

NOTICE OF RULE ADOPTION – FINAL RULE

STATE OF MISSISSIPPI
MS State Department of Health

FILED
JAN 15 2009

MISSISSIPPI

MS State Department of Health
c/o Vickey Maddox
P.O. Box 1700
Jackson, MS 39215-1700
601-364-1101
Telephone Number

Specific Legal Authority Authorizing the promulgation
of Rule: Mississippi Code of 1972;
Section 41-71-1 through Section 41-71-19

Vickey.Maddox@msdh.state.ms.us
Email Address

Reference to Rules repealed, amended or suspended by
the Final Rule:

Minimum Standards of Operation For Home Health
Health Agencies

Date Rule Proposed: November 25, 2008
Date Rule Adopted: January 14, 2009

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:

Section 138.02 (11) was deleted and replaced with new language, as stated in Section 138.02 (13). Section 138.02 (15) was revised to allow the Physical Therapist to supervise four Physical Therapy Assistants. This amendment aligns language in the Minimum Standards of Operation for Home Health Agencies regarding the Physical Therapist's role in supervising Physical Therapy Assistants with language as stated in the Regulations Governing the Licensure of the Physical Therapists.

The Agency Rule Making Record for this rule including any written comment(s) received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

- An oral proceeding was held on this rule:
Date: December 19, 2008
Time: 2:00 p.m.
Place: MS State Dept. of Health Underwood Auditorium, 570 East Woodrow Wilson Jackson, MS
- An oral proceeding was not held on this rule.

The Agency has considered the written comments and the presentations made in any oral proceedings, and:

- This rule as adopted is without variance from the proposed rule.
- This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.
- This rule as adopted differs from the proposed rule and all of the following apply:
- The differences are within the scope of the matter in the notice of proposed rule adoption,
 - The differences are a logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and
 - The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Final Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: February 14, 2009

Marilynn Winborne, Bureau Director
Printed Name/Title of Person Submitting Rule for Filing

Marilynn Winborne
Signature