

4/26 7:00p

Chapter No. 545

11/SS26/R676SG

JW 1A9/59

SENATE BILL NO. 2734

Originated in Senate *Shemaitzky* Secretary

SENATE BILL NO. 2734

AN ACT TO REENACT SECTIONS 41-9-51, 41-59-3, 41-59-5, 41-59-7, 41-59-75, 27-19-43 AND 99-19-73, MISSISSIPPI CODE OF 1972, TO AMEND SECTION 9 OF CHAPTER 549, LAWS OF 2008, TO EXTEND THE AUTOMATIC REPEALER ON THE EMERGENCY MEDICAL SERVICES AND TRAUMA CARE SERVICES FEE PROGRAM; TO AMEND REENACTED SECTION 41-59-5, MISSISSIPPI CODE OF 1972, TO CLARIFY THE USE OF FEES FOR THE EXCLUSIVE BENEFIT OF THE STATEWIDE TRAUMA SYSTEM; TO AMEND REENACTED SECTION 41-59-7, MISSISSIPPI CODE OF 1972, TO ADD THE TRADE ASSOCIATION FOR AMBULANCE SERVICE PROVIDERS TO THE EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL WITHIN THE DEPARTMENT OF HEALTH; TO AMEND SECTION 43-11-13, MISSISSIPPI CODE OF 1972, TO EXTEND THE AUTOMATIC REPEALER ON CERTAIN HOSPICE AND NURSING HOME REGULATIONS; TO REENACT AND AMEND SECTION 63-17-171, MISSISSIPPI CODE OF 1972, WHICH LEVIES A POINT-OF-SALE FEE ON RETAIL SALES OF ALL-TERRAIN VEHICLES AND MOTORCYCLES FOR DEPOSIT INTO THE MISSISSIPPI TRAUMA CARE SYSTEMS FUND; TO LEVY A FEE ON ANY RESIDENT OF THIS STATE WHO PURCHASES A NEW AND NOT PREVIOUSLY REGISTERED MOTORCYCLE IN ANOTHER STATE AND BRINGS THE MOTORCYCLE INTO THIS STATE; TO PROVIDE THAT THE PERSON SHALL PAY THE FEE TO THE TAX COLLECTOR AT THE TIME OF REGISTERING THE MOTORCYCLE AND APPLYING FOR A LICENSE TAG; TO PROVIDE THAT THE PROCEEDS OF THE FEE SHALL BE DEPOSITED INTO THE MISSISSIPPI TRAUMA CARE SYSTEMS FUND; TO LEVY A FEE ON ANY RESIDENT OF THIS STATE WHO PURCHASES A NEW ALL-TERRAIN VEHICLE IN ANOTHER STATE AND BRINGS THE VEHICLE INTO THIS STATE; TO PROVIDE THAT THE PROCEEDS OF THE FEE SHALL BE DEPOSITED INTO THE MISSISSIPPI TRAUMA CARE SYSTEMS FUND; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 41-9-51, Mississippi Code of 1972, is reenacted as follows:

41-9-51. Any hospital that reasonably activates a trauma care team in response to a request for trauma care services may charge the patient for the reasonable cost of activating those services and shall be reimbursed for those services by the health care insurer by assignment from the patient or from the patient. That cost shall be reimbursed regardless of whether services were actually rendered to the patient, and those trauma care services

shall be deemed as a matter of law to have been medical services provided to the patient.

SECTION 2. Section 41-59-3, Mississippi Code of 1972, is reenacted as follows:

41-59-3. As used in this chapter, unless the context otherwise requires, the term:

(a) "Ambulance" means any privately or publicly owned land or air vehicle that is especially designed, constructed, modified or equipped to be used, maintained and operated upon the streets, highways or airways of this state to assist persons who are sick, injured, wounded, or otherwise incapacitated or helpless;

(b) "Permit" means an authorization issued for an ambulance vehicle and/or a special use EMS vehicle as meeting the standards adopted under this chapter;

(c) "License" means an authorization to any person, firm, corporation, or governmental division or agency to provide ambulance services in the State of Mississippi;

(d) "Emergency medical technician" means an individual who possesses a valid emergency medical technician's certificate issued under the provisions of this chapter;

(e) "Certificate" means official acknowledgment that an individual has successfully completed (i) the recommended basic emergency medical technician training course referred to in this chapter which entitles that individual to perform the functions and duties of an emergency medical technician, or (ii) the recommended medical first responder training course referred to in this chapter which entitles that individual to perform the functions and duties of a medical first responder;

(f) "Board" means the State Board of Health;

(g) "Department" means the State Department of Health, Division of Emergency Medical Services;

(h) "Executive officer" means the Executive Officer of the State Board of Health, or his designated representative;

(i) "First responder" means a person who uses a limited amount of equipment to perform the initial assessment of and intervention with sick, wounded or otherwise incapacitated persons;

(j) "Medical first responder" means a person who uses a limited amount of equipment to perform the initial assessment of and intervention with sick, wounded or otherwise incapacitated persons who (i) is trained to assist other EMS personnel by successfully completing, and remaining current in refresher training in accordance with, an approved "First Responder: National Standard Curriculum" training program, as developed and promulgated by the United States Department of Transportation; (ii) is nationally registered as a first responder by the National Registry of Emergency Medical Technicians; and (iii) is certified as a medical first responder by the State Department of Health, Division of Emergency Medical Services;

(k) "Invalid vehicle" means any privately or publicly owned land or air vehicle that is maintained, operated and used only to transport persons routinely who are convalescent or otherwise nonambulatory and do not require the service of an emergency medical technician while in transit;

(l) "Special use EMS vehicle" means any privately or publicly owned land, water or air emergency vehicle used to support the provision of emergency medical services. These vehicles shall not be used routinely to transport patients;

(m) "Trauma care system" or "trauma system" means a formally organized arrangement of health care resources that has been designated by the department by which major trauma victims are triaged, transported to and treated at trauma care facilities;

(n) "Trauma care facility" or "trauma center" means a hospital located in the State of Mississippi or a Level I trauma

care facility or center located in a state contiguous to the State of Mississippi that has been designated by the department to perform specified trauma care services within a trauma care system pursuant to standards adopted by the department;

(o) "Trauma registry" means a collection of data on patients who receive hospital care for certain types of injuries. Such data are primarily designed to ensure quality trauma care and outcomes in individual institutions and trauma systems, but have the secondary purpose of providing useful data for the surveillance of injury morbidity and mortality;

(p) "Emergency medical condition" means a medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, psychiatric disturbances and/or symptoms of substance abuse, such that a prudent layperson who possesses an average knowledge of health and medicine could reasonably expect the absence of immediate medical attention to result in placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part;

(q) "Emergency medical call" means a situation that is presumptively classified at time of dispatch to have a high index of probability that an emergency medical condition or other situation exists that requires medical intervention as soon as possible to reduce the seriousness of the situation, or when the exact circumstances are unknown, but the nature of the request is suggestive of a true emergency where a patient may be at risk;

(r) "Emergency response" means responding immediately at the basic life support or advanced life support level of service to an emergency medical call. An immediate response is one in which the ambulance supplier begins as quickly as possible to take the steps necessary to respond to the call;

(s) "Emergency mode" means an ambulance or special use EMS vehicle operating with emergency lights and warning siren (or warning siren and air horn) while engaged in an emergency medical call.

