

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

**Part 16: Health Facilities**

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

**Chapter 2 MINIMUM STANDARDS OF OPERATION OF PRESCRIBED PEDIATRIC EXTENDED CARE (PPEC) CENTERS**

**Subchapter 2 Definitions**

Rule 2.2.1 A listing of terms often used in connection with the rules and regulations and standards follows:

1. **Administrator.** For the purpose of this chapter, the PPEC Administrator shall mean an individual who is responsible and accountable for the implementation and supervision of all administrative and clinical policies as well as overall operations and management of the PPEC center.
2. **Basic Services.** Include, but are not limited to development, implementation and monitoring of a comprehensive protocol of care, developed in conjunction with the parent or guardian, which specifies the medical, nursing, psychosocial and developmental therapies required by the medically dependent or technologically dependent child served as well as the caregiver training needs of the child's legal guardian.
3. **Child Development Specialist.** Shall mean an individual with a master's degree in child development or a related field with at least one year of experience in trans-disciplinary evaluation and treatment planning for children who are at risk of experiencing developmental delay.
4. **Child Life Specialist.** Shall mean an individual with a baccalaureate degree in child life, early childhood education or a related field and at least one year of experience in planning and implementing developmental stimulation programs for children.
5. **Criminal History Record Check.** For purposes of the requirement for a criminal history record check:
  - a. **Employee** -For the purpose of fingerprinting and criminal background history checks, employee shall mean **any individual employed by a covered entity**. The term "employee" also includes any individual who by **contract** with a covered entity provides patient care in a patient's, resident's, or client's room or in treatment rooms provides direct care/services for clients currently enrolled in the PPEC Center.

- b. The term employee does not include healthcare professional/ technical students, as defined in Section 37-29-232, performing clinical training in a licensed entity under contracts between their schools and the licensed entity, and does not include students at high schools who observe the treatment and care of patients in a licensed entity as part of the requirements of an allied health course taught in the school if:
  - i. The student is under the supervision of a licensed healthcare provider; and
  - ii. The student has signed the affidavit that is on file at the student's school stating that he or she has not been convicted of or plead guilty or nolo contendere to a felony of possession or sale of drugs, murder, manslaughter, armed robbery, rape, sexual battery, any sex offenses listed in section 45-33-23 (g), child abuse, arson, grand larceny, burglary, gratification of lust, aggravated assault, or felonious abuse and/or battery of a vulnerable adult, or that any such conviction or plea was reversed on appeal or a pardon was granted for the conviction or plea.
  - iii. Further, applicants and employees of the University of Mississippi Medical Center for whom criminal history record checks and fingerprinting are obtained in accordance with Section 37-115-41 are exempt from application of the term employee.
- c. **Covered Entity** - For the purpose of criminal history record checks, "covered entity" means a licensed entity or a healthcare professional staffing agency.
- d. **Licensed Entity** - For the purpose of criminal history record checks, the term "licensed entity" means a hospital, nursing home, personal care home, home health agency, hospice or PPEC center.
- e. **Health Care Professional/Vocational Technical Academic Program** - For purpose of criminal history record checks, "health care professional/vocational technical academic program" means an academic program in medicine, nursing , dentistry, occupational therapy, physical therapy, social services, speech therapy, or other allied-health professional whose purpose is to prepare professionals to render patient care services.
- f. **Health Care Professional/Vocational Technical Student** - For purposes of criminal history record checks, the term means a student enrolled in a healthcare professional/vocational technical academic program.
- g. **Direct Patient Care or Services** - For the purposes of fingerprinting and criminal background history checks, the term "direct patient care" means

direct hands-on medical patient care and services provided by an individual in a patient, resident or client's room, treatment room, recovery room or PPEC center. Individuals providing direct patient care may be directly employed by the facility or provides patient care on a contractual basis.

- h. **Documented Disciplinary Action** - For the purpose of fingerprinting and criminal background history checks, the term “documented disciplinary action” means any action taken against an employee for abuse or neglect of a patient.
- 6. **Direct Care Staff.** For the purposes of this chapter, direct care staff shall include certified nursing assistants, patient care technicians, medical assistants, emergency medical technician (EMT), play assistants or any individual with training and experience in child care related fields.
- 7. **Functional Assessment.** Refers to an evaluation of the child's abilities and needs related to self-care, communication skills, social skills, motor skills, academic areas, play with toys or objects, growth and development appropriate for age.
- 8. **License.** Shall mean the document issued by the Mississippi State Department of Health and signed by the State Health Officer. Licensure shall constitute authority to receive patients and perform the services included within the scope of these rules, regulations and standards. A license shall be issued only for the location as addressed on the license and is not transferable.
- 9. **Licensee.** Shall mean the individual, firm, association, partnership or corporation to whom the license is issued and upon whom rests the responsibility for the operation and all aspects of administrative/regulatory compliance of the PPEC center.
- 10. **Licensing Agency.** Shall mean Mississippi State Department of Health.
- 11. **Medical Director.** Shall mean a physician, licensed to practice in the State of Mississippi, certified by the American Academy of Pediatrics or the American Osteopathic Board of Pediatrics, who serves as a liaison between the PPEC center and the medical community.
- 12. **Medical Records.** Shall mean medical records maintained in accordance with acceptable standards and practices as specified by the rules implementing this act.
- 13. **Medically Dependent or Technologically Dependent Child.** Shall mean a child, from birth up to 21 years of age who because of a medical condition/disability whether acute, chronic or intermittent in nature requires

on-going physician prescribed, technologically-based skilled nursing supervision and/or requires the routine use of a medical device to compensate for the deficit of life-sustaining body function.

14. **Nursing Director.** Shall mean a licensed registered nurse, licensed in accordance with the Mississippi Nurse Practice Act, who maintains responsibility for providing continuous supervision of the PPEC services and manages the day-to-day operations of the PPEC center.
15. **Owner or Operator.** Shall mean a licensee.
16. **Physical Therapist.** Shall mean, for purposes of this chapter, an individual, licensed in the State of Mississippi, who has at least one year's experience in evaluating and designing therapeutic programs for children with developmental disabilities.
17. **Premises.** Shall mean those buildings, beds, facilities and fenced outdoor recreational/play area located at the main address of the licensee.
18. **Prescribed Pediatric Extended Care Center or PPEC Center.** Shall mean any building or buildings, or other place, whether operated for profit or not, which undertakes through its ownership or management to provide basic nonresidential services to three (3) or more medically dependent or technologically dependent children who are not related to the owner or operator by blood, marriage or adoption and who require such services. Infants and children considered for admission to a PPEC center must have complex medical conditions that require continual care. Prerequisites for admission are a prescription from the child's physician and consent from a parent or guardian.  
  
