

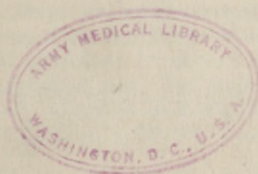
ACKNOWLEDGED

MISSISSIPPI LAWS AND EXTRACTS OF LAWS DEALING
WITH PUBLIC HEALTH AND CERTAIN LAWS
RELATING TO MEDICAL EDUCATION
LICENSURE AND HOSPITALS
NURSING EDUCATION AND
RELATED LAWS

Mississippi. Laws, statutes, etc.

SUPPLEMENT NUMBER ONE

July 15, 1948



Mississippi State Board of Health
Jackson, Mississippi

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Suppl. no. 1

HOUSE BILL NO. 164

AN ACT to amend section 6 of chapter 363, laws of 1946, to include non-profit hospitals and facilities.

WHEREAS, the public necessity requires that not only public, but other non-profit hospitals, nurses homes, health centers, clinics and related facilities shall be established and maintained in this state on as broad a basis as possible so as to adequately and properly provide for the indigent sick and to encourage and promote the health and general public welfare of the people of the State of Mississippi; NOW, THEREFORE:

Be it enacted by the Legislature of the State of Mississippi:

Section 1. That section 6 of chapter 363, laws of 1946, be and the same is hereby amended so as to read as follows:

Section 6. Grants of aid, as specified in the preceding section, shall be made to the following hospitals, nurses homes, health centers, clinics and related facilities to-wit: (a) those which are publicly owned and operated by the state or by a political subdivision of the state, including a portion of a supervisor's district in counties having two court districts, acting either jointly or severally, including specifically all hospitals established under the provisions of chapter 277, laws of 1944, as now or hereafter amended; (b) those non-profit institutions owned and operated by a corporation or association no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder, group or individual. Such public and non-profit institutions shall be subject to and governed by all the provisions of this chapter in all functions which are a part of the state hospital plan, and no hospital which has changed its operation in management to a non-profit institution since December 31, 1946 shall be eligible for those benefits.

Grants shall be made only when the commission shall find and determine that such hospital or other facility is reasonably necessary as a part of the long range state-wide hospital plan, that there exists in the area to be served by same a need for the hospital or other facility, that the proposed hospital or other facility will be located at a place where it will best serve the needs of said area, that the funds available for the construction, erection and equipping of such hospital or other facility, including a site therefor, will be adequate for such purpose, that the hospital or other facility will be erected, equipped, and operated in accordance with the standards prescribed by the commission, and that such institution will be continually publicly owned, operated and controlled, or privately owned, operated and controlled on a strictly non-profit basis, as defined by the commission.

If any hospital or institution to which funds have been paid under this chapter shall, at any time within 20 years after the date of such grant, (a) be sold or transferred to any person, agency, or organization, (1) which is not qualified to receive a grant in aid under this chapter, or (2) which is not approved as a transferee by the commission, or (b) cease to be a non-profit institution, a lien in favor of the state shall attach to the property thereof and the state

shall be entitled to recover from either the transferer or the transferee (or, in the case of an institution which has ceased to be a non-profit organization, from the owners thereof), the amount of money advanced by the state to such institution less reasonable depreciation as determined by agreement of the parties or the chancery court of the county in which such hospital or facility is located; subject, however, to any contractual relations such institution made prior to April 4, 1946, and which contractual relations shall be approved by the commission before such institution shall receive any benefits under this act.

No payment of money shall be made by the commission unless and until the site, plans and specifications for the location, construction, and equipping of such hospital or related facility or the improvement, enlargement or expansion of an existing facility, shall have been approved by the commission.

The commission shall satisfy itself completely that the sources of funds for the permanent maintenance of the hospital is adequate to insure the hospital's continued efficient maintenance and operation on the basis of reasonable charges before a grant of aid from the state is made, and shall have the right to inspect the books of local hospitals and to counsel with local management in order to assist in maintaining sound accounting principals, efficient management, and a high standard of service, and in order to satisfy itself that such institutions are entitled to receive the benefits of this act.

The commission shall require said hospitals to maintain at least ten per cent (10%) of its bed capacity if needed for charity patients who are eligible and qualify under the per capita fund for charity hospitalization.

Section 2. That this act shall take effect and be in force from and after its passage.

Approved February 18th, 1948.

HOUSE BILL No. 3

AN ACT to provide that the state building commission shall provide accommodations for those suffering from senile dementia apart from idiots, fools, and other known incurables at the institution selected by the board of trustees of mental institutions and for those suffering from alcoholism and the use of narcotic drugs at the Mississippi State Hospital; and to repeal chapter 426, laws of 1946.

Be it enacted by the Legislature of the State of Mississippi:

Section 1. That the state building commission is hereby authorized, empowered and directed to provide suitable accommodations at such institution under the control and management of the board of trustees of mental institutions as shall be selected and designated by said board of trustees to care for those suffering from senile dementia, which accommodations shall be separate and apart from the accommodations provided for idiots, fools, and other incurables. When such accommodations have been completed, all persons suffering from senile dementia now or hereafter confined in any institution of the state shall be transferred thereto.

Section 2. The state building commission is hereby authorized, empowered, and directed to provide suitable accommodations at such institution under the control and management of the board of trustees of mental institutions as shall be selected and designated by said board of trustees to care for idiots, fools, and other known incurables, which accommodations shall be separate from those provided for persons suffering from senile dementia. When such accommodations have been completed, all idiots, fools, and other incurables now or hereafter confined in any institution of the state shall be transferred thereto.

Section 3. That the state building commission is hereby authorized, empowered, and directed to provide suitable accommodations at the State Insane Hospital, or the East Mississippi State Hospital for the Insane, for all persons committed or transferred thereto suffering from alcoholism and the use of narcotic drugs.

Section 4. That chapter 426, laws of 1946 be and the same is hereby repealed.

Section 5. That this act take effect and be in force from and after its passage.

Approved March 23rd, 1948.

HOUSE BILL No. 533

AN ACT to amend sections 1, 2, 3 and 6 of chapter 277 of the laws of 1944, as amended by sections 1, 2, 3 and 4 of chapter 412 of the laws of 1946, to authorize political subdivisions of the state to acquire real estate for and construct, add to, equip and operate health centers or health departments and to issue and sell bonds for such purposes; to change the limitations upon the issuance of bonds by counties and other local authorities for such purposes; to modify the method of appointment and the tenure of office of hospital trustees provided for in said act as amended; to provide for a president and vice-president of such a board of trustees, and for other purposes.

Be it enacted by the Legislature of the State of Mississippi:

Section 1. That section 1 of chapter 277 of the laws of 1944, as amended by section 1 of chapter 412 of the laws of 1946, be and the same is hereby amended to read as follows:

Section 1. Any county, city, town, supervisors district, or election district of a county, separately or jointly with one or more other counties, cities, towns, supervisors districts or election districts of the same or other counties, may acquire and hold real estate for hospital, health center, health department, and related purposes and thereon establish, erect, build, construct, remodel, add to, equip, operate and maintain community hospitals, nurses' homes, health centers, health departments, and related facilities within the limits of any such political subdivision or parts thereof. Any such political subdivision, or parts thereof, acting hereunder may contract and otherwise cooperate with any department or agency of the United States government or of the state of Mississippi, or any other county, city, town or supervisors district or election district of the same or other counties in carrying out of any of the powers herein conferred or otherwise effectuating the

purposes of this act and in so doing accept or contribute from or to the other, gifts, money, real properties, existing hospital, health center, health department or related facilities, or any other suitable property.

In acting jointly hereunder the board of supervisors of any county, acting for the county, supervisors district or election district of a county, and the mayor and board of aldermen, or city council, or other like governing body of any city or town, acting for the city or town, are hereby authorized and empowered to contract with each other for and on behalf of the political subdivision or part thereof which each represents with respect to any and all things related to the matters and things herein authorized and particularly to apportion and prorate the ownership of the property acquired or to be acquired in such a joint undertaking; to determine the proportionate part of the cost of maintenance, support and operation to be assumed, contributed and paid by each, and the amount of money therefor each will raise from taxation; and to determine the amount of bonds to be issued by each in carrying out the joint undertaking and also the amount each will contribute in such undertaking. If an election district of a county, less than a supervisor's district, is obligated hereunder, the boundaries of such district shall not be altered in such a manner as to relieve any portion thereof of its obligation hereunder.

Hospital, health center, or health department districts or areas may be formed under the provisions of this act which shall include a county, or one or more supervisors districts of a county, or one or more election districts of a county, or a portion of a supervisors district lying within one court district in a county having two court districts, or any combination thereof; and bonds may be issued as provided in this act and for the purposes stated in this act for any such district or area, whether such district or area be made up of a county, or one or more supervisors districts of the county, or one or more election districts of a county, or a portion of a supervisors district lying within one court district in a county having two court districts, or any combination thereof.

Section 2. That section 2 of chapter 277 of the laws of 1944, as amended by section 2 of chapter 412 of the laws of 1946, be and the same is hereby amended to read as follows:

Section 2. Such counties, cities and towns, supervisors districts and election districts of a county are authorized and empowered to make appropriations of the funds thereof for the purpose of this act, and are hereby authorized and empowered to issue and sell the bonds, notes or other evidences of indebtedness thereof, for the purpose of providing funds with which to acquire real estate for and to establish, erect, build, construct, remodel, add to, acquire, equip and furnish community hospitals, health centers, health departments and related facilities under the provisions of this act. Such bonds, notes or other evidences of indebtedness shall not be issued in an amount which will exceed the limit of indebtedness of the county, city, town, supervisors district or election district issuing the same, as such limit is prescribed by chapter 235, laws of Mississippi, 1932, as now or hereafter amended. Before issuing any such bonds, notes or other

evidences of indebtedness, the board of supervisors, acting for a county or supervisors district or election district thereof, or the mayor and board of aldermen, or city council, or other like governing body, acting for a city or town, shall adopt a resolution declaring its intention to issue the same, stating the amount and purpose thereof, whether such hospital, health center, health department or related facilities are to be erected, acquired, remodeled, equipped, furnished, maintained and operated by such county, city, town or supervisors district separately, or jointly with one or more other counties, cities, towns, supervisors districts or election districts of a county, and fixing the date upon which further action will be taken to provide for the issuance of such bonds, notes or other evidences of indebtedness. The full text of such resolution shall be published once a week for at least three (3) consecutive weeks in at least one newspaper published in the county or city, as the case may be, or if none be so published, in a newspaper having general circulation therein. The first publication of such notice shall be made not less than twenty-one (21) days prior to the date fixed in such resolution, as aforesaid, and the last publication shall be made not more than seven (7) days prior to such date. If, on or prior to the date fixed in such resolution, as aforesaid, there shall be filed with the clerk of the body by which such resolution was adopted a petition signed by twenty per centum (20%) or more of the qualified voters of such county, city, town, supervisors district or election district, as the case may be, requesting that an election be called and held on the question of the issuance of such bonds, notes or other evidences of indebtedness, then it shall be the duty of the board of supervisors, board of aldermen, city council, or other governing body, as the case may be, to call and provide for the holding of an election as petitioned for, and in such case no such bonds, notes or other evidences of indebtedness shall be issued unless authorized by the affirmative vote of a majority of the qualified voters of such county, city, town, supervisors district or election district, as the case may be, who vote on the proposition at such election. Notice of such election shall be given by publication in like manner as hereinabove provided for the publication of the initial resolution, and such election shall be conducted and the returns thereof made, canvassed and declared as nearly as may be in like manner as is now or may hereafter be provided by law in the case of general elections in such county, city, town or supervisors district or election district. In the event that the question of the issuance of such bonds, notes or other evidences of indebtedness be not authorized at such election, such question shall not again be submitted to a vote until the expiration of a period of six (6) months from and after the date of such election.