SECTION 3. Section 41-59-5, Mississippi Code of 1972, is reenacted and amended as follows:

41-59-5. (1) The State Board of Health shall establish and maintain a program for the improvement and regulation of emergency medical services (hereinafter EMS) in the State of Mississippi. The responsibility for implementation and conduct of this program shall be vested in the State Health Officer of the State Board of Health along with such other officers and boards as may be specified by law or regulation.

(2) The board shall provide for the regulation and licensing of public and private ambulance service, inspection and issuance of permits for ambulance vehicles, training and certification of EMS personnel, including drivers and attendants, the development and maintenance of a statewide EMS records program, development and adoption of EMS regulations, the coordination of an EMS communications system, and other related EMS activities.

(3) The board is authorized to promulgate and enforce such rules, regulations and minimum standards as needed to carry out the provisions of this chapter.

(4) The board is authorized to receive any funds appropriated to the board from the Emergency Medical Services Operating Fund created in Section 41-59-61 and is further authorized, with the Emergency Medical Services Advisory Council acting in an advisory capacity, to administer the disbursement of such funds to the counties, municipalities and organized emergency medical service districts and the utilization of such funds by the same, as provided in Section 41-59-61.

(5) The department acting as the lead agency, in consultation with and having solicited advice from the EMS

4/26 7:55

Chapter No. 545

11/SS26/R676SG

JW 1/29/59

SENATE BILL NO. 2734

Originated in Senate

Hermit Payne

Secretary

SENATE BILL NO. 2734

AN ACT TO REENACT SECTIONS 41-9-51, 41-59-3, 41-59-5, 41-59-7, 41-59-75, 27-19-43 AND 99-19-73, MISSISSIPPI CODE OF 1972, TO AMEND SECTION 9 OF CHAPTER 549, LAWS OF 2008, TO EXTEND THE AUTOMATIC REPEALER ON THE EMERGENCY MEDICAL SERVICES AND TRAUMA CARE SERVICES FEE PROGRAM; TO AMEND REENACTED SECTION 41-59-5, MISSISSIPPI CODE OF 1972, TO CLARIFY THE USE OF FEES FOR THE EXCLUSIVE BENEFIT OF THE STATEWIDE TRAUMA SYSTEM; TO AMEND REENACTED SECTION 41-59-7, MISSISSIPPI CODE OF 1972, TO ADD THE TRADE ASSOCIATION FOR AMBULANCE SERVICE PROVIDERS TO THE EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL WITHIN THE DEPARTMENT OF HEALTH; TO AMEND SECTION 43-11-13, MISSISSIPPI CODE OF 1972, TO EXTEND THE AUTOMATIC REPEALER ON CERTAIN HOSPICE AND NURSING HOME REGULATIONS; TO REENACT AND AMEND SECTION 63-17-171, MISSISSIPPI CODE OF 1972, WHICH LEVIES A POINT-OF-SALE FEE ON RETAIL SALES OF ALL-TERRAIN VEHICLES AND MOTORCYCLES FOR DEPOSIT INTO THE MISSISSIPPI TRAUMA CARE SYSTEMS FUND; TO LEVY A FEE ON ANY RESIDENT OF THIS STATE WHO PURCHASES A NEW AND NOT PREVIOUSLY REGISTERED MOTORCYCLE IN ANOTHER STATE AND BRINGS THE MOTORCYCLE INTO THIS STATE; TO PROVIDE THAT THE PERSON SHALL PAY THE FEE TO THE TAX COLLECTOR AT THE TIME OF REGISTERING THE MOTORCYCLE AND APPLYING FOR A LICENSE TAG; TO PROVIDE THAT THE PROCEEDS OF THE FEE SHALL BE DEPOSITED INTO THE MISSISSIPPI TRAUMA CARE SYSTEMS FUND; TO LEVY A FEE ON ANY RESIDENT OF THIS STATE WHO PURCHASES A NEW ALL-TERRAIN VEHICLE IN ANOTHER STATE AND BRINGS THE VEHICLE INTO THIS STATE; TO PROVIDE THAT THE PROCEEDS OF THE FEE SHALL BE DEPOSITED INTO THE MISSISSIPPI TRAUMA CARE SYSTEMS FUND; AND FOR RELATED PURPOSES.

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shall be deemed as a matter of law to have been medical services provided to the patient.

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41-59-3. As used in this chapter, unless the context otherwise requires, the term:

(a) "Ambulance" means any privately or publicly owned land or air vehicle that is especially designed, constructed, modified or equipped to be used, maintained and operated upon the streets, highways or airways of this state to assist persons who are sick, injured, wounded, or otherwise incapacitated or helpless;

(b) "Permit" means an authorization issued for an ambulance vehicle and/or a special use EMS vehicle as meeting the standards adopted under this chapter;

(c) "License" means an authorization to any person, firm, corporation, or governmental division or agency to provide ambulance services in the State of Mississippi;

(d) "Emergency medical technician" means an individual who possesses a valid emergency medical technician's certificate issued under the provisions of this chapter;

(e) "Certificate" means official acknowledgment that an individual has successfully completed (i) the recommended basic emergency medical technician training course referred to in this chapter which entitles that individual to perform the functions and duties of an emergency medical technician, or (ii) the recommended medical first responder training course referred to in this chapter which entitles that individual to perform the functions and duties of a medical first responder;

(f) "Board" means the State Board of Health;

(g) "Department" means the State Department of Health, Division of Emergency Medical Services;

(h) "Executive officer" means the Executive Officer of the State Board of Health, or his designated representative;