Exemption: A facility, institution or other place operated by the federal government or an agency of the federal government is exempt from the provisions of this chapter.
19. **Prescribing Physician.** Shall mean the physician, licensed to practice medicine in the State of Mississippi that signs the order admitting the child to the PPEC center.
20. **Primary or Subspecialist Physician.** Shall mean the physician, licensed to practice medicine in the State of Mississippi, who maintains overall responsibility for the medical management of the child and who is available for consultation and collaboration with the PPEC center staff.
21. **Protocol of Care.** The comprehensive plan for implementation of medical, nursing, psychosocial, developmental, and education therapies to be provided by the PPEC center.

- 22. **Psychiatrist.** Shall mean, for purposes of this chapter, a board-certified psychiatrist, licensed to practice in the State of Mississippi and who has at least two years of experience in child psychology.
- 23. **Psychologist.** Shall mean, for purposes of this chapter, a licensed individual in Mississippi with doctoral; preparation in child or developmental counseling psychology, or a related field , and at least two years current experience in evaluation and management of children.
- 24. **Quality Assurance (QA) Committee.** A group of individuals, including the PPEC center Medical Director, Administrator, Director of Nursing, two other healthcare members and at least one consumer member with an interest in PPEC services who functions to conduct the duties, as outlined in Subchapter 18 of this chapter, which includes but is not limited to, review of medical records, review and approval of policies and procedures, treatment plans/procedures and to evaluate the quality of care provided to children enrolled in the PPEC center.
- 25. **Social Worker.** Shall mean, for purposes of this chapter, an individual, licensed to practice social work in the State of Mississippi, and who has at least one year of experience in assessing, counseling, and planning interventions for children and their families or guardians.
- 26. **Speech Pathologist.** Shall mean, for purposes of this chapter, an individual who attained a master's degree in speech-language pathology from an educational institution accredited by the American Speech-Language, Hearing Association, licensed to practice speech-language pathology in the State of Mississippi, and who has at least one year of experience in evaluating and treating children at risk for, or experiencing problems with communication skills.
- 27. **Supportive Services or Contracted Services.** Includes but are not limited to speech therapy, occupational therapy, physical therapy, respiratory therapy, social work, developmental, educational services.

SOURCE: Mississippi Code Annotated §43-13-117

**Subchapter 3            Licensing**

Rule 2.3.8    **Capacity.** Licensees shall not operate at any given time with a capacity greater than the number of clients on the face of the license. The maximum number of beds shall be calculated based on the required staff to child ratio delineated in Rule 2.10.1, management team personnel, and additional ancillary staffing/support personnel not to exceed the maximum occupancy load of the building as defined in Rule 2.20.2.

SOURCE: Mississippi Code Annotated §43-13-117

Rule 2.3.9 **Initial Licensure.** For initial licensure, an applicant shall be in compliance with all requirements, as outlined in these regulations, and must submit documents, included but not limited to, those outlined:

1. A completed/signed application, on forms as designated by MSDH. All information submitted on the application forms, or by request for additional information, shall be accurate and current at the time of filing;
2. A non-refundable application/processing fee of \$1000.00;
3. A Licensing Fee of \$500.00 for up to 25 beds; with an additional \$20.00 per bed for each licensed bed thereafter;
4. Certificates/letters of approval from the local zoning authority indicating that the location of the PPEC center conforms to local zoning ordinances, if applicable;
5. Certificates/letters of approval from the local/regional/state Fire Marshal that the PPEC center is in compliance with all applicable fire safety standards;
6. Evidence that the PPEC center's water and sewer systems have been approved by the Mississippi State Department of Health;
7. A licensed facility shall obtain a Food Service Permit from the Mississippi State Department of Health Office of Environmental Health.
8. Certificate of Occupancy;
9. Clinical Laboratory Improvement Amendments (CLIA) certificate or CLIA certificate of waiver.
10. Proof of general and Professional Liability Insurance in the amount of at least \$300,000.00 including Workman's Compensation Insurance;
11. Articles of Incorporation, Disclosure of Ownership and Control Information;
12. Proof of financial viability/contingency plan demonstrating evidence that the applicant processes assets sufficient to establish and sustain all components of a PPEC center to meet the provisions as outlined in these regulations while operating and/or during extraordinary circumstances including but not limited to audited financial statements, an established line of credit issued from a federally insured institution in the amount of at least \$100,000.00, a projected twelve (12) month statement of operations and a projected first twelve months

statement of cash flow. The requesting PPEC center shall provide evidence of the referenced above review in the form of a certified affidavit or statement resultant of a review from an independent certified public accountant firm.

13. That the center is located within 20 miles or 30 minutes (whichever is greater) of an Emergency Department that has capabilities to handle pediatric emergencies;
14. The name of the PPEC center's administrator, the name and license number of the Medical Director and Director of Nursing along with proof of available licensed and supportive personnel who will have responsibility for any part of the care given to PPEC center's clients; as well as proof of ancillary support services such as dietary, housekeeping, maintenance and other personnel either directly or contractually secured to support the PPEC center on a daily basis;
15. The names and titles of personnel who have been affiliated, during the preceding five (5) years with any other PPEC center through ownership or employment, and the listing of names and addresses of the appropriate PPEC center for each. This information shall be provided for the applicant: administrator, and all licensed nurses; and
16. Floor sketch or drawing of premises to be licensed, letter of intent and functional plan.

SOURCE: Mississippi Code Annotated §43-13-117

Rule 2.3.17 Within ten calendar days, the licensed entity shall submit, in writing, to MSDH, Division of Licensure and Certification, the following:

1. Change in the administrator, director of nursing services, or the medical director;
2. Any fire or incident of natural disaster whereas damage to the center was sustained;
3. Any incident whereas a child is left alone and unattended, either during the hours of operation of the PPEC center, after hours, while on a field trip or at an alternate location;
4. Any accident or injury sustained by a child, while the child was under the care of the PPEC center that required emergency medical intervention.

SOURCE: Mississippi Code Annotated §43-13-117

Rule 2.3.19 All applicants for a license to operate a PPEC center, whether for initial or for renewal, and the administrator, and the director of nursing services shall:

1. Be 21 years of age or older;
2. Be of good moral character; and
3. Have not been convicted or found guilty, regardless of adjudication, in any jurisdiction, of any felony involving fraud, embezzlement, fraudulent conversion, misappropriation of property, moral turpitude, violence against a person or persons, abuse of a vulnerable adult; or any act(s) of sexual abuse as outlined in Section 45-33-23(g), Mississippi Code of 1972, Annotated.

SOURCE: Mississippi Code Annotated §43-13-117

Rule 2.3.20 As documentation for the Department, regarding the requirement for licensure, each applicant(s) for a license to operate a PPEC center, whether for initial or renewal, shall submit together, with their application:

1. Two (2) personal character references and two (2) professional character references for the administrator, of the PPEC center, except on renewal if previously provided to the Department;
2. The criminal record, if any, for the administrator and director of nursing services of the PPEC center, to include the court, date of conviction, the offense, penalties imposed by each conviction, regardless of adjudication;
3. Any injunctive or restrictive order or federal or state administrative order related to business activity or health care as a result of an action brought by a public agency or department;
4. A copy of current agreements entered into with third party providers; and
5. A copy of current agreements with each consultant employed by the center and documentation specifying frequency of consultative visits and required written, dated reports.