Such bonds, notes or other evidences of indebtedness shall bear such date or dates, shall be of such denomination or denominations, shall be payable at such place or places, shall bear such rate or rates of interest, and shall mature in such amounts and at such times as may be provided and directed by the board of supervisors, board of aldermen, city council, or other like governing body, as the case may be; provided, however, that such bonds shall bear interest at a rate or rates not exceeding six per centum (6%) per annum, and shall mature in not more than twenty-five (25) years from date thereof, and shall be sold for not less than par and accrued interest.

All bonds, notes or other evidences of indebtedness issued hereunder shall be secured by a pledge of the full faith, credit and resources of the county, city, town, supervisors district or election district issuing the same, and there shall annually be levied upon all taxable property within such county, city, town, supervisors district, or election district, as the case may be, an ad valorem tax, in addition to all other taxes, sufficient to provide for the payment of the principal of and the interest on said bonds, notes or other evidences of indebtedness as the same respectively matures and accrues.

In the event of any joint operation or proposed joint operation, as by this act provided, there shall be separate bond issues, and the board or boards of supervisors acting for a county, supervisors district or election district, the governing bodies of the municipality or municipalities, as the case may be, shall each issue the bonds, notes, or other evidences of indebtedness of the county, town, city, supervisors district, or election district, or districts, in such amounts as have been agreed upon by the respective boards of supervisors and governing bodies of the towns or cities, and in so doing follow and comply with the foregoing provisions.

Section 3. That section 3 of chapter 277 of the laws of 1944, as amended by section 3 of chapter 412, of the laws of 1946, be and the same is hereby amended to read as follows:

Section 3. The board of supervisors, acting for a county, supervisors district, or districts or an election district of such county, and the board of aldermen, city council, or other like governing body acting for a city or town, are hereby authorized and empowered to levy ad valorem taxes on all the taxable property of such counties, cities, towns, supervisors district, or election district for the purpose of raising funds for the maintenance and operation of hospitals, health centers, and other facilities established under the provisions of this act; provided that the amount levied for such purpose shall not exceed five (5) mills on the dollar in any one year. The tax levy authorized in this section shall be in addition to all other taxes now or hereafter authorized to be levied by such counties, cities, towns, supervisors districts, or election district.

Section 4. That section 6 of chapter 277 of the laws of 1944, as amended by section 4 of chapter 412 of the laws of 1946, be and the same is hereby amended to read as follows:

Section 6. Any hospital erected, owned, maintained and operated hereunder other than those mentioned in sections 4 and 5 hereof, shall be operated by a board of trustees consisting of five members, to be appointed under such agreement as may be entered into between the governing authorities of the respective counties and cities or towns erecting, owning, maintaining and operating the said hospitals, such agreement to be made in the form of a contract and reduced to writing and spread upon the minutes of the respective governing bodies of said counties, cities or towns. Except as hereinafter provided, such trustees shall serve for a term of five years from the date of their respective appointments. The first board of trustees to be so appoint-

ed (or the first such board of trustees to be so appointed after this act becomes effective) shall be appointed for terms as follows: one for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years. Thereafter, all such trustees shall be appointed for a term of five years. Vacancies on the board of trustees shall be filled in the same manner as hereinabove provided for the appointment of the board of trustees. Said board of trustees shall elect one of its members as president, who shall preside at the meetings of the board; provided, said board may elect another of its members as vice-president who shall preside at the meetings of the board in the absence or disability of the president.

The said board of trustees shall have charge of the maintenance and operation of said hospital and shall have full power and authority to promulgate and adopt suitable rules and regulations and to employ such persons as may be necessary to properly maintain and operate the said hospital.

Section 5. If any line, sentence, paragraph or part of this act be held unconstitutional or otherwise invalid such holding shall not affect the remainder of this act, but shall only affect such part so held unconstitutional or invalid.

Section 6. That this act shall take effect and be in force from and after its passage.

Approved, April 12th, 1948.

HOUSE BILL No. 290

AN ACT to provide a scholarship program of education in nursing; to provide for recruitment of nursing students, counsel work with nursing students and prospective students; and establishment of special scholarships for advanced education in nursing.

Be it enacted by the Legislature of the State of Mississippi:

Section 1. That the public health and welfare require a substantial increase in provisions and facilities for nursing education and in the number of qualified nurses in the state; that this condition is intensified by the present hospital building activities in the state, being carried on under or in connection with the functions of the Mississippi commission on hospital care.

Section 2. There is hereby established a scholarship program for advanced study in nursing and a program for recruitment of nursing students and for counsel work with such students and prospective students to be administered by the school of nursing established under the auspices of the board of trustees of state institutions of higher learning in the manner and form provided for in the act creating such school of nursing.

Section 3. There are hereby established and provided forty scholarships in advanced nursing education of the value and amount of not exceeding three thousand dollars (\$3,000.00) each (or such other number of scholarships as may be made from funds appropriated for

such purpose with no minimum amount being fixed on a scholarship, but with a maximum of three thousand dollars (\$3,000.00) for any one scholarship) which scholarships shall be allocated to students who (1) have graduated from an accredited high school and from a school of nursing and are licensed registered nurses in Mississippi; (2) are approved by the school of nursing and by the board of trustees of state institutions of higher learning; and (3) enter into contract with said board of trustees and their successors in office, obligating themselves to pursue to completion the course of study agreed upon and immediately following the completion of such work, spend a period of time equal to the period of study provided under the scholarship in teaching nursing in the school of nursing or another school in the state approved by said board of trustees or in performing other work in the interest of the public health in the state, to be approved by said board of trustees, such contract to be also in accordance with the other provisions of this act with respect thereto; provided, however, such period of service after completion of study under a scholarship shall in no event be less than one year.

Section 4. The contract mentioned in the preceding section shall be in such form as said board of trustees of state institutions of higher learning shall prescribe; shall include suitable provisions giving effect to the condition and provisions mentioned in the preceding paragraph of this act; and shall contain such other provisions as said board of trustees may prescribe with the view to carrying out the general intent and purposes of this act, including but not limited to provisions for delayed performance by the scholarship beneficiary if performance is rendered impossible or impracticable by temporary impairment of health or other conditions beyond the control of such beneficiary and provisions for refund by the beneficiary of advancement or such part of advancements as may be determined by said board to be equitable and proper in the event of non-performance or partial performance of the obligations of the contract on the part of the beneficiary of the scholarship.

Section 5. The scholarships herein provided for shall be allocated for advanced study in institutions approved by the board of trustees of state institutions of higher learning and shall be for such terms and under such conditions and for such duration as may be determined by said board of trustees and specified in individual contracts with students.

Section 6. The said board of trustees shall, in its consideration of positions to be approved for students after their work has been done under scholarships, cooperate and work with the Mississippi commission on hospital care with the view to reasonably coordinating the utilization of services of such persons with the work of said commission respecting schools of nursing, hospitals and other health facilities affected by said commission's program and functions.

Section 7. If any line, sentence, paragraph or part of this act be held invalid for any reason whatsoever, such holding shall not affect the remainder of the act, but shall only affect such part so held invalid.

Section 8. That this act shall take effect and be in force from and after its passage.

Approved, April 13th, 1948.

HOUSE BILL NO. 532

AN ACT to amend sections 1, 2, 5, 8 and 9, chapter 363, Mississippi laws of 1946, to provide for the payment of necessary subsistence expenses to the commissioners of the Mississippi commission on hospital care, to clarify the provisions thereof, to set forth certain powers of said commission with respect to personnel and services, building of nursing schools, prescribing limitations on grants in particular areas, authorizing purchase of hospital equipment and the granting of same in lieu of cash; and for other purposes.

Be it enacted by the Legislature of the State of Mississippi:

Section 1. That section 1, chapter 363, Mississippi laws of 1946, be and the same is hereby amended to read as follows:

Section 1. That there is hereby created the Mississippi Commission on Hospital Care, hereinafter referred to as the commission, and which shall be composed of six members to be appointed by the governor. Each of said members shall be a qualified elector of the state of Mississippi, and one shall be appointed from each supreme court district thereof, and three from the state at large. The term of office of such commissioners shall be six (6) years, beginning April 1, 1946; however, of the first commissioners appointed hereunder, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, one for a term of five years, and one for a term of six years; thereafter all members of the commission shall be appointed for a term of six (6) years, and all vacancies on said commission shall be filled by appointment by the governor for the unexpired term. The executive director of the state board of health shall be an ex-officio member of the commission. As soon as practicable after their appointment, the commissioners shall meet and organize by electing from their membership a chairman, vice-chairman, and secretary. Four members of the commission shall constitute a quorum for the transaction of business, and the commission shall meet at such time and place as may be fixed by it, and special meetings may be held on call of the chairman, vice-chairman, or three members of the commission.

The commissioners shall each receive the sum of seven and 50/100 dollars (\$7.50) expenses for each day spent in the performance of their duties, and in addition, the sum of five cents (5¢) per mile for each mile traveled in their personal car, or actual cost if public conveyance is used, for travel in the performance of their official duties and necessary subsistence.

Section 2. That section 2, chapter 363, Mississippi laws of 1946, be and the same is hereby amended to read as follows:

Section 2. The commission shall adopt rules for the transaction of its business and keep permanent and complete records and minutes

of its proceedings, meetings, hearings, resolutions, orders and decisions, which records shall be public. The commission shall have the power to appoint and fix the compensation of an executive director, not to exceed \$7500.00 per annum. The commission shall also have the power to employ such other employees and obtain the services of such consultants, attorneys, engineers, architects and other professional services as may be necessary to carry out the purposes of this act, and to fix the compensation thereof and prescribe their powers and duties. The commission is empowered to rent office space, purchase necessary office equipment and supplies, and pay other expenses incident to the operation of its office. All such expenses, the salaries of all employees and the cost of all services shall be paid from any appropriation made for the purpose hereof.

Section 3. That section 5, chapter 363, Mississippi laws of 1946, be and the same is hereby amended to read as follows:

Section 5. It shall be the duty of the commission to utilize funds made available for such purpose by the state to make grants-of-aid, as herein provided, to properly constituted local authorities, to acquire real estate and to construct thereon hospitals, nurses' homes, health centers, clinics and related facilities throughout the state, including the reconstruction, remodeling, or addition to of any hospital or health facility which has been or may be acquired by such local authorities for use as a community hospital or health facility, each such structure to be an integral part of the state hospital plan. Such local funds, supplemented by the grants-of-aid from the state, may be further supplemented by federal funds, if available. It shall be the further duty of the commission to enter into contracts with the local hospitals or hospital groups, or representatives thereof, to carry out the purposes of this act, so as to insure that such hospitals will be located, designed, constructed and operated in such a manner that the services thereof will be available to the people of Mississippi at the lowest possible cost.

The grant of state funds which the commission is authorized to make under the provisions of this act shall not exceed sixty per centum (60%) of the cost of acquiring real estate for and constructing, reconstructing or remodeling, erecting and equipping any hospital, nurses' home, health center, clinic or related facility to which such a grant is made; provided, however, that in computing such costs there shall be excluded such portion thereof, if any, which is to be paid from any amounts made available from federal funds. All state grants shall be paid from any appropriation made for that purpose.

Any hospital or related facility desiring a grant under the provisions of this act, including any county, city or town, or supervisor's district, or portion of a supervisor's district lying within one court district in counties having two court districts, separately or jointly with one or more of the other counties, cities, towns or supervisors' districts, including those complying with chapter 277, laws of 1944, and amendments thereto, desiring to erect, build, construct, reconstruct, remodel, add to, acquire, maintain or operate a hospital, nurse's home, health center, clinic or related facility, may make application to the Mississippi commission on hospital care for a grant-of-aid. The

commission shall satisfy itself that the local group meets the requirements of and will comply with the foregoing provisions and restrictions, and that such medical facility will be a part of the state-wide hospital plan before making such a grant, and, after making such a grant, shall work with the hospital organization in developing plans for the location, construction, maintenance, equipping and staffing of the proposed local hospital.

