

By: Senator(s) Nunnelee

To: Public Health and Welfare

SENATE BILL NO. 2351

1 AN ACT TO AMEND SECTIONS 41-63-1 AND 41-63-21, MISSISSIPPI
2 CODE OF 1972, TO INCLUDE ANY AMBULANCE SERVICE OR OTHER
3 PREHOSPITAL EMERGENCY MEDICAL RESPONSE AGENCY WITHIN THE
4 DEFINITION OF THOSE SERVICES AND RECORDS SUBJECT TO PEER REVIEW
5 AND EVALUATION BY PROFESSIONAL QUALITY ASSURANCE REVIEW
6 COMMITTEES; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 41-63-1, Mississippi Code of 1972, is
9 amended as follows:

10 41-63-1. (1) The terms "medical or dental review committee"
11 or "committee," when used in this chapter, shall mean a committee
12 of a state or local professional medical, nursing, pharmacy or
13 dental society or a licensed hospital, nursing home or other
14 health care facility, or of a medical, nursing, pharmacy or dental
15 staff or a licensed hospital, nursing home or other health care
16 facility or of a medical care foundation or health maintenance
17 organization, preferred provider organization, individual practice
18 association, any ambulance service or other prehospital emergency
19 response agency, or any trauma improvement committee established
20 at a licensed hospital designated as a trauma care facility by the
21 Mississippi State Department of Health, Emergency Medical Services
22 program, or any regional or state committee designated by the
23 Mississippi State Department of Health, Emergency Medical Services
24 program, and which participates in the trauma care system, or
25 similar entity, the function of which, or one (1) of the functions
26 of which, is to evaluate and improve the quality of health care
27 rendered by providers of health care service, to evaluate the
28 competence or practice of physicians or other health care
29 practitioners, or to determine that health care services rendered

30 were professionally indicated or were performed in compliance with
31 the applicable standard of care or that the cost of health care
32 rendered was considered reasonable by the providers of
33 professional health care services in the area and includes a
34 committee functioning as a utilization review committee, a
35 utilization or quality control peer review organization, or a
36 similar committee or a committee of similar purpose, and the
37 governing body of any licensed hospital while considering a
38 recommendation or decision concerning a physician's competence,
39 conduct, staff membership or clinical privileges.

40 (2) The term "proceedings" means all reviews, meetings,
41 conversations, and communications of any medical or dental review
42 committee.

43 (3) The term "records" shall mean any and all committee
44 minutes, transcripts, applications, correspondence, incident
45 reports, and other documents created, received or reviewed by or
46 for any medical or dental review committee.

47 **SECTION 2.** Section 41-63-21, Mississippi Code of 1972, is
48 amended as follows:

49 41-63-21. The term "accreditation and quality assurance
50 materials" as used in Sections 41-63-21 through 41-63-29 means and
51 shall include written reports, records, correspondence and
52 materials concerning the accreditation or quality assurance of any
53 hospital, nursing home or other health care facility and any
54 medical care foundation, health maintenance organization,
55 preferred provider organization, individual practice association
56 or similar entity or any ambulance service or other prehospital
57 emergency response agency. However, the term does not include
58 reports, records, correspondence and materials concerning
59 accreditation or quality assurance that are prepared by the State
60 Department of Health. The confidentiality established by Sections
61 41-63-21 through 41-63-29 shall apply to accreditation and quality
62 assurance materials prepared by an employee, advisor or consultant

63 of any hospital, nursing home or other health care facility and
64 any medical care foundation, health maintenance organization,
65 preferred provider organization, individual practice association
66 or similar entity or any ambulance service or other prehospital
67 emergency response agency and to materials provided by an
68 employee, advisor or consultant of an accreditation, quality
69 assurance or similar agency or similar body and to any individual
70 who is an employee, advisor or consultant of a hospital, nursing
71 home or other health care facility and any medical care
72 foundation, health maintenance organization, preferred provider
73 organization, individual practice association or similar entity or
74 any ambulance service or other prehospital emergency response
75 agency, or accrediting, quality assurance or similar agency or
76 body.

77 **SECTION 3.** This act shall take effect and be in force from
78 and after July 1, 2006.