SOURCE: Mississippi Code Annotated §43-13-117

## **Subchapter 5 Administration and Management**

Rule 2.5.1 **Licensee.** The licensee of each PPEC center shall have full legal authority and responsibility for the operation of the center. The licensee shall assure that the PPEC center is administered on a sound financial basis consistent with good business practice. There shall be financial records and annual budget information



including monthly statements of operation and Profit and Loss statements made available from the PPEC center.

SOURCE: Mississippi Code Annotated §43-13-117

Rule 2.5.2 **Organizational Structure.** Each PPEC center must be organized in accordance with a written table of organization, which describes the lines of authority and communication down to the child care level. The organization structure must be designed so as to ensure an integrated continuum of services to the children.

SOURCE: Mississippi Code Annotated §43-13-117

Rule 2.5.3 The licensee of each PPEC center must designate, in writing, one person, as Administrator, who is responsible and accountable for the overall management of the center.

SOURCE: Mississippi Code Annotated §43-13-117

Rule 2.5.4 **Administrator Qualifications: The Administrator shall have the following minimum qualifications:**

1. Five years of experience in the delivery of health care services, with a minimum of two years administrative or supervisory experience and meet one of the following criteria:
  - a. A physician currently licensed in the state of Mississippi;
  - b. A registered nurse currently licensed in the state of Mississippi;
  - c. A qualified health professional licensed by the state of Mississippi when required such as but not limited to a physician assistant, pharmacist, dietitian, respiratory care practitioner, social worker, physical therapist, occupational therapist or speech-language pathologist;
  - d. A college graduate with a bachelor's degree or higher in a health related field.

SOURCE: Mississippi Code Annotated §43-13-117

Rule 2.5.5 **Administrator Designee.** The center administrator must designate, in writing, a person to be responsible for the center when the administrator is absent from or unavailable to the center for more than 24 hours.

SOURCE: Mississippi Code Annotated §43-13-117

Rule 2.5.6 **Administrator Responsibilities:** The center administrator shall:

1. Be located on site at the center and serve full time as the Administrator.
2. Maintain the following written records, and all other records as outlined under subchapter 13 of these rules. The records must be kept in a place, form, and system in accordance with medical and business practices and such records must be available in the center for inspection by the Department during normal business hours:
3. A daily census record, which must indicate the names/number of children currently receiving services in the center. Census records must be maintained and available for review, on the premises, for a period of three years.
4. A record of all accidents or unusual incidents involving any child or staff member that caused, or had the potential to cause, injury or harm to any person or property within the center;
5. A copy of current agreements with third party providers;
6. A copy of current agreements with each consultant contracted by the PPEC center and documentation of each consultant's visit and required written, dated reports;
7. A personnel record for each employee, which must include, at a minimum, a current copy and/or verification of the licensure status of professional discipline employed or on contract, the original employment application, references, employment history for the preceding five years, if applicable; a copy of the job description (acknowledged by employee); and a copy of all job performance evaluations;
8. Develop and maintain a current job description for each employee;
9. Provide each employee access to written personnel policies governing conditions of employment;
10. Conduct annual written job performance reviews that note strengths and weaknesses and include plans to correct any job performance weaknesses. Performance evaluations must be reviewed with the employee;
11. Assign duties to employees that are consistent with their job descriptions and their levels of education, preparation and experience;
12. Provide necessary qualified personnel and ancillary services to ensure the health, safety, and proper care of the child;

13. Ensure the development and implementation of policies and procedures, including but not limited to infection control and quality assurance. These policies and procedure must be included in the PPEC center's policy manual.

SOURCE: Mississippi Code Annotated §43-13-117

Rule 2.5.7     **Organizational Responsibility.** The administrative structure of the PPEC center shall include a policy and procedure manual to assure standards for medical and nursing care are met and to assure that the requirements as set forth in licensure and certification are maintained.

SOURCE: Mississippi Code Annotated §43-13-117

Rule 2.5.8     **Resources.** Each PPEC center shall have the following documents on the premises and available to staff: American Academy of Pediatrics Red Book, Minimum Standards of Operation for Prescribed Pediatric Extended Care, Policy and Procedure Manual and a Personnel Manual.

SOURCE: Mississippi Code Annotated §43-13-117

Rule 2.5.9     **Personnel Policies and Procedures** shall include provisions for at least, a current personnel file, position descriptions, employee benefits, policy for attendance, overtime, compensatory time, performance evaluations, grievance procedures, and termination of employment. Personnel policies must also require that employees of the center are current in their immunizations, and undergo a medical evaluation to rule out communicable diseases, including but not limited to, tuberculosis (TB). An annual evaluation for TB is required and documentation of said results maintained.

SOURCE: Mississippi Code Annotated §43-13-117

Rule 2.5.10    A formal orientation shall be required for all PPEC center employees; staff development programs for all categories of personnel shall be held quarterly and documented accordingly.

SOURCE: Mississippi Code Annotated §43-13-117

Rule 2.5.11    Policy and procedure manuals including but not limited to specifications for therapeutic intervention shall be available for use by all staff involved in the care of children. Revisions of the policies and procedures are reviewed and approved quarterly during QA meetings. All forms, policies and procedures are reviewed and signed off as approved by the administrator, medical director and the director of nursing services, annually to assure that procedures conform to prevailing and acceptable treatment modalities.

SOURCE: Mississippi Code Annotated §43-13-117

Rule 2.5.12 For each employee of the PPEC center (see definition of employee), the center shall submit fingerprints to MSDH for the purpose of processing a criminal history records check. The center shall develop policies and procedures consistent with this requirement.