Notwithstanding any other provisions in this act contained, the commission is authorized and empowered, in its discretion, and in keeping with the aims and purposes of this act, to lay out a plan for the building and equipping of schools of nursing to be located in strategic points of the state, which in the opinion of the commission will best promote the advancement of nursing education in the state in keeping with needs therefor, and to make grants for the acquisition of sites, construction and equipment of such schools in amounts, which, together with any available federal funds, will pay for the entire cost of the buildings and equipment of such schools; provided, as to each such school an eligible applicant applies for the grant agrees to take title and assumes all proper obligations with respect to ownership and operation of such school as in other cases of grants by the commission, and, provided further that the number of this type of grant by the commission shall not exceed seventeen.

Section 4. That section 8, chapter 363, Mississippi laws of 1946, be and the same is hereby amended to read as follows:

Section 8. The commission shall give first consideration to areas of greatest need in making the initial grants-of-aid. Not over ten percent (10%) of any appropriation made for the purpose hereof shall be given as a grant-in-aid by the commission to any one locality or any one local hospital group in any biennium, but the commission shall seek to make grants-of-aid for the construction of hospitals of such size as to justify good management, efficient operation, and to attract competent doctors and to provide opportunity for nurse training.

At least ten per cent (10%) of all available state funds shall be allocated to each of the seven congressional districts of the state for the first year of the biennium following the appropriation; however, during the second year of the biennium, the commission may allocate any and all available money on a basis of need, regardless of the place of origin of the application.

Section 5. That section 9, chapter 363, Mississippi laws of 1946, be and the same is hereby amended to read as follows:

Section 9. The commission is authorized to purchase hospital equipment, supplies or accessories, provided, in their judgment, such purchases will result in substantial savings in the development of the state hospital plan, and may grant such equipment, supplies or accessories to a hospital or related facility, at the cost value thereof plus the estimated expense of handling the same, in lieu of an equivalent amount of money.

Section 6. If any line, sentence, paragraph or part of this act be held unconstitutional or otherwise invalid, such holding shall not affect the remainder of this act, but shall only affect such part so

held unconstitutional or invalid.

Section 7. That this act take effect and be in force from and after its passage.

Approved, April 13th, 1948.

HOUSE BILL No. 554

AN ACT to amend section 4870, Mississippi code of 1930, as amended by chapter 270, laws of 1944, in reference to president and executive officer of the state board of health.

Be it enacted by the Legislature of the State of Mississippi:

Section 1. That section 4870, Mississippi code of 1930, as amended by chapter 270, laws of 1944, be and the same is hereby amended to read as follows:

President and executive officer—how elected.

4870. At the first meeting of the state board of health after organization the board shall proceed to elect a president from among its members, and an executive officer who shall be a physician versed in bacteriology, hygiene, sanitary science, and otherwise fitted and equipped to execute the duties incumbent upon him by law, and who shall not engage in the practice of medicine. The executive officer shall be, by virtue of his election a member of the state board of health and shall be the secretary of the board and committees appointed or created by the board. The term of office shall be six years and the salary of the executive officer and secretary shall be under the jurisdiction and determined by the state board of health, provided, said salary shall not exceed \$8,500.00 a year. The executive officer shall be vested with all the authority of the board when it is not in session and subject to such rules and regulations as may be prescribed by the state board of health, and for cause may be removed on majority of the appointed members.

Section 2. That this act take effect and be in force from and after its passage.

Approved April 10, 1948.

HOUSE BILL No. 5

AN ACT to provide the procedure for committing persons to the mental institutions of this state; to provide for the payment of the expenses of the proceedings and the support and maintenance of persons so committed and to repeal sections 6770 to 6776, code of 1942 and sections 6905, 6909, 6910, 6912 and 6917, code of 1942; and for related purposes.

Be it enacted by the Legislature of the State of Mississippi:

Section 1. From and after the effective date of this act no person shall be committed to any mental institution of the state of Mississippi or adjudged to be insane, lunatic, idiotic, or feebleminded or to be suffering from any mental or nervous condition, affliction or

disorder except in the manner hereinafter provided by this act, but nothing herein shall be construed to repeal, alter or otherwise affect the provisions of chapter 176, laws of 1944, or to affect or prevent the commitment of persons to the veterans administration or other agency of the United States under the provisions of and in the manner specified in said chapter 176, laws of 1944.

Section 2. If any person shall be insane, lunatic, feeble-minded, idiotic or shall suffer from any other mental or nervous condition, affliction or disorder to such an extent that such person be in need of treatment, supervision or control or to an extent that such person be or is likely to become dangerous or a menace if left at large, any relative of such person, or any citizen of the state of Mississippi, may make affidavit of such fact and shall file such affidavit with the clerk of the chancery court of the county of such person's residence, or with the clerk of the chancery court of any county in which such person might then be found. Such affidavit shall request that such person be adjudged to be suffering from a mental or nervous condition, affliction or disorder as herein set forth and that such person be committed to and confined in the proper mental institution for treatment, care and supervision. Such affidavit shall be filed in duplicate and shall, if filed by an affiant other than the nearest of kin or guardian of such person, contain a statement of the name and address of such nearest of kin or guardian, if same be known to affiant, and a copy of said affidavit shall forthwith be mailed, postage prepaid, to such nearest of kin or guardian, if same be known.

Section 3. Whenever such an application shall be filed with the chancery clerk, the said clerk, or the chancellor of said court, shall issue a summons to the person alleged to be suffering from such mental or nervous condition, affliction or disorder to appear and contest the application, and said clerk or chancellor shall forthwith appoint two reputable, licensed physicians to conduct an inquiry into the mental and nervous condition of such person in the presence of the clerk and to report their verdict and findings to said clerk of court. Neither of the physicians selected shall be related to such person in any way; nor shall such physicians have any direct or indirect interest in the estate of such person. The physicians so appointed shall be selected as having the best available qualifications in the field of mental medicine.

Section 4. The physicians so appointed shall forthwith make a full inquiry into the mental and nervous condition of the person alleged to be suffering from such mental or nervous disorder and shall make a thorough mental and physical examination of such person, and shall make a report and certificate of their findings to the clerk of said court, which report and certificate shall be substantially in the form hereinafter set forth. If any such person shall be unable or shall fail or refuse to present himself for such inquiry or to submit to such examination, such fact shall be reported by said physicians to the clerk of said court; whereupon, the said clerk shall issue an order to the sheriff of the proper county to take such person into custody for the purposes of such an examination, which

order the said sheriff shall execute accordingly. In all cases, the said inquiry and examination shall be held and conducted in the presence of the clerk and in the courtroom of the county or the office of said clerk, unless the person alleged to be suffering from such mental or nervous condition is physically unable to appear in the court room or at the clerk's office. At such hearing, any interested person shall have the right to present evidence and testimony as to the mental or nervous condition of the person involved.

Section 5. When such inquiry and examination has been completed, the said physicians, either together or separately, shall report their findings as to whether or not such person be suffering from a nervous or mental disorder or affliction and be in need of treatment, supervision or control or be or is likely to become dangerous or a menace if left at large, which certificate shall be substantially in the following form:

To the Chancery Clerk of _____ County, Mississippi:

We, _____ and _____, being licensed, practicing physicians and residents of _____ county, Mississippi, do hereby certify that on the _____ day of _____, 19____, we conducted an inquiry and made a thorough mental and physical examination of _____, of _____, Mississippi, and that it is our opinion that said _____ (is) (is not) suffering from a mental or nervous disorder, condition or affliction, more particularly described as _____, and that said _____ (is) (is not) in need of treatment, supervision and control at a mental institution of the State of Mississippi.

Witness our signatures this the _____ day of _____, 19____.

The said certificate shall be executed in duplicate and one copy thereof shall be filed with the clerk of the proper chancery court and the other copy shall be forwarded to the director of the Mississippi State Hospital at Whitfield, Mississippi, and shall be retained by him as a part of his official records.

Section 6. If the certificate of either of said physicians be that such person is not suffering from a mental or nervous condition, disorder or affliction, then the clerk of the court, or the chancellor thereof, shall forthwith enter an order adjudging such fact and directing the discharge and release of such person, and if the certificate of either of said physicians be that such person is suffering from a mental or nervous condition, disorder, or affliction, but that such person is harmless and not in need of special treatment, the clerk of the court, or the chancellor thereof, shall appoint a guardian for such person and release such person to the care of the guardian. If, however, said physicians certify that such person is suffering from a mental or nervous condition, affliction or disorder as set

forth above, the clerk shall enter an order adjudging such fact and such person shall be delivered forthwith to the director of the Mississippi State Hospital at Whitfield, Mississippi, who shall cause such person to be examined by the psychiatric staff of said hospital. If such person shall be unable, or shall fail or refuse, to present himself or submit to an examination by said psychiatric staff, the said director shall report such fact to the chancery clerk who shall issue an order to the sheriff of the proper county to take such person into custody and to deliver such person to the said director for the purposes of said examination, and the sheriff shall execute such order accordingly. If, after an examination of the mental and physical condition of said person, it is the judgment of said psychiatric staff that such person is not suffering from a mental or nervous condition, affliction or disorder, such person shall be forthwith discharged, and such fact shall be reported to the proper chancery clerk and such clerk, or the chancellor of said court, shall enter an order accordingly. If, however, it is the judgment of such psychiatric staff that such person is suffering from a mental or nervous condition, affliction or disorder and be in need of treatment, supervision or control or be or is likely to become dangerous or a menace if left at large, then such fact, together with the type of mental or nervous condition, affliction or disorder from which such person is suffering, shall be reported to the chancery clerk and said clerk, or the chancellor of said court, shall notify such person, relatives and other interested persons that there shall be a lunacy trial on a day certain, at which any and all evidence as to sanity of such person shall be permissible and that court shall issue its decree from the findings at such trial and if such person is adjudged insane, lunatic, idiotic or feeble-minded or if suffering from some mental or nervous condition which necessitates his commitment to a mental institution, then the clerk or chancellor shall commit such person to the mental institution of Mississippi and shall send his commitment order to the director of the Mississippi State Hospital at Whitfield, Mississippi. The director of the said Mississippi State Hospital, upon the finding of said psychiatric staff that such person is afflicted with or is suffering from such mental or nervous condition, affliction or disorder as provided herein, and on receipt of a certified copy of the order above referred to, shall assign such person to and cause him to be confined to the proper or appropriate institution to be selected by him for care, treatment and supervision. Nothing herein, however, shall prevent or prohibit the commitment of such person to the veterans administration or other agency under the provisions of chapter 176, laws of 1944.

Section 7. The person so adjudged, or any relative or other person on his behalf, may at any time after such adjudication file a petition in writing and request a hearing before the chancellor of said court either in term time or vacation on the question of whether or not such person is insane, lunatic, idiotic, feeble-minded or is suffering from some other mental or nervous condition, affliction or disorder as set forth above. Upon the filing of such petition the chancellor shall set a date for such hearing and shall give the director of the said Mississippi State Hospital notice of the time and place

thereof by registered mail, and may require that said director have such person present for said hearing. At the time specified, the chancellor shall proceed to hear and dispose of said cause and shall enter his order or decree accordingly. The person adjudicated, or anyone acting in his behalf, shall have the right to summon witnesses and present evidence as in other cases in chancery court. Any party aggrieved by the decision of said chancellor shall have the right to appeal to the supreme court as is provided in other cases. In addition to the above remedies, any person committed to an institution, or any relative or other person acting on his behalf, shall have the right to apply for a writ of habeas corpus as is otherwise provided by statute.

Section 8. In all such cases, the person involved shall be conveyed to the director of said hospital and to the institution to which such person is committed by some suitable friend or relative who is willing to convey such person. In case no suitable relative or friend can be found to so convey such person, the chancery clerk shall issue a writ directed to the sheriff of the proper county, and it shall be the duty of such sheriff to see that such person is properly conveyed and delivered. The expenses of the inquiry and of the conveyance and removal to and from the director and the proper institution shall be borne by the estate of the said person, if he have any estate, and, if not, by the person legally required to support or maintain such person, except in case of no adjudication of insanity, idiocy, or need of medical care, in which cases expenses shall be paid out of the general county treasury. If such person have no estate and if there be no person required to support or maintain him, the expenses of maintaining and conveying such person shall be paid out of the county treasury, upon allowance by the board of supervisors, and the said board of supervisors may allow and pay same in the first place and thereafter ascertain whether such person have an estate, or whether any person be liable for his support and maintenance, and may direct suit to be brought, if necessary and proper, to reimburse the county. The county of the legal residence of such person shall be liable for all expenses incurred and paid in connection with the inquiry and removal of such person and, if same have been paid by another county, the said county of the legal residence of such person shall reimburse the county paying same, and such county reimbursing another county may proceed, for reimbursement, in the same manner as if the expenses were paid by it.

