HOUSE BILL NO. 206

AN ACT TO AUTHORIZE HEALTH CARE PRACTITIONERS WHO ARE NOT LICENSED IN MISSISSIPPI BUT WHO HOLD A CURRENT, VALID LICENSE ISSUED BY ANOTHER STATE TO PRACTICE THEIR PROFESSION IN THIS STATE WITHOUT A MISSISSIPPI LICENSE FOR UP TO 60 DAYS PER YEAR, IF THE PERSON'S PRACTICE IN MISSISSIPPI IS EXCLUSIVELY DEVOTED TO PROVIDING HEALTH CARE SERVICES ON A VOLUNTARY OR CHARITABLE BASIS WITHOUT ANY EXPECTATION OF ANY PAYMENT OR COMPENSATION FOR THE SERVICES PROVIDED; TO PROVIDE THAT HEALTH CARE PRACTITIONERS PROVIDING HEALTH CARE SERVICES IN MISSISSIPPI IN ACCORDANCE WITH THIS ACT SHALL NOT BE SUBJECT TO ANY ADMINISTRATIVE, INJUNCTIVE, OR CRIMINAL ACTION FOR THE UNLICENSED PRACTICE OF THEIR PROFESSION; TO AMEND SECTION 73-10-15 AND 73-25-19, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS; TO AMEND SECTION 73-25-38, MISSISSIPPI CODE OF 1972, TO PROVIDE IMMUNITY FROM LIABILITY TO THOSE HEALTH CARE PRACTITIONERS FOR CIVIL ACTIONS ARISING OUT OF THE PROVISION OF HEALTH CARE SERVICES IN GOOD FAITH ON A VOLUNTARY OR CHARITABLE BASIS; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) Any health care practitioner who is not licensed in Mississippi, but who holds a current, valid license to practice his or her profession that was issued by another state or the District of Columbia, may practice his or her profession in this state without a Mississippi license for up to sixty (60) days in any calendar year, if the person's practice in Mississippi is exclusively and totally devoted to providing health care services on a voluntary or charitable basis, without any direct or indirect payment or compensation or the expectation or promise of any payment or compensation for the services provided. Any health care practitioner who provides health care services in Mississippi in accordance with this section shall not be subject to any administrative, injunctive, or criminal action for the unlicensed practice of his or her profession.

(2) "Health care practitioner" means a physician, osteopath, nurse, dentist, optometrist, podiatrist, psychologist, pharmacist,
chiropractor, speech pathologist, audiologist, dietitian, physical therapist, occupational therapist, respiratory care practitioner, physician assistant, or practitioner of any other health care profession or occupation that is licensed in Mississippi.

SECTION 2. Section 73-10-15, Mississippi Code of 1972, is amended as follows:

73-10-15. (1) A nonresident dietitian may practice dietetics in Mississippi for five (5) days per year with current other state’s licensure or with current registration with the Commission on Dietetics Registration. In addition, a nonresident dietitian may practice dietetics in Mississippi in accordance with the provisions of Section 1 of this act.

(2) The board may waive the prescribed examination for licensure and grant a license to any person who shall present proof of current licensure as a dietitian in another state, the District of Columbia, or territory of the United States which requires standards for licensure considered by the advisory council to be greater than or equal to the requirements for licensure of this chapter, if such state or territory extends reciprocity to licensees of the State of Mississippi.

SECTION 3. Section 73-25-19, Mississippi Code of 1972, is amended as follows:

73-25-19. Nonresident physicians not holding license from the state shall not be permitted to practice medicine under any circumstances after remaining in the state for five (5) days, except when called in consultation by a licensed physician residing in this state. However, a nonresident physician may practice medicine in Mississippi in accordance with the provisions of Section 1 of this act. This section shall not apply to any nonresident physician who holds a temporary license to practice medicine at a youth camp issued under the provisions of Section 75-74-8 and Section 73-25-17.
SECTION 4. Section 73-25-38, Mississippi Code of 1972, is amended as follows:

73-25-38. (1) (a) Any licensed physician or certified nurse practitioner who voluntarily provides needed medical or health services to any person without the expectation of payment due to the inability of the person to pay for those services shall be immune from liability for any civil action arising out of the provision of those medical or health services provided in good faith on a charitable basis.

(b) Any health care practitioner who is authorized under Section 1 of this act to practice his or her profession in this state without a Mississippi license, who provides health care services on a voluntary or charitable basis, without any direct or indirect payment or compensation or the expectation or promise of any payment or compensation for the services provided, shall be immune from liability for any civil action arising out of the provision of those health care services in good faith on a voluntary or charitable basis.

(c) This section shall not extend immunity to acts of willful or gross negligence.

(d) Except in cases of rendering emergency care in which the provisions of Section 73-25-37 apply, immunity under this section shall be extended only if the physician, certified nurse practitioner, or other health care practitioner and the patient execute a written waiver in advance of the rendering of those medical or other health care services specifying that those services are provided without the expectation of payment and that the licensed physician, certified nurse practitioner, or other health care practitioner shall be immune as provided in this subsection.

(2) Any physician who voluntarily renders any medical service under a special volunteer medical license authorized under Section 73-25-18 without any payment or compensation or the
expectation or promise of any payment or compensation shall be
immune from liability for any civil action arising out of any act
or omission resulting from the rendering of the medical service
unless the act or omission was the result of the physician's gross
negligence or wilful misconduct. In order for the immunity under
this subsection to apply, there must be a written or oral
agreement for the physician to provide a voluntary noncompensated
medical service before the rendering of the service by the
physician.

SECTION 5. This act shall take effect and be in force from
and after July 1, 2001.