

Title 15: Mississippi State Department of Health

Part 16: Health Facilities

Subpart 1: Health Facilities Licensure and Certification

CHAPTER 1 MINIMUM STANDARDS OF OPERATION FOR HOSPICE

Subchapter 3 DEFINITIONS

Rule 1.3.1 Unless a different meaning is required by the context, the following terms as used in these rules and regulations shall have the meaning hereinafter respectively ascribed to them:

44. **Nurse Practitioner or Physician Assistant** – Shall mean a nurse who is currently licensed as such in the State of Mississippi and is performing duties in accordance with the Mississippi Nurse Practice Act or a physician assistant who is currently licensed as such in the State of Mississippi and is performing duties in accordance with the Mississippi Physician Assistants Act.

SOURCE: Miss. Code Ann. §41-85-7

CHAPTER 43 MINIMUM STANDARDS OF OPERATION FOR BIRTHING CENTERS

Subchapter 1 INTRODUCTION

Rule 43.1.1 On April 12, 1985, the Mississippi Legislature passed an Act to provide for the licensing of birthing centers by the Mississippi State Department of Health or its successor; to provide for license fees; to provide for hearings prior to the denial, suspension or revocation of a license; to provide for appeals from the decision at any such hearing; to provide penalties for violations of this act; and for related purposes.

SOURCE: Miss. Code Ann. §41-77-11

Subchapter 2 GENERAL: LEGAL AUTHORITY

Rule 43.2.1 **Adoption of Regulations.** Under and by virtue of authority vested in it by Chapter 503 of the Laws of Mississippi, 1985, Regular Legislative Session, the Mississippi State Department of Health, as licensing agency, does hereby adopt and promulgate the following rules, regulations, and standards governing birthing centers licensed to operate in the State of Mississippi.

SOURCE: Miss. Code Ann. §41-77-11

Rule 43.2.3 **Inspections Required.** Each birthing center for which a license has been issued shall be inspected by the Mississippi State Department of Health or by persons delegated authority by said Department on an annual basis at such intervals as the

Department may direct. The Mississippi State Department of Health and/or its authorized representatives shall have the right to inspect construction work in progress. New birthing center facilities shall not be licensed without having first been inspected for compliance with these rules, regulations and minimum standards.

SOURCE: Miss. Code Ann. §41-77-11

Rule 43.2.4 **DEFINITIONS:** A list of selected terms often used in connection with these rules, regulations and standards follows.

20. **Licensing Agency.** Licensing agency shall mean the Mississippi State Department of Health or its successor agency.

21. **License.** The term "license" shall mean the document issued by the Mississippi State Department of Health and signed by the Executive Director of the Mississippi State Department of Health.

SOURCE: Miss. Code Ann. §41-77-11

Subchapter 3 TYPE OF LICENSE

Rule 43.3.3 **Provisional License.** Within its discretion, the Mississippi State Department of Health may issue a provisional license when a temporary condition of non-compliance with these regulations exists in one or more particulars. A provisional license shall be issued only if the Department is satisfied that preparations are being made to qualify for a regular license and that the following care is already being provided: Care provided in a birthing center shall be provided by a licensed physician or certified nurse-midwife, and a registered nurse. Services provided in a birthing center shall be limited in the following manner:

SOURCE: Miss. Code Ann. §41-77-11

Subchapter 4 LICENSING

Rule 43.4.1 **Application and Annual Report.** Application for a license or renewal of a license shall be made in writing to the Mississippi State Department of Health on forms provided by the Department which shall contain such information as the Department may require. The application shall require reasonable, affirmative evidence of ability to comply with these rules, regulations, and minimum standards.

SOURCE: Miss. Code Ann. §41-77-11

Rule 43.4.2 **Fee.** In accordance with Section 41-77-9 of the Mississippi Code of 1972, as amended, each application for initial licensure shall be accompanied by a fee of One Thousand Dollars (\$1000.00), in business check (no personal checks) or

money order, made payable to the Mississippi State Department of Health. The fee shall not be refundable after a license has been issued.

SOURCE: Miss. Code Ann. §41-77-11

Rule 43.4.3 **Renewal.** A license, unless suspended or revoked, shall be renewable annually upon payment of a renewal fee of Three Hundred Dollars (\$300.00), which shall be paid to the Mississippi State Department of Health, and upon filing by the licensee and approval by the Department of an annual report upon such uniform dates and containing such information in such form as the licensing agency requires. Each license shall be issued only for the premises and person or persons names in the application and shall not be transferable or assignable. Licenses shall be posted in a conspicuous place on the licensed premises.

SOURCE: Miss. Code Ann. §41-77-11

Rule 43.4.5 **Issuance of License.** All licenses issued by the Mississippi State Department of Health shall set forth the name of the birthing center, the location, the name of the licensee, and the license number.

SOURCE: Miss. Code Ann. §41-77-11

Rule 43.4.8 **Denial or Revocation of License: Hearings and Review.** The Mississippi State Department of Health, after notice and opportunity for a hearing to the applicant or licensee, is authorized to deny, suspend, or revoke a license in any case in which it finds that there has been a substantial failure to comply with the requirements established under the law and these regulations.

SOURCE: Miss. Code Ann. §41-77-11

Subchapter 5 RIGHT OF APPEAL.