Section 9. Each of the two physicians making examinations and certificates as provided in sections 4 and 5 hereof shall be paid such reasonable fee therefor as may be allowed by the board of supervisors of the proper county, but if the county health officer be one of the examining physicians he shall be paid no compensation or fee. The chancery clerk, upon allowance by the board of supervisors, may be paid an amount not to exceed the sum of seven dollars and fifty cents (\$7.50) out of the county treasury for each inquiry for all duties required of him under this act, including per diem, unless there be a hearing before the chancellor as provided in section 7 hereof, in which case such clerk shall be entitled to his regular fees

to be paid by the parties liable therefor. The sheriff shall be allowed the sum of three dollars (\$3.00) for each order or writ executed under this act taking a person into custody, which sum shall be paid out of the county treasury upon allowance by the board of supervisors, and, in addition, such sheriff may be reimbursed for all actual expenses, including mileage at the rate of five cents (5c) per mile, incurred by him in conveying or removing such person to the physicians, the director or an institution for examination or committal as provided herein. However, the estate, if any, of such person committed or the person legally liable for his support and maintenance, if any, shall remain liable for such fees and expenses as provided in section 8 hereof.

Section 10. In cases where a person is charged with a criminal offense and is acquitted on the ground of insanity or feeble-mindedness the circuit judge shall have the authority to order such person conveyed and committed to a mental institution as provided in sections 2575 and 6777, code of 1942, notwithstanding any provision of this act, and nothing in this act shall affect the procedure provided for in section 2558, code of 1942, when a person under sentence of death is found to be insane. In cases, under sections 2573, 2574, and 6777, code of 1942, where a grand jury or conservator of the peace shall report a person charged with a crime to be insane or feeble-minded, such report shall be in lieu of the affidavit provided for in section 2 hereof, and the chancery clerk shall forthwith proceed in accordance with the provisions of this act.

Section 11. In lieu of making an affidavit before the chancery clerk as provided in sections 2 and 3 hereof, any person who is suffering from a mental or nervous condition, affliction or disorder as herein provided or any relative of such person or any citizen of this state may cause a physical and mental examination to be made of such person by two reputable, licensed physicians as is provided in sections 4 and 5 hereof. If both of such physicians, after said examination, be of the opinion that such person is suffering from a mental or nervous condition, disorder, or affliction as provided herein, then such fact shall be certified to the director of the Mississippi State Hospital in the manner and in the form provided in section 5 hereof; whereupon the said director may cause such person to be examined by the psychiatric staff of said hospital. If after an examination of the mental and physical condition of the said person it is the judgment of said psychiatric staff that such person is suffering from a mental or nervous condition, affliction or disorder and be in need of treatment or control or is likely to become dangerous or a menace if left at large, then the said director shall have the authority to admit the said person to the proper or appropriate hospital for care, treatment, and supervision, but no person shall be admitted to any state mental institution under this section unless and until such person is examined by the said psychiatric staff and found to be suffering from a mental or nervous condition, affliction or disorder as provided herein. In a proceeding had under this section, none of the provisions of this act with regard

to reports to and actions by the chancery clerk or chancery court shall be applicable except that the person who is committed to an institution hereunder or any relative, or any other person in his behalf, shall have the right to an appeal and hearing before the chancery court and to apply for a writ of habeas corpus as is provided in section 7 of this act.

Section 12. If any patient who is a bona fide resident of this state, and who was not brought into this state insane, lunatic or feeble-minded within five years, and who is admitted to the state hospital be found, upon examination, to possess an estate, over and above all indebtedness, more than sufficient for the support of his or her dependents, his or her natural or legally appointed guardian shall pay out of such estate into the office of the office manager of the state hospital, in advance, an amount equal to one month's maintenance, at a rate to be fixed by the board of trustees from time to time on the basis of maintenance costs, and in addition, shall supply the patient with sufficient and suitable clothing, and shall remove said patient when so required and notified by the director. If such patient remains in the state hospital more than one month, such payments shall be made, monthly in advance, for the whole period during which the patient remains in the state hospital. If the patient has no such estate of his own, then this obligation shall exist against any person who is legally bound to support such patient. Inability to pay shall not, however, cause any person to be refused admission to or discharged from the state hospital, if such person be a bona fide resident of this state and shall not have been brought into this state insane, lunatic or feeble-minded within the last five years. All other persons shall be governed by section 6906, code of 1942.

The office manager, following the admission of such patient into the state hospital, shall make an investigation to determine the extent of the estate, if any, owned by the incompetent patient, and whether he has a duly appointed and acting guardian to protect his property interest. The office manager shall also make an investigation to determine whether the patient has any relative or relatives legally responsible for the payment of maintenance, and shall ascertain the financial condition of such relative or relatives to determine whether in each case such relative or relatives are in fact financially able to pay such charges. In case, after investigation, the office manager finds that the patient's estate, or relatives, are not able to pay all of the maintenance, but can pay a portion, then the office manager shall collect monthly, an amount equal to the portion the patient's estate or relatives are able to pay. All reports in connection with such investigations, together with the findings of the office manager, shall be kept in the business office and may be inspected by interested relatives, their agents, or representatives at any time upon application.

Section 13. That sections 6770 to 6776, inclusive, code of 1942, and sections 6905, 6909, 6910, 6912, and 6917, code of 1942, and all other laws and parts of laws in conflict herewith are hereby repealed.

Section 14. That this act take effect and be in force from and after its passage.

Approved March 23rd, 1948.

HOUSE BILL NO. 291

AN ACT to create a school of nursing at the University of Mississippi, to provide for such school to administer scholarships in nursing education, and for other purposes.

Be it enacted by the Legislature of the State of Mississippi:

Section 1. That the legislature hereby finds that there is great need of additional and better trained nurses in Mississippi and the purpose of this act is to meet that need to the extent herein provided.

Section 2. That the board of trustees of state institutions of higher learning is hereby authorized and directed to establish a school of nursing at the University of Mississippi under the jurisdiction of the dean of the school of medicine, or such other authority as said board of trustees may determine, and other regularly constituted administrative authorities of the university.

Section 3. Said board of trustees shall provide for such school, such buildings and equipment and such teaching staff and other personnel as may be deemed appropriate for the establishment and operation of such school of nursing and for the performance of the other functions herein provided for, all of which shall, however, be done within the appropriations made for such purposes.

Section 4. Such school of nursing shall, under the direction and supervision of the dean of the school of medicine and the other regularly constituted administrative authorities of the university and of said board of trustees and under curricula to be prescribed by said board, and beginning each of its functions at such time as may be determined by said board, carry on a teaching course, looking to the conferring of bachelor's or master's degrees in nursing.

Section 5. Such school of nursing shall under the same direction, supervision, control and conditions as set forth in section 4 hereof, have authority, in its discretion, to arrange and contract with hospitals, hospital schools of nursing or other similar institutions, for students in the school of nursing to take clinical training and practice in such institutions; and the further authority to contract with hospitals, hospital schools of nursing or other similar institution with respect to providing to any such institution instructors or instruction services from the university school of nursing upon full or part time basis and upon such basis of compensation or reimbursement of costs as may be deemed reasonable and proper in view of the public interests involved.

Section 6. That under the same supervision, direction, control and conditions as are set forth in section 4 hereof, said school of nursing shall also administer such scholarship programs in nursing education and such activities with respect to recruitment of nursing students and counseling work with such students and prospective students as may be provided for by the legislature from time to time.

Section 7. If any line, sentence, paragraph or part of this act be held to be invalid for any reason whatsoever, such holding shall not affect the remainder of this act, but shall only affect such part so held to be invalid.

Section 8. That this act shall take effect and be in force from and after its passage.

Approved, April 14th, 1948.

HOUSE BILL No. 907

Section 12. That the sum of twenty-five thousand dollars (\$25,000.00), or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the treasury of the fish and game commission, for the purpose of eradicating rabies among foxes in any county in the state of Mississippi, when the board of health or the game and fish commission shall determine that the disease is prevalent in any county or district.

Approved, April 14th, 1948.

HOUSE BILL No. 687

AN ACT to require the licensing, inspection and regulation of hospitals as herein defined; creating a hospital licensing agency and prescribing its duties and powers; creating an advisory hospital licensing council and prescribing its duties and powers; providing for regulations, enforcement procedures and penalties; and for other purposes.

Be it enacted by the Legislature of the State of Mississippi:

Section 1. **Definitions.** As used in this act: (a) "Hospital" means a place devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment and care of individuals suffering from physical or mental infirmity, illness, disease, injury or deformity or a place devoted primarily to providing obstetrical or other medical, surgical or nursing care of individuals, whether any such place be organized or operated for profit or not and whether any such place be publicly or privately owned. The term "hospital" does not include convalescent or boarding homes, children's homes, homes for the aged or other like establishments where room and board only are provided, nor does it include offices or clinics where patients are not regularly kept as bed patients.

(b) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(c) "Governmental Unit" means the state, or any county, municipality, or other political subdivision or any department, division, board or other agency of any of the foregoing, excluding all federal establishments.

(d) "Licensing Agency" means the Mississippi Commission on Hospital Care, provided said commission may by resolution entered on its minutes delegate such of its functions hereunder as it may

determine to a committee of said commission composed of not less than three members thereof, and may by like procedure authorize its executive director, in its discretion, to issue temporary licenses under this act which shall be good for not more than six (6) months.

Section 2. Purpose. The purpose of this act is to protect and promote the public health by providing for the development, establishment and enforcement of certain standards in the construction, maintenance and operation of hospitals which will insure safe, sanitary and reasonably adequate care and treatment of individuals in hospitals. The legislature hereby finds that the protection and promotion of the public health requires the measures provided for in this act.

Section 3. License. After July 1, 1948, no person or governmental unit, acting severally or jointly with any other person or governmental unit shall establish, conduct, or maintain a hospital in this state without a license under this law. No license granted under this law shall permit, approve or allow child placement activities by any person or governmental unit licensed hereunder.

Section 4. Application for license. An application for a license shall be made to the licensing agency upon forms provided by it and shall contain such information as the licensing agency reasonably requires, which may include affirmative evidence of ability to comply with such reasonable standards, rules and regulations as are lawfully prescribed hereunder. Each application for license shall be accompanied by a license fee of ten dollars (\$10.00), which must be paid into the state treasury.

Section 5. Issuance and renewal of license. Upon receipt of an application for license and the license fee, the licensing agency shall issue a license if the applicant and hospital facilities meet the requirements established under this law. A license, unless sooner suspended or revoked, shall be renewable annually without charge upon filing by the licensee, and approval by the licensing agency, of an annual report upon such uniform dates and containing such information in such form as the licensing agency prescribes by regulation. Each license shall be issued only for the premises and persons or governmental units named in the application and shall not be transferable or assignable except with the written approval of the licensing agency. Licenses shall be posted in a conspicuous place on the licensed premises.

Section 6. Denial or revocation of license; hearings and review. The licensing agency after notice and opportunity for hearing to the applicant or licensee is authorized to deny, suspend or revoke a license in any case in which it finds that there has been a substantial failure to comply with the requirements established under this law.

Such notice shall be effected by registered mail, or by personal service setting forth the particular reasons for the proposed action and fixing a date not less than thirty (30) days from the date of such mailing or service, at which the applicant or licensee shall be given an opportunity for a prompt and fair hearing. On the basis of

any such hearing, or upon default of the applicant or licensee, the licensing agency shall make a determination specifying its findings of fact and conclusions of law. A copy of such determination shall be sent by registered mail or served personally upon the applicant or licensee. The decision revoking, suspending or denying the license or application shall become final thirty (30) days after it is so mailed or served, unless the applicant or licensee, within such thirty (30) day period, appeals the decision to the court, pursuant to section 14 hereof.

