

By: Representatives Holland, Flaggs, Buck,  
Sullivan, Montgomery, Reynolds

To: Public Health and Human  
Services

HOUSE BILL NO. 1439  
(As Sent to Governor)

1 AN ACT TO PROVIDE FREEDOM OF CHOICE OF PHARMACY PROVIDERS FOR  
2 PATIENTS IN LONG-TERM CARE FACILITIES; AND FOR RELATED PURPOSES.

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

4 **SECTION 1.** (1) This section shall apply to patients in  
5 long-term care facilities, as defined in subsection (2) of this  
6 section. It is the intent of the Legislature that the State of  
7 Mississippi shall be a "right-to-choose" state for the purposes of  
8 Medicaid and Medicare benefits, excluding Medicare Part A, and  
9 that patients of long-term care facilities shall have the same  
10 rights and privileges concerning pharmacy providers as  
11 participants or beneficiaries of health benefit plans.

12 (2) "Long-term care facility" means any skilled nursing  
13 facility, extended care home, intermediate care facility, personal  
14 care home or boarding home that is subject to regulation or  
15 licensure by the State Department of Health.

16 (3) A patient in a long-term care facility shall not be  
17 limited in his choice of a pharmacy or pharmacist provider if that  
18 provider meets the same standards of dispensing guidelines  
19 required of long-term care facilities.

20 (4) A long-term care facility may require that a patient or  
21 the person who normally makes health care decisions on behalf of  
22 the patient sign a document that identifies his pharmacy or  
23 pharmacist provider of choice and that releases the facility of  
24 any liability for the dispensing of the prescription until the  
25 facility accepts control of the dispensed drug.

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