SOURCE: Mississippi Code Annotated §43-13-117 and § 43-11-13

Rule 2.5.13 **Criminal History Record Checks.** The covered entity shall require to be performed a disciplinary check with the professional licensing agency, if any, for each employee to determine if any disciplinary action has been taken against the employee by the agency, and a criminal history record check on:

1. Every new employee of a covered entity who provides direct patient care or services and who is employed after or on July 01, 2003.
2. Every employee of a covered entity employed prior to July 01, 2003, who has documented disciplinary action by his or her present employer.
3. Except as otherwise provided in this paragraph, no employee hired on or after July 01, 2003, shall be permitted to provide direct patient care until the results of the criminal history check have revealed no disqualifying record or the employee has been granted a waiver. Provided the covered entity has documented evidence of submission of fingerprints for the background check, any person may be employed and provide direct patient care on a temporary basis pending the results of the criminal history record check by any employment offer, contract, or arrangement with the person shall be voidable, if he/she receives a disqualifying criminal record check.
4. If such criminal history record check discloses a felony conviction; a guilty plea; and/or a plea of nolo contendere to a felony for one (1) or more of the following crimes which has not been reversed on appeal, or for which a pardon has not been granted, the applicant/employee shall not be eligible to be employed at the licensed facility:
  - a. Possession or sale of drugs
  - b. Murder
  - c. Manslaughter
  - d. Armed robbery
  - e. Rape
  - f. Sexual battery

- g. Sex offense listed in Section 45-33-23, Mississippi Code of 1972:
  - h. Child abuse
  - i. Arson
  - j. Grand larceny
  - k. Burglary
  - l. Gratification of lust
  - m. Aggravated assault
  - n. Felonious abuse and/or battery of vulnerable adult
5. Documentation of verification of the employee's disciplinary status, if any, with the employee's professional licensing agency as applicable, and evidence of submission of the employee's fingerprints to the licensing agency must be on file and maintained by the facility prior to the new employees first date of employment. The covered entity shall maintain on file evidence of verification of the employee's disciplinary status from any applicable professional licensing agency and submission and/or completion of the criminal record check, the signed affidavit, if applicable, and/or a copy of the referenced notarized letter addressing the individual's suitability for such employment.
  6. The covered entity may, in its discretion, allow any employee applicant aggrieved by the employment decision under this subsection to appear before the licensed entity's hiring officer, or his or her designee, to show mitigating circumstances that may exist and allow the employee or employee applicant to be employed at the **covered entity**. The covered entity, upon report and recommendation of the hiring officer, may grant waivers for those mitigating circumstances, which shall include, but not be limited to: (1) age at which the crime was committed; (2) circumstances surrounding the crime; (3) length of time since the conviction and criminal history since the conviction; (4) work history; (5) current employment and character references; and (6) other evidence demonstrating the ability of the individual does not pose a threat to the health or safety of the patients in the licensed facility.
  7. The licensing agency may charge the covered entity submitting the fingerprints a fee not to exceed Fifty Dollars (\$50.00).
  8. Should results of an employee applicant's criminal history record check reveal no disqualifying event, then the covered entity shall, within two (2) weeks of the notification of no disqualifying, event provide the employee applicant with

a notarized letter signed by the chief executive officer of the covered entity, or his or her authorized designee, confirming the employee applicant’s suitability for employment based on his or her criminal history record check. An employee applicant may use that letter for a period of two (2) years from the date of the letter to seek employment at any covered entity licensed by the Mississippi Department of Health without the necessity of an additional criminal record check. Any covered entity presented with the letter may rely on the letter with respect to an employee applicant’s criminal background and is not required for a period of two (2) years from the date of the letter to conduct or have conducted a criminal history record check as required in this subsection.

9. For individuals contracted through a third party who provide direct patient care as defined herein, the covered entity shall require proof of a criminal history record check.
  
10. The licensing agency, the covered entity, and their agents, officers, employees, attorneys and representatives, shall be presumed to be acting in good faith for any employment decision or action taken under this section. The presumption of good faith may be overcome by a preponderance of the evidence in any civil action. No licensing agency, covered entity, nor their agents, officers, employees, attorneys and representatives shall be held liable in any employment discrimination suit in which an allegation of discrimination is made regarding an employment decision authorized under this section.

SOURCE: Mississippi Code Annotated §43-13-117 and § 43-11-13

**Subchapter 10      Staffing**

Rule 2.10.1    **Ratio.** Total staffing for nursing services shall be, at a minimum, in the following ratios but at no time shall there be less than one (1) staff member of duty per three (3) children. If only one (1) staff member is on duty, that member must be a registered nurse.

Children	Total Staff	RN	RN or LPN	Direct Care, or Licensed Nurse (RN, LPN or Respiratory Therapist)
1	1	1		
2-6	2	1		1
7-9	3	1	1	1
10-12	4	2	1	1

13-15	5	3	1	1
16-18	6	3	1	2
19-21	7	4	1	2
22-24	8	4	1	3
25-27	9	4	1	4
28-30	11	5	1	5
31-33	12	5	1	6
34 -36	13	5	2	6
37- 39	14	5	3	6
40-42	15	5	3	7
43- 45	16	5	4	7

SOURCE: Mississippi Code Annotated §43-13-117

**Subchapter 14      Transportation Services**

Rule 2.14.1      If transportation services are provided by a PPEC center and prescribed by the primary care or subspecialist physician, a procedure delineating personnel and equipment to accompany the child shall be included in the PPEC center procedure manual. PPEC center policy and procedure shall clearly state, regardless of the transportation provision, if the child is to be under the care of the PPEC center, the PPEC center is responsible for the safety of the children.

1. If the PPEC Center provides transportation of the child to and from the center; the PPEC center shall exercise best efforts to limit the time a child, regardless of his/her region of origin, may be in transport, not to exceed an average of one hour on any single trip.

SOURCE: Mississippi Code Annotated §43-13-117

**Subchapter 19      Equipment**

Rule 2.19.7      **Fluids/Medications.** Basic drugs and solutions shall be on-site, available and accessible to medical/nursing staff, at all times:

1. Epinephrine (ampules, vials, or syringes) - 2 each of 1:1000 and 1:10,000;
2. Dextrose (vials or syringes) 1 each of a) 25% solutions and b) 50% solutions

3. Activated Charcoal (1)
4. Sterile Water (vials or syringes) - 2 vials
5. Normal Saline (vials or syringes) - 2 vials
6. Intravenous fluids of Dextrose 5% and 10% in water, Dextrose 5% in Lactated Ringers, Normal Saline---500 cc/bag (2 each)
7. Heparin 10 units – 2 (vials or syringes), Heparin 100unit – 2 (vials or syringes)
8. Diphenhydramine (Benadryl 50mg/ml) – 1 (vials or syringes)

SOURCE: Mississippi Code Annotated §43-13-117

## **Subchapter 20            Physical Environment**

Rule 2.20.2    The PPEC center at a minimum shall include the following programmatic design elements:

1. Quiet rooms;
2. Nutritional and food prep area;
3. Age appropriate toileting facilities;
4. Indoor and outdoor recreational exercise play areas, with each exercise play area maintaining 35 square feet per licensed child;
5. Treatment room with med prep area;
6. Isolation room;
7. Clean and dirty storage areas;
8. Janitorial closet;
9. Biohazard closet;
10. Therapy/education/activity learning lab area;
11. Laundry area;
12. Staff area;



13. Reception area;
14. Administrative office;
15. Separate guest and child entrances.
16. Maximum Occupant Load for the building shall be calculated based on 100 gross square feet per person to include staff and each child.