The procedure governing hearings authorized by this section shall be in accordance with rules promulgated by the licensing agency with the advice of the Advisory Hospital Licensing Council. A full and complete record shall be kept of all proceedings, and all testimony shall be reported but need not be transcribed unless the decision is appealed pursuant to section 14 hereof. Witnesses may be subpoenaed by either party. Compensation shall be allowed to witnesses as in cases in the chancery court. Each party shall pay the expense of his own witnesses. The cost of the record shall be paid by the licensing agency provided any other party desiring a copy of the transcript shall pay therefor the reasonable cost of preparing the same.

Section 7. Rules, regulations and enforcement. The licensing agency with the advice of the Advisory Hospital Licensing Council, shall adopt, amend, promulgate and enforce such rules, regulations and standards with respect to all hospitals or different types of hospitals to be licensed hereunder as may be designed to further the accomplishment of the purposes of this law in promoting safe and adequate treatment of individuals in hospitals in the interest of public health, safety and welfare. Any rule, regulation or standard adopted hereunder shall be considered as promulgated and effective from and after the time the same is recorded and indexed in a book to be maintained by the licensing agency in its office in the city of Jackson, Mississippi, entitled "Record of Rules, Regulations and Standards" and said book shall be open and available to all hospitals and the public generally at all reasonable times; provided upon the adoption of any such rule, regulation or standard, the licensing agency shall mail copies thereof to all hospitals in the state which have filed with said agencies their names and addresses for this purpose, but the failure to mail the same or the failure of the hospital to receive the same shall in no wise affect the validity thereof. No such rules, regulations or standards shall be adopted or enforced which would have the effect of denying a license to a hospital or other institution required to be licensed hereunder, solely by reason of the school or system of practice employed or permitted to be employed therein.

Section 8. Effective date of regulations. Any hospital which is in operation at the time of promulgation of any applicable rules or regulations or minimum standards under this act shall be given a reasonable time, under the particular circumstances not to exceed one year from the date of such promulgation, within which to comply with such rules and regulations and minimum standards.

Section 9. Inspections and consultations. The licensing agency shall make or cause to be made such inspections and investigations as it deems necessary. The licensing agency may prescribe by regulations that any licensee or applicant desiring to make specified types of alteration or addition to the facilities or to construct new facilities shall, before commencing such alteration, addition or new construction, submit plans and specifications therefor to the licensing agency for preliminary inspection and approval or recommendations with respect to compliance with the regulations and standards herein authorized. Necessary conferences and consultations may be provided.

Section 10. Advisory Hospital Council. The licensing agency shall appoint an Advisory Hospital Licensing Council to advise and consult with the licensing agency in carrying out the administration of this act. The council shall consist of the head of the licensing agency who shall serve as chairman ex-officio, and eight members and shall include representatives of non-governmental organizations or groups, and of state agencies, concerned with the operation, construction and utilization of hospitals, including representatives of the consumers of hospital services. Each member shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term and the terms of office of the members first taking office shall expire, as designated at the time of appointment, two at the end of the first year, two at the end of the second year, two at the end of the third year, and two at the end of the fourth year after the date of appointment. Council members while serving on the business of the council shall receive compensation at the rate of seven dollars and fifty cents (\$7.50) per day and shall also be entitled to receive actual and necessary travel and subsistence expenses while so serving away from their place of residence. The council shall meet as frequently as the chairman deems necessary, but not less than once each year. Upon request by four or more members, it shall be the duty of the chairman to call a meeting of the council.

Section 11. Functions of Advisory Hospital Council. The Advisory Hospital Licensing Council shall have the following responsibilities and duties:

(a) To consult and advise with the licensing agency in matters of policy affecting administration of this act, and in the development of rules, regulations and standards provided for hereunder.

(b) To review and make recommendations with respect to rules, regulations and standards authorized hereunder prior to their promulgation by the licensing agency as specified herein.

Section 12. Information confidential. Information received by the licensing agency through filed reports, inspection, or as otherwise authorized under this law, shall not be disclosed publicly in such manner as to identify individuals or hospitals, except in a proceeding involving the questions of licensure.

Section 13. **Annual report of licensing agency.** The licensing agency shall prepare and publish an annual report of its activities and operations under this law. A reasonable number of copies of such publications shall be available in the office of the licensing agency to be furnished free to persons requesting them.

Section 14. **Judicial review.** Any applicant or licensee or the state acting through the attorney general aggrieved by the decision of the licensing agency after a hearing, may, within thirty days after the mailing or serving of notice of the decision as provided in section 6, file a notice of appeal in the chancery court of the county in which the hospital is located or to be located, and serve a copy of the notice of appeal upon the licensing agency. Thereupon the licensing agency shall promptly certify and file with the court a copy of the record and decision, including the transcript of the hearings on which the decision is based. Findings of fact by the licensing agency shall be conclusive unless substantially contrary to the weight of the evidence but upon good cause shown the court may remand the case to the licensing agency to take further evidence, and the licensing agency may thereupon affirm, reverse, or modify its decision. The court may affirm, modify or reverse the decision of the licensing agency and either the applicant or licensee or the licensing agency or state may appeal from this decision to the supreme court as in other cases in the chancery court. Pending final disposition of the matter the status quo of the applicant or licensee shall be preserved, except as the court otherwise orders in the public interest. Rules with respect to court costs in other cases in chancery shall apply equally to cases hereunder.

Section 15. **Penalties.** Any person establishing, conducting, managing, or operating any hospital without a license under this law shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one hundred dollars (\$100.00) for the first offense and not more than one hundred dollars (\$100.00) for each subsequent offense, and each day of a continuing violation after conviction shall be considered a separate offense.

Section 16. **Injunction.** Notwithstanding the existence or pursuit of any other remedy, the licensing agency, may in the manner provided by law upon the advice of the attorney general who shall represent the licensing agency in the proceedings maintain an action in the name of the state for injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, management or operation of a hospital without a license under this law.

Section 17. **Severability.** If any provision of this act or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or application of this act which can be given effect without the invalid provision or application, and to this end the provisions of the act are declared to be severable.

Section 18. That this act take effect and be in force from and after its passage.

Approved April 13, 1948.

SENATE BILL No. 450

AN ACT to amend section 8749 of the Mississippi code of 1942, as amended by section 1, chapter 276, laws of 1944, so as to provide for appointment of the state board of dental examiners by the governor from a list submitted by the Mississippi dental association.

Be it enacted by the Legislature of the State of Mississippi:

Section 1. That section 8749, Mississippi code of 1942, as amended by section 1, chapter 276, laws of 1944, be and the same is hereby amended to read as follows:

Sec. 8749. **State board of dental examiners.**—The Mississippi state board of dental examiners, hereinafter called the board, whose duties shall be to carry out the purposes and provisions of chapter 104, code of 1930 sections 8746-8775, code of 1942, and any amendments thereto, is hereby continued to consist of five regularly licensed, registered and practicing dentists, each a graduate of Class A or B dental college, and each a regularly licensed, registered and practicing dentist within the state of Mississippi, for a period of five or more years next preceding his appointment. No dentist shall be eligible for appointment who is connected in any way with any school of dentistry or the dental supply business. Except as hereinafter provided, the members of the board shall hold office for a term of four years, and until their successors shall be duly appointed and qualified. Upon the expiration of the term of office of any member of the board, the governor may appoint his successor and he shall appoint said successor from a list of fifteen names to be submitted to him, which list shall be submitted every four years, beginning in 1944, by the Mississippi dental association. Whenever any vacancy shall occur, caused by death, resignation, removal or otherwise, the governor shall fill the same by the appointment from the list submitted by the Mississippi dental association. The state board of dental examiners heretofore created, shall serve during the remainder of their respective terms, and until their successors have been appointed and qualified under the provisions thereof.

Section 2. That this act take effect and be in force from and after its passage.

Approved April 10, 1948.

HOUSE BILL No. 312

AN ACT to amend sections 8806, 8807, 8815, 8816, 8817, 8819, 8825, 8826, and to repeal 8821, of the Mississippi code of 1942 for the purpose of better regulating registered nurses in the state of Mississippi and to clarify the powers and duties of the board of nurses' examiners for Mississippi.

Be it enacted by the Legislature of the State of Mississippi:

Section 1. That section 8806 of the Mississippi code of 1942 be and the same is hereby amended so as to read as follows:

8806. A board to be known as the Board of Nurses' Examiners for Mississippi is hereby created and shall consist of five (5) members, each of whom shall be appointed by the governor. Three (3) of the members of said board shall be Mississippi registered nurses and members of the state league of nursing education, each of whom shall have practiced as a professional registered nurse not less than two years exclusive of preparation. One of said members of said board shall be a physician, who shall have been registered, licensed and of good standing in his profession in Mississippi; and one of said members shall be a practicing physician who is connected with a hospital which maintains a recognized school of nursing. The term of each member of said board shall be for five years and until his or her successor is appointed and qualified. No member of said board shall serve more than two consecutive terms. The governor shall appoint members of said board from names submitted to him for that purpose by the Mississippi state nurses' association. The present members of the board of nurses' examiners for Mississippi shall remain as members of said board and serve until their term expires.

Section 2. That section 8807 of the Mississippi code of 1942 be and the same is hereby amended to read as follows:

8807. Vacancies occurring in said board by reason of expiration of term, resignation, death, or otherwise shall be filled by appointment by the governor from a list of three physicians, eight registered nurses. All of said names shall be submitted to the governor by the Mississippi state nurses' association. The governor shall exercise his right of appointment within sixty days from the date when said names are submitted to him and if such appointment is not made within said sixty-day period, then the board of nurses' examiners for Mississippi, by a majority of vote, may appoint a person from the list of names submitted to the governor by the Mississippi state nurses' association to fill the existing vacancy.

Section 3. That section 8815 of the Mississippi code of 1942 be and the same is hereby amended to read as follows:

8815. Any person desiring to obtain a certificate of registration under this chapter shall make application to said board therefor, first paying to the treasurer of said board an examination fee of fifteen dollars (\$15.00), and shall present himself or herself at a regular meeting of said board held for the purpose of examining applicants.

Section 4. That section 8816 of the Mississippi code of 1942 be and the same is hereby amended to read as follows:

8816. Upon said board being satisfied that an applicant is more than nineteen years of age, of good moral character and has had at least a high school education and has graduated from a school of nursing, meeting the requirements of said board, the board shall then proceed to examine such applicant in such subjects, as may be designated from

time to time by the board. The subjects in which such applicant shall be examined shall be in conformity with the curricula required in schools of nursing approved by the board.

Section 5. That section 8817 of the Mississippi code of 1942 be and the same is hereby amended to read as follows:

8817. Upon any applicant passing the required examination to the satisfaction of the board of nurses' examiners for Mississippi, such applicant's name shall be entered in the register kept by the board for that purpose. The board shall cause to be issued to such person a certificate of registration authorizing such person to practice the profession of nursing as a registered nurse. A registered nurse is one who possesses a blend of intellectual attainment, attitudes, and manual skills based on the principle of scientific medicines acquired by means of a prescribed course in a school of nursing affiliated with a hospital recognized for such purposes by the state and practiced in conjunction with curative or preventive medicines by an individual licensed to do so by the state.

Section 6. That section 8819 of the Mississippi code of 1942 be and the same is hereby amended to read as follows:

8819. Each member of said board shall receive actual expenses and other compensation, not to exceed ten dollars (\$10.00) per day, while on official business of said board.

Section 7. That section 8825 of the Mississippi code of 1942 be and the same is hereby amended to read as follows:

8825. Said board shall be authorized to waive in its discretion said examination and issue certificates of registration in favor of applicants who shall present to the board certificates of examination from a board of examiners from another state together with the registration fee of fifteen dollars (\$15.00) provided the standard of requirements for such other state are equivalent to the requirements set forth in this chapter.

