

By: Moody

To: Public Health and  
Welfare

HOUSE BILL NO. 1508  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 41-23-1, MISSISSIPPI CODE OF 1972, TO  
2 AUTHORIZE CORRECTIONAL FACILITIES TO CONTRACT WITH GOVERNMENTAL  
3 ENTITIES TO MONITOR COMMUNICABLE DISEASES IN SUCH FACILITIES, TO  
4 REQUIRE CORRECTIONAL FACILITIES TO GRANT ACCESS TO THE STATE  
5 DEPARTMENT OF HEALTH TO CARRY OUT RESPONSIBILITIES RELATING TO THE  
6 CONTROL OF COMMUNICABLE DISEASES AND TO REQUIRE CORRECTIONAL  
7 FACILITIES TO REIMBURSE THE STATE DEPARTMENT OF HEALTH FOR COSTS  
8 INCURRED IN CONTROLLING SUCH COMMUNICABLE DISEASES; AND FOR  
9 RELATED PURPOSES.

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

11 SECTION 1. Section 41-23-1, Mississippi Code of 1972, is  
12 amended as follows:[BD1]

13 41-23-1. (1) The State Board of Health shall adopt rules  
14 and regulations (a) defining and classifying communicable diseases  
15 and other diseases that are a danger to health based upon the  
16 characteristics of the disease; and (b) establishing reporting,  
17 monitoring and preventive procedures for those diseases.

18 (2) Upon the death of any person who has been diagnosed as  
19 having Human Immunodeficiency Virus/Acquired Immune Deficiency  
20 Syndrome (HIV/AIDS) or any Class 1 disease as designated by the  
21 State Board of Health, in a hospital or other health care  
22 facility, in all other cases where there is an attending  
23 physician, and in cases in which the medical examiner, as defined  
24 in Section 41-61-53(f), investigates and certifies the cause of  
25 death, the attending physician, the person in charge of the  
26 hospital or health care facility, or the medical examiner, as the  
27 case may be, shall report as soon as practicable to the Executive  
28 Officer of the State Board of Health or to other authorities the  
29 cause or contributing cause of death as required by the State

30 Board of Health. Such reporting shall be according to procedures  
31 as required by the State Board of Health.

32 (3) Upon the death of any person who has been diagnosed as  
33 having Human Immunodeficiency Virus/Acquired Immune Deficiency  
34 Syndrome (HIV/AIDS), where there is not an attending physician,  
35 any family member or other person making disposition of the body  
36 who knows that such decedent had been diagnosed as having HIV/AIDS  
37 shall report this fact to the medical examiner as defined in  
38 Section 41-61-53(f), who shall report as soon as practicable to  
39 the Executive Officer of the State Board of Health or to other  
40 authorities the cause or contributing cause of death as required  
41 by the State Board of Health. Such reporting shall be according  
42 to procedures as required by the State Board of Health.

43 (4) Every practicing or licensed physician, or person in  
44 charge of a hospital, health care facility, insurance company  
45 which causes to be performed blood tests for underwriting purposes  
46 or laboratory, shall report immediately to the Executive Officer  
47 of the State Board of Health or to other authorities as required  
48 by the State Board of Health every case of such diseases as shall  
49 be required to be reported by the State Board of Health. Such  
50 reporting shall be according to procedures, and shall include such  
51 information about the case, as shall be required by the State  
52 Board of Health. Insurance companies having such blood test  
53 results shall report immediately to the Executive Officer of the  
54 State Board of Health or to other authorities as required by the  
55 State Board of Health every case of such diseases as shall be  
56 required to be reported by the State Board of Health. The  
57 insurance company shall notify the individual on whom the blood  
58 test was performed in writing by certified mail of an adverse  
59 underwriting decision based upon the results of such individual's  
60 blood test but shall not disclose the specific results of such  
61 blood tests to the individual. The insurance company shall also  
62 inform the individual on whom the blood test was performed that  
63 the results of the blood test will be sent to the physician  
64 designated by the individual at the time of application and that  
65 such physician should be contacted for information regarding the  
66 blood test results. If a physician was not designated at the time

67 of application, the insurance company shall request that the  
68 individual name a physician to whom a copy of the blood test can  
69 be sent.