SOURCE: Mississippi Code Annotated §43-13-117

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

**Part 16: Health Facilities**

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

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- a. **Employee** -For the purpose of fingerprinting and criminal background history checks, employee shall mean **any individual employed by a covered entity**. The term “employee” also includes any individual who by **contract** with a covered entity provides patient care in a patient’s, resident’s, or client’s room or in treatment rooms provides direct care/services for clients currently enrolled in the PPEC Center.
  - b. The term employee does not include healthcare professional/ technical students, as defined in Section 37-29-232, performing clinical training in a licensed entity under contracts between their schools and the licensed entity, and does not include students at high schools who observe the treatment and care of patients in a licensed entity as part of the requirements of an allied health course taught in the school if:
    - i. The student is under the supervision of a licensed healthcare provider; and
    - ii. The student has signed the affidavit that is on file at the student’s school stating that he or she has not been convicted of or plead guilty or nolo contendere to a felony of possession or sale of drugs, murder, manslaughter, armed robbery, rape, sexual battery, any sex offenses listed in section 45-33-23 (g), child abuse, arson, grand larceny, burglary, gratification of lust, aggravated assault, or felonious abuse and/or battery of a vulnerable adult, or that any such conviction or plea was reversed on appeal or a pardon was granted for the conviction or plea.
    - iii. Further, applicants and employees of the University of Mississippi Medical Center for whom criminal history record checks and fingerprinting are obtained in accordance with Section 37-115-41 are exempt from application of the term employee.
  - c. **Covered Entity** - For the purpose of criminal history record checks, “covered entity” means a licensed entity or a healthcare professional staffing agency.
  - d. **Licensed Entity** - For the purpose of criminal history record checks, the term “licensed entity” means a hospital, nursing home, personal care home, home health agency, hospice or PPEC center.
  - e. **Health Care Professional/Vocational Technical Academic Program** - For purpose of criminal history record checks, “health care professional/vocational technical academic program” means an academic program in medicine, nursing , dentistry, occupational therapy, physical

therapy, social services, speech therapy, or other allied-health professional whose purpose is to prepare professionals to render patient care services.

- f. **Health Care Professional/Vocational Technical Student** - For purposes of criminal history record checks, the term means a student enrolled in a healthcare professional/vocational technical academic program.
  - g. **Direct Patient Care or Services** - For the purposes of fingerprinting and criminal background history checks, the term “direct patient care” means direct hands-on medical patient care and services provided by an individual in a patient, resident or client’s room, treatment room, recovery room or PPEC center. Individuals providing direct patient care may be directly employed by the facility or provides patient care on a contractual basis.
  - h. **Documented Disciplinary Action** - For the purpose of fingerprinting and criminal background history checks, the term “documented disciplinary action” means any action taken against an employee for abuse or neglect of a patient.
- 6. ~~5.~~ **Direct Care Staff.** For the purposes of this chapter, direct care staff shall include certified nursing assistants, patient care technicians, medical assistants, emergency medical technician (EMT), play assistants or any individual with training and experience in child care related fields.
  - 7. ~~6.~~ **Functional Assessment.** Refers to an evaluation of the child’s abilities and needs related to self-care, communication skills, social skills, motor skills, academic areas, play with toys or objects, growth and development appropriate for age.
  - 8. ~~7.~~ **License.** Shall mean the document issued by the Mississippi State Department of Health and signed by the State Health Officer. Licensure shall constitute authority to receive patients and perform the services included within the scope of these rules, regulations and standards. A license shall be issued only for the location as addressed on the license and is not transferable.
  - 9. ~~8.~~ **Licensee.** Shall mean the individual, firm, association, partnership or corporation to whom the license is issued and upon whom rests the responsibility for the operation and all aspects of administrative/regulatory compliance of the PPEC center.
  - 10. ~~9.~~ **Licensing Agency.** Shall mean Mississippi State Department of Health.
  - 11. ~~10.~~ **Medical Director.** Shall mean a physician, licensed to practice in the State of Mississippi, certified by the American Academy of Pediatrics or the American Osteopathic Board of Pediatrics, who serves as a liaison between the PPEC center and the medical community.

12. ~~11.~~ **Medical Records.** Shall mean medical records maintained in accordance with acceptable standards and practices as specified by the rules implementing this act.
13. ~~12.~~ **Medically Dependent or Technologically Dependent Child.** Shall mean a child, from birth up to 21 years of age who because of a medical condition/disability whether acute, chronic or intermittent in nature requires on-going physician prescribed, technologically-based skilled nursing supervision and/or requires the routine use of a medical device to compensate for the deficit of life-sustaining body function.
14. ~~13.~~ **Nursing Director.** Shall mean a licensed registered nurse, licensed in accordance with the Mississippi Nurse Practice Act, who maintains responsibility for providing continuous supervision of the PPEC services and manages the day-to-day operations of the PPEC center .
15. ~~14.~~ **Owner or Operator.** Shall mean a licensee.
16. ~~15.~~ **Physical Therapist.** Shall mean, for purposes of this chapter, an individual, licensed in the State of Mississippi, who has at least one year's experience in evaluating and designing therapeutic programs for children with developmental disabilities.
17. ~~16.~~ **Premises.** Shall mean those buildings, beds, facilities and fenced outdoor recreational/play area located at the main address of the licensee.
18. ~~17.~~ **Prescribed Pediatric Extended Care Center or PPEC Center.** Shall mean any building or buildings, or other place, whether operated for profit or not, which undertakes through its ownership or management to provide basic nonresidential services to three (3) or more medically dependent or technologically dependent children who are not related to the owner or operator by blood, marriage or adoption and who require such services. Infants and children considered for admission to a PPEC center must have complex medical conditions that require continual care. Prerequisites for admission are a prescription from the child's physician and consent from a parent or guardian.

Exemption: A facility, institution or other place operated by the federal government or an agency of the federal government is exempt from the provisions of this chapter.

19. ~~18.~~ **Prescribing Physician.** Shall mean the physician, licensed to practice medicine in the State of Mississippi that signs the order admitting the child to the PPEC center.