Section 8. That section 8826 of the Mississippi code of 1942 be and the same is hereby amended to read as follows:

8826. Each registered nurse practicing his or her profession in Mississippi shall be required to pay a fee of one and 50/100 dollars (\$1.50) on or before January 31st, 1949 for the year 1949 and on or before each succeeding January 31st of each year, as long as he or she continues to practice the profession of nursing in Mississippi. If any registered nurse shall not pay said fee of one and 50/100 dollars (\$1.50) on or before January 31st, then the charge for reinstatement shall be three and 50/100 dollars (\$3.50), which shall include the registration fee for that year. Said fee of one and 50/100 dollars (\$1.50) shall be received by the board from and after November 1st, for the following year.

Section 9. Any other law to the contrary notwithstanding the board of nurses' examiners for Mississippi shall be and is hereby authorized to employ, discharge, fix the compensation of and compensate all necessary employees of said board.

Section 10. That section 8821 of the Mississippi code of 1942 be and the same is hereby repealed.

Section 11. That this act shall take effect and be in force from and after its passage.

Approved, April 13th, 1948.

SENATE BILL NO. 659

AN ACT to authorize and empower the governor, when advised by the state livestock sanitary board that an emergency exists on account of foot and mouth disease, to declare a state of emergency and to quarantine, or order to be slaughtered any animals or materials infected with or exposed to foot and mouth disease; to provide for the payment of animals or materials ordered to be slaughtered under the provisions of this act; and for other related purposes.

Be it enacted by the Legislature of the State of Mississippi:

Section 1. That the governor of the State of Mississippi, when advised by the state livestock sanitary board that an emergency exists due to the presence of foot and mouth disease among animals in this state, is hereby authorized to declare a state of emergency and to order all animals quarantined or slaughtered that may be affected with, or possible carriers of, foot and mouth disease.

Section 2. The governor is hereby authorized and empowered to cooperate with any department of the federal government engaged in the combating and control of foot and mouth disease, and to this end the governor is authorized and empowered to do any and all things in cooperation with the federal government necessary to the control and extermination of foot and mouth disease among animals that may be affected therewith.

Section 3. For the purposes of this act, the governor shall have full and complete police power, and shall exercise same anywhere in the State of Mississippi, and if an emergency should exist to such an extent that such becomes necessary the governor may employ such personnel to enforce such police powers and quarantine that may be necessary to control and prevent the spreading of foot and mouth disease among livestock in this state. Such personnel when appointed by the governor shall work under the direction of the state livestock sanitary board, or its representative, and shall be paid such compensation as the governor may determine out of any money made available for the enforcement of this act.

Section 4. When any animals or materials are ordered to be destroyed, under the provisions of this act, the owner of same shall be paid for each animal or such materials destroyed an amount not exceeding the amount authorized to be paid by the federal government in matching funds expended for the destruction of each animal or such materials infected with foot and mouth disease.

Section 5. That in the event of the happening of an outbreak of foot and mouth disease in Mississippi, the governor is hereby au-

thorized to borrow not to exceed two hundred thousand dollars (\$200,000.00) to carry out the terms and provisions of this act.

Section 6. That this act take effect and be in force from and after its passage.

Approved April 14, 1948.

SENATE BILL No. 453

AN ACT providing for the organization and operation of non-profit hospital, medical and surgical service corporations; making provisions for conversion of corporations organized under chapter 2, title 22, Mississippi code of 1942, to non-profit corporations under this act; and for other purposes.

Be it enacted by the Legislature of the State of Mississippi:

Section 1. That the public health and welfare requires the adoption of this act providing for the organization and operation of non-profit hospital, medical and surgical service corporations.

Section 2. That any seven or more persons, a majority of whom are residents of this state may form a non-profit corporation under this act for the purpose of providing hospital and/or medical and/or surgical services or benefits to such of the public as becomes subscribers to said corporation under a contract which entitles each subscriber to certain of such services or benefits. All such corporations shall be governed by this act and shall be exempt from all other provisions of the insurance laws of this state unless otherwise specifically provided herein. Such a corporation may be formed under this act in the following manner:

(a) The proposed incorporators shall subscribe articles of incorporation in which shall be stated:

(1) The proposed corporate name of the corporation which shall not so closely resemble the name of any other corporation already transacting business in this state as to mislead the public or lead to confusion.

(2) The domicile of the proposed corporation.

(3) The names and post office addresses of the incorporators.

(4) The fact that application for charter is being made under this act and the corporation proposed to operate under and subject to the provisions of this act.

(5) The purposes of the corporation, whether to provide a hospital service only, or hospitalization and/or medical and/or surgical services.

(6) Such articles of incorporation shall be filed with the commissioner of insurance, who shall refer the same to the attorney general for his opinion as to whether the same meet the requirements of this act and are not otherwise violative of the constitution or laws of this state or of the United States; the attorney general shall examine the same and endorse his opinion thereon and return the same to the com-

missioner of insurance for approval; the commissioner of insurance shall (if the same be approved by the attorney general) thereupon endorse his certificate of approval upon such articles of incorporation, record the same in his office and refer the same to the office of the secretary of state to be there recorded, whereupon said corporation shall become and be considered an existing entity, but shall not be authorized to begin business until licensed as hereinafter provided. The articles of incorporation as thus approved and recorded shall be and constitute the charter of incorporation of such corporation. It shall not be necessary that such charter be published nor shall it be necessary that it be recorded in the office of the chancery clerk.

Section 3. Corporations organized under this act shall not have capital stock, but shall have members as prescribed and contemplated by the terms and provisions of this act and such members shall have the privileges provided for in this act. The subscribers to the articles of incorporation as the organizers of said corporation shall have power to elect the first board of directors who shall serve for the terms prescribed in the next sentence of this section or until their successors are elected and qualified. One-third of the members of said first board of directors shall be elected for a term of one year, one-third for a term of two years and one-third for a term of three years. Thereafterwards, directors shall be elected for terms of three years. Provisions shall be made for subsequent elections of directors including the time and place of such elections and notice thereof to the membership by (1) resolution of the directors entered upon the minutes not less than sixty days before such election designating the time and place of such election, such minutes to be open to the membership as hereinafter provided, or (2) by the time and place of such election being fixed by resolution of the directors and notice thereof being mailed to the members at least fifteen days before the time fixed for such election. All minutes of the corporation with respect to the time and place fixed for any such election of directors shall be open to members at all reasonable times, but no notice of elections shall be necessary other than as herein provided. Each member shall be entitled to one vote in the election of directors. It shall be the duty of the directors to provide for elections as the terms of office of directors expire and it shall be the duty of the commissioner of insurance as a part of his supervisory jurisdiction over such corporations to see that the directors faithfully perform this duty. If such directors shall fail to so provide for the election of directors, it shall be the duty of the commissioner of insurance to report this fact to the membership of the corporation and himself call a meeting of the membership for the election of directors and the corporation shall forthwith, upon demand of the commissioner, reimburse him for all expenses incurred in the performance of these duties. A majority vote of the members present in person (or by proxy if proxy be provided for) and voting shall be required and shall be sufficient for the election of directors. Except for the right to receive benefits provided for under service contracts, death of a member or other loss of membership shall terminate all interest of a member in the assets of the corporation.

The membership of the corporation shall consist of the subscribers or contract holders of the corporation, holding contracts providing

for hospital and/or medical and/or surgical services or benefits to be provided by the corporation and the corporation shall issue to such contract holders, certificates of membership.

The directors shall have power to adopt by-laws, elect officers and manage the affairs of the corporation. They shall also have the power to determine whether voting in the election of directors may be done by proxy and if so, the manner and method thereof.

Section 4. A corporation subject to the provisions of this act shall accumulate a contingency or epidemic reserve as follows: (1) by setting aside not less than \$5,000 in such fund before beginning business, (2) when five percentum of the net premiums received by the corporation, cumulative, equals the original sum so set aside, the corporation shall thereafter set aside in such reserve a sum equal to two and one-half percentum of the net premiums received annually until such fund equals \$75,000 or fifty-five percentum of the net annual premium income, whichever is higher, and (3) thereafter further accumulations may be discontinued for any length of time that they are not required to meet the foregoing requirements.

Section 5. A corporation subject to the provisions of this act may issue contracts only when the commissioner has by formal certificate or license authorized it to do so. Application for such certificate of authority or license shall be made on forms to be supplied by the commissioner, containing such information as he shall deem necessary. Each application for a certificate or license shall be accompanied by copies of the following documents: (1) charter of incorporation, (2) by-laws, (3) proposed contracts between corporation and participating hospitals showing terms under which hospital service is to be furnished to subscribers, (4) contracts to be issued to subscribers showing a table of rates to be charged and the benefits to which they are entitled and (5) financial statement of the corporation including the amounts of contribution paid or agreed to be paid to the corporation for working capital and the name or names of each contributor and the terms of each contribution.

Section 6. The commissioner shall issue a certificate of authority or license upon payment of a fee of ten dollars and upon being satisfied as to the following points: (1) that the applicant is established as a bona-fide non-profit hospital and/or medical and/or surgical service corporation; (2) that the contracts between the applicant and the participating hospitals obligate each hospital party, for the considerations stipulated, to render service to which each subscriber may be entitled under the terms and conditions of the contract issued to the subscribers; (3) that the rates charged and benefits to be provided are fair and reasonable; (4) that the amounts provided as working capital of the corporation are repayable only out of earned income over and above operating expenses and such reserves as the commissioner deems adequate; (5) that the amount of money actually available for working capital be sufficient to carry all acquisition costs and operating expenses for a reasonable period of time from the date of the issuance of the certificate; (6) that contracts between hospitals and service organizations are adequate; and (7) that the foregoing requirement with respect to accumulating a contingency or epidemic reserve will be carried out.

Section 7. Every such corporation shall annually or before the first day of March, file in the office of the commissioner, a statement verified by at least two of the principal officers of said corporation showing its condition on the thirty-first day of December of the preceding year, which shall be in such form and shall contain such matters as the commissioner shall prescribe.

Section 8. All licenses issued to every such corporation or its agents shall expire on the last day of the next succeeding February.

In addition to the duties of the commissioner herein outlined, it is hereby required that he shall consider all contracts proposed to be issued to subscribers as to terms, forms, rates and benefits, and no such contract shall be issued or delivered until approved by him. The commissioner shall also fix a maximum number of subscribers for each plan based upon the facilities available and the utilization experience.

Section 9. The commissioner may appoint any deputy or examiner or other person who shall have the power of visitation and examination into the affairs of any such corporation and free access to all of the books, papers and documents that relate to the business of the corporation and may summon and qualify witnesses under oath to examine its officers, agents or employees or other persons in relation to the affairs, transactions and conditions of the corporation.

Following examinations, the commissioner may hold hearings and issue orders relative to the conduct of the affairs of the hospital service organizations. If, upon examination or investigation it is found by the commissioner that such non-profit hospital service corporation is insolvent or has exceeded its powers or has failed to comply with any provisions of the law or that its condition and policy is such as to render its further proceedings hazardous to the public or its subscribers, he may apply to the appropriate court to issue an injunction restraining it in whole or in part from further proceeding with its business. The court or judge in vacation, in his discretion, may issue the injunction forthwith or upon notice and hearing thereon and after a full hearing of the matter may dissolve or modify such injunction or make it permanent and make all orders and decrees needful in the premises and may appoint agents or receivers to take possession of the property and effects of the company and to settle its affairs subject to such rules and orders as the court may, from time to time prescribe according to the course of proceedings in equity.

Section 10. All acquisition and administrative expenses in connection with such corporation, shall at all times be subject to the approval of the commissioner. Every agent of any corporation organized under this act shall be required to obtain annually from the commissioner of insurance a certificate under the seal of his office showing that the corporation for which he or she is an agent is licensed to do business in this state and that he or she is an agent of said corporation and duly authorized to do business for it. Every such agent on demand shall exhibit the said certificate to the person from whom he or she shall solicit contracts and every such agent shall annually pay privilege tax of five dollars. The commissioner of insurance may issue

a duplicate certificate in case of loss or destruction of the original certificate and charge therefor a fee of fifty cents and the commissioner of insurance shall have the right to pass upon the qualifications of any such agent before issuing to him or her a license and for good cause shall have the right to cancel such license.