(i) "First responder" means a person who uses a limited amount of equipment to perform the initial assessment of and intervention with sick, wounded or otherwise incapacitated persons;

(j) "Medical first responder" means a person who uses a limited amount of equipment to perform the initial assessment of and intervention with sick, wounded or otherwise incapacitated persons who (i) is trained to assist other EMS personnel by successfully completing, and remaining current in refresher training in accordance with, an approved "First Responder: National Standard Curriculum" training program, as developed and promulgated by the United States Department of Transportation;

(ii) is nationally registered as a first responder by the National Registry of Emergency Medical Technicians; and (iii) is certified as a medical first responder by the State Department of Health, Division of Emergency Medical Services;

(k) "Invalid vehicle" means any privately or publicly owned land or air vehicle that is maintained, operated and used only to transport persons routinely who are convalescent or otherwise nonambulatory and do not require the service of an emergency medical technician while in transit;

(l) "Special use EMS vehicle" means any privately or publicly owned land, water or air emergency vehicle used to support the provision of emergency medical services. These vehicles shall not be used routinely to transport patients;

(m) "Trauma care system" or "trauma system" means a formally organized arrangement of health care resources that has been designated by the department by which major trauma victims are triaged, transported to and treated at trauma care facilities;

(n) "Trauma care facility" or "trauma center" means a hospital located in the State of Mississippi or a Level I trauma

care facility or center located in a state contiguous to the State of Mississippi that has been designated by the department to perform specified trauma care services within a trauma care system pursuant to standards adopted by the department;

(o) "Trauma registry" means a collection of data on patients who receive hospital care for certain types of injuries. Such data are primarily designed to ensure quality trauma care and outcomes in individual institutions and trauma systems, but have the secondary purpose of providing useful data for the surveillance of injury morbidity and mortality;

(p) "Emergency medical condition" means a medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, psychiatric disturbances and/or symptoms of substance abuse, such that a prudent layperson who possesses an average knowledge of health and medicine could reasonably expect the absence of immediate medical attention to result in placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part;

(q) "Emergency medical call" means a situation that is presumptively classified at time of dispatch to have a high index of probability that an emergency medical condition or other situation exists that requires medical intervention as soon as possible to reduce the seriousness of the situation, or when the exact circumstances are unknown, but the nature of the request is suggestive of a true emergency where a patient may be at risk;

(r) "Emergency response" means responding immediately at the basic life support or advanced life support level of service to an emergency medical call. An immediate response is one in which the ambulance supplier begins as quickly as possible to take the steps necessary to respond to the call;

(s) "Emergency mode" means an ambulance or special use EMS vehicle operating with emergency lights and warning siren (or warning siren and air horn) while engaged in an emergency medical call.

SECTION 3. Section 41-59-5, Mississippi Code of 1972, is reenacted and amended as follows:

41-59-5. (1) The State Board of Health shall establish and maintain a program for the improvement and regulation of emergency medical services (hereinafter EMS) in the State of Mississippi. The responsibility for implementation and conduct of this program shall be vested in the State Health Officer of the State Board of Health along with such other officers and boards as may be specified by law or regulation.

(2) The board shall provide for the regulation and licensing of public and private ambulance service, inspection and issuance of permits for ambulance vehicles, training and certification of EMS personnel, including drivers and attendants, the development and maintenance of a statewide EMS records program, development and adoption of EMS regulations, the coordination of an EMS communications system, and other related EMS activities.

(3) The board is authorized to promulgate and enforce such rules, regulations and minimum standards as needed to carry out the provisions of this chapter.

(4) The board is authorized to receive any funds appropriated to the board from the Emergency Medical Services Operating Fund created in Section 41-59-61 and is further authorized, with the Emergency Medical Services Advisory Council acting in an advisory capacity, to administer the disbursement of such funds to the counties, municipalities and organized emergency medical service districts and the utilization of such funds by the same, as provided in Section 41-59-61.

(5) The department acting as the lead agency, in consultation with and having solicited advice from the EMS

Advisory Council, shall develop a uniform nonfragmented inclusive statewide trauma care system that provides excellent patient care. It is the intent of the Legislature that the purpose of this system is to reduce death and disability resulting from traumatic injury, and in order to accomplish this goal it is necessary to assign additional responsibilities to the department. The department is assigned the responsibility for creating, implementing and managing the statewide trauma care system. The department shall be designated as the lead agency for trauma care systems development. The department shall develop and administer trauma regulations that include, but are not limited to, the Mississippi Trauma Care System Plan, trauma system standards, trauma center designations, field triage, interfacility trauma transfer, EMS aero medical transportation, trauma data collection, trauma care system evaluation and management of state trauma systems funding. The department shall promulgate regulations specifying the methods and procedures by which Mississippi-licensed acute care facilities shall participate in the statewide trauma system. Those regulations shall include mechanisms for determining the appropriate level of participation for each facility or class of facilities. The department shall also adopt a schedule of fees to be assessed for facilities that choose not to participate in the statewide trauma care system, or which participate at a level lower than the level at which they are capable of participating. The fees paid under this provision shall be for the exclusive benefit of the statewide trauma care system and shall not lapse into the State General Fund. The department shall promulgate rules and regulations necessary to effectuate this provision by September 1, 2008, with an implementation date of September 1, 2008. The department shall take the necessary steps to develop, adopt and implement the Mississippi Trauma Care System Plan and all associated trauma care system regulations necessary to implement the Mississippi trauma

care system. The department shall cause the implementation of both professional and lay trauma education programs. These trauma educational programs shall include both clinical trauma education and injury prevention. As it is recognized that rehabilitation services are essential for traumatized individuals to be returned to active, productive lives, the department shall coordinate the development of the inclusive trauma system with the Mississippi Department of Rehabilitation Services and all other appropriate rehabilitation systems.

(6) The State Board of Health is authorized to receive any funds appropriated to the board from the Mississippi Trauma Care System Fund created in Section 41-59-75. It is further authorized, with the Emergency Medical Services Advisory Council and the Mississippi Trauma Advisory Committee acting in advisory capacities, to administer the disbursements of those funds according to adopted trauma care system regulations. Any Level I trauma care facility or center located in a state contiguous to the State of Mississippi that participates in the Mississippi trauma care system and has been designated by the department to perform specified trauma care services within the trauma care system under standards adopted by the department shall receive a reasonable amount of reimbursement from the department for the cost of providing trauma care services to Mississippi residents whose treatment is uncompensated.

