AN ACT TO CREATE THE MEDICAL MALPRACTICE MEDIATION BOARD AND PROVIDE FOR ITS MEMBERSHIP; TO PROVIDE FOR MEDIATION IN MEDICAL MALPRACTICE AND NURSING HOME DISPUTES; TO PROVIDE FOR THE APPOINTMENT AND CERTIFICATION OF MEDIATORS; TO PROVIDE THAT MEDIATION SHALL BE NONBINDING UNLESS THE PARTIES AGREE TO MAKE IT BINDING; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) There is created the Medical Malpractice Mediation Board which shall be comprised of the following members:

(a) One (1) person appointed by the Governor;

(b) One (1) person appointed by the Mississippi Trial Lawyers Association;

(c) One (1) person appointed by the Mississippi Bar;

(d) One (1) person appointed by the Mississippi Hospital Association; and

(e) One (1) person appointed by the Mississippi Medical Association.

(2) All Members of the board shall be entitled to per diem as provided in Section 25-3-69 and travel expenses as provided in Section 25-3-41 for the performance of their duties as members of the board.

(3) The board shall elect a chairman and other officers it deems necessary to carry out the purposes of this act.

SECTION 2. Before any medical malpractice suit or suit involving a nursing home may be brought, the dispute must be submitted for mediation. The board shall appoint and certify mediators for such disputes. Mediators shall be members of the Mississippi Bar who have been engaged in the active practice of law for a minimum of five (5) years. The mediator shall make
every effort to help parties resolve their dispute in order to avoid litigation. Mediation shall be informal and rules of Civil Procedure and Evidence shall be relaxed. Mediation under this act shall be nonbinding unless the parties agree in writing to make the mediation binding. Any matter which is submitted for mediation under this act which is not resolved may not be filed as civil action until ninety (90) days after the termination of mediation.

SECTION 3. This act shall not be construed to take away from the courts their power over awards, nor to make invalid of any award good at common law. It shall be liberally construed for the encouragement of the settlement of disputes and the prevention of litigation.

SECTION 4. This act shall take effect and be in force from and after July 1, 2002.