Section 11. The funds of any corporation subject to the provisions of this act shall be invested only in securities permitted by the law of this state for the investment of assets of life insurance companies.

Section 12. Any dispute arising between a corporation subject to the provisions of this act and any hospital with which such corporation has a contract for hospital service may be submitted to the commissioner for his decision with respect thereto. Any decision and finding of the commission made under the provisions of this act shall not be any bar to constituted legal procedure in a court of competent jurisdiction.

Section 13. Any dissolution or liquidation of a corporation subject to the provisions of this act shall be conducted under the supervision of the commissioner of insurance who shall have all power with respect thereto under the provisions of law with respect to the dissolution and liquidation of insurance companies.

Section 14. Every corporation subject to the provisions of this act is hereby declared to be a charitable and benevolent institution and its funds and property shall be exempt from taxation.

Section 15. That any corporation heretofore or hereafter organized and operating under chapter 2, title 22, Mississippi code of 1942 (chapter 177, laws of 1936) desiring to become a non-profit corporation of the kind and charter described in this act and to operate under and pursuant to the terms of this act, may convert its organization into such non-profit corporation under this act in the following manner, to-wit:

(a) File a written application with the commissioner of insurance annexing thereto copies of (1) its articles of incorporation or new or amended articles of incorporation; (2) its by-laws; (3) its form of contract between the corporation and participating hospitals showing the terms under which hospital service is to be furnished to subscribers; (4) its contracts with subscribers showing a table of the rates charged and the benefits to which subscribers are entitled and (5) a financial statement of the corporation including the amounts of contribution paid or agreed to be paid to the corporation for working capital and the name or names of each contributor and the terms of each contribution.

(b) File with said application, a statement of its plan of operation in such detail as the commissioner may require.

(c) File with said application, certified copy of resolution of stockholders representing one hundred percent of all outstanding capital stock of said corporation approving the application to convert said corporation into a non-profit corporation under the terms of this act, and authorizing the filing of such application together with agreement of such stockholders to convey and surrender up to the corpora-

tion for cancellation their respective shares of stock therein for a specified consideration.

(d) Submit any further data or evidence as may be required by the commissioner.

(e) If the commissioner be satisfied from said data as to the following points: (1) That the applicant is established as a bona-fide non-profit hospital and/or medical and/or surgical service corporation or will be so established when its articles of incorporation are approved under this act; (2) that the contracts between the applicant and the participating hospitals obligate each hospital party for the consideration stipulated to render service to which each subscriber may be entitled under the terms and conditions of the contract issued to the subscribers; (3) that the rates charged and benefits to be provided are fair and reasonable; (4) that the amounts provided as working capital of the corporation are repayable only out of earned income paid and payable for operating expenses and hospital expenses and such reserve as the commissioner deems adequate; (5) that the amount of money actually available for working capital be sufficient to carry all acquisition costs and operating expenses for a reasonable period of time from the date of such conversion; (6) that contracts between hospitals and the said corporation as adequate; and (7) that the requirements of this act with respect to accumulating a contingency or emergency reserve will be carried out; then, the commissioner shall refer the corporation's articles of incorporation to the attorney general for his opinion as to whether the same meet the requirements of this act; the attorney general, shall if in order to do so, endorse his approval thereon and return the same to the commissioner of insurance; and the commissioner shall thereupon endorse upon said articles of incorporation his certificate of approval, whereupon said corporation shall be deemed to be converted under and existing and operating pursuant to the terms of this act; and the commissioner shall in addition, issue to the corporation a certificate of authority or license to do business under and pursuant to the terms of this act. The articles of incorporation bearing such approval of the attorney general and the commissioner shall be recorded in the offices of the commissioner of insurance and of the secretary of state in like manner as in this act provided for recording the articles of incorporation of a corporation organized under this act in the first instance. The corporation as so converted shall succeed to all the assets and liabilities of the original corporation, except liabilities to stockholders.

(f) Immediately upon being so converted the corporation shall issue membership certificates to its subscribers or contract holders and take such other steps as may be proper to bring its operations under the provisions of this act as a non-profit corporation of the character herein described.

Section 16. That all laws or parts of laws in conflict with this act are hereby declared inapplicable to any and all corporations chartered and operated under this act or to hinder any corporation from converting from its present status to a non-profit corporation under the terms of this act where authorized to do so by the terms of this act.

Section 17. That if any word, line, section or part of this act should hereafter be declared unconstitutional by the courts, such decision shall not be construed so as to render invalid the remainder of same.

Section 18. That this act take effect and be in force from and after its passage.

Approved, April 14th, 1948.

HOUSE BILL No. 531

AN ACT to amend sections 4 and 5, chapter 277, Mississippi laws of 1944, to provide staggered terms for hospital trustees of community hospitals therein referred to; to provide for vice-presidents or hospital boards of trustees; to provide for filling vacancies in the office of trustee; to clarify the language of said sections; and for related purposes.

Be it enacted by the Legislature of the State of Mississippi:

Section 1. That section 4, chapter 277, Mississippi laws of 1944, be and the same is hereby amended to read as follows:

Section 4. Any hospital erected, owned, maintained and operated hereunder by a city or town shall be operated by a board of trustees to consist of five members, one of which shall be the mayor, the other four shall be appointed by the mayor, and shall be citizens and residents of the city or town and shall (except as hereinafter provided) serve for a term of four years from the date of their respective appointments. The first group of four appointed members of such a board of trustees (or the first group of four such trustees appointed after this act becomes effective), shall be appointed for terms as follows: One for a term of one year, one for a term of two years, one for a term of three years and one for a term of four years. Thereafter all such appointed trustees shall be appointed for a term of four years. Any vacancy in the office of an appointed trustee shall be filled by appointment of the mayor for the unexpired term. The mayor shall be the president of the board and shall preside at its meetings. The board may, however, elect a vice-president to preside in the absence or disability of the president.

The said board of trustees shall have charge of the maintenance and operation of said hospital and shall have full power and authority to promulgate and adopt suitable rules and regulations and to employ such persons as may be necessary to properly maintain and operate said hospital.

Section 2. That section 5, chapter 277, Mississippi laws of 1944, be and the same is hereby amended to read as follows:

Section 5. Any hospital erected, owned, maintained and operated hereunder by a county shall be operated by a board of trustees to consist of not less than five members, nor more than seven members, one to be appointed from each supervisor's district, and one or more from the county at large, and to be appointed by the board of supervisors, and (except as hereinafter provided) shall serve for a term of five years from the date of their respective appointments. The first board of trustees to be so appointed (or the first such board of trustees to

be appointed after this act becomes effective), shall be appointed for terms as follows: One for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years. In the event seven trustees are appointed the two members from the county at large shall be appointed for a term of four years from date of appointment and every four years thereafter. Thereafter all such trustees shall be appointed for a term of five years. Any vacancy on said board of trustees shall be filled by appointment by the board of supervisors for the unexpired term. The board of trustees so appointed shall elect one of their members president, who shall preside at the meetings of the board; provided, said board may elect another of their members as vice-president, who shall preside at the meetings of the board in the absence or disability of the president.

The said board of trustees shall have charge of the maintenance and operation of said hospital and shall have full power and authority to promulgate and adopt suitable rules and regulations and to employ such persons as may be necessary to properly maintain and operate said hospital.

Section 3. Provided, however, that any board of trustees heretofore appointed under the provisions of section 4, chapter 277, Mississippi laws of 1944, or section 5, of chapter 277, Mississippi laws of 1944, shall remain in office until the term for which they were appointed expires..

Section 4. That this act take effect and be in force from and after its passage.

Approved, April 12th, 1948.

HOUSE BILL No. 241

AN ACT to create a state board of cosmetology; to prescribe its duties and powers; and to control and regulate the practice of beauty culture and hairdressing in the state of Mississippi.

Be it enacted by the Legislature of the State of Mississippi:

Section 1. **State board—how appointed.**—There is hereby created a state board of cosmetology composed of three (3) members, one from each supreme court district of the state, to be appointed by the governor, and whose term of office shall be four (4) years from the date of appointment. To be eligible for appointment as a member of the state board of cosmetology the person appointed shall be a licensed operator with not less than five (5) years active practice and experience as an operator. No member of the board shall be connected in any way with any school wherein beauty culture is taught or practiced as supervisor, instructor, operator, owner or manager.

Section 2. **Officers — employees — compensation.**—The governor shall designate one of the members of the board as president and one of the members as secretary. The members of the board shall have authority to employ a full time stenographer whose salary shall

be fixed by the board. The member designated as secretary shall be a full time employee whose salary shall be fixed by the board and who shall file with the secretary of state a bond in the sum of not less than five thousand dollars (\$5,000.00) payable to the State of Mississippi for the faithful performance of her duties. Said bond to be made in a surety company authorized to do business in this state, the premium on said bond to be paid out of any money on hand by the board. In the event monies in the hands of the board shall exceed five thousand dollars (\$5,000.00), then the bond herein required shall be increased in a corresponding amount.

The office of the board shall be located in the City of Jackson, Mississippi, and in the event office space cannot be obtained in any state owned building in the City of Jackson, the board is authorized to rent suitable office space in the City of Jackson and to pay therefor out of funds received by the board. The board shall employ inspectors as needed, not to exceed the number of five (5), who shall be full time employees and whose salaries and duties shall be fixed by the board.

The salaries of all paid employees of the board shall be paid out of funds paid to the board as fees, as provided in this act. Each member of the board, excepting the secretary and the inspectors provided herein, shall receive as full compensation for their service ten dollars (\$10.00) per day, and for their expenses not to exceed six dollars (\$6.00) per day while actually engaged in the performance of their duties, to be allowed on expense accounts itemized and filed by them with the secretary. The inspectors herein provided shall, in addition to their salary, be paid a per diem for expenses not to exceed six dollars (\$6.00) per day while actually engaged in the performance of their duties in any county other than the county of the residence of said inspector, to be allowed on expense accounts itemized and filed by them with the secretary. In addition to the paying of office rent the board is authorized to purchase necessary office furniture and equipment, stationery, books, certificates, and any other equipment necessary for the proper administration of this act.

Section 3. Depository—reports.—Within thirty (30) days after this law becomes effective it shall be the duty of the board of cosmetology to select a depository in the same manner and form as now provided by section 4308, Mississippi code of 1942, and deposit all funds in the hands of said board of cosmetology and all funds thereafter collected shall be so deposited and maintained, and disbursements shall be so made on checks signed by the president and countersigned by the secretary of the board. On or before the fifteenth day of March each year the board shall file with the state auditor a report, attested by the affidavits of the president and secretary of the board, of its transactions for the preceding year, covering all receipts and disbursements and showing the balance of monies on hand. The governor, in his discretion, shall have the power from time to time to require an audit of the accounts of the board, the same to be made by the state auditor upon request of the governor. The governor shall have the power to suspend any member

of the board who shall be found in default in any account until such time as it shall be definitely determined whether such default was a result of an act of dishonesty on the part of said member and in the event it is found that such default is an act of dishonesty, misfeasance or nonfeasance on the part of the member such member shall be immediately removed from office.

Section 4. Powers of the board.—The board shall have authority to make reasonable rules and regulations for the administration of the provisions of this act. The board shall set up a curriculum for the operation of beauty culture schools in this state. The board may revoke the certificate of registration of any school, or may refuse to issue a certificate of registration to any school, that fails or refuses to comply with the provisions of this act and the rules and regulations of the board in carrying out the provisions of this act.

The state board of cosmetology shall have authority to prescribe reasonable rules and regulations governing sanitation of beauty schools and beauty shops for the guidance of registered cosmetologists in the operation of a beauty school or beauty shop, and in the practice of cosmetology, provided, however, that any and all rules and regulations relating to sanitation shall, before adoption by the board of cosmetology, have the written approval of the state board of health. Any member of the state board of cosmetology, or any of its authorized inspectors, shall have authority to enter upon and inspect any beauty school or beauty shop at any time during business hours, provided, however, that the privacy of patrons shall be respected by any person making such inspection.

