

By: Representative Hines

To: Public Health and Human Services

HOUSE BILL NO. 1399

1 AN ACT TO AMEND SECTIONS 43-29-3 AND 43-29-9, MISSISSIPPI  
2 CODE OF 1972, TO PROVIDE THAT PERSONS APPLYING FOR DISABILITY  
3 ASSISTANCE SHALL NOT BE LIABLE FOR THE COSTS FOR MEDICAL RECORDS  
4 UNTIL AFTER A DETERMINATION OF ELIGIBILITY; TO AMEND SECTION  
5 11-1-52, MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED  
6 PURPOSES.

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

8 **SECTION 1.** Section 43-29-3, Mississippi Code of 1972, is  
9 amended as follows:

10 43-29-3. (1) Assistance shall be given under this chapter  
11 to any person who qualifies under Section 43-29-1, and who:

12 (a) Has resided in this state for one (1) year  
13 immediately preceding his application, and such residence shall  
14 not have been established solely or in part for the purpose of  
15 enabling the applicant to come within the provisions of this  
16 chapter;

17 (b) Resides in the county in which application is made;

18 (c) Has not sufficient income or other resources to  
19 provide a reasonable subsistence compatible with decency and  
20 health;

21 (d) Is not an inmate of or being maintained by any  
22 county, municipal, state, or national institution at the time of  
23 receiving assistance except as a patient in a public medical  
24 institution, or is not a patient in any institution for  
25 tuberculosis or mental diseases, or is not a patient in any  
26 medical institution as a result of having been diagnosed as having  
27 tuberculosis or psychosis; in the event the federal Social  
28 Security Act or other appropriate federal statutes are so amended  
29 as to permit funds appropriated by congress to be used for

30 assistance to disabled persons who are inmates of public  
31 institutions, then being an inmate of any such institution shall  
32 not disqualify any such person for assistance. An inmate of such  
33 an institution may, however, make application for such assistance  
34 but the assistance, if granted, shall not begin until after he  
35 ceases to be an inmate;

36 (e) Has not made an assignment to transfer his property  
37 so as to render himself eligible for assistance under this chapter  
38 at any time within two (2) years immediately prior to the filing  
39 of an application for assistance pursuant to the provisions  
40 hereof.

41 (2) A person who applies for assistance given under this  
42 chapter shall not be liable for the costs under this chapter shall  
43 not be liable for the costs of copies of medical records until  
44 after a determination is made to provide or not provide  
45 assistance.

46 **SECTION 2.** Section 43-29-9, Mississippi Code of 1972, is  
47 amended as follows:

48 43-29-9. (1) Whenever a county welfare agent receives an  
49 application for assistance under this chapter, an investigation  
50 and record shall promptly be made of the circumstances of the  
51 applicant to ascertain the facts supporting the application made  
52 under this chapter, and such other information as may be required  
53 by the rules of the state board. The county department and the  
54 state department shall have the power to conduct examinations, and  
55 the county board and such officers and employees as are designated  
56 by the state commissioner may also administer oaths and  
57 affirmation.

58 (2) Applicant may provide medical records in accordance with  
59 Section 43-29-3(2).

60 **SECTION 3.** Section 11-1-52, Mississippi Code of 1972, is  
61 amended as follows:

62           11-1-52. (1) Any medical provider or hospital or nursing  
63 home or other medical facility shall charge no more than the  
64 following amounts to patients or their representatives for  
65 photocopying any patient's records: Twenty Dollars (\$20.00) for  
66 pages one (1) through twenty (20); One Dollar (\$1.00) per page for  
67 the next eighty (80) pages; Fifty Cents (50¢) per page for all  
68 pages thereafter. Ten percent (10%) of the total charge may be  
69 added for postage and handling. Fifteen Dollars (\$15.00) may be  
70 recovered by the medical provider or hospital or nursing home or  
71 other medical facility for retrieving medical records in archives  
72 at a location off the premises where the facility/office is  
73 located.

74           (2) A physician shall only charge normal, reasonable and  
75 customary charges for a deposition related to a patient that the  
76 physician is treating or has treated.

77           (3) A person applying for disability assistance shall  
78 receive records as provided in Section 43-29-3.

79           **SECTION 4.** This act shall take effect and be in force from  
80 and after July 1, 2005.