

By: Representative Reed

To: Public Health and Human Services

HOUSE BILL NO. 1367

1 AN ACT TO AMEND SECTION 41-63-3, MISSISSIPPI CODE OF 1972, TO
 2 REQUIRE CERTAIN PERSONS AND ENTITIES TO PROVIDE MEDICAL OR DENTAL
 3 INFORMATION, REPORTS AND OTHER DATA RELATING TO THE CONDITION AND
 4 TREATMENT OF PERSONS TO VARIOUS SPECIFIED ENTITIES; TO PROVIDE
 5 THAT ANY PERSON OR ENTITY THAT DOES NOT PROVIDE THE INFORMATION AS
 6 REQUIRED MAY BE ASSESSED A PENALTY BY THE STATE DEPARTMENT OF
 7 HEALTH; TO AMEND SECTION 41-63-4, MISSISSIPPI CODE OF 1972, TO
 8 PROVIDE THAT PERSONS OR ENTITIES THAT ARE REQUIRED TO PROVIDE
 9 INFORMATION TO THE REGISTRY PROGRAM OF THE CONDITION AND TREATMENT
 10 OF PERSONS SEEKING MEDICAL CARE THAT DOES NOT PROVIDE THE
 11 INFORMATION AS REQUIRED MAY BE ASSESSED A PENALTY BY THE STATE
 12 DEPARTMENT OF HEALTH; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** Section 41-63-3, Mississippi Code of 1972, is
 15 amended as follows:

16 41-63-3. (1) Any hospital, medical staff, state or local
 17 professional medical, pharmacy or dental society, nursing home,
 18 health maintenance organization, medical care foundation,
 19 preferred provider organization or other health care facility is
 20 authorized to establish medical or dental review committees one of
 21 the purposes of which may be to evaluate or review the diagnosis
 22 or treatment or the performance or rendition of medical or
 23 hospital services, to evaluate or improve the quality of health
 24 care rendered by providers of health care service, to determine
 25 that health care services rendered were professionally indicated
 26 or were performed in compliance with the applicable standard of
 27 care or that the cost of health care rendered was considered
 28 reasonable under the circumstances.

29 (2) Every person, professional group, hospital, sanatorium,
 30 extended care facility, skilled nursing home, intermediate care
 31 facility or other health care facility or organization having that
 32 information shall provide medical or dental information, reports

33 and other data relating to the condition and treatment of * * *
34 persons to the Mississippi Hospital Association, Mississippi State
35 Medical Association, Mississippi Medical and Surgical Association,
36 Mississippi Dental Association, Mississippi State Pharmaceutical
37 Association, Division of Medicaid, any allied medical or dental
38 organization or any duly authorized medical or dental review
39 committee, whichever is the most appropriate entity, to be used in
40 the evaluation and improvement of the quality and efficiency of
41 medical or dental care provided in the medical, dental or health
42 care facility, including care rendered at the private office of a
43 physician or dentist. That data and records shall not divulge the
44 identity of any patient.

45 (3) Any person or entity having the information specified in
46 subsection (2) of this section that does not provide the
47 information as required may be assessed a penalty by the State
48 Department of Health in an amount not exceeding Five Hundred
49 Dollars (\$500.00) per month for each person or entity, as
50 determined by the department.

51 **SECTION 2.** Section 41-63-4, Mississippi Code of 1972, is
52 amended as follows:

53 41-63-4. (1) In order to improve the quality and efficiency
54 of medical care, the State Department of Health shall design and
55 establish a registry program of the condition and treatment of
56 persons seeking medical care that will provide the following:

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

64 (b) Collection of that data;

65 (c) Dissemination of that data; and

66 (d) Analysis of that data for the purposes of the
67 evaluation and improvement of the quality and efficiency of
68 medical care provided in a health care facility.

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

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

74 (4) Any person or entity that is required to provide
75 information to the registry that does not provide the information
76 as required may be assessed a penalty by the State Department of
77 Health in an amount not exceeding Five Hundred Dollars (\$500.00)
78 per month for each person or entity, as determined by the
79 department.

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

85 (6) The information, data and records shall not divulge the
86 identity of any patient.

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

94 **SECTION 3.** This act shall take effect and be in force from
95 and after July 1, 2004.