Section 5. Certificate of registration required.—From and after thirty (30) days of the passage of this act no person required by this act to have a certificate of registration shall conduct a beauty parlor or school, or practice hairdressing or cosmetology unless application for a certificate of registration has been made, and all persons required by this act to obtain a certificate of registration must file application therefor within thirty (30) days after this act becomes effective.

Section 6. Display of certificate of registration.—Each owner of a certificate of registration issued by the state board, pursuant to the provisions of this act, shall display said certificate of registration in a conspicuous place in his or her principal office, place of business or employment, at all times.

Section 7. Examinations to be held—licenses issued.—The board shall hold examinations at least twice a year, and at such other times as the board may have as many as twenty-five (25) applicants to take the examination. Any student who has completed the equivalent of fifteen hundred (1500) hours in an accredited beauty school in this or any other state, or has had at least two (2) years actual experience in a beauty shop under an experienced cosmetologist, is eligible to take the examination. The board may, in its discretion, issue to any student who has completed the prescribed hours in an accredited school, temporary permit as an operator until such time as the next examination may be held, provided, however, a student

shall be issued only one temporary permit. Applications for an examination and license shall be accompanied by two (2) recent head photographs, and a health certificate of a duly licensed physician. The board shall accept for examination an operator from any other state upon proof that such operator is a duly licensed operator of that state. No temporary permit will be issued an operator from any other state to operate a beauty shop or school in this state unless in case of an emergency.

Any person over the age of sixteen (16) years who shall present to the board an affidavit to the effect that he or she has been actively and continuously engaged in the practice of hairdressing and cosmetology in this state prior to the date this act becomes effective shall be entitled to a license without taking the required examination. Accompanying the application for a license without an examination must be two (2) recent head photographs of the applicant, the required registration fee of three dollars (\$3.00), and a health certificate of a duly licensed physician, on a form to be prescribed by the board of cosmetology. The health certificate shall certify that the applicant is free from any infectious or communicable disease, and shall be dated within thirty (30) days prior to the date of the applicant's application.

Section 8. Certificate of registration for schools and instructors.—Any person practicing as an instructor, prior to the effective date of this act, in a beauty school, shall be granted an instructor's certificate to practice as such without examination. Any person applying for an instructor's license after the effective date of this act must have had two (2) years experience as an operator, or the equivalent training as an instructor, and pass the examination prescribed by the board for instructors. All applications with or without examination for an instructor's license must be accompanied by two (2) recent head photographs, the required fee for examination, and a health certificate from a duly licensed physician on a form prescribed by the board showing the applicant to be free from any infectious or communicable disease, which certificate shall have been issued within thirty (30) days prior to the date of the filing of the application.

Section 9. Shop certificate of registration.—All beauty shop or parlor owners shall have a shop certificate of registration and shall pay to the board a registration fee of five dollars (\$5.00) therefor.

Section 10. Renewal of certificate of registration.—All certificates of registration issued under the provisions of this act shall expire one (1) year from date. Applications for renewal of certificates of registration must be accompanied by a health certificate, and the required renewal fee. A sixty (60) day grace period will be given in which to renew the certificate, and upon the expiration of the sixty (60) day grace period any applicant for the renewal of a certificate of registration will be required to take the required examination.

Section 11. Manicurists certificate of registration.—A person applying for a manicurists certificate of registration must have had

two hundred fifty (250) hours practice in an accredited beauty culture school wherein manicurists are taught and trained, or have had at least six (6) months actual experience as a manicurist under the supervision of an experienced manicurist.

Registered manicurists desiring to pursue additional hours to be eligible for a certificate of registration as an operator may be credited with the two hundred fifty (250) hours acquired in studying and training to be a manicurist, which may be applied to the number of hours required by an operators examination.

Section 12. Reciprocity provisions.—The state board shall, upon application, issue a certificate of registration by reciprocity, to any operator over the age of sixteen (16) years from any other state who has satisfactorily completed the required number of accredited hours in that state, provided the state board from which the applicant comes issues to operators from the State of Mississippi, a certificate under the same conditions. Applications must be accompanied by a health certificate stating that the applicant is free of any contagious disease, said certificate to be within thirty (30) days before application and prove, satisfactory to the board, that the required hours have been completed.

An instructor from any other state may be issued a certificate of registration by reciprocity provided that instructor has had two (2) years or more of experience as an instructor, or an operator in a beauty shop. Such application must be accompanied by two (2) recent head photographs, a medical certificate showing the applicant to be free from contagious disease and the required fee.

Section 13. Demonstrator's permit.—Every demonstrator in the field of beauty culture shall, before making demonstrations in a beauty shop, apply for and obtain a permit from the board of cosmetology, and each such application shall be accompanied by a health certificate of the applicant; and for such permit which shall be for one (1) year a fee of five dollars (\$5.00) shall be paid to said board. This section shall be construed to apply to demonstrators in beauty shops only.

Section 14. Suspension or revocation of certificate of registration.—A certificate of registration to engage in the practice of hair-dressing or cosmetology, or to conduct a beauty parlor or beauty school, may be suspended or revoked by the state board of cosmetology for any one or more of the following causes: refusal to submit to a physical examination when directed to do so by the state board of cosmetology; practice by a person having an infectious or communicable disease; fraud or bribery in securing a certificate of registration or permission to take an examination therefor; failure to display the license as provided in this act; violation of any of the provisions of this act, or of any rule or regulation adopted hereunder, or of any applicable sanitary code.

Whenever the certificate of registration is revoked, such certificate shall not be reinstated, or reissued, until after the expiration of

the period of thirty (30) days from the date of such revocation. Provided, however, that in cases involving infectuous, communicable or contagious diseases, operator in question shall be suspended until a health certificate from a reputable doctor is presented showing that such operator does not now have such disease and is not a menace to the health of patrons.

The board of cosmetology may neither refuse to suspend or revoke, nor revoke or suspend any certificate of registration, either as a registered operator or instructor, for any cause specified in this act, or for the violation of any rule or regulation promulgated by the board, unless the holder of such certificate has been given at least thirty (30) days notice, in writing by registered mail, and notice signed by the president and secretary of the board of cosmetology, setting forth the charges against such holder of such certificate and naming the time and place for a hearing upon said charge or charges, and a public hearing thereof by the board of cosmetology.

Upon the hearing of any such charge or charges the board may issue subpoenas for all necessary witnesses for and against the accused, and require their attendance upon such hearing, may administer oaths, and may procure, by process, the production of all necessary books and papers, bearing or touching upon such charges against the accused.

Any person aggrieved by the action of the board of cosmetology in revoking their certificate of registration may appeal direct from the decision of the board of cosmetology to the circuit court of the first judicial district of Hinds County, Mississippi.

Section 15. Fees.—The fees to be paid by an applicant for an examination to determine their fitness to receive a certificate of registration as an operator is ten dollars (\$10.00) as examination fee, and three dollars (\$3.00) as registration fee.

The fees to be paid by an applicant for an examination to determine their fitness to receive a certificate of registration as an instructor in a school of beauty culture or cosmetology is fifteen dollars (\$15.00) as examination fee, and twenty-five dollars (\$25.00) as registration fee.

The fee for a renewal of a certificate of registration is three dollars (\$3.00). The fee of an applicant from another state desiring a certificate of registration to practice beauty culture or cosmetology in this state under the reciprocity provisions of this act is fifteen dollars (\$15.00). The fee of an instructor of another state desiring to obtain a certificate of registration to instruct in a school of beauty culture or cosmetology under the reciprocity provisions of this act is twenty-five dollars (\$25.00).

Section 16. What constitutes the practice of beauty culture, hair-dressing and cosmetology.—Any person who engages in any one or any combination of the following practices to-wit: Arranging, dressing, curling, waving, cleaning, bleaching, coloring, cutting, and shaping or any kindred work upon the hair of any person by any

means shall be construed to be practicing the occupation of a hair-dresser. Any person who with hands or mechanical or electrical apparatus or appliances or by the use of cosmetological preparation, antiseptic, tonics, lotions or creams engages in any one or combinations of the following practices for remunerations or pay, to-wit: cleansing, beautifying or any kindred work of the scalp, face, neck or bust, or upper part of the body or manicuring the nails of any person shall be construed to be practicing the occupation of a cosmetologist. Provided, however, that nothing in this act shall apply to hair dressing, manicuring, or facial treatments, given in the home, to members of family or friends for which no charges is made. Provided, further, that nothing in this act shall apply to barbers or affect the jurisdiction of the board of barber examiners.

Section 17. Sanitation rules and regulations.—In addition to the rules and regulations that may be prescribed and promulgated by the board under authority of this act, the following rules and regulations shall be observed:

Every establishment must be kept sanitary, including all utensils and equipment; must be well ventilated and properly lighted. Each shop must be provided with hot and cold water. Electrical appliances must be properly installed and grounded. Anyone having an infectious or contagious disease shall not practice in any establishment. Shop owners will be held responsible for knowingly permitting one with such disease to practice in his or her shop. No work shall be performed on any patron having a visible disease, unless the patron shall produce a certificate from a practicing physician stating that the patron is free from infectious, contagious or communicable disease. A beauty culture license does not authorize an operator to treat or prescribe for an infectious, contagious or any other disease.

A home beauty shop must have a solid wall to the ceiling with an outside entrance, or if a door exists between the beauty shop and the remainder of the house, same shall be kept closed at all times while service is being rendered. A period of ninety (90) days from the effective date of this act will be given to prepare this outside entrance.

Section 18. Penalty for violations.—The violation of any of the provisions of this act shall constitute a misdemeanor, punishable in any court of competent jurisdiction, and any person or firm convicted of the violation of any of the provisions of this act shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00).

Section 19. Constitutionality.—If any portion of this act is declared unconstitutional by a court of competent jurisdiction, it shall not affect the validity of the remainder of this act, which can be given effect without the invalid portion.

Section 20. That this act take effect and be in force from and after its passage.

Approved April 13, 1948.

INDEX

A

Animals to be slaughtered certain conditions	28
Appointment — Dental Examiners	25

B

Board of Cosmetology	36
Board of Examiners to clarify duties — Nurses	26
Board of Health — President and Executive Officer	12

C

Centers health or health departments	3
Community hospital trustees	35
Cosmetology, State Board of	36
County health officer — may be appointed as a physician to pass on mental condition of persons	12

D

Dental Examiners, State Board of	25
--	----

E

Education — Nursing scholarship	7
---------------------------------------	---

F

Foot and Mouth Disease — Animals	28
--	----

G

Game and Fish Commission — Rabies (foxes)	20
---	----

H

Health, Board of — President and Executive Officer	12
Health centers or health department grants	1
Hospital, non-profit — and medical service corporations	29
Hospitals, non-profit and facilities	1
Hospital licensing — powers and duties	20
Hospital Trustees — community	35

L

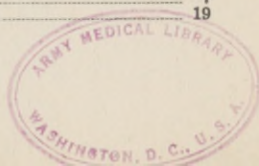
Licensing, inspection and regulations of hospitals — how obtained	20
License to practice Cosmetology	36
Lunacy — how committed to mental institutions	12

M

Medical and Surgical service corporations	29
Mental institutions — insane — how committed	12

N

Nurses, Board of Examiners to clarify duties	26
Nursing scholarship program of education	7
Nursing — to create school at University of Mississippi	19



O

Organization and operation of non-profit, medical and surgical
service corporations..... 29

P

Patients suffering from certain conditions to be separated from those
suffering from certain other conditions..... 2
Payment provided for animals ordered to be slaughtered..... 28
President and Executive Officer, State Board of Health..... 12

R

Rabies — (foxes) — Game and Fish Commission..... 20
Regulations governing Cosmetology..... 36

S

Slaughtering animals infected with or exposed to foot and mouth disease... 28

T

Trustees — community hospitals..... 35

U

University of Mississippi — School of Nursing..... 19

