

By: Representative Fleming

To: Public Health and Welfare; Judiciary A

HOUSE BILL NO. 206

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

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

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

34 (2) "Health care practitioner" means a physician, osteopath,
 35 nurse, dentist, optometrist, podiatrist, psychologist, pharmacist,



36 chiropractor, speech pathologist, audiologist, dietitian, physical
37 therapist, occupational therapist, respiratory care practitioner,
38 physician assistant, or practitioner of any other health care
39 profession or occupation that is licensed in Mississippi.

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

42 73-10-15. (1) A nonresident dietitian may practice
43 dietetics in Mississippi for five (5) days per year with current
44 other state's licensure or with current registration with the
45 Commission on Dietetics Registration. In addition, a nonresident
46 dietitian may practice dietetics in Mississippi in accordance with
47 the provisions of Section 1 of this act.

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

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

58 73-25-19. Nonresident physicians not holding license from
59 the state shall not be permitted to practice medicine under any
60 circumstances after remaining in the state for five (5) days,
61 except when called in consultation by a licensed physician
62 residing in this state. However, a nonresident physician may
63 practice medicine in Mississippi in accordance with the provisions
64 of Section 1 of this act. This section shall not apply to any
65 nonresident physician who holds a temporary license to practice
66 medicine at a youth camp issued under the provisions of Section
67 75-74-8 and Section 73-25-17.



68 SECTION 4. Section 73-25-38, Mississippi Code of 1972, is
69 amended as follows:

70 73-25-38. (1) (a) Any licensed physician or certified
71 nurse practitioner who voluntarily provides needed medical or
72 health services to any person without the expectation of payment
73 due to the inability of the person to pay for those services shall
74 be immune from liability for any civil action arising out of the
75 provision of those medical or health services provided in good
76 faith on a charitable basis.

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

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

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

98 (2) Any physician who voluntarily renders any medical
99 service under a special volunteer medical license authorized under
100 Section 73-25-18 without any payment or compensation or the



101 expectation or promise of any payment or compensation shall be
102 immune from liability for any civil action arising out of any act
103 or omission resulting from the rendering of the medical service
104 unless the act or omission was the result of the physician's gross
105 negligence or wilful misconduct. In order for the immunity under
106 this subsection to apply, there must be a written or oral
107 agreement for the physician to provide a voluntary noncompensated
108 medical service before the rendering of the service by the
109 physician.

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

