

By: Representative Carpenter

To: Judiciary A

HOUSE BILL NO. 221

1 AN ACT TO PROVIDE IMMUNITY FROM CIVIL LIABILITY TO PHYSICIANS
 2 WHO PARTICIPATE IN THE MEDICAID PROGRAM FOR ACTS OR OMISSIONS IN
 3 THE PROVISION OF MEDICAL OR HEALTH SERVICES TO MEDICAID
 4 RECIPIENTS, EXCEPT IN CASES OF GROSS NEGLIGENCE OR WILLFUL OR
 5 WANTON MISCONDUCT; TO EXTEND THE IMMUNITY PROVIDED UNDER THIS ACT
 6 TO THE HEALTH CARE FACILITY IN WHICH THE PHYSICIAN PROVIDED THE
 7 MEDICAL OR HEALTH SERVICES TO THE MEDICAID RECIPIENT; AND FOR
 8 RELATED PURPOSES.

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

10 **SECTION 1.** Any physician who is a provider participating in
 11 the Medicaid program who provides medical or health services to a
 12 Medicaid recipient shall be immune from liability for damages in
 13 any civil action arising out of any act or omission in the
 14 provision of those medical or health services, unless the act or
 15 omission was the result of the physician's gross negligence or
 16 willful or wanton misconduct. The immunity provided under this
 17 section shall extend to the facility in which the physician
 18 provided the medical or health services to the Medicaid recipient,
 19 if the facility is a licensed health care facility that is a
 20 provider participating in the Medicaid program. The immunity



21 provided under this section shall apply only to medical or health
22 services that were provided on or after July 1, 2013.

23 **SECTION 2.** This act shall take effect and be in force from
24 and after July 1, 2013.

