

**Title 15: Mississippi State Department of Health**

**Part 16: Health Facilities**

**Subpart 1: Health Facilities Licensure and Certification**

**CHAPTER 45 MINIMUM STANDARDS FOR INSTITUTIONS FOR THE AGED OR INFIRM**

**Subchapter 2 DEFINITIONS**

Rule 45.2.37 **Ventilator Dependent Patient.** A patient who is dependent upon mechanical life support because of inability to breathe effectively. A ventilator is used when the patient cannot breathe well enough to maintain normal levels of oxygen and carbon dioxide in the blood.

*SOURCE: Miss. Code Ann. §43-11-13*

**Subchapter 4 CLASSIFICATION OF INSTITUTIONS FOR THE AGED OR INFIRM AS NURSING FACILITY: NURSING FACILITY**

Rule 45.4.1 **Nursing Facility.** To be classified as a facility, the institution shall comply with the following staffing requirements:

1. Minimum requirements for nursing staff shall be based on the ratio of two and eight-tenths (2.80) hours of direct nursing care per resident per twenty-four (24) hours. Staffing requirements are based upon resident census. Based upon the physical layout of the nursing facility, the licensing agency may increase the nursing care per resident ratio.
2. Each facility shall have the following licensed personnel as a minimum:
  - a. Seven (7) day coverage on the day shift by a registered nurse.
  - b. A registered nurse designated as the Director of Nursing Services, who shall be employed on a full time (five [5] days per week) basis on the day shift and be responsible for all nursing services in the facility.
  - c. Facilities of one-hundred eighty (180) beds or more shall have an assistant director of nursing services, who shall be a registered nurse.
  - d. A registered nurse or licensed practical nurse shall serve as a charge nurse and be responsible for supervision of the total nursing activities in the facility during the 7:00 a.m. to 3:00 p.m. and 3:00 p.m. to 11:00 p.m. shift. The nurse assigned to the unit for the 11:00 p.m. to 7:00 a.m. shift may serve as both the charge nurse and medication/treatment nurse. A

medication/treatment nurse for each nurses' station shall be required on all shifts. This shall be a registered nurse or licensed practical nurse.

- e. In facilities with sixty (60) beds or less, the director of nursing services may serve as charge nurse.
  - f. In facilities with more than sixty (60) beds, the charge nurse may not be the director of nursing services or the medication/treatment nurse.
  - g. For facilities providing care to ventilator dependent patients/residents, the facility shall provide, on a twenty-four hour basis, an adequate number of registered nurses and respiratory therapist(s) who are trained and competent to take care of a ventilator dependent patient. Such training and the competency evaluation must be conducted by a respiratory therapist or a pulmonologist and records of said training maintained by the facility.
- 3. Non-Licensed Staff. The non-licensed staff shall be added to the total licensed staff, to complete the required staffing requirements.
  - 4. There shall be at least two (2) employees in the facility at all times in the event of an emergency.

*SOURCE: Miss. Code Ann. §43-11-13*

## **Subchapter 21      RESIDENT CARE**

**Rule 45.21.1 Service Beyond Capability of the Home.** Whenever a resident requires hospitalization or medical, nursing, or other care beyond the capabilities and facilities of the home, prompt effort shall be made to transfer the patient/resident to a hospital or other appropriate medical facility. In regard to the transfer of a ventilator dependent patient to another hospital or other location, the facility shall assure that equipment as necessary and a trained and competent registered nurse, respiratory therapist, nurse practitioner, physician's assistant or a physician accompany the patient/resident to the receiving hospital/location.

*SOURCE: Miss. Code Ann. §43-11-13*