20. ~~19.~~ **Primary or Subspecialist Physician.** Shall mean the physician, licensed to practice medicine in the State of Mississippi, who maintains overall responsibility for the medical management of the child and who is available for consultation and collaboration with the PPEC center staff.
21. ~~20.~~ **Protocol of Care.** The comprehensive plan for implementation of medical, nursing, psychosocial, developmental, and education therapies to be provided by the PPEC center.
22. ~~21.~~ **Psychiatrist.** Shall mean, for purposes of this chapter, a board-certified psychiatrist, licensed to practice in the State of Mississippi and who has at least two years of experience in child psychology.
23. ~~22.~~ **Psychologist.** Shall mean, for purposes of this chapter, a licensed individual in Mississippi with doctoral; preparation in child or developmental counseling psychology, or a related field , and at least two years current experience in evaluation and management of children.
24. ~~23.~~ **Quality Assurance (QA) Committee.** A group of individuals, including the PPEC center Medical Director, Administrator, Director of Nursing, two other healthcare members and at least one consumer member with an interest in PPEC services who functions to conduct the duties, as outlined in Subchapter 18 of this chapter, which includes but is not limited to, review of medical records, review and approval of policies and procedures, treatment plans/procedures and to evaluate the quality of care provided to children enrolled in the PPEC center.
25. ~~24.~~ **Social Worker.** Shall mean, for purposes of this chapter, an individual, licensed to practice social work in the State of Mississippi, and who has at least one year of experience in assessing, counseling, and planning interventions for children and their families or guardians.
26. ~~25.~~ **Speech Pathologist.** Shall mean, for purposes of this chapter, an individual who attained a master's degree in speech-language pathology from an educational institution accredited by the American Speech-Language, Hearing Association, licensed to practice speech-language pathology in the State of Mississippi, and who has at least one year of experience in evaluating and treating children at risk for, or experiencing problems with communication skills.
27. ~~26.~~ **Supportive Services or Contracted Services.** Includes but are not limited to speech therapy, occupational therapy, physical therapy, respiratory therapy, social work, developmental, educational services.

SOURCE: Mississippi Code Annotated §43-13-117

### **Subchapter 3            Licensing**

Rule 2.3.8     **Capacity.** Licensees shall not operate at any given time with a capacity greater than the number of clients on the face of the license. The maximum number of beds shall be calculated based on the required staff to child ratio delineated in Rule 2.10.1, management team personnel, and additional ancillary staffing/support personnel not to exceed the maximum occupancy load of the building as defined in Rule 2.20.2.

SOURCE: Mississippi Code Annotated §43-13-117

Rule 2.3.9     **Initial Licensure.** For initial licensure, an applicant shall be in compliance with all requirements, as outlined in these regulations, and must submit documents, included but not limited to, those outlined:

1. A completed/signed application, on forms as designated by MSDH. All information submitted on the application forms, or by request for additional information, shall be accurate and current at the time of filing;
2. A non-refundable application/processing fee of \$1000.00;
3. A Licensing Fee of \$500.00 for up to 25 beds; with an additional \$20.00 per bed for each licensed bed thereafter;
4. Certificates/letters of approval from the local zoning authority indicating that the location of the PPEC center conforms to local zoning ordinances, if applicable;
5. Certificates/letters of approval from the local/regional/state Fire Marshal that the PPEC center is in compliance with all applicable fire safety standards;
6. Evidence that the PPEC center's water and sewer systems have been approved by the Mississippi State Department of Health;
7. A licensed facility shall obtain a Food Service Permit from the Mississippi State Department of Health Office of Environmental Health.
8. Certificate of Occupancy;
9. Clinical Laboratory Improvement Amendments (CLIA) certificate or CLIA certificate of waiver.
10. Proof of general and Professional Liability Insurance in the amount of at least \$300,000.00 including Workman's Compensation Insurance;
11. Articles of Incorporation, Disclosure of Ownership and Control Information;

12. Proof of financial viability/contingency plan demonstrating evidence that the applicant processes assets sufficient to establish and sustain all components of a PPEC center to meet the provisions as outlined in these regulations while operating and/or during extraordinary circumstances including but not limited to audited financial statements, an established line of credit issued from a federally insured institution in the amount of at least \$100,000.00, a projected twelve (12) month statement of operations and a projected first twelve months statement of cash flow. The requesting PPEC center shall provide evidence of the referenced above review in the form of a certified affidavit or statement resultant of a review from an independent certified public accountant firm.
13. That the center is located within 20 miles or 30 minutes (whichever is greater) of an Emergency Department that has capabilities to handle pediatric emergencies;
14. The name of the PPEC center's administrator, ~~manager or supervisor~~, the name and license number of the Medical Director and Director of Nursing along with proof of available licensed and supportive personnel who will have responsibility for any part of the care given to PPEC center's clients; as well as proof of ancillary support services such as dietary, housekeeping, maintenance and other personnel either directly or contractually secured to support the PPEC center on a daily basis;
15. The names and titles of personnel who have been affiliated, during the preceding five (5) years with any other PPEC center through ownership or employment, and the listing of names and addresses of the appropriate PPEC center for each. This information shall be provided for the applicant: administrator, ~~manager or supervisor~~, and all licensed nurses; and
16. Floor sketch or drawing of premises to be licensed, letter of intent and functional plan.

SOURCE: Mississippi Code Annotated §43-13-117

Rule 2.3.17 Within ten calendar days, the licensed entity shall submit, in writing, to MSDH, Division of Licensure and Certification, the following:

1. Change in the administrator, ~~manager/ supervisor~~, director of nursing services, or the medical director;
2. Any fire or incident of natural disaster whereas damage to the center was sustained;
3. Any incident whereas a child is left alone and unattended, either during the hours of operation of the PPEC center, after hours, while on a field trip or at an alternate location;

4. Any accident or injury sustained by a child, while the child was under the care of the PPEC center that required emergency medical intervention.

SOURCE: Mississippi Code Annotated §43-13-117

Rule 2.3.19 All applicants for a license to operate a PPEC center, whether for initial or for renewal, and the administrator, ~~manager/supervisor~~ and the director of nursing services shall:

1. Be ~~eighteen~~ 21 years of age or older;
2. Be of good moral character; and
3. Have not been convicted or found guilty, regardless of adjudication, in any jurisdiction, of any felony involving fraud, embezzlement, fraudulent conversion, misappropriation of property, moral turpitude, violence against a person or persons, abuse of a vulnerable adult; or any act(s) of sexual abuse as outlined in Section 45-33-23(g), Mississippi Code of 1972, Annotated.

SOURCE: Mississippi Code Annotated §43-13-117

Rule 2.3.20 As documentation for the Department, regarding the requirement for licensure, each applicant(s) for a license to operate a PPEC center, whether for initial or renewal, shall submit together, with their application:

1. Two (2) personal character references and two (2) professional character references for the administrator, ~~manager, or supervisor~~ of the PPEC center, except on renewal if previously provided to the Department;
2. The criminal record, if any, for ~~himself and the manager, supervisor,~~ the administrator and director of nursing services of the PPEC center, to include the court, date of conviction, the offense, penalties imposed by each conviction, regardless of adjudication;
3. Any injunctive or restrictive order or federal or state administrative order related to business activity or health care as a result of an action brought by a public agency or department;
4. A copy of current agreements entered into with third party providers; and
5. A copy of current agreements with each consultant employed by the center and documentation specifying frequency of consultative visits and required written, dated reports.

SOURCE: Mississippi Code Annotated §43-13-117



## Subchapter 5 Administration and Management

Rule 2.5.1 **Licensee.** The licensee of each PPEC center shall have full legal authority and responsibility for the operation of the center. The licensee shall assure that the PPEC center is administered on a sound financial basis consistent with good business practice. There shall be financial records and annual budget information including monthly statements of operation and Profit and Loss statements made available from the PPEC center.