(7) In addition to the trauma-related duties provided for in this section, the Board of Health shall develop a plan for the delivery of services to Mississippi burn victims through the existing trauma care system of hospitals. Such plan shall be operational by July 1, 2005, and shall include:

(a) Systems by which burn patients will be assigned or transferred to hospitals capable of meeting their needs;

(b) Until the Mississippi Burn Center established at the University of Mississippi Medical Center under Section

37-115-45 is operational, procedures for allocating funds appropriated from the Mississippi Burn Care Fund to hospitals that provide services to Mississippi burn victims; and

(c) Such other provisions necessary to provide burn care for Mississippi residents, including reimbursement for travel, lodging, if no free lodging is available, meals and other reasonable travel-related expenses incurred by burn victims, family members and/or caregivers, as established by the State Board of Health through rules and regulations.

After the Mississippi Burn Center established at the University of Mississippi Medical Center under Section 37-115-45 is operational, the Board of Health shall revise the plan to include the Mississippi Burn Center.

SECTION 4. Section 41-59-7, Mississippi Code of 1972, is reenacted and amended as follows:

41-59-7. (1) There is created an emergency medical services advisory council to consist of the following members who shall be appointed by the Governor:

(a) One (1) licensed physician to be appointed from a list of nominees presented by the Mississippi Trauma Committee, American College of Surgeons;

(b) One (1) licensed physician to be appointed from a list of nominees who are actively engaged in rendering emergency medical services presented by the Mississippi State Medical Association;

(c) One (1) registered nurse whose employer renders emergency medical services, to be appointed from a list of nominees presented by the Mississippi Nurses Association;

(d) Two (2) hospital administrators who are employees of hospitals which provide emergency medical services, to be appointed from a list of nominees presented by the Mississippi Hospital Association;

(e) Two (2) operators of ambulance services;

(f) Three (3) officials of county or municipal government;

(g) One (1) licensed physician to be appointed from a list of nominees presented by the Mississippi Chapter of the American College of Emergency Physicians;

(h) One (1) representative from each designated trauma care region, to be appointed from a list of nominees submitted by each region;

(i) One (1) registered nurse to be appointed from a list of nominees submitted by the Mississippi Emergency Nurses Association;

(j) One (1) EMT-Paramedic whose employer renders emergency medical services in a designated trauma care region;

(k) One (1) representative from the Mississippi Department of Rehabilitation Services;

(l) One (1) member who shall be a person who has been a recipient of trauma care in Mississippi or who has an immediate family member who has been a recipient of trauma care in Mississippi;

(m) One (1) licensed neurosurgeon to be appointed from a list of nominees presented by the Mississippi State Medical Association;

(n) One (1) licensed physician with certification or experience in trauma care to be appointed from a list of nominees presented by the Mississippi Medical and Surgical Association; * * *

(o) One (1) representative from the Mississippi Firefighters Memorial Burn Association, to be appointed by the association's governing body; and

(p) One (1) representative from the Mississippians for Emergency Medical Services, to be appointed by the association's governing body.

The terms of the advisory council members shall begin on July 1, 1974. Four (4) members shall be appointed for a term of two (2) years, three (3) members shall be appointed for a term of three (3) years, and three (3) members shall be appointed for a term of four (4) years. Thereafter, members shall be appointed for a term of four (4) years. The executive officer or his designated representative shall serve as ex officio chairman of the advisory council. Advisory council members may hold over and shall continue to serve until a replacement is named by the Governor.

The advisory council shall meet at the call of the chairman at least annually. For attendance at such meetings, the members of the advisory council shall be reimbursed for their actual and necessary expenses including food, lodging and mileage as authorized by law, and they shall be paid per diem compensation authorized under Section 25-3-69.

The advisory council shall advise and make recommendations to the board regarding rules and regulations promulgated pursuant to this chapter.

(2) There is created a committee of the Emergency Medical Services Advisory Council to be named the Mississippi Trauma Advisory Committee (hereinafter "MTAC"). This committee shall act as the advisory body for trauma care system development and provide technical support to the department in all areas of trauma care system design, trauma standards, data collection and evaluation, continuous quality improvement, trauma care system funding, and evaluation of the trauma care system and trauma care programs. The membership of the Mississippi Trauma Advisory Committee shall be comprised of Emergency Medical Services Advisory Council members appointed by the chairman.

SECTION 5. Section 41-59-75, Mississippi Code of 1972, is reenacted as follows:

41-59-75. (1) The Mississippi Trauma Care Systems Fund is established. Fifteen Dollars (\$15.00) collected from each assessment of Twenty Dollars (\$20.00) under subsection (1) of Section 99-19-73 and Thirty Dollars (\$30.00) collected from each assessment of Forty-five Dollars (\$45.00) under subsection (2) of Section 99-19-73, as provided in Section 41-59-61, and any other funds made available for funding the trauma care system, shall be deposited into the fund. Funds appropriated from the Mississippi Trauma Care Systems Fund to the State Board of Health shall be made available for department administration and implementation of the comprehensive state trauma care plan for distribution by the department to designated trauma care regions for regional administration, for the department's trauma specific public information and education plan, and to provide hospital and physician indigent trauma care block grant funding to trauma centers designated by the department. All designated trauma care hospitals are eligible to contract with the department for these funds.

(2) The Mississippi Trauma Care Escrow Fund is created as a special fund in the State Treasury. Whenever the amount in the Mississippi Trauma Care Systems Fund exceeds Twenty-five Million Dollars (\$25,000,000.00) in any fiscal year, the State Fiscal Officer shall transfer the amount above Twenty-five Million Dollars (\$25,000,000.00) to the Trauma Care Escrow Fund. Monies in the Trauma Care Escrow Fund shall not lapse into the State General Fund at the end of the fiscal year, and all interest and other earnings on the monies in the Trauma Care Escrow Fund shall be deposited to the credit of the Trauma Care Escrow Fund.

SECTION 6. Section 27-19-43, Mississippi Code of 1972, as amended by House Bill No. 1115, 2011 Regular Session, is reenacted as follows:

27-19-43. (1) License tags, substitute tags and decals for individual fleets and for private carriers of passengers, school

buses (excluding school buses owned by a school district in the state), church buses, taxicabs, ambulances, hearses, motorcycles and private carriers of property, and private commercial carriers of property of a gross weight of ten thousand (10,000) pounds and less, shall be sold and issued by the tax collectors of the several counties.

