

Mississippi Secretary of State
 125 South Congress St., P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME MS State Department of Health		CONTACT PERSON Mitchell Adcock	TELEPHONE NUMBER 601-576-7847	
ADDRESS PO Box 1700		CITY Jackson	STATE MS	ZIP 39211-1700
EMAIL ingrid.williams@msdh.ms.gov	SUBMIT DATE 9-3-15	Name or number of rule(s): MINIMUM STANDARDS OF OPERATION OF PRESCRIBED PEDIATRIC EXTENDED CARE (PPEC) CENTERS		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal:

Modifies current Minimum Standards of Operation of Prescribed Pediatric Extended Care (PPEC) Centers to include: required food permit from the MS State Department of Health Office of Environmental Health, required onsite full-time PPEC Center Administrator, required Automatic Sprinkler Systems in accordance with the current edition of NFPA 13, Installation of Sprinkler Systems, and required emergency generator system in accordance with NFPA 110 Standard for Emergency and Standby Power Systems; Fire Code items to include Fire Extinguishers in accordance with NFPA 10, Standard for Portable Fire Extinguishers; Fire alarms with smoke detectors in accordance with NFPA 72; National Fire Alarm Code; for programmatic design elements to include maximum occupancy load for the building shall be calculated based on 100 gross square feet per person to include staff and each child.

Specific legal authority authorizing the promulgation of rule: Miss. Code Ann. §43-13-117

List all rules repealed, amended, or suspended by the proposed rule: Rule(s): 2.3.9, 2.5.5, 2.19.6, 2.20.1, 2.20.2 & 2.20.4

ORAL PROCEEDING:

An oral proceeding is scheduled for this rule on Date: September 30, 2015 Time: 11:00 am
 Place: MS State Dept of Health – Osborne Auditorium 570 West Woodrow Wilson Dr. Jackson, MS

Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

Economic impact statement not required for this rule. Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	Action proposed: _____ New rule(s) <input checked="" type="checkbox"/> Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: <input checked="" type="checkbox"/> 30 days after filing _____ Other (specify): _____	Date Proposed Rule Filed: _____ Action taken: _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: _____ 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: Mitchell Adcock, Chief Administrative Officer

Signature of person authorized to file rules: *Mitchell Adcock*

OFFICIAL FILING STAMP <div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP <div style="border: 1px solid black; padding: 10px; text-align: center;">  </div> Accepted for filing by <i>#21571 JW</i>	OFFICIAL FILING STAMP <div style="border: 1px solid black; height: 100px; width: 100%;"></div> Accepted for filing by
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The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.



DELBERT HOSEMANN
Secretary of State

CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. This is a Concise Summary of the Economic Impact Statement which must be filed with the Secretary of State's Office.

AGENCY NAME MS State Department of Health	CONTACT PERSON Mitchell Adcock	TELEPHONE NUMBER 601-576-7847
ADDRESS PO Box 1700	CITY Jackson	STATE MS
EMAIL Ingrid.Williams@msdh.ms.gov	DESCRIPTIVE TITLE OF PROPOSED RULE Minimum Standards for Prescribed Pediatric Extended Care (PPEC) – Chapter 2	
Specific Legal Authority Authorizing the promulgation of Rule: Miss. Code Ann. §43-11-117	Reference to Rules repealed, amended or suspended by the Proposed Rule: Amended Rule(s): 2.3.9; 2.5.5; 2.19.6; 2.20.1; 2.20.2; and 2.20.4	

A. Estimated Costs and Benefits

1. Briefly summarize the benefits that may result from this regulation and who will benefit:

The requirement of a food permit will promote for safer food practices and sanitation; clarify that the facility shall be administered by an onsite full time Administrator; and the change/clarification to the requirement for physical plant requirements will mitigate hazards and promote a safer environment for medically fragile children (who are not capable of self-preservation, and are immuno-compromised), who receive services from a PPEC.

2. Briefly describe the need for the proposed rule:

To provide rules which govern the care and the environment in which medically fragile children receive needed services inclusive of family centered medical, developmental, psychological, nutritional, and family training services.

3. Briefly describe the effect the proposed action will have on the public health, safety, and welfare:

It will promote safe food and sanitation practices and mitigate hazards for specific physical plant areas in a PPEC. Medically fragile children will be served by these PPECs.

4. Estimated Cost of implementing proposed action:

- a. To the agency
 Nothing Minimal Moderate Substantial Excessive
- b. To other state or local government entities
 Nothing Minimal Moderate Substantial Excessive

5. Estimated Cost and/or economic benefit to all persons directly affected by the proposed rule:

- c. Cost:
 Nothing Minimal Moderate Substantial Excessive
- d. Economic Benefit:
 Nothing Minimal Moderate Substantial Excessive

6. Estimated impact on small businesses:

- Nothing Minimal Moderate Substantial Excessive

- a. Estimate of the number of small businesses subject to the proposed regulation: Currently, there are five (5).
- b. **Projected costs for small businesses to comply:**
 Estimated costs are as follows: Application/Licensing Fees: Application Processing Fee of \$1000; \$500.00 licensure fee for up to 25 beds; >25 beds, at an additional \$20 per bed up to \$5000; and a user fee of \$3000 ; Food Permit Fee of \$150 for a Level III and \$200 for Level IV; Initial Physical Plant Estimated Start-Up Costs – Type 13 Fire Sprinkler System –approximately \$26,000 to \$38,000 (average cost - \$30,000) but are typically cost per sq foot; and will vary due to building type; Wood frame vs Metal studs and Structure; Type 1 Generator System- Approximately \$25,000-\$30,000; and a fire alarm system – approximately \$15,000
- c. **Statement of probable effect on impacted small businesses:** These businesses will promote a better quality of life for these children who need these family-centered medical, developmental, psychological, and nutritional services, in a safe and healthy environment.
7. The cost of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):
 substantially less than moderately less than minimally less than
 the same as minimally more than moderately more than
 substantially more than excessively more than
8. The benefit of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):
 substantially less than moderately less than minimally less than
 the same as minimally more than moderately more than
 substantially more than excessively more than

B. Reasonable Alternative Methods

1. Other than adopting this rule, are there less costly or less intrusive methods for achieving the purpose of the proposed rule?
 yes no

C. If yes, please briefly describe available, reasonable alternative(s) and the reasons for rejecting those alternatives in favor of the proposed rule. (Please see §25-43-4.104 for factors you must consider.) Discussed different types of physical plant requirements in regard to specific types of generators and fire sprinkler systems as well as the lack of a food permit requirement. Current PPEC regulations already imply the requirement for a full time onsite Administrator, and this proposed change only clarifies the Administrator requirement.

D. Data and Methodology

1. Please briefly describe the data and methodology you used in making the estimates required by this form.

Contacted PPEC licensure applicants for bids/costs related to the physical plant requirements (e.g. Fire Sprinkler System, Generator, Fire Alarm). Obtained food permit costs from Environmental Health staff.

E. Public Notice

1. Where, when, and how may someone present their views on the proposed rule and request an oral proceeding on the proposed rule if one is not already scheduled?

The Oral Proceeding is scheduled for September 30, 2015, at 11:00 AM

SIGNATURE 	TITLE Mitchell Adcock, Chief Administrative Officer
DATE 9-3-15	PROPOSED EFFECTIVE DATE OF RULE 30 days after final filing