

By: Representative Holland

To: Public Health and Human
Services

HOUSE BILL NO. 1376

1 AN ACT TO AMEND SECTION 41-85-9, MISSISSIPPI CODE OF 1972, TO
2 DIRECT THE STATE DEPARTMENT OF HEALTH TO MAINTAIN SUFFICIENT
3 SURVEY STAFF TO FULFILL THE LICENSURE INSPECTION REQUIREMENTS FOR
4 HOSPICES; TO PROVIDE THAT THE DEPARTMENT SHALL RESTRICT NEW
5 APPLICATIONS FOR LICENSURE AS A HOSPICE UNLESS THE DEPARTMENT HAS
6 INSPECTED ALL EXISTING AND FULLY FUNCTIONAL LICENSED MISSISSIPPI
7 HOSPICES WITHIN TWELVE MONTHS BEFORE THE DATE OF THE APPLICATION;
8 AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 41-85-9, Mississippi Code of 1972, is
11 amended as follows:

12 41-85-9. (1) Any duly authorized officer or employee of the
13 department shall have the right to make such inspections and
14 investigations as are necessary in order to determine the state of
15 compliance with the provisions of this chapter and of rules or
16 standards in force under this chapter. The right of inspection
17 shall also extend to any program that the department has reason to
18 believe is offering or advertising itself as a hospice without a
19 license, but no inspection of any such program may be made without
20 the permission of the owner or person in charge thereof unless a
21 warrant is first obtained authorizing the inspection. Any
22 application for a license or renewal thereof made under this
23 chapter shall constitute permission for any inspection of the
24 hospice for which the license is sought in order to facilitate
25 verification of the information submitted on or in connection with
26 the application.

27 (2) The department shall maintain sufficient and adequate
28 survey staff to fulfill the requirements of this section and
29 Section 41-85-7(c). The department shall restrict any new
30 application for licensure as a hospice when filed with the

31 department before January 1, 2007, or thereafter unless, as of the
32 date of the new application for licensure as a hospice, all
33 existing and fully functional Mississippi hospices licensed before
34 that date have been inspected within the previous twelve (12)
35 months of the date of the new application. The inspection(s)
36 shall include, but not be limited to, a thorough onsite audit of
37 the operation(s), patient care provided by the hospice, inpatient
38 hospice facility(ies), if any, and/or current financial
39 information, if deemed necessary. The department shall provide an
40 annual report to the Legislature regarding whether all existing
41 and fully functional licensed Mississippi hospices have been
42 inspected within the previous twelve (12) months.

43 **SECTION 2.** This act shall take effect and be in force from
44 and after July 1, 2007.