(2) Applications for license tags for motor vehicles in a corporate fleet registered under Section 27-19-66 and trailers in a fleet registered under Section 1 of House Bill No. 1115, 2011 Regular Session, and applications for all other license tags, substitute tags and decals shall be filed with the department or the local tax collector of the respective counties and forwarded to the department for issuance to the applicant. All tags and decals for vehicles owned by the state or any agency or instrumentality thereof, and vehicles owned by a fire protection district, school district or a county or municipality, and all vehicles owned by a road, drainage or levee district shall be issued by the department.

(3) In addition to the privilege taxes levied herein, there shall be collected the following registration or tag fee:

(a) For the issuance of both a license tag and two (2) decals, a fee of Five Dollars (\$5.00).

(b) For the issuance of up to two (2) decals only, a fee of Three Dollars and Seventy-five Cents (\$3.75).

(c) Additionally, the tax collector or the department, as the case may be, shall assess and collect a fee of Four Dollars (\$4.00) upon each set of license tags and two (2) decals issued, or upon each set of two (2) decals issued, and that sum shall be deposited in the Mississippi Trauma Care Systems Fund established in Section 41-59-75, to be used for the purposes set out in that section.

No tag or decal shall be issued either by a tax collector or by the department without the collection of such registration fee

except substitute tags and decals and license tags for vehicles owned by the State of Mississippi.

Beginning July 1, 1987, and until the date specified in Section 65-39-35, there shall be levied a registration fee of Five Dollars (\$5.00) in addition to the regular registration fee imposed in paragraphs (a) and (b) of this subsection. Such additional registration fee shall be levied in the same manner as the regular registration fee.

SECTION 7. Section 99-19-73, Mississippi Code of 1972, is reenacted as follows:

99-19-73. (1) **Traffic violations.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for any violation in Title 63, Mississippi Code of 1972, except offenses relating to the Mississippi Implied Consent Law (Section 63-11-1 et seq.) and offenses relating to vehicular parking or registration:

| FUND | AMOUNT |
|--|---------|
| State Court Education Fund | \$ 1.50 |
| State Prosecutor Education Fund | 2.00 |
| Vulnerable Adults Training, | |
| Investigation and Prosecution Trust Fund | .50 |
| Child Support Prosecution Trust Fund | .50 |
| Driver Training Penalty Assessment Fund | 7.00 |
| Law Enforcement Officers Training Fund | 5.00 |
| Spinal Cord and Head Injury Trust Fund | |
| (for all moving violations) | 6.00 |
| Emergency Medical Services Operating Fund | 20.00 |
| Mississippi Leadership Council on Aging Fund | 1.00 |
| Law Enforcement Officers and Fire Fighters Death | |
| Benefits Trust Fund | .50 |
| Law Enforcement Officers and Fire Fighters | |

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| Disability Benefits Trust Fund | 1.00 |
| State Prosecutor Compensation Fund for the purpose of providing additional compensation for legal assistants to district attorneys | 1.50 |
| Crisis Intervention Mental Health Fund | 10.00 |
| Drug Court Fund | 10.00 |
| Capital Defense Counsel Fund | 2.89 |
| Indigent Appeals Fund | 2.29 |
| Capital Post-Conviction Counsel Fund | 2.33 |
| Victims of Domestic Violence Fund | .49 |
| Public Defenders Education Fund | 1.00 |
| Domestic Violence Training Fund | 1.00 |
| Attorney General's Cyber-Crime Unit | 1.00 |
| TOTAL STATE ASSESSMENT | \$ 77.50 |

(2) **Implied Consent Law violations.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or any other penalty for any violation of the Mississippi Implied Consent Law (Section 63-11-1 et seq.):

| FUND | AMOUNT |
|---|----------|
| Crime Victims' Compensation Fund | \$ 10.00 |
| State Court Education Fund | 1.50 |
| State Prosecutor Education Fund | 2.00 |
| Vulnerable Adults Training, Investigation and Prosecution Trust Fund | .50 |
| Child Support Prosecution Trust Fund | .50 |
| Driver Training Penalty Assessment Fund | 22.00 |
| Law Enforcement Officers Training Fund | 11.00 |
| Emergency Medical Services Operating Fund | 45.00 |
| Mississippi Alcohol Safety Education Program Fund | 5.00 |
| Federal-State Alcohol Program Fund | 10.00 |
| Mississippi Crime Laboratory | |

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| Implied Consent Law Fund | 25.00 |
| Spinal Cord and Head Injury Trust Fund | 25.00 |
| Capital Defense Counsel Fund | 2.89 |
| Indigent Appeals Fund | 2.29 |
| Capital Post-Conviction Counsel Fund | 2.33 |
| Victims of Domestic Violence Fund | .49 |
| State General Fund | 35.00 |
| Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund | .50 |
| Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund | 1.00 |
| State Prosecutor Compensation Fund for the purpose of providing additional compensation for legal assistants to district attorneys | 1.50 |
| Crisis Intervention Mental Health Fund | 10.00 |
| Drug Court Fund | 10.00 |
| Statewide Victims' Information and Notification System Fund | 6.00 |
| Public Defenders Education Fund | 1.00 |
| Domestic Violence Training Fund | 1.00 |
| Attorney General's Cyber-Crime Unit | 1.00 |
| TOTAL STATE ASSESSMENT | \$232.50 |

(3) **Game and Fish Law violations.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for any violation of the game and fish statutes or regulations of this state:

| FUND | AMOUNT |
|--|---------|
| State Court Education Fund | \$ 1.50 |
| State Prosecutor Education Fund | 2.00 |
| Law Enforcement Officers Training Fund | 5.00 |
| Hunter Education and Training Program Fund | 5.00 |

| | |
|--|----------|
| State General Fund | 30.00 |
| Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund | .50 |
| Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund | 1.00 |
| State Prosecutor Compensation Fund for the purpose of providing additional compensation for legal assistants to district attorneys | 1.00 |
| Crisis Intervention Mental Health Fund | 10.00 |
| Drug Court Fund | 10.00 |
| Capital Defense Counsel Fund | 2.89 |
| Indigent Appeals Fund | 2.29 |
| Capital Post-Conviction Counsel Fund | 2.33 |
| Victims of Domestic Violence Fund | .49 |
| Public Defenders Education Fund | 1.00 |
| Domestic Violence Training Fund | 1.00 |
| Attorney General's Cyber-Crime Unit | 1.00 |
| TOTAL STATE ASSESSMENT | \$ 77.00 |