SOURCE: Mississippi Code Annotated §43-13-117

Rule 2.5.2 **Organizational Structure.** Each PPEC center must be organized in accordance with a written table of organization, which describes the lines of authority and communication down to the child care level. The organization structure must be designed so as to ensure an integrated continuum of services to the children.

SOURCE: Mississippi Code Annotated §43-13-117

Rule 2.5.3 The licensee of each PPEC center must designate, in writing, one person, as Administrator, who is responsible and accountable for the overall management of the center.

SOURCE: Mississippi Code Annotated §43-13-117

Rule 2.5.4 **Administrator Qualifications: The Administrator shall have the following minimum qualifications:**

1. Five years of experience in the delivery of health care services, with a minimum of two years administrative or supervisory experience and meet one of the following criteria:
  - a. A physician currently licensed in the state of Mississippi;
  - b. A registered nurse currently licensed in the state of Mississippi;
  - c. A qualified health professional licensed by the state of Mississippi when required such as but not limited to a physician assistant, pharmacist, dietitian, respiratory care practitioner, social worker, physical therapist, occupational therapist or speech-language pathologist;
  - d. A college graduate with a bachelor's degree or higher in a health related field.

SOURCE: Mississippi Code Annotated §43-13-117

Rule 2.5.5 ~~Rule 2.5.4~~ **Administrator Designee.** The center administrator must designate, in writing, a person to be responsible for the center when the administrator is absent from or unavailable to the center for more than 24 hours.

SOURCE: Mississippi Code Annotated §43-13-117

Rule 2.5.6 ~~Rule 2.5.5~~ **Administrator Responsibilities:** The center administrator shall:

1. Be located on site at the center and serve full time as the Administrator.
2. Maintain the following written records, and all other records as outlined under subchapter 13 of these rules. The records must be kept in a place, form, and system in accordance with medical and business practices and such records must be available in the center for inspection by the Department during normal business hours:
- ~~3. Assure that the PPEC center is administered on a sound financial basis consistent with good business practice. There shall be financial records and annual budget information including monthly statements of operation and Profit and Loss statements made available from the PPEC center.~~
3. 4. A daily census record, which must indicate the names/number of children currently receiving services in the center. Census records must be maintained and available for review, on the premises, for a period of three years.
4. 5. A record of all accidents or unusual incidents involving any child or staff member that caused, or had the potential to cause, injury or harm to any person or property within the center;
5. 6. A copy of current agreements with third party providers;
6. 7. A copy of current agreements with each consultant contracted by the PPEC center and documentation of each consultant's visit and required written, dated reports;
7. 8. A personnel record for each employee, which must include, at a minimum, a current copy and/or verification of the licensure status of professional discipline employed or on contract, the original employment application, references, employment history for the preceding five years, if applicable; a copy of the job description (acknowledged by employee); and a copy of all job performance evaluations;
8. 9. Develop and maintain a current job description for each employee;
9. 10. Provide each employee access to written personnel policies governing conditions of employment;

10. ~~11.~~ Conduct annual written job performance reviews that note strengths and weaknesses and include plans to correct any job performance weaknesses. Performance evaluations must be reviewed with the employee;
11. ~~12.~~ Assign duties to employees that are consistent with their job descriptions and their levels of education, preparation and experience;
12. ~~13.~~ Provide necessary qualified personnel and ancillary services to ensure the health, safety, and proper care of the child;
13. ~~14.~~ ~~Develop and implement policies and procedures for infection control and quality assurance.~~ Ensure the development and implementation of policies and procedures, including but not limited to infection control and quality assurance. These policies and procedure must be included in the PPEC center's policy manual.

SOURCE: Mississippi Code Annotated §43-13-117

Rule 2.5.7 ~~Rule 2.5.6~~ **Organizational Responsibility.** The administrative structure of the PPEC center shall include a policy and procedure manual to assure standards for medical and nursing care are met and to assure that the requirements as set forth in licensure and certification are maintained.

SOURCE: Mississippi Code Annotated §43-13-117

Rule 2.5.8 ~~Rule 2.5.7~~ **Resources.** Each PPEC center shall have the following documents on the premises and available to staff: American Academy of Pediatrics Red Book, Minimum Standards of Operation for Prescribed Pediatric Extended Care, Policy and Procedure Manual and a Personnel Manual.

SOURCE: Mississippi Code Annotated §43-13-117

Rule 2.5.9 ~~Rule 2.5.8~~ **Personnel Policies and Procedures** shall include provisions for at least, a current personnel file, position descriptions, employee benefits, policy for attendance, overtime, compensatory time, performance evaluations, grievance procedures, and termination of employment. Personnel policies must also require that employees of the center are current in their immunizations, and undergo a medical evaluation to rule out communicable diseases, including but not limited to, tuberculosis (TB). An annual evaluation for TB is required and documentation of said results maintained.

SOURCE: Mississippi Code Annotated §43-13-117

Rule 2.5.10 ~~Rule 2.5.9~~ A formal orientation shall be required for all PPEC center employees; staff development programs for all categories of personnel shall be held quarterly and documented accordingly.

SOURCE: Mississippi Code Annotated §43-13-117

Rule 2.5.11 ~~Rule 2.5.10~~ Policy and procedure manuals including but not limited to specifications for therapeutic intervention shall be available for use by all staff involved in the care of children. Revisions of the policies and procedures are reviewed and approved quarterly during QA meetings. All forms, policies and procedures are reviewed and signed off as approved by the administrator, medical director and the director of nursing services, annually to assure that procedures conform to prevailing and acceptable treatment modalities.

SOURCE: Mississippi Code Annotated §43-13-117

Rule 2.5.12 ~~Rule 2.5.11~~ For each employee of the PPEC center (see definition of employee), the center shall submit fingerprints to MSDH for the purpose of processing a criminal history records check. The center shall develop policies and procedures consistent with this requirement.

