

By: Senator(s) Burton

To: Public Health and  
Welfare

SENATE BILL NO. 2180

1 AN ACT TO PROVIDE THAT A HEALTH CARE PROVIDER OR FACILITY  
 2 SHALL NOT CHARGE A FEE FOR A MEDICAL OR MENTAL HEALTH RECORD  
 3 REQUESTED BY A PATIENT OR FORMER PATIENT FOR USE IN SUPPORTING AN  
 4 APPLICATION FOR CERTAIN ASSISTANCE BENEFITS; TO AUTHORIZE A HEALTH  
 5 CARE PROVIDER OR FACILITY TO CHARGE A FEE FOR SUCH RECORDS  
 6 REQUESTED BY A STATE OR FEDERAL AGENCY; TO PRESCRIBE A TIME  
 7 LIMITATION FOR THE DISTRIBUTION OF SUCH MEDICAL OR MENTAL HEALTH  
 8 RECORDS; TO AMEND SECTION 41-9-65, MISSISSIPPI CODE OF 1972, IN  
 9 CONFORMITY THERETO; AND FOR RELATED PURPOSES. BE IT ENACTED BY  
 10 THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11  
 12 SECTION 1. (1) In this section, "health care provider"  
 13 means a person who is licensed, certified, or otherwise authorized  
 14 by the laws of this state to provide or render health care in the  
 15 ordinary course of business or practice of a profession.

16 (2) A health care provider or health care facility shall not  
 17 charge a fee for a medical or mental health record requested by a  
 18 patient or former patient, or by an attorney or other authorized  
 19 representative of the patient or former patient, for use in  
 20 supporting an application for disability benefits or other  
 21 benefits or assistance the patient or former patient may be  
 22 eligible to receive based on that patient's or former patient's  
 23 disability, or an appeal relating to denial of those benefits or  
 24 assistance under:

25 (a) The State Temporary Assistance to Needy Families  
 26 (TANF) Program;

27 (b) The state Medicaid program;

28 (c) Title II, the federal Social Security Act, as  
 29 amended (42 U.S.C. Section 401 et seq.);

30 (d) Title XVI, the federal Social Security Act, as

31 amended (42 U.S.C. Section 1382 et seq.);

32 (e) Title XVIII, the federal Social Security Act, as  
33 amended (42 U.S.C. Section 1395 et seq.);

34 (3) A health care provider or health care facility may  
35 charge a fee for the medical or mental health record of a patient  
36 or former patient requested by a state or federal agency in  
37 relation to the patient or former patient's application for  
38 benefits or assistance under Subsection (2)(a), (b), (c), (d) or  
39 (e) or an appeal relating to denial of those benefits or  
40 assistance.

41 (4) A person, including a state or federal agency, that  
42 requests a record under this section shall include with the  
43 request a statement or document from the department or agency that  
44 administers the issuance of the assistance or benefits that  
45 confirms the application or appeal.

46 (5) A health care provider or health care facility shall  
47 provide to the requestor a medical or mental health record  
48 requested under this section not later than the 30th day after the  
49 date on which the provider or facility receives the request.

50 (6) This section controls over any other provision that  
51 authorizes the charging of a fee for providing medical or mental  
52 health records.

53 SECTION 2. Section 41-9-65, Mississippi Code of 1972, is  
54 amended as follows:

55 41-9-65. Except as otherwise provided in Section 1 of this  
56 act, hospital records are and shall remain the property of the  
57 various hospitals, subject however to reasonable access to the  
58 information contained therein upon good cause shown by the  
59 patient, his personal representatives or heirs, his attending  
60 medical personnel and his duly authorized nominees, and upon  
61 payment of any reasonable charges for such service. Nothing in  
62 this section shall be construed to deny access to hospital records  
63 by representatives and officials of the State Department of

64 Health, in the discharge of their official duties, pursuant to  
65 Sections 41-3-15, 41-23-1 and 41-23-2.

66 SECTION 3. This act shall take effect and be in force from  
67 and after July 1, 1999.