(4) **Litter Law violations.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for any violation of Section 97-15-29 or 97-15-30:

| FUND | AMOUNT |
|--|----------|
| Statewide Litter Prevention Fund | \$ 25.00 |
| TOTAL STATE ASSESSMENT | \$ 25.00 |

(5) **Speeding, reckless and careless driving violations.** In addition to any assessment imposed under subsection (1) or (2) of this section, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for driving a vehicle on a road or highway:

- (a) At a speed that exceeds the posted speed limit by at least ten (10) miles per hour but not more than twenty (20) miles per hour \$ 10.00
- (b) At a speed that exceeds the posted speed limit by at least twenty (20) miles per hour but not more than thirty (30) miles per hour \$ 20.00
- (c) At a speed that exceeds the posted speed limit by thirty (30) miles per hour or more \$ 30.00
- (d) In violation of Section 63-3-1201, which is the offense of reckless driving \$ 10.00
- (e) In violation of Section 63-3-1213, which is the offense of careless driving \$ 10.00

All assessments collected under this subsection shall be deposited into the Mississippi Trauma Care Systems Fund established under Section 41-59-75.

(6) **Other misdemeanors.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for any misdemeanor violation not specified in subsection (1), (2) or (3) of this section, except offenses relating to vehicular parking or registration:

| FUND | AMOUNT |
|--|----------|
| Crime Victims' Compensation Fund | \$ 10.00 |
| State Court Education Fund | 1.50 |
| State Prosecutor Education Fund | 2.00 |
| Vulnerable Adults Training, | |
| Investigation and Prosecution Trust Fund | .50 |
| Child Support Prosecution Trust Fund | .50 |
| Law Enforcement Officers Training Fund | 5.00 |
| Capital Defense Counsel Fund | 2.89 |
| Indigent Appeals Fund | 2.29 |
| Capital Post-Conviction Counsel Fund | 2.33 |

| | |
|--|----------|
| Victims of Domestic Violence Fund | .49 |
| State General Fund | 30.00 |
| State Crime Stoppers Fund | 1.50 |
| Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund | .50 |
| Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund | 1.00 |
| State Prosecutor Compensation Fund for the purpose of providing additional compensation for legal assistants to district attorneys | 1.50 |
| Crisis Intervention Mental Health Fund | 10.00 |
| Drug Court Fund | 8.00 |
| Judicial Performance Fund | 2.00 |
| Statewide Victims' Information and Notification System Fund | 6.00 |
| Public Defenders Education Fund | 1.00 |
| Domestic Violence Training Fund | 1.00 |
| Attorney General's Cyber-Crime Unit | 1.00 |
| Information Exchange Network Fund | 4.00 |
| TOTAL STATE ASSESSMENT | \$ 95.00 |

(7) **Other felonies.** In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment from each person upon whom a court imposes a fine or other penalty for any felony violation not specified in subsection (1), (2) or (3) of this section:

| FUND | AMOUNT |
|---|----------|
| Crime Victims' Compensation Fund | \$ 10.00 |
| State Court Education Fund | 1.50 |
| State Prosecutor Education Fund | 2.00 |
| Vulnerable Adults Training, Investigation and Prosecution Trust Fund | .50 |
| Child Support Prosecution Trust Fund | .50 |

| | |
|--|----------|
| Law Enforcement Officers Training Fund | 5.00 |
| Capital Defense Counsel Fund | 2.89 |
| Indigent Appeals Fund | 2.29 |
| Capital Post-Conviction Counsel Fund | 2.33 |
| Victims of Domestic Violence Fund | .49 |
| State General Fund | 60.00 |
| Criminal Justice Fund | 50.00 |
| Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund | .50 |
| Law Enforcement Officers and Fire Fighters Disability Benefits Trust Fund | 1.00 |
| State Prosecutor Compensation Fund for the purpose of providing additional compensation for legal assistants to district attorneys | 1.50 |
| Crisis Intervention Mental Health Fund | 10.00 |
| Drug Court Fund | 10.00 |
| Statewide Victims' Information and Notification System Fund | 6.00 |
| Public Defenders Education Fund | 1.00 |
| Domestic Violence Training Fund | 1.00 |
| Attorney General's Cyber-Crime Unit | 1.00 |
| Crime Laboratory DNA Identification System Fund | 100.00 |
| TOTAL STATE ASSESSMENT | \$269.50 |

(8) **Additional assessments on certain violations:**

(a) In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the following state assessment in addition to all other state assessments due under this section from each person upon whom a court imposes a fine or other penalty for any violation of Section 77-9-249:

| | |
|--------------------------------|---------|
| Operation Lifesaver Fund | \$25.00 |
|--------------------------------|---------|

(b) In addition to any monetary penalties and any other penalties imposed by law, there shall be imposed and collected the

following state assessment in addition to all other state assessments due under this section from each person upon whom a court imposes a fine or other penalty for any violation of Section 41-29-139:

Drug Evidence Disposition Fund \$25.00

(9) If a fine or other penalty imposed is suspended, in whole or in part, such suspension shall not affect the state assessment under this section. No state assessment imposed under the provisions of this section may be suspended or reduced by the court.

(10) After a determination by the court of the amount due, it shall be the duty of the clerk of the court to promptly collect all state assessments imposed under the provisions of this section. The state assessments imposed under the provisions of this section may not be paid by personal check. It shall be the duty of the chancery clerk of each county to deposit all such state assessments collected in the circuit, county and justice courts in such county on a monthly basis with the State Treasurer pursuant to appropriate procedures established by the State Auditor. The chancery clerk shall make a monthly lump-sum deposit of the total state assessments collected in the circuit, county and justice courts in such county under this section, and shall report to the Department of Finance and Administration the total number of violations under each subsection for which state assessments were collected in the circuit, county and justice courts in such county during such month. It shall be the duty of the municipal clerk of each municipality to deposit all such state assessments collected in the municipal court in such municipality on a monthly basis with the State Treasurer pursuant to appropriate procedures established by the State Auditor. The municipal clerk shall make a monthly lump-sum deposit of the total state assessments collected in the municipal court in such municipality under this section, and shall report to the

Department of Finance and Administration the total number of violations under each subsection for which state assessments were collected in the municipal court in such municipality during such month.

