

By: Senator(s) King, Albritton, Butler,
Carmichael, Clarke, Dearing, Mettetal,
Moffatt, Thomas

To: Public Health and
Welfare

SENATE BILL NO. 2990

1 AN ACT TO AMEND SECTION 73-25-57, MISSISSIPPI CODE OF 1972,
2 OF THE DISABLED PHYSICIAN LAW TO PROVIDE THAT RECORDS IN THE
3 POSSESSION OF THE STATE BOARD OF MEDICAL LICENSURE AND THE
4 EXAMINING COMMITTEE SHALL BE DEEMED CONFIDENTIAL UNLESS SO ORDERED
5 BY A COURT; TO PROVIDE FOR ANONYMITY OF THOSE INDIVIDUALS FILING
6 REPORTS WITH THE BOARD OR EXAMINING COMMITTEE WHO HAVE REQUESTED
7 TO REMAIN ANONYMOUS; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 73-25-57, Mississippi Code of 1972, is
10 amended as follows:

11 73-25-57. (1) The examining committee assigned to examine a
12 physician pursuant to referral by the board under Section 73-25-55
13 shall conduct an examination of such physician for the purpose of
14 determining the physician's fitness to practice medicine with
15 reasonable skill and safety to patients, either on a restricted or
16 unrestricted basis, and shall report its findings and
17 recommendations to the board. The committee shall order the
18 physician to appear before the committee for examination and give
19 him ten (10) days' notice of time and place of the examination,
20 together with a statement of the cause for such examination. Such
21 notice shall be served upon the physician either personally or by
22 registered or certified mail with return receipt requested.

23 (2) If the examining committee, in its discretion, should
24 deem an independent mental or physical examination of the
25 physician necessary to its determination of the fitness of the
26 physician to practice, the committee shall order the physician to
27 submit to such examination. Any person licensed to practice
28 medicine in this state shall be deemed to have waived all
29 objections to the admissibility of the examining committee's

30 report in any proceedings before the board under Sections 73-25-51
31 through 73-25-67 on the grounds of privileged communication. Any
32 physician ordered to an examination before the committee under
33 subsection (2) shall be entitled to an independent mental or
34 physical examination if he makes request therefor.

35 (3) Any physician who submits to a diagnostic mental or
36 physical examination as ordered by the examining committee shall
37 have a right to designate another physician to be present at the
38 examination and make an independent report to the board.

39 (4) Failure of a physician to comply with a committee order
40 under subsection (2) to appear before it for examination or to
41 submit to mental or physical examination under this section shall
42 be reported by the committee to the board, and unless due to
43 circumstances beyond the control of the physician, shall be
44 grounds for suspension by the board of the physician's license to
45 practice medicine in this state until such time as such physician
46 has complied with the order of the committee.

47 (5) The examining committee may inspect patient records in
48 accordance with the provisions of Section 73-25-28.

49 (6) All patient records, investigative reports and other
50 documents in possession of the board and examining committee shall
51 be deemed confidential and not subject to subpoena or disclosure
52 unless so ordered by the court from which the subpoena issued, but
53 the court, in its discretion, may limit use or disclosure of such
54 records. Notwithstanding, and to encourage the prompt reporting
55 of disabled practitioners, neither the board nor examining
56 committee shall reveal the identity of any source of information
57 where the source has requested anonymity.

58 **SECTION 2.** This act shall take effect and be in force from
59 and after July 1, 2004.