

By: Representative Bain

To: Public Health and Human Services; Judiciary A

HOUSE BILL NO. 680

1 AN ACT TO AMEND SECTION 41-9-69, MISSISSIPPI CODE OF 1972, TO  
2 DELETE THE PROVISION REQUIRING HOSPITALS TO PROVIDE NOTICE TO  
3 PATIENTS OR THEIR REPRESENTATIVES OF THEIR INTENT TO RETIRE X-RAY  
4 FILM OR GRAPHIC DATA AND THE RIGHT OF PATIENTS TO REQUEST THAT THE  
5 HOSPITAL MAINTAIN THE X-RAY FILM OR GRAPHIC DATA; AND FOR RELATED  
6 PURPOSES.

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

8 **SECTION 1.** Section 41-9-69, Mississippi Code of 1972, is  
9 amended as follows:

10 41-9-69. (1) Hospital records shall be retained, preserved  
11 and properly stored by hospitals for such periods of reasonable  
12 duration as may be prescribed in rules and regulations adopted by  
13 the licensing agency. Such rules and regulations may provide for  
14 different periods of such retention for the various constituent  
15 parts of any hospital records, and such rules and regulations may  
16 require that an abstract be made of pertinent data from any  
17 hospital records that may be retired as provided herein. Such  
18 rules and regulations may also provide for different periods of  
19 such retention for the various injuries, diseases, infirmities or  
20 conditions primarily causing or associated with the



21 hospitalization. However, complete hospital records shall be  
22 retained for a period after discharge of the patient of at least  
23 (a) seven (7) years in cases of patients discharged at death,  
24 except as may be otherwise hereinafter provided; (b) ten (10)  
25 years in cases of adult patients of sound mind at the time of  
26 discharge, except as may be otherwise hereinafter provided; (c)  
27 for the period of minority or other known disability of the  
28 patient plus seven (7) additional years, but not to exceed  
29 twenty-eight (28) years, in cases of patients under disability of  
30 minority or otherwise; or (d) for the period of minority or other  
31 known disability of any survivors hereinafter mentioned plus seven  
32 (7) additional years, but not to exceed twenty-eight (28) years,  
33 in all cases where the patient was discharged at death, or is  
34 known by the hospital to have died within thirty (30) days after  
35 discharge, and the hospital knows or has reason to believe that  
36 such patient or former patient left one or more survivors under  
37 disability of minority or otherwise who are or are claimed to be  
38 entitled to damages for wrongful death of the patient under  
39 Section 11-7-13, or laws amendatory thereof. Upon the expiration  
40 of the applicable period of retention, any hospital may retire the  
41 hospital record.

42 (2) X-ray film and any other graphic data may be retired  
43 four (4) years after the date of exposure of the X-ray film or  
44 creation of the graphic data if the written and signed findings of  
45 a radiologist who has read such X-ray film or other professional



46 who has interpreted such graphic data are retained for the same  
47 period as other hospital records under the preceding  
48 subsection. \* \* \*

49         **SECTION 2.** This act shall take effect and be in force from  
50 and after July 1, 2018.