(11) It shall be the duty of the Department of Finance and Administration to deposit on a monthly basis all such state assessments into the proper special fund in the State Treasury. The monthly deposit shall be based upon the number of violations reported under each subsection and the pro rata amount of such assessment due to the appropriate special fund. The Department of Finance and Administration shall issue regulations providing for the proper allocation of these special funds.

(12) The State Auditor shall establish by regulation procedures for refunds of state assessments, including refunds associated with assessments imposed before July 1, 1990, and refunds after appeals in which the defendant's conviction is reversed. The Auditor shall provide in such regulations for certification of eligibility for refunds and may require the defendant seeking a refund to submit a verified copy of a court order or abstract by which such defendant is entitled to a refund. All refunds of state assessments shall be made in accordance with the procedures established by the Auditor.

SECTION 8. Section 9 of Chapter 549, Laws of 2008, is amended as follows:

Section 9. This act shall stand repealed on July 1, 2014.

SECTION 9. Section 43-11-13, Mississippi Code of 1972, is amended as follows:

43-11-13. (1) The licensing agency shall adopt, amend, promulgate and enforce such rules, regulations and standards, including classifications, with respect to all institutions for the aged or infirm to be licensed under this chapter as may be designed to further the accomplishment of the purpose of this chapter in promoting adequate care of individuals in those

institutions in the interest of public health, safety and welfare. Those rules, regulations and standards shall be adopted and promulgated by the licensing agency and shall be recorded and indexed in a book to be maintained by the licensing agency in its main office in the State of Mississippi, entitled "Rules, Regulations and Minimum Standards for Institutions for the Aged or Infirm" and the book shall be open and available to all institutions for the aged or infirm and the public generally at all reasonable times. Upon the adoption of those rules, regulations and standards, the licensing agency shall mail copies thereof to all those institutions in the state that have filed with the agency their names and addresses for this purpose, but the failure to mail the same or the failure of the institutions to receive the same shall in no way affect the validity thereof. The rules, regulations and standards may be amended by the licensing agency, from time to time, as necessary to promote the health, safety and welfare of persons living in those institutions.

(2) The licensee shall keep posted in a conspicuous place on the licensed premises all current rules, regulations and minimum standards applicable to fire protection measures as adopted by the licensing agency. The licensee shall furnish to the licensing agency at least once each six (6) months a certificate of approval and inspection by state or local fire authorities. Failure to comply with state laws and/or municipal ordinances and current rules, regulations and minimum standards as adopted by the licensing agency, relative to fire prevention measures, shall be prima facie evidence for revocation of license.

(3) The State Board of Health shall promulgate rules and regulations restricting the storage, quantity and classes of drugs allowed in personal care homes and adult foster care facilities. Residents requiring administration of Schedule II Narcotics as defined in the Uniform Controlled Substances Law may be admitted to a personal care home. Schedule drugs may only be allowed in a

personal care home if they are administered or stored utilizing proper procedures under the direct supervision of a licensed physician or nurse.

(4) (a) Notwithstanding any determination by the licensing agency that skilled nursing services would be appropriate for a resident of a personal care home, that resident, the resident's guardian or the legally recognized responsible party for the resident may consent in writing for the resident to continue to reside in the personal care home, if approved in writing by a licensed physician. However, no personal care home shall allow more than two (2) residents, or ten percent (10%) of the total number of residents in the facility, whichever is greater, to remain in the personal care home under the provisions of this subsection (4). This consent shall be deemed to be appropriately informed consent as described in the regulations promulgated by the licensing agency. After that written consent has been obtained, the resident shall have the right to continue to reside in the personal care home for as long as the resident meets the other conditions for residing in the personal care home. A copy of the written consent and the physician's approval shall be forwarded by the personal care home to the licensing agency.

(b) The State Board of Health shall promulgate rules and regulations restricting the handling of a resident's personal deposits by the director of a personal care home. Any funds given or provided for the purpose of supplying extra comforts, conveniences or services to any resident in any personal care home, and any funds otherwise received and held from, for or on behalf of any such resident, shall be deposited by the director or other proper officer of the personal care home to the credit of that resident in an account that shall be known as the Resident's Personal Deposit Fund. No more than one (1) month's charge for the care, support, maintenance and medical attention of the resident shall be applied from the account at any one time. After

the death, discharge or transfer of any resident for whose benefit any such fund has been provided, any unexpended balance remaining in his personal deposit fund shall be applied for the payment of care, cost of support, maintenance and medical attention that is accrued. If any unexpended balance remains in that resident's personal deposit fund after complete reimbursement has been made for payment of care, support, maintenance and medical attention, and the director or other proper officer of the personal care home has been or shall be unable to locate the person or persons entitled to the unexpended balance, the director or other proper officer may, after the lapse of one (1) year from the date of that death, discharge or transfer, deposit the unexpended balance to the credit of the personal care home's operating fund.

(c) The State Board of Health shall promulgate rules and regulations requiring personal care homes to maintain records relating to health condition, medicine dispensed and administered, and any reaction to that medicine. The director of the personal care home shall be responsible for explaining the availability of those records to the family of the resident at any time upon reasonable request.

(d) This subsection (4) shall stand repealed on June 30, 2014.

(5) (a) For the purposes of this subsection (5):

(i) "Licensed entity" means a hospital, nursing home, personal care home, home health agency, hospice or adult foster care facility;

(ii) "Covered entity" means a licensed entity or a health care professional staffing agency;

(iii) "Employee" means any individual employed by a covered entity, and also includes any individual who by contract provides to the patients, residents or clients being served by the covered entity direct, hands-on, medical patient care in a patient's, resident's or client's room or in treatment or recovery

rooms. The term "employee" does not include health care professional/vocational 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 located in Mississippi 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 high school, if:

1. The student is under the supervision of a licensed health care provider; and
2. The student has signed an affidavit that is on file at the student's school stating that he or she has not been convicted of or pleaded guilty or nolo contendere to a felony listed in paragraph (d) of this subsection (5), or that any such conviction or plea was reversed on appeal or a pardon was granted for the conviction or plea. Before any student may sign such an affidavit, the student's school shall provide information to the student explaining what a felony is and the nature of the felonies listed in paragraph (d) of this subsection (5).

However, the health care professional/vocational technical academic program in which the student is enrolled may require the student to obtain criminal history record checks under the provisions of Section 37-29-232.

(b) Under regulations promulgated by the State Board of Health, the licensing agency shall require to be performed a criminal history record check on (i) every new employee of a covered entity who provides direct patient care or services and who is employed on or after July 1, 2003, and (ii) every employee of a covered entity employed before July 1, 2003, who has a documented disciplinary action by his or her present employer. In addition, the licensing agency shall require the covered entity to perform a disciplinary check with the professional licensing

agency of each employee, if any, to determine if any disciplinary action has been taken against the employee by that agency.

