

By: Representative Eads

To: Judiciary A

HOUSE BILL NO. 1152

1 AN ACT TO AMEND SECTION 11-46-1, MISSISSIPPI CODE OF 1972, TO  
2 INCLUDE PHYSICIANS, DENTISTS AND OTHER MEDICAL PRACTITIONERS WITH  
3 THE UNIVERSITY OF MISSISSIPPI MEDICAL CENTER IN THE DEFINITION OF  
4 EMPLOYEE IN THE TORT CLAIMS ACT; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 11-46-1, Mississippi Code of 1972, is  
7 amended as follows:

8 11-46-1. As used in this chapter the following terms shall  
9 have the meanings herein ascribed unless the context otherwise  
10 requires:

11 (a) "Claim" means any demand to recover damages from a  
12 governmental entity as compensation for injuries.

13 (b) "Claimant" means any person seeking compensation  
14 under the provisions of this chapter, whether by administrative  
15 remedy or through the courts.

16 (c) "Board" means the Mississippi Tort Claims Board.

17 (d) "Department" means the Department of Finance and  
18 Administration.

19 (e) "Director" means the executive director of the  
20 department who is also the executive director of the board.

21 (f) "Employee" means any officer, employee or servant  
22 of the State of Mississippi or a political subdivision of the  
23 state, including elected or appointed officials and persons acting  
24 on behalf of the state or a political subdivision in any official  
25 capacity, temporarily or permanently, in the service of the state  
26 or a political subdivision whether with or without compensation.

27 The term "employee" shall not mean a person or other legal entity  
28 while acting in the capacity of an independent contractor under



29 contract to the state or a political subdivision; provided,  
30 however, that for purposes of the limits of liability provided for  
31 in Section 11-46-15, the term "employee" shall include physicians  
32 under contract to provide health services with the State Board of  
33 Health, the State Board of Mental Health or any county or  
34 municipal jail facility while rendering services under such  
35 contract. The term "employee" shall also include any physician,  
36 dentist or other medical practitioner employed by, under contract  
37 or affiliated with the University of Mississippi Medical Center,  
38 its departmental practice plans or who practices on the campus of  
39 any state operated university under the control of the Board of  
40 Trustees of State Institutions of Higher Learning. The term  
41 "employee" shall also include Mississippi Department of Human  
42 Services licensed foster parents for the limited purposes of  
43 coverage under the Tort Claims Act as provided in Section 11-46-8.

44 (g) "Governmental entity" means and includes the state  
45 and political subdivisions as herein defined.

46 (h) "Injury" means death, injury to a person, damage to  
47 or loss of property or any other injury that a person may suffer  
48 that is actionable at law or in equity.

49 (i) "Political subdivision" means any body politic or  
50 body corporate other than the state responsible for governmental  
51 activities only in geographic areas smaller than that of the  
52 state, including but not limited to any county, municipality,  
53 school district, community hospital as defined in Section  
54 41-13-10, Mississippi Code of 1972, airport authority or other  
55 instrumentality thereof, whether or not such body or  
56 instrumentality thereof has the authority to levy taxes or to sue  
57 or be sued in its own name.

58 (j) "State" means the State of Mississippi and any  
59 office, department, agency, division, bureau, commission, board,  
60 institution, hospital, college, university, airport authority or  
61 other instrumentality thereof, whether or not such body or



62 instrumentality thereof has the authority to levy taxes or to sue  
63 or be sued in its own name.

64 (k) "Law" means all species of law including but not  
65 limited to any and all constitutions, statutes, case law, common  
66 law, customary law, court order, court rule, court decision, court  
67 opinion, court judgment or mandate, administrative rule or  
68 regulation, executive order, or principle or rule of equity.

69 **SECTION 2.** This act shall take effect and be in force from  
70 and after July 1, 2002.

