

By: Representatives Hines, Buck, Clark,
Evans, Fleming, Robinson (63rd), Straughter,
Watson

To: Public Health and Human
Services

HOUSE BILL NO. 911

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 incurred under this
43 chapter or for the costs of copies of medical records until after
44 a determination is made to provide or not provide assistance.

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

47 43-29-9. (1) Whenever a county welfare agent receives an
48 application for assistance under this chapter, an investigation
49 and record shall promptly be made of the circumstances of the
50 applicant to ascertain the facts supporting the application made
51 under this chapter, and such other information as may be required
52 by the rules of the state board. The county department and the
53 state department shall have the power to conduct examinations, and
54 the county board and such officers and employees as are designated
55 by the state commissioner may also administer oaths and
56 affirmation.

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

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

61 11-1-52. (1) Any medical provider or hospital or nursing
62 home or other medical facility shall charge no more than the

63 following amounts to patients or their representatives for
64 photocopying any patient's records: Twenty Dollars (\$20.00) for
65 pages one (1) through twenty (20); One Dollar (\$1.00) per page for
66 the next eighty (80) pages; Fifty Cents (50¢) per page for all
67 pages thereafter. Ten percent (10%) of the total charge may be
68 added for postage and handling. Fifteen Dollars (\$15.00) may be
69 recovered by the medical provider or hospital or nursing home or
70 other medical facility for retrieving medical records in archives
71 at a location off the premises where the facility/office is
72 located.

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

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

78 **SECTION 4.** This act shall take effect and be in force from
79 and after July 1, 2006.