

By: Mitchell

To: Public Health and
Welfare; Judiciary B

HOUSE BILL NO. 1300

1 AN ACT TO PROHIBIT FALSIFYING MEDICAL RECORDS; TO PROVIDE
2 PENALTIES FOR VIOLATIONS; TO PROVIDE EXCEPTIONS; AND FOR RELATED
3 PURPOSES.

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

5 SECTION 1. (1) Except as otherwise provided in subsection
6 (3), a health care provider or other person, knowing that the
7 information is misleading or inaccurate, shall not intentionally,
8 willfully or recklessly place or direct another to place in a
9 patient's medical record or chart misleading or inaccurate
10 information regarding the diagnosis, treatment or cause of a
11 patient's condition. A violation of this subsection is punishable
12 as follows:

13 (a) A health care provider who intentionally or
14 willfully violates this subsection is guilty of a felony,
15 punishable by imprisonment for not more than five (5) years, or a
16 fine of not more than Ten Thousand Dollars (\$10,000.00), or both.

17 (b) A health care provider who recklessly violates this
18 subsection is guilty of a misdemeanor, punishable by imprisonment
19 for not more than one (1) year, or a fine of not more than One
20 Thousand Dollars (\$1,000.00), or both.

21 (c) A person other than a health care provider who
22 intentionally or willfully violates this subsection is guilty of a
23 misdemeanor, punishable by imprisonment for not more than one (1)
24 year, or a fine of not more than One Thousand Dollars (\$1,000.00),
25 or both.

26 (2) Except as otherwise provided in subsection three (3), a

27 health care provider or other person shall not intentionally or
28 willfully alter or destroy or direct another to alter or destroy a
29 patient's medical records or charts for the purpose of concealing
30 his or her responsibility for the patient's injury, sickness or
31 death. A health care provider who violates this subsection is
32 guilty of a felony punishable by imprisonment for not more than
33 five (5) years, or a fine of not more than Ten Thousand Dollars
34 (\$10,000.00), or both. A person other than a health care provider
35 who violates this subsection is guilty of a misdemeanor punishable
36 by imprisonment for not more than one (1) year, or a fine of not
37 more than One Thousand Dollars (\$1,000.00), or both.

38 (3) Subsections (1) and (2) do not apply to either of the
39 following:

40 (a) Destruction of a patient's original medical record
41 or chart if all of the information contained in or on the medical
42 record or chart is otherwise retained by means of mechanical or
43 electronic recording, chemical reproduction, or other equivalent
44 techniques that accurately reproduce all of the information
45 contained in or on the original.

46 (b) Supplementation of information or correction of an
47 error in a patient's medical record or chart in a manner that
48 reasonably discloses that the supplementation or correction was
49 performed and that does not conceal or alter prior entries.

50 (4) For the purpose of this section, "health care provider"
51 shall mean any person, partnership or corporation, or employee or
52 agent of any person, partnership or corporation, which provides
53 health care services, including but not limited to the following
54 services: medical care, surgery, hospitalization, dentistry,
55 podiatry, optometry, chiropractic, nursing, all services rendered
56 to patients and residents of care facilities as defined in Section
57 43-47-5, dispensing drugs or medicines, provision of medical
58 equipment, psychiatry, psychotherapy, mental health, medical
59 clinics, dialysis, physician, social work, transportation, home

60 health, homemaker services, x-ray/imaging, and therapy, including
61 speech, language, physical, respiratory and occupational therapy.

62 SECTION 2. This act shall take effect and be in force from
63 and after July 1, 2000.