

By: Senator(s) Morgan

To: Judiciary, Division B

SENATE BILL NO. 2542

1 AN ACT TO AMEND SECTION 41-13-35, MISSISSIPPI CODE OF 1972,
 2 TO EMPOWER THE BOARDS OF TRUSTEES OF COMMUNITY HOSPITALS TO HAVE
 3 POLICE POWER ON THE CAMPUSES AND IN ALL BUILDINGS OF THE
 4 RESPECTIVE COMMUNITY HOSPITAL, TO AUTHORIZE THE ARREST OF PERSONS
 5 VIOLATING CRIMINAL LAWS ON SUCH CAMPUSES AND BUILDINGS AND THE
 6 DELIVERY OF SUCH VIOLATORS TO LOCAL LAW ENFORCEMENT AUTHORITIES;
 7 TO AUTHORIZE THE BOARDS OF TRUSTEES TO DESIGNATE EMPLOYEES AS
 8 CAMPUS POLICE WITH AUTHORITY AS PEACE OFFICERS; TO AUTHORIZE THE
 9 BOARDS OF TRUSTEES TO ENACT TRAFFIC RULES AND REGULATIONS
 10 APPLICABLE TO THE CAMPUSES UNDER THEIR CONTROL; TO PROVIDE THAT
 11 VIOLATIONS OF SUCH TRAFFIC REGULATIONS CONSTITUTE A MISDEMEANOR
 12 AND TO PRESCRIBE CRIMINAL PENALTIES FOR VIOLATIONS THEREOF; AND
 13 FOR RELATED PURPOSES.

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

15 **SECTION 1.** Section 41-13-35, Mississippi Code of 1972, is
 16 amended as follows:

17 41-13-35. (1) The board of trustees of any community
 18 hospital shall have full authority to appoint an administrator,
 19 who shall not be a member of the board of trustees, and to
 20 delegate reasonable authority to such administrator for the
 21 operation and maintenance of such hospital and all property and
 22 facilities otherwise appertaining thereto.

23 (2) The board of trustees shall have full authority to
 24 select from its members, officers and committees and, by
 25 resolution or through the board bylaws, to delegate to such
 26 officers and committees reasonable authority to carry out and
 27 enforce the powers and duties of the board of trustees during the
 28 interim periods between regular meetings of the board of trustees;
 29 provided, however, that any such action taken by an officer or
 30 committee shall be subject to review by the board, and actions may
 31 be withdrawn or nullified at the next subsequent meeting of the

32 board of trustees if the action is in excess of delegated
33 authority.

34 (3) The board of trustees shall be responsible for governing
35 the community hospital under its control and shall make and
36 enforce staff and hospital bylaws and/or rules and regulations
37 necessary for the administration, government, maintenance and/or
38 expansion of such hospitals. The board of trustees shall keep
39 minutes of its official business and shall comply with Section
40 41-9-68.

41 (4) The decisions of said board of trustees of the community
42 hospital shall be valid and binding unless expressly prohibited by
43 applicable statutory or constitutional provisions.

44 (5) The power of the board of trustees shall specifically
45 include, but not be limited to, the following authority:

46 (a) To deposit and invest funds of the community
47 hospital in accordance with Section 27-105-365;

48 (b) To establish such equitable wage and salary
49 programs and other employment benefits as may be deemed expedient
50 or proper, and in so doing, to expend reasonable funds for such
51 employee salary and benefits. Allowable employee programs shall
52 specifically include, but not be limited to, medical benefit,
53 life, accidental death and dismemberment, disability, retirement
54 and other employee coverage plans. The hospital may offer and
55 fund such programs directly or by contract with any third party
56 and shall be authorized to take all actions necessary to
57 implement, administer and operate such plans, including payroll
58 deductions for such plans;

59 (c) To authorize employees to attend and to pay actual
60 expenses incurred by employees while engaged in hospital business
61 or in attending recognized educational or professional meetings;

62 (d) To enter into loan or scholarship agreements with
63 employees or students to provide educational assistance where such

64 student or employee agrees to work for a stipulated period of time
65 for the hospital;

66 (e) To devise and implement employee incentive
67 programs;

68 (f) To recruit and financially assist physicians and
69 other health care practitioners in establishing, or relocating
70 practices within the service area of the community hospital
71 including, without limitation, direct and indirect financial
72 assistance, loan agreements, agreements guaranteeing minimum
73 incomes for a stipulated period from opening of the practice and
74 providing free office space or reduced rental rates for office
75 space where such recruitment would directly benefit the community
76 hospital and/or the health and welfare of the citizens of the
77 service area;

