

Mississippi Secretary of State
700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME MS State Department of Health		CONTACT PERSON Mike Lucius	TELEPHONE NUMBER 601-576-7847	
ADDRESS PO Box 1700		CITY Jackson	STATE MS	ZIP 39215-1700
EMAIL bob.fagan@msdh.state.ms.us	SUBMIT DATE 5/30/2013	Name or number of rule(s): Title 15, Part 16 Subpart 1, Ch. 41 Minimum Standards of Operation for Mississippi Hospitals, Subchapter 83		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: Amendment to: Chapter 41 – Modifies standards to state "Except as a pilot program approved by the MSDH. Services shall be in close proximity to an exterior entrance of a hospital". Additional requirements specific to a pilot freestanding program was added to the Minimum Standards of Operation for Mississippi Hospitals as Subchapter 83.

List all rules repealed, amended, or suspended by the proposed rule: Rules: 41.27.3; Subchapter 83

ORAL PROCEEDING:

An oral proceeding is scheduled for this rule on (see attached listing) Date: 07/03/2013 Time: 9:00 am Place: MS State Department of Health; 570 East Woodrow Wilson Drive; Jackson, MS – Osborne Auditorium

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 Withdrawn 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

Printed name and title of person authorized to file rules: Mike Lucius, Deputy State Health Officer/Chief Administrative Officer

Signature of person authorized to file rules: *Ellen Orford for Mike Lucius*

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
		
Accepted for filing by	Accepted for filing by <i>[Signature]</i>	Accepted for filing by

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



DELBERT HOSEMAN
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 Mike Lucius	TELEPHONE NUMBER 601-576-7847	
ADDRESS PO Box 1700	CITY Jackson	STATE MS	ZIP 39211-1700
EMAIL bob.fagan@msdh.state.ms.us	DESCRIPTIVE TITLE OF PROPOSED RULE Minimum Standards of Operation for Mississippi Hospitals		
Specific Legal Authority Authorizing the promulgation of Rule: Miss. Code Ann. §41-9-17	Reference to Rules repealed, amended or suspended by the Proposed Rule: Amended Rule 41.27.3 Added Subchapter 83		

A. Estimated Costs and Benefits

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

The benefit is that the proposed rule allows for the operation of Pilot project Freestanding Emergency Departments (PFED). This potentially will make emergency services available in more locations in Mississippi, thus making treatment available to the citizens of Mississippi.

2. Briefly describe the need for the proposed rule:

This amended rule and new subsection provides the provision to allow for Pilot project Freestanding Emergency Departments. The Subsection 83 addendum provides guidelines should an entity wish to operate a PFED.

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

It will provide additional opportunities for treatment and, if the Pilot program is successful, open the way for other facilities to provide services in the same manner.

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:
None. Optional for hospitals.
- b. Projected costs for small businesses to comply: None. Optional for hospitals.
- c. Statement of probable effect on impacted small businesses: None. Optional for hospitals.

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
2. 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.)

C. Data and Methodology

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

The Department does not have specific data to use as reference since there are no such facilities in Mississippi.

D. 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 July 3, 2013, at 9:00 am at the Osborne Auditorium, 570 East Woodrow Wilson, Jackson, MS 39215-1700.

SIGNATURE	TITLE
<i>Ellen O'Neal Farmane Lucas</i>	Deputy State Health Officer/Chief Administration Officer
DATE	PROPOSED EFFECTIVE DATE OF RULE
5/30/13	30 days after filing



DELBERT HOSEMANN
Secretary of State

ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. An Economic Impact Statement must be attached to this Form and address the factors below. A PDF document containing this executed Form and the Economic Impact Statement must be filed with any proposed rule, if required by the aforementioned statute.

