access hospital. Subject to federal law, there shall  
9 be no requirement or limitation regarding the distance that a  
10 critical access hospital must be located from another hospital.  
11 The bed-size limit for a critical access hospital is twenty-five  
12 (25) operational acute care beds, and the average maximum length  
13 of stay for patients in a critical access hospital is ninety-six  
14 (96) hours, unless a longer period is required because of  
15 inclement weather or other emergency conditions. In the event the  
16 critical access hospital is a swing bed facility, any of the  
17 twenty-five (25) acute care beds allowed in a critical access  
18 hospital may be used for the provision of extended care services  
19 or acute care inpatient services so long as the furnishing of such  
20 services does not exceed twenty-five (25) beds and so long as the  
21 hospital does not seek Medicaid reimbursement for more than  
22 fifteen (15) acute care inpatient beds. \* \* \* A critical access  
23 hospital (a) must make available twenty-four-hour emergency care  
24 services, as described in the state rural health care plan, for  
25 ensuring access to emergency care services in the rural area  
26 served by the critical access hospital, and (b) must be a member  
27 of a rural health network. Any hospital that has a distinct-part

28 skilled nursing facility, certified under Title XVIII of the  
29 federal Social Security Act, at the time it applies for  
30 designation as a critical access hospital, may continue its  
31 operation of the distinct-part skilled nursing facility and is not  
32 required to count the beds in the distinct-part skilled nursing  
33 facility for purposes of the allowed twenty-five (25) acute care  
34 inpatient beds. \* \* \* To the extent permitted under Section  
35 41-7-171 et seq., a critical access hospital may establish a  
36 distinct-part psychiatric unit and a distinct-part rehabilitation  
37 unit, each of which must be certified under Title XVIII of the  
38 federal Social Security Act and each of which may consist of no  
39 more than ten (10) beds. No bed in the critical access hospital's  
40 distinct-part psychiatric unit or distinct-part rehabilitation  
41 unit shall be counted for purposes of the twenty-five (25) bed  
42 limitation. Each distinct-part unit in a critical access hospital  
43 must comply with all applicable state licensure laws and federal  
44 certification laws.

45       **SECTION 2.** This act shall take effect and be in force from  
46 and after July 1, 2004.