78 (g) To contract by way of lease, lease-purchase or
79 otherwise, with any agency, department or other office of
80 government or any individual, partnership, corporation, owner,
81 other board of trustees, or other health care facility, for the
82 providing of property, equipment or services by or to the
83 community hospital or other entity or regarding any facet of the
84 construction, management, funding or operation of the community
85 hospital or any division or department thereof, or any related
86 activity, including, without limitation, shared management
87 expertise or employee insurance and retirement programs, and to
88 terminate said contracts when deemed in the best interests of the
89 community hospital;

90 (h) To file suit on behalf of the community hospital to
91 enforce any right or claims accruing to the hospital and to defend
92 and/or settle claims against the community hospital and/or its
93 board of trustees;

94 (i) To sell or otherwise dispose of any chattel
95 property of the community hospital by any method deemed
96 appropriate by the board where such disposition is consistent with

97 the hospital purposes or where such property is deemed by the
98 board to be surplus or otherwise unneeded;

99 (j) To let contracts for the construction, remodeling,
100 expansion or acquisition, by lease or purchase, of hospital or
101 health care facilities, including real property, within the
102 service area for community hospital purposes where such may be
103 done with operational funds without encumbering the general
104 funds of the county or municipality, provided that any contract
105 for the purchase of real property must be ratified by the owner;

106 (k) To borrow money and enter other financing
107 arrangements for community hospital and related purposes and to
108 grant security interests in hospital equipment and other hospital
109 assets and to pledge a percentage of hospital revenues as security
110 for such financings where needed; provided that the owner shall
111 specify by resolution the maximum borrowing authority and maximum
112 percent of revenue which may be pledged by the board of trustees
113 during any given fiscal year;

114 (l) To expend hospital funds for public relations or
115 advertising programs;

116 (m) To offer the following inpatient and outpatient
117 services, after complying with applicable health planning,
118 licensure statutes and regulations, whether or not heretofore
119 offered by such hospital or other similar hospitals in this state
120 and whether or not heretofore authorized to be offered, long-term
121 care, extended care, home care, after-hours clinic services,
122 ambulatory surgical clinic services, preventative health care
123 services including wellness services, health education,
124 rehabilitation and diagnostic and treatment services; to promote,
125 develop, operate and maintain a center providing care or
126 residential facilities for the aged, convalescent or handicapped;
127 and to promote, develop and institute any other services having an
128 appropriate place in the operation of a hospital offering complete
129 community health care;

130 (n) To promote, develop, acquire, operate and maintain
131 on a nonprofit basis, or on a profit basis if the community
132 hospital's share of profits is used solely for community hospital
133 and related purposes in accordance with this chapter, either
134 separately or jointly with one or more other hospitals or
135 health-related organizations, facilities and equipment for
136 providing goods, services and programs for hospitals, other health
137 care providers, and other persons or entities in need of such
138 goods, services and programs and, in doing so, to provide for
139 contracts of employment or contracts for services and ownership of
140 property on terms that will protect the public interest;

141 (o) To establish and operate medical offices, child
142 care centers, wellness or fitness centers and other facilities and
143 programs which the board determines are appropriate in the
144 operation of a community hospital for the benefit of its
145 employees, personnel and/or medical staff which shall be operated
146 as an integral part of the hospital and which may, in the
147 direction of the board of trustees, be offered to the general
148 public. If such programs are not established in existing
149 facilities or constructed on real estate previously acquired by
150 the owners, the board of trustees shall also have authority to
151 acquire, by lease or purchase, such facilities and real property
152 within the service area, whether or not adjacent to existing
153 facilities, provided that any contract for the purchase of real
154 property shall be ratified by the owner. The trustees shall lease
155 any such medical offices to members of the medical staff at rates
156 deemed appropriate and may, in its discretion, establish rates to
157 be paid for the use of other facilities or programs by its
158 employees or personnel or members of the public whom the trustees
159 may determine may properly use such other facilities or programs;

160 (p) Provide, at its discretion, ambulance service
161 and/or to contract with any third party, public or private, for
162 the providing of such service;

163 (q) Establish a fair and equitable system for the
164 billing of patients for care or users of services received through
165 the community hospital, which in the exercise of the board of
166 trustees' prudent fiscal discretion, may allow for rates to be
167 classified according to the potential usage by an identified group
168 or groups of patients of the community hospital's services and may
169 allow for standard discounts where the discount is designed to
170 reduce the operating costs or increase the revenues of the
171 community hospital. Such billing system may also allow for the
172 payment of charges by means of a credit card or similar device and
173 allow for payment of administrative fees as may be regularly
174 imposed by a banking institution or other credit service
175 organization for the use of such cards;

176 (r) To establish as an organizational part of the
177 hospital or to aid in establishing as a separate entity from the
178 hospital, hospital auxiliaries designed to aid the hospital, its
179 patients, and/or families and visitors of patients, and when the
180 auxiliary is established as a separate entity from the hospital,
181 the board of trustees may cooperate with the auxiliary in its
182 operations as the board of trustees deems appropriate; and

183 (s) To make any agreements or contracts with the
184 federal government or any agency thereof, the State of Mississippi
185 or any agency thereof, and any county, city, town, supervisors
186 district or election district within this state, jointly or
187 separately, for the maintenance of charity facilities.