70 (5) Any practicing or licensed physician, or person in  
71 charge of a hospital or health care facility, who knows that a  
72 patient has a medical condition specified by the Department of  
73 Health as requiring special precautions by health care providers,  
74 shall report this fact and the need for appropriate precautions to  
75 any other institution or provider of health care services to whom  
76 such patient is transferred or referred, according to regulations  
77 established by the State Board of Health.

78 (6) Any practicing or licensed physician or person in charge  
79 of a hospital, health care facility or laboratory who fails to  
80 make the reports required under this section regarding Human  
81 Immunodeficiency Virus/Acquired Immune Deficiency Syndrome  
82 (HIV/AIDS) or any Class 1 disease or condition as designated by  
83 the State Board of Health shall be reported to the Board of  
84 Medical Licensure, in the case of a physician, or to the  
85 applicable licensing agency in the case of institutions, and such  
86 failure shall be grounds for suspension of license.

87 (7) Any person other than a practicing or licensed  
88 physician, or person in charge of a hospital or health care  
89 facility, willfully failing to make the reports required under  
90 this section shall be guilty of a misdemeanor and, upon  
91 conviction, shall be punished by a fine of not more than Five  
92 Hundred Dollars (\$500.00) or by confinement in the county jail for  
93 not more than thirty (30) days, or both.

94 (8) The provisions of this section are cumulative and  
95 supplemental to any other provision of law, and a conviction or  
96 penalty imposed under this section shall not preclude any other  
97 action at law, proceedings for professional discipline or other  
98 criminal proceedings.

99 (9) Notwithstanding any law of this state to the contrary,

100 the State Board of Health is authorized to establish the rules by  
101 which exceptions may be made to the confidentiality provisions of  
102 the laws of this state for the notification of third parties of an  
103 individual's infection with any Class 1 or Class 2 disease, as  
104 designated by the State Board of Health, when exposure is  
105 indicated or there exists a threat to the public health and  
106 welfare. All notifications authorized by this section shall be  
107 within the rules established according to this subsection. All  
108 persons who receive notification of the infectious condition of an  
109 individual under this subsection and the rules established under  
110 this subsection shall hold such information in the strictest of  
111 confidence and privilege, shall not reveal the information to  
112 others, and shall take only those actions necessary to protect the  
113 health of the infected person or other persons where there is a  
114 foreseeable, real or probable risk of transmission of the disease.

115 (10) Each public or private correctional facility housing  
116 state offenders, federal offenders or offenders from any other  
117 jurisdiction shall require all offenders in the facility to be  
118 tested for tuberculosis and Human Immunodeficiency Virus (HIV) in  
119 conjunction with the rules and regulations of the State Department  
120 of Health. The reporting shall be according to procedures and  
121 shall include any information about the case that is required by  
122 the State Board of Health. In order to carry out the provisions  
123 of this section, the following shall apply:

124 (a) Any such public or private correctional facility  
125 may contract with the Mississippi Department of Corrections, the  
126 Mississippi State Department of Health, or other such appropriate  
127 state, federal or local entity for the inspection, monitoring or  
128 provision of any assistance necessary or desirable to maintain  
129 appropriate facilities for the purpose of identification,  
130 prevention, and treatment of communicable diseases and other  
131 conditions considered prejudicial to public health; and

132 (b) Any such public or private correctional facility

133 shall grant representatives of the State Department of Health, in  
134 the discharge of its duties, access to all areas of the facility  
135 and to the offenders and staff at all times. The facility shall  
136 reimburse the State Department of Health for all costs incurred  
137 for the control of communicable diseases or other conditions  
138 prejudicial to public health in the facility and for the costs  
139 incurred for the control of communicable diseases or other  
140 conditions prejudicial to public health spreading from the  
141 facility, staff or inmates to other individuals or property in the  
142 county or state.

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