SOURCE: Mississippi Code Annotated §43-13-117 and § 43-11-13

Rule 2.5.13 ~~Rule 2.5.12~~ **Criminal History Record Checks.** The covered entity shall require to be performed a disciplinary check with the professional licensing agency, if any, for each employee to determine if any disciplinary action has been taken against the employee by the agency, and a criminal history record check on:

1. Every new employee of a covered entity who provides direct patient care or services and who is employed after or on July 01, 2003.
2. Every employee of a covered entity employed prior to July 01, 2003, who has documented disciplinary action by his or her present employer.
3. Except as otherwise provided in this paragraph, no employee hired on or after July 01, 2003, shall be permitted to provide direct patient care until the results of the criminal history check have revealed no disqualifying record or the employee has been granted a waiver. Provided the covered entity has documented evidence of submission of fingerprints for the background check, any person may be employed and provide direct patient care on a temporary basis pending the results of the criminal history record check by any employment offer, contract, or arrangement with the person shall be voidable, if he/she receives a disqualifying criminal record check.
4. If such criminal history record check discloses a felony conviction; a guilty plea; and/or a plea of nolo contendere to a felony for one (1) or more of the

following crimes which has not been reversed on appeal, or for which a pardon has not been granted, the applicant/employee shall not be eligible to be employed at the licensed facility:

- a. Possession or sale of drugs
  - b. Murder
  - c. Manslaughter
  - d. Armed robbery
  - e. Rape
  - f. Sexual battery
  - g. Sex offense listed in Section 45-33-23, Mississippi Code of 1972:
  - h. Child abuse
  - i. Arson
  - j. Grand larceny
  - k. Burglary
  - l. Gratification of lust
  - m. Aggravated assault
  - n. Felonious abuse and/or battery of vulnerable adult
5. Documentation of verification of the employee's disciplinary status, if any, with the employee's professional licensing agency as applicable, and evidence of submission of the employee's fingerprints to the licensing agency must be on file and maintained by the facility prior to the new employees first date of employment. The covered entity shall maintain on file evidence of verification of the employee's disciplinary status from any applicable professional licensing agency and submission and/or completion of the criminal record check, the signed affidavit, if applicable, and/or a copy of the referenced notarized letter addressing the individual's suitability for such employment.
  6. The covered entity may, in its discretion, allow any employee applicant aggrieved by the employment decision under this subsection to appear before the licensed entity's hiring officer, or his or her designee, to show mitigating circumstances that may exist and allow the employee or employee applicant to

be employed at the **covered entity**. The covered entity, upon report and recommendation of the hiring officer, may grant waivers for those mitigating circumstances, which shall include, but not be limited to: (1) age at which the crime was committed; (2) circumstances surrounding the crime; (3) length of time since the conviction and criminal history since the conviction; (4) work history; (5) current employment and character references; and (6) other evidence demonstrating the ability of the individual does not pose a threat to the health or safety of the patients in the licensed facility.

7. The licensing agency may charge the covered entity submitting the fingerprints a fee not to exceed Fifty Dollars (\$50.00).
8. Should results of an employee applicant's criminal history record check reveal no disqualifying event, then the covered entity shall, within two (2) weeks of the notification of no disqualifying, event provide the employee applicant with a notarized letter signed by the chief executive officer of the covered entity, or his or her authorized designee, confirming the employee applicant's suitability for employment based on his or her criminal history record check. An employee applicant may use that letter for a period of two (2) years from the date of the letter to seek employment at any covered entity licensed by the Mississippi Department of Health without the necessity of an additional criminal record check. Any covered entity presented with the letter may rely on the letter with respect to an employee applicant's criminal background and is not required for a period of two (2) years from the date of the letter to conduct or have conducted a criminal history record check as required in this subsection.
9. For individuals contracted through a third party who provide direct patient care as defined herein, the covered entity shall require proof of a criminal history record check.
10. The licensing agency, the covered entity, and their agents, officers, employees, attorneys and representatives, shall be presumed to be acting in good faith for any employment decision or action taken under this section. The presumption of good faith may be overcome by a preponderance of the evidence in any civil action. No licensing agency, covered entity, nor their agents, officers, employees, attorneys and representatives shall be held liable in any employment discrimination suit in which an allegation of discrimination is made regarding an employment decision authorized under this section.

SOURCE: Mississippi Code Annotated §43-13-117 and § 43-11-13

## **Subchapter 10      Staffing**

Rule 2.10.1 **Ratio.** Total staffing for nursing services shall be, at a minimum, in the following ratios but at no time shall there be less than one (1) staff member of duty per three (3) children. If only one (1) staff member is on duty, that member must be a registered nurse.

Children	Total Staff	RN	RN or LPN	Direct Care, or Licensed Nurse (RN, LPN or Respiratory Therapist)
1	1	1		
2-6	2	1	1	1
7-9	3	1	1	1
10-12	4	2	1	1
13-15	5	3	1	1
16-18	6	3	1	2
19-21	7	4	1	2
22-24	8	4	1	3
25-27	9	4	1	4
28-30	11	5	1	5
31-33	12	5	1	6
34 -36	13	5	2	6
37- 39	14	5	3	6
40-42	15	5	3	7
43- 45	16	5	4	7

SOURCE: Mississippi Code Annotated §43-13-117

#### **Subchapter 14      Transportation Services**

Rule 2.14.1      If transportation services are provided by a PPEC center and prescribed by the primary care or subspecialist physician, a procedure delineating personnel and equipment to accompany the child shall be included in the PPEC center procedure manual. PPEC center policy and procedure shall clearly state, regardless of the transportation provision, if the child is to be under the care of the PPEC center, the PPEC center is responsible for the safety of the children.

1. If the PPEC Center provides transportation of the child to and from the center, the PPEC center shall exercise best efforts to limit the time a child, regardless of his/her region of origin, may be in transport, not to exceed an average of one hour on any single trip.

SOURCE: Mississippi Code Annotated §43-13-117

## **Subchapter 19            Equipment**

Rule 2.19.7    **Fluids/Medications.** Basic drugs and solutions shall be on-site, available and accessible to medical/nursing staff, at all times:

1. Epinephrine (ampules, vials, or syringes) - 2 each of 1:1000 and 1:10,000;
2. Dextrose (vials or syringes) 1 each of a) 25% solutions and b) 50% solutions
3. Activated Charcoal (1)
4. Sterile Water (vials or syringes) - 2 vials
5. Normal Saline (vials or syringes) - 2 vials
6. Intravenous fluids of Dextrose 5% and 10% in water, Dextrose 5% in Lactated Ringers, Normal Saline---500 cc/bag (2 each)
7. Heparin 10 units – 2 ~~vials~~ (vials or syringes), Heparin 100unit – 2~~vials~~-(vials or syringes)
8. Diphenhydramine (Benadryl 50mg/ml) – 1~~vial~~-(vials or syringes)

SOURCE: Mississippi Code Annotated §43-13-117

## **Subchapter 20            Physical Environment**

Rule 2.20.2    The PPEC center at a minimum shall include the following programmatic design elements:

1. Quiet rooms;
2. Nutritional and food prep area;
3. Age appropriate toileting facilities;
4. Indoor and outdoor recreational exercise play areas, with each exercise play area maintaining 35 square feet per licensed child;



5. Treatment room with med prep area;
6. Isolation room;
7. Clean and dirty storage areas;
8. Janitorial closet;
9. Biohazard closet;
10. Therapy/education/activity learning lab area;
11. Laundry area;
12. Staff area;
13. Reception area;
14. Administrative office;
15. Separate guest and child entrances.
16. Maximum Occupant Load for the building shall be calculated based on 100 gross square feet per person to include staff and each child.

SOURCE: Mississippi Code Annotated §43-13-117