Except as otherwise provided in paragraph (c) of this subsection (5), no such employee hired on or after July 1, 2003, shall be permitted to provide direct patient care until the results of the criminal history record check have revealed no disqualifying record or the employee has been granted a waiver. In order to determine the employee applicant's suitability for employment, the applicant shall be fingerprinted. Fingerprints shall be submitted to the licensing agency from scanning, with the results processed through the Department of Public Safety's Criminal Information Center. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the Federal Bureau of Investigation for a national criminal history record check. The licensing agency shall notify the covered entity of the results of an employee applicant's criminal history record check. If the criminal history record check discloses a felony conviction, guilty plea or plea of nolo contendere to a felony of possession or sale of drugs, murder, manslaughter, armed robbery, rape, sexual battery, sex offense listed in Section 45-33-23(g), child abuse, arson, grand larceny, burglary, gratification of lust or aggravated assault, or felonious abuse and/or battery of a vulnerable adult that has not been reversed on appeal or for which a pardon has not been granted, the employee applicant shall not be eligible to be employed by the covered entity.

(c) Any such new employee applicant may, however, be employed on a temporary basis pending the results of the criminal history record check, but any employment contract with the new employee shall be voidable if the new employee receives a disqualifying criminal history record check and no waiver is granted as provided in this subsection (5).

(d) Under regulations promulgated by the State Board of Health, the licensing agency shall require every employee of a covered entity employed before July 1, 2003, to sign an affidavit stating that he or she has not been convicted of or pleaded guilty or nolo contendere to a felony of possession or sale of drugs, murder, manslaughter, armed robbery, rape, sexual battery, any sex offense 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. No such employee of a covered entity hired before July 1, 2003, shall be permitted to provide direct patient care until the employee has signed the affidavit required by this paragraph (d). All such existing employees of covered entities must sign the affidavit required by this paragraph (d) within six (6) months of the final adoption of the regulations promulgated by the State Board of Health. If a person signs the affidavit required by this paragraph (d), and it is later determined that the person actually had been convicted of or pleaded guilty or nolo contendere to any of the offenses listed in this paragraph (d) and the conviction or plea has not been reversed on appeal or a pardon has not been granted for the conviction or plea, the person is guilty of perjury. If the offense that the person was convicted of or pleaded guilty or nolo contendere to was a violent offense, the person, upon a conviction of perjury under this paragraph, shall be punished as provided in Section 97-9-61. If the offense that the person was convicted of or pleaded guilty or nolo contendere to was a nonviolent offense, the person, upon a conviction of perjury under this paragraph, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.

(e) The covered entity may, in its discretion, allow any employee who is unable to sign the affidavit required by paragraph (d) of this subsection (5) or any employee applicant aggrieved by an employment decision under this subsection (5) to appear before the covered 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 by 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: (i) age at which the crime was committed; (ii) circumstances surrounding the crime; (iii) length of time since the conviction and criminal history since the conviction; (iv) work history; (v) current employment and character references; and (vi) other evidence demonstrating the ability of the individual to perform the employment responsibilities competently and that the individual does not pose a threat to the health or safety of the patients of the covered entity.

(f) The licensing agency may charge the covered entity submitting the fingerprints a fee not to exceed Fifty Dollars (\$50.00), which covered entity may, in its discretion, charge the same fee, or a portion thereof, to the employee applicant. Any costs incurred by a covered entity implementing this subsection (5) shall be reimbursed as an allowable cost under Section 43-13-116.

(g) If the results of an employee applicant's criminal history record check reveals 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 with any covered entity without the necessity of an additional criminal history 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 (5).

(h) 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 subsection (5). 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 decision or action based in whole or in part on compliance with or attempts to comply with the requirements of this subsection (5).

(i) The licensing agency shall promulgate regulations to implement this subsection (5).

(j) The provisions of this subsection (5) shall not apply to:

(i) 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; or

(ii) Health care professional/vocational technical students for whom criminal history record checks and fingerprinting are obtained in accordance with Section 37-29-232.

(6) The State Board of Health shall promulgate rules, regulations and standards regarding the operation of adult foster care facilities.

SECTION 10. Section 63-17-171, Mississippi Code of 1972, is amended as follows:

63-17-171. (1) (a) There is levied a point-of-sale fee of Fifty Dollars (\$50.00) on the retail sales of all-terrain vehicles and motorcycles as defined in Section 63-21-5. The seller of an all-terrain vehicle or a motorcycle shall collect the fee from the purchaser at the time of sale and remit the fee to the Department of Revenue, which shall deposit the proceeds of the fees into the Mississippi Trauma Care Systems Fund created in Section 41-59-75.

(b) The seller of an all-terrain vehicle or a motorcycle shall provide a written statement to the purchaser, which may be printed on the sales receipt, that reads as follows: "\$50.00 of the amount that you paid for this vehicle will be used to fund the Mississippi Trauma Care System."

(2) (a) There is levied a fee of Fifty Dollars (\$50.00) on a resident of this state who purchases a new and not previously registered motorcycle in another state and brings the motorcycle into this state. The person shall pay the fee to the tax collector at the time of registering the motorcycle and applying for a license tag. The tax collector shall remit the fee to the Department of Revenue, which shall deposit the proceeds of the fee into the Mississippi Trauma Care Systems Fund created in Section 41-59-75.

(b) There is levied a fee of Fifty Dollars (\$50.00) on a resident of this state who purchases a new all-terrain vehicle in another state and brings the vehicle into this state. The person shall pay the fee to the Department of Revenue, which shall deposit the proceeds of the fee into the Mississippi Trauma Care Systems Fund created in Section 41-59-75.

SECTION 11. This act shall take effect and be in force from
and after July 1, 2011.

PASSED BY THE SENATE
March 28, 2011



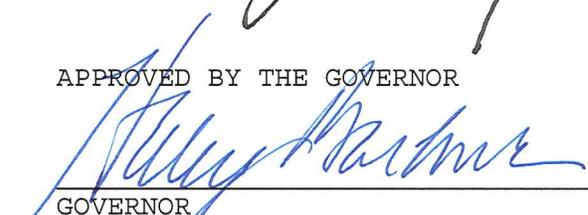
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 28, 2011



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

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