188 (6) No board of trustees of any community hospital may
189 accept any grant of money or other thing of value from any
190 not-for-profit or for-profit organization established for the
191 purpose of supporting health care in the area served by the
192 facility unless two-thirds (2/3) of the trustees vote to accept
193 the grant.

194 (7) No board of trustees, individual trustee or any other
195 person who is an agent or servant of the trustees of any community

196 hospital shall have any personal financial interest in any
197 not-for-profit or for-profit organization which, regardless of its
198 stated purpose of incorporation, provides assistance in the form
199 of grants of money or property to community hospitals or provides
200 services to community hospitals in the form of performance of
201 functions normally associated with the operations of a hospital.

202 (8) The board shall have power and authority to prescribe
203 rules and regulations for policing the campuses and all buildings
204 of the respective community hospital, to authorize the arrest of
205 all persons violating on any campus any criminal law of the state,
206 and to have such law violators turned over to the appropriate law
207 enforcement authorities.

208 (a) The board of trustees may, at their discretion,
209 designate certain employees as campus police. All campus police,
210 subsequent to employment but prior to performing duties as campus
211 police, will attend and satisfactorily complete the training
212 course required for law enforcement officers at the Law
213 Enforcement Officer's Training Academy or an equivalent facility.
214 Campus police training will be at the expense of the board of
215 trustees of any community hospital. A complete record of all law
216 enforcement training of each employee will be maintained in each
217 employee's record of employment.

218 (b) All campus police will be duly constituted peace
219 officers with powers and duties of a constable but such authority
220 may be exercised only on the premises of institutions under the
221 control of the board of trustees of any community hospital and
222 public property immediately adjacent to such premises.

223 (c) All campus police will exercise their authority
224 while in the performance of their duty on any of the facilities
225 under the direction or control of the board of trustees of any
226 community hospital and public property immediately adjacent to
227 such facilities; will be required to dress in uniforms prescribed
228 by the board of trustees of any community hospital; and will be

229 authorized to carry weapons. Employees designated as campus
230 police shall be duly sworn and vested with authority to bear arms
231 and make arrests, and shall exercise primarily the
232 responsibilities of the prevention and detection of crime, the
233 apprehension of criminals, and the enforcement of the ordinances
234 and policies of community hospitals. Employees designated as
235 campus police shall be considered law enforcement officers within
236 the meaning of Section 45-6-3.

237 (d) The board of trustees of any community hospital is
238 hereby authorized and empowered to enact traffic rules and
239 regulations for the control, direction, parking and general
240 regulation of traffic and automobiles on the campus and streets of
241 any community hospital under the supervision of such board. Any
242 rules and regulations promulgated hereunder shall become effective
243 only after notice of the enactment of same has been published in
244 three (3) consecutive weekly issues of a newspaper published and
245 having general circulation in the county or municipality where the
246 institution to which same pertain is located; such notice shall
247 state where the full text of such rules and regulations may be
248 found on file. In addition, such rules and regulations shall be
249 posted on five (5) bulletin boards at each such institution for a
250 period of four (4) weeks after their promulgation.

251 (e) The traffic officers duly appointed by the director
252 of any community hospital, or any peace officer or highway
253 patrolman of this state, are vested with the powers and authority
254 to perform all duties incident to enforcing such rules and
255 regulations as may be enacted under the authority granted in
256 paragraph (d) of this subsection, including the arrest of
257 violators.

258 (f) Violation of any rules or regulations promulgated
259 under the authority granted in paragraph (d) of this subsection
260 shall constitute a misdemeanor. Any person charged with a
261 violation of such rules or regulations may be charged with such

262 violation in the justice court of the county in which such
263 violation occurred. Any person convicted of a violation of any
264 such rule or regulation may be punished by a fine of not more than
265 One Hundred Dollars (\$100.00) or by imprisonment not exceeding
266 thirty (30) days, or by both such fine and imprisonment.

267 (g) Any act which, if committed within the limits of a
268 city, town or village, or in any public place, would be a
269 violation of the general laws of this state, shall be criminal and
270 punishable if done on the campus, grounds or roads of any of the
271 community hospitals. The peace officers duly appointed by the
272 board of trustees of community hospitals are vested with the
273 powers and subjected to the duties of a constable for the purpose
274 of preventing and punishing all violations of law on community
275 hospital grounds, and for preserving order and decorum thereon.

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