SENATE BILL NO. 2667

AN ACT TO CODIFY SECTION 41-63-4, MISSISSIPPI CODE OF 1972, TO AUTHORIZE AND DIRECT THE STATE DEPARTMENT OF HEALTH TO ESTABLISH A CENTRAL HEALTH DATA REGISTRY SYSTEM TO PROVIDE CURRENT INFORMATION REGARDING THE DIAGNOSTIC AND THERAPEUTIC SERVICES PROVIDED INJURED, DISABLED OR SICK PERSONS IN HOSPITALS IN ORDER TO IMPROVE QUALITY AND EFFICIENCY; TO AUTHORIZE THE STATE DEPARTMENT OF HEALTH TO ADOPT RULES; TO PROVIDE FOR THE CONFIDENTIALITY OF SUCH INFORMATION; TO PROVIDE IMMUNITY FOR THE REPORTING PERSON OR INSTITUTION; TO AMEND SECTIONS 41-63-3 AND 41-63-5, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

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

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

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

(b) Collection of such data;

(c) Dissemination of such data; and

(d) Analysis of such data for the purposes of the evaluation and improvement of the quality and efficiency of medical care provided in a health care facility.
(2) The State Department of Health shall adopt rules, regulations and procedures to govern the operation of the registry program and to carry out the intent of this section.

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

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

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

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

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

41-63-3. (1) Any hospital, medical staff, state or local professional medical, pharmacy or dental society, nursing home, health maintenance organization, medical care foundation, preferred provider organization or other health care facility is authorized to establish medical or dental review committees one of the purposes of which may be to evaluate or review the diagnosis or treatment or the performance or rendition of medical or hospital services, to evaluate or improve the quality of health care rendered by providers of health care service, to determine that health care services rendered were professionally indicated or were performed in compliance with the applicable standard of
care or that the cost of health care rendered was considered reasonable under the circumstances.

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

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

41-63-5. No physician, dentist, pharmacist, nurse, hospital, organization or institution furnishing information, data, reports or records pursuant to Section 41-63-3 or 41-63-4, Mississippi Code of 1972, shall, by reason of furnishing such information be liable in damages to any person. No hospital, hospital governing body, medical or dental review committee, or member of such a committee or governing body, or employee thereof, shall be liable in damages to any person for any action taken or recommendation made within the scope of the functions of any medical or dental review committee if such committee or committee member acts without malice and in the reasonable belief that such action or recommendation is warranted by the facts known to him at the time of such action or recommendation.

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