

By: Representative Holland

To: Public Health and Welfare

HOUSE BILL NO. 1300

1 AN ACT TO CREATE NEW SECTION 41-63-4, MISSISSIPPI CODE OF
2 1972, TO PROVIDE THAT THE STATE DEPARTMENT OF HEALTH SHALL DESIGN
3 AND ESTABLISH A REGISTRY PROGRAM OF THE CONDITION AND TREATMENT OF
4 PERSONS SEEKING MEDICAL CARE; TO PROVIDE THAT THE PROGRAM WILL
5 PROVIDE FOR A CENTRAL DATA BANK SYSTEM OF CERTAIN INFORMATION
6 REGARDING DIAGNOSTIC AND THERAPEUTIC SERVICES FOR MEDICAL
7 DIAGNOSIS, TREATMENT AND CARE OF INJURED, DISABLED OR SICK
8 PERSONS, AND PROVIDE FOR ANALYSIS OF THE DATA FOR EVALUATION AND
9 IMPROVEMENT OF MEDICAL CARE IN HEALTH CARE FACILITIES; TO PROVIDE
10 THAT THE INFORMATION COLLECTED AND ANALYZED BY THE STATE
11 DEPARTMENT OF HEALTH SHALL BE PLACED IN A CENTRAL HEALTH DATA
12 REGISTRY SYSTEM MAINTAINED BY THE MISSISSIPPI HOSPITAL
13 ASSOCIATION, UNDER THE DIRECTION OF THE DEPARTMENT; TO PROVIDE
14 THAT THE DATA MAINTAINED IN THE REGISTRY SHALL BE CONFIDENTIAL AND
15 SHALL NOT BE SUBJECT TO DISCOVERY OR INTRODUCTION INTO EVIDENCE IN
16 ANY CIVIL ACTION; TO AMEND SECTION 41-63-3, MISSISSIPPI CODE OF
17 1972, TO AUTHORIZE HEALTH CARE FACILITIES TO PROVIDE MEDICAL
18 INFORMATION TO THE MISSISSIPPI HOSPITAL ASSOCIATION TO BE USED IN
19 THE EVALUATION AND IMPROVEMENT OF MEDICAL CARE PROVIDED IN THOSE
20 FACILITIES; TO AMEND SECTION 41-63-5, MISSISSIPPI CODE OF 1972, TO
21 PROVIDE THAT HEALTH CARE PROVIDERS WILL NOT BE LIABLE FOR
22 FURNISHING INFORMATION UNDER SECTION 41-63-3 OR 41-63-5,
23 MISSISSIPPI CODE OF 1972; AND FOR RELATED PURPOSES.

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

25 **SECTION 1.** The following shall be codified as Section
26 41-63-4, Mississippi Code of 1972:

27 41-63-4. (1) In order to improve the quality and efficiency
28 of medical care, the State Department of Health shall design and
29 establish a registry program of the condition and treatment of
30 persons seeking medical care that will provide the following:

31 (a) Information in a central data bank system of
32 accurate, precise and current information regarding the diagnostic
33 services and therapeutic services for medical diagnosis, treatment
34 and care of injured, disabled or sick persons, or rehabilitation
35 services for the rehabilitation of injured, disabled or sick
36 persons provided in an acute care hospital as that term is defined
37 in Section 41-7-173(h) (i);



38 (b) Collection of that data;
39 (c) Dissemination of that data; and
40 (d) Analysis of that data for the purposes of the
41 evaluation and improvement of the quality and efficiency of
42 medical care provided in a health care facility.

43 (2) The State Board of Health shall adopt rules, regulations
44 and procedures to govern the operation of the registry program and
45 to carry out the intent of this section.

46 (3) The State Department of Health shall specify the types
47 of information to be provided to the registry.

48 (4) Information collected and analyzed by the State
49 Department of Health under this section shall be placed in a
50 central health data registry system maintained by the Mississippi
51 Hospital Association, acting under the direction of the State
52 Department of Health.

53 (5) The information, data and records shall not divulge the
54 identity of any patient.

55 (6) Notwithstanding any conflicting statute, court rule or
56 other law, the data maintained in the registry shall be
57 confidential and shall not be subject to discovery or introduction
58 into evidence in any civil action. However, information and data
59 otherwise discoverable or admissible from original sources are not
60 to be construed as immune from discovery or use in any civil
61 action merely because they were provided to the registry.

62 **SECTION 2.** Section 41-63-3, Mississippi Code of 1972, is
63 amended as follows:

64 41-63-3. (1) Any hospital, medical staff, state or local
65 professional medical, pharmacy or dental society, nursing home,
66 health maintenance organization, medical care foundation,
67 preferred provider organization or other health care facility is
68 authorized to establish medical or dental review committees one of
69 the purposes of which may be to evaluate or review the diagnosis
70 or treatment or the performance or rendition of medical or



71 hospital services, to evaluate or improve the quality of health
72 care rendered by providers of health care service, to determine
73 that health care services rendered were professionally indicated
74 or were performed in compliance with the applicable standard of
75 care or that the cost of health care rendered was considered
76 reasonable under the circumstances.

77 (2) Any person, professional group, hospital, sanatorium,
78 extended care facility, skilled nursing home, intermediate care
79 facility or other health care facility or organization may provide
80 medical or dental information, reports or other data relating to
81 the condition and treatment of any person to the Mississippi
82 Hospital Association, Mississippi State Medical Association,
83 Mississippi Dental Association, Mississippi State Pharmaceutical
84 Association, Division of Medicaid * * *, any allied medical or
85 dental organization or any duly authorized medical or dental
86 review committee, to be used in the evaluation and improvement of
87 the quality and efficiency of medical or dental care provided in
88 such medical, dental or health care facility, including care
89 rendered at the private office of a physician or dentist. Such
90 data and records shall not divulge the identity of any patient.

91 **SECTION 3.** Section 41-63-5, Mississippi Code of 1972, is
92 amended as follows:

93 41-63-5. No physician, dentist, pharmacist, nurse, hospital,
94 organization or institution furnishing information, data, reports
95 or records under Section 41-63-3 or 41-63-4 shall, by reason of
96 furnishing such information be liable in damages to any person.
97 No hospital, hospital governing body, medical or dental review
98 committee, or member of such a committee or governing body, or
99 employee thereof, shall be liable in damages to any person for any
100 action taken or recommendation made within the scope of the
101 functions of any medical or dental review committee if such
102 committee or committee member acts without malice and in the
103 reasonable belief that such action or recommendation is warranted



104 by the facts known to him at the time of such action or
105 recommendation.

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