AGENCY NAME MS State Department of Health	CONTACT PERSON Mike Lucius	TELEPHONE NUMBER 601-576-7847
ADDRESS PO Box 1700	CITY Jackson	STATE MS
EMAIL bob.fagan@msdh.state.ms.us	DESCRIPTIVE TITLE OF PROPOSED RULE Minimum Standards of Operation for Mississippi Hospitals	
Specific Legal Authority Authorizing the promulgation of Rule: Miss. Code Ann. §41-9-17	Reference to Rules repealed, amended or suspended by the Proposed Rule: Amended Rule 41.27.3 Added Subchapter 83	

A. Estimated Costs and Benefits

SIGNATURE <i>Mike Lucius</i>	TITLE Deputy State Health Officer/Chief Administrative Officer
DATE 5/30/13	PROPOSED EFFECTIVE DATE OF RULE: 30 days after filing

- Describe the need for the proposed action:
This amended rule and new subsection provides the provision to allow for Pilot project Freestanding Emergency Departments. The Subsection 83 addendum provides guidelines should an entity wish to operate a PFED.
- Describe the benefits which will likely accrue as the result of the proposed action:
The benefit is that the proposed rule allows for the operation of Pilot project Freestanding Emergency Departments (PFED). This potentially will make emergency services available in more locations in Mississippi, thus making treatment available to the citizens of Mississippi.
- Describe the effect the proposed action will have on the public health, safety, and welfare:
It has the potential to provide additional opportunities for treatment and, if the Pilot program is successful, opens the way for other facilities to provide services in the same manner.
- Estimate the cost to the agency and to any other state or local government entities, of implementing and enforcing the proposed action, including the estimated amount of paperwork, and any anticipated effect on state or local revenues:
There should be no cost to any other state or local government entities. The cost to the MSDH would be minimal as survey monitoring cost will be incorporated into Department's routine business. This facility would be included in the regular schedule for surveys for licensure and certification.
- Estimate the cost or economic benefit to all persons directly affected by the proposed action:
We cannot identify with certainty the exact cost of such a facility. The initial expenditure to build such a facility is estimated at three to five million dollars. The cost of running the facility after it is built would depend on size and complexity of services offered. Since such a facility has yet to be built and operated in Mississippi, we cannot provide more exact data.

However, this is a voluntary Pilot program. There is no requirement for any provider or facility to provide emergency services at an off-site facility. All existing hospitals may continue to provide emergency services in the same manner that they are provided currently. Therefore, unless a facility chooses to provide services at a free-standing emergency department, there should be no economic impact for the facility.

6. Provide an analysis of the impact of the proposed rule on small business:
None; this is an optional program for hospitals.
7. Identify and estimate the number of small businesses subject to the proposed regulation:
None; this is an optional program for hospitals.
 - a. Provide the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record:
None; this is an optional program for hospitals.
 - b. State the probable effect on impacted small businesses:
The cost of the IGRA test is \$106.00
 - c. Describe any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation including the following regulatory flexibility analysis:
 - i. The establishment of less stringent compliance or reporting requirements for small businesses;
None.
 - ii. The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
None.
 - iii. The consolidation or simplification of compliance or reporting requirements for small businesses;
None.
 - iv. The establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation;
None.
 - v. The exemption of some or all small businesses from all or any part of the requirements contained in the proposed regulations:
The program is optional.
8. Compare the costs and benefits of the proposed rule to the probable costs and benefits of not adopting the proposed rule or significantly amending an existing rule:
Cost to those who choose to provide this service could be substantial. The benefit could also be substantial to those using these facilities. Optional program.
9. Determine whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rule where reasonable alternative methods exist which are not precluded by law:
None.
10. Describe reasonable alternative methods, where applicable, for achieving the purpose of the proposed action which were considered by the agency:
None; this is an optional program for hospitals.
11. State reasons for rejecting alternative methods that were described in #9 above:
NA
12. Provide a detailed statement of the data and methodology used in making estimates required by this subsection:
The Department does not have specific data to use as a reference since there are no such facilities in Mississippi.