Rule 43.5.1 Provision for hearing and appeal following denial or revocation of license is as follows:

1. **Administrative Decision.** The Mississippi State Department of Health will provide an opportunity for a fair hearing to every applicant or licensee who is dissatisfied with administrative decisions made in the denial or revocation of license.

SOURCE: Miss. Code Ann. §41-77-11

Rule 43.5.2 **Penalties.** Any person or persons or other entity or entities establishing, managing or operating a birthing center or conducting the business of a birthing center without the required license, or which otherwise violate any of the provisions of this act or the Mississippi Health Care Commission Law of 1979 as amended, or the rules, regulations or standards promulgated in furtherance of any law in which

the Department has authority therefore shall be subject to the penalties and sanctions of Section 41-7-209, Mississippi Code of 1972.

SOURCE: Miss. Code Ann. §41-77-11

Subchapter 7 ORGANIZATION AND STAFF: CHIEF EXECUTIVE OFFICER OR ADMINISTRATOR.

Rule 43.7.3 When there is a planned change in ownership or in the chief executive officer, the governing authority of the facility shall notify the Mississippi State Department of Health. The chief executive officer shall be responsible for the preparation of written facility policies and procedures.

SOURCE: Miss. Code Ann. §41-77-11

Subchapter 29 PLANS AND SPECIFICATIONS

Rule 43.29.1 Any birthing center licensed as a "free-standing" center shall not become a component of any hospital or other health care facility without securing a "certificate of need". When construction is contemplated, either for new buildings, conversions, additions, or major alterations to existing buildings, or portions of buildings coming within the scope of certificate of need of these rules, plans and specifications shall be submitted for review and approval to the Mississippi State Department of Health.

SOURCE: Miss. Code Ann. §41-77-11

Rule 43.29.3 **Water Supply, Plumbing and Drainage.** No system of water supply, plumbing, sewerage, garbage or refuse disposal shall be installed, nor any such existing system materially altered or extended until complete plans and specifications for the installations, alteration or extension have been submitted to the Mississippi State Department of Health for review and approval.

SOURCE: Miss. Code Ann. §41-77-11

Rule 43.29.4 **First Stage Submission - Preliminary Plans.**

2. Approval of preliminary plans and specifications shall be obtained from the Mississippi State Department of Health prior to starting final working drawings and specifications.

SOURCE: Miss. Code Ann. §41-77-11

Rule 43.29.5 **Final Stage Submission - Working Drawings and Specifications.**

2. Approval of working drawings and specifications shall be obtained from the Mississippi State Department of Health prior to beginning actual construction.

SOURCE: Miss. Code Ann. §41-77-11

Rule 43.29.7 **Contract Modifications.** Any contract modification which affects or changes the function, design or purpose of a facility shall be submitted to and approved by the Mississippi State Department of Health prior to beginning work set forth in any contract modification.

SOURCE: Miss. Code Ann. §41-77-11

Rule 43.29.8 **Inspections.** The Mississippi State Department of Health and its authorized representative shall have access to the work for inspection whenever it is in preparation or progress.

SOURCE: Miss. Code Ann. §41-77-11

CHAPTER 44 MINIMUM STANDARDS OF OPERATION FOR ABORTION FACILITIES

Subchapter 1 INTRODUCTION

Rule 44.1.1 **DEFINITIONS** A list of selected terms often used in connection with these rules, regulations, and standards follows:

22. **Physician.** The term physician shall mean a person fully licensed by the Mississippi State Board of Medical Licensure to practice medicine and surgery in Mississippi under provisions contained in current state statutes, including but not limited to, Miss. Code Ann. §41-75-1.

SOURCE: Miss. Code Ann. §41-75-138

CHAPTER 45 MINIMUM STANDARDS FOR INSTITUTIONS FOR THE AGED OR INFIRM

Subchapter 2 Definitions

Rule 45.2.22 **Nurse Practitioner or Physician Assistant.** The term “nurse practitioner” shall mean a person who is currently licensed by the Mississippi Board of Nursing as a nurse practitioner. The term “physician assistant” shall mean a physician assistant who is currently licensed as such by the Mississippi Board of Medical Licensure.

SOURCE: Miss. Code Ann. §43-11-13

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Rule 43.2.3 **Inspections Required.** Each birthing center for which a license has been issued shall be inspected by the ~~Mississippi Health Care Commission~~ Mississippi State Department of Health or by persons delegated authority by said ~~Commission~~ Department on an annual basis at such intervals as the ~~Commission~~ Department may direct. The ~~Mississippi Health Care Commission~~ Mississippi State Department of Health and/or its authorized representatives shall have the right to inspect construction work in progress. New birthing center facilities shall not be licensed without having first been inspected for compliance with these rules, regulations and minimum standards.

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- ~~a. He or she must have completed a residency in family medicine, with strong rotation through OB/GYN, in a residency program approved by the accreditation counsel for graduate medical education.~~
 - ~~b. He or she must have completed a residency in obstetrics and gynecology in a residency program approved by the accreditation counsel for graduate medical education.~~
 - ~~e. He or she must have an M.D. or O.D. degree and at least one year of postgraduate training in a training facility with an approved residency program and an additional year of obstetrics/gynecology residency, including but not limited to, Miss. Code Ann. §41-75-1.~~

SOURCE: Miss. Code Ann. §41-75-13

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SOURCE: Miss. Code Ann. §43-11-13