

Title 15: Mississippi State Department of Health

Part 16: Health Facilities

Subpart 1: Health Facilities Licensure and Certification

CHAPTER 44 MINIMUM STANDARDS OF OPERATION FOR ABORTION FACILITIES

Subchapter 3 LICENSING

Rule 44.3.1 **Application and Annual Report.** Application for a license or renewal of a license shall be made in writing to the Mississippi Department of Health on forms provided by the Department which shall contain such information as the Mississippi Department of Health may require. The application shall require reasonable, affirmative evidence of ability to comply with these rules, regulations, and minimum standards.

SOURCE: Miss. Code Ann. §41-75-13

Rule 44.3.2 **Fee.** In accordance with Section 41-7-209 Mississippi Code of 1972, as amended, each application for initial licensure shall be accompanied by a fee as set by the Mississippi State Board of Health, made payable to the Mississippi Department of Health, either by business check, money order, or electronic means. The fee shall not be refundable after a license has been issued.

SOURCE: Miss. Code Ann. § 41-75-13

Rule 44.3.3 **Renewal.** A license, unless suspended or revoked, shall be renewable annually upon payment of a renewal fee as set by the board, which shall be paid to the Mississippi Department of Health, either by business check, money order, or electronic means, and upon filing by the licensee and approval by the Mississippi Department of Health 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 named in the application and shall not be transferable or assignable. Licenses shall be posted in a conspicuous place on the licensed premises. The fee shall not be refundable.

SOURCE: Miss. Code Ann. §41-75-13

Rule 44.3.4 **Name.** Every abortion facility designated by a permanent and distinctive name which shall be used in applying for a license and shall not be changes without first notifying the licensing agency in writing and receiving written approval of the change from the licensing agency. Such notice shall specify the name to be discontinued, as well as, the new name proposed. Only the official name by which the abortion facility is licensed shall be used in telephone listings, on stationery, in advertising, etc. Two or more abortion facilities shall not be licensed under

similar names in the same vicinity. No freestanding abortion facility shall include the word "hospital" in its name.

SOURCE: Miss. Code Ann. §41-75-13

Rule 44.3.5 **Issuance of License.** All licenses issued by the Mississippi Department of Health shall set forth the name of the abortion facility, the location, the name of the licensee and the license number.

SOURCE: Miss. Code Ann. §41-75-13

Rule 44.3.6 **Separate License.** A separate license shall be required for abortion facilities maintained on separate premises even though under the same management. However, separate licenses are not required for buildings, on the same ground, which are under the same management.

SOURCE: Miss. Code Ann. §41-75-13

Rule 44.3.7 **Expiration of License.** Each license shall expire on June 30, following the date of issuance.

SOURCE: Miss. Code Ann. § 41-75-13

Rule 44.3.8 **Denial or Revocation of License: Hearings and Review.** The Mississippi 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. **Section 6; 41-75-26.**

SOURCE: Miss. Code Ann. §41-75-13

Rule 44.3.9 **The following shall be codified as Section 41-75-26, Mississippi Code of 1972:**

1. Any person or persons or other entity or entities establishing, managing or operating an abortion facility or conducting the business of an abortion facility without the required license, or which otherwise violate any provision of this chapter regarding abortion facilities or the rules, regulations and standards promulgated in furtherance thereof shall be subject to revocation of the license of the abortion facility or non-licensure of the abortion facility. In addition, any violation of any provision of this chapter regarding abortion facilities or of the rules, regulations and standards promulgated in furtherance thereof by intent, fraud, deceit, unlawful design, willful and/or deliberate misrepresentation, or by careless, negligent or incautious disregard for such statutes or rules, regulations and standards, either by persons acting individually or in concert with others, shall constitute a misdemeanor and shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000) for each such offense. Each day of continuing violation shall be considered a separate offense. The venue of persecution of any such violation shall be in any county of the state wherein any such violation, or portion

thereof, occurred.

2. The Attorney General, upon certification by the executive director of the licensing agency, shall seek injunctive relief in a court of proper jurisdiction to prevent violations of the provisions of this chapter regarding abortion facilities or the rules, regulations and standards promulgated in furtherance thereof in cases where other administrative penalties and legal sanctions imposed have failed to prevent or cause a discontinuance of any such violation.

SOURCE: Miss. Code Ann. §41-75-13