

By: Representatives McLean, Arnold,  
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To: Judiciary A

HOUSE BILL NO. 1082

1 AN ACT TO CREATE A NEW SECTION TO REQUIRE INSURERS TO  
2 EXCHANGE CERTAIN INFORMATION WITH THE MISSISSIPPI DEPARTMENT OF  
3 HUMAN SERVICES FOR NONCUSTODIAL PARENTS DELINQUENT IN CHILD  
4 SUPPORT; TO AMEND SECTION 41-3-15, MISSISSIPPI CODE OF 1972, TO  
5 CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** (1) Except as otherwise provided in subsection  
8 (10) of this section, each insurer or insurance company, as  
9 defined by Section 83-19-1 and 83-7-1, under the regulatory  
10 authority of the Mississippi Insurance Department, shall exchange  
11 information with the Mississippi Department of Human Services  
12 (MDHS) in the manner prescribed by MDHS to verify whether the  
13 claimant owes debt for the support of one (1) or more children not  
14 later than five (5) days after the opening of a claim which seeks  
15 an economic benefit for claimant for Five Hundred Dollars  
16 (\$500.00) or more. The obligation of an insurer to exchange  
17 information with MDHS is discharged upon complying with the  
18 requirements of this subsection.



19           (2) To the extent feasible, the MDHS shall facilitate a  
20 secure electronic process to exchange information with insurers  
21 and file liens and levies. When the operation of such data match  
22 system results in a match for a noncustodial parent who owes  
23 past-due support, or when a claim is located through any means,  
24 MDHS (a) shall have the authority to encumber and seize assets  
25 payable to an obligor and (b) may request and shall receive  
26 additional financial or other information including account  
27 numbers, names and Social Security numbers on record for accounts,  
28 and account balances, from any insurer or insurance company needed  
29 to establish, modify, or enforce a support order. The insurer or  
30 insurance company shall not disclose to a claim holder, policy  
31 holder, or contract beneficiary that the name of such person has  
32 been received from or furnished to MDHS. The insurer or insurance  
33 company shall disclose to its account holders or its depositors  
34 that under the data match system MDHS has the authority to  
35 request certain identifying information on the account holder's or  
36 the depositor's accounts.

37           (3) Notice of such encumbrance initiated by MDHS shall be  
38 provided to the insurer, insurance company or any applicable  
39 commission via electronic means, regular mail or as prescribed in  
40 Section 71-3-129. Notice shall be delivered to the obligor via  
41 regular mail at the current mailing address as recorded by MDHS at  
42 the commencement of the action described herein.



43           (4) Except as otherwise provided in subsection (8) of this  
44 section, if an insurer is notified by MDHS that a claimant owes  
45 debt for the support of one (1) or more children, the insurer  
46 shall, upon receipt of a notice issued by the enforcing authority  
47 identifying the amount of debt owed:

48           (a) Not later than five (5) days after receiving notice  
49 from the enforcing authority, notify the claimant and his or her  
50 attorney, if known to the insurer, of the debt owed;

51           (b) Withhold from claim payments, awards, settlements  
52 or payments intended to prevent litigation, the amount specified  
53 in the notice; and

54           (c) Remit the amount withheld from payment to the  
55 enforcing authority within thirty (30) days.

56           (5) When an insurer withholds and remits any money to the  
57 enforcing authority pursuant to subsection (4) of this section,  
58 the insurer shall notify the claimant and his or her attorney, if  
59 known to the insurer, of that fact.

60           (6) Any amount encumbered and forwarded by the insurer or  
61 insurance company under this section shall not exceed the  
62 arrearage owed by the obligor.

63           (7) Priority over any withholding of payments pursuant to  
64 subsection (4) of this section shall be given to (a) attorney's  
65 fees or costs incurred, if any, and (b) judgment, statutory or  
66 subrogation liens for medical expenses incurred as a result of the  
67 injury causing the claim.



68           (8) Any information obtained pursuant to this section must  
69 be used only for the purpose of carrying out the provisions of  
70 this section. Notwithstanding the provisions of this subsection  
71 (8), an insurer or an insurance claim data collection organization  
72 approved by MDHS or other entity that performs the functions  
73 described in subsection (10) of this section may not be held  
74 liable in any civil or criminal action under federal or state law  
75 for any act made in good faith pursuant to this section,  
76 including, without limitation:

77           (a) Any disclosure of information to the MDHS or the  
78 federal Office of Child Support Enforcement; or

79           (b) The withholding of any money from payment on a  
80 claim or the remittance of such money to the enforcing authority.

81           (9) For claims filed before July 1, 2023, an insurer shall  
82 not delay the disbursement of a payment on a claim to comply with  
83 the requirements of this section. An insurer is not required to  
84 comply with subsection (4) of this section if the notice issued by  
85 the enforcing authority is received by the insurer after the  
86 insurer has disbursed the payment on the claim. In the case of a  
87 claim that will be paid through periodic payments, the insurer:

88           (a) Is not required to comply with the provisions of  
89 subsection (4) of this section with regard to any payments  
90 disbursed to the claimant before the notice was received by the  
91 insurer; and



92 (b) Shall comply with the provisions of subsection (4)  
93 of this section with regard to any payments on the claim  
94 scheduled to be made after the receipt of the notice.

95 (10) The insurer may comply with the requirements of this  
96 section by (a) reporting directly to MDHS or its designee, or (b)  
97 authorizing the insurance claim data collection organization to  
98 provide claimant information to the federal Office of Child  
99 Support Enforcement of the United States Department of Health and  
100 Human Services.

101 (11) Failure to comply with the provisions of this section  
102 or the willful rendering of false information shall subject the  
103 insurer or insurance company to a fine of not less than One  
104 Thousand Dollars (\$1,000.00).

105 (12) As used in this section the following terms shall have  
106 the following meanings, unless the context clearly indicates  
107 otherwise:

108 (a) "Economic benefit" means a payment in which an  
109 individual is paid directly by insurer as the payee or co-payee of  
110 a first-party or third-party claim; this term excludes claims for  
111 actual repair, replacement or loss of real or personal property;  
112 claims for reimbursement to a claimant for payments made by  
113 claimant to a vendor or repair facility for the actual repair,  
114 replacement or loss of use of real or personal property; benefits  
115 payable for actual expenses to funeral service provider or  
116 facility; medical payments coverage under a motor vehicle



117 liability policy; benefits payable under a limited benefit  
118 insurance policy for coverage of specified diseases or illnesses,  
119 dental or vision benefits, or indemnity coverage; benefits paid in  
120 accordance with long term care benefit plan; benefits paid on  
121 behalf of an individual directly to a retirement plan or an  
122 accelerated death benefit.

123 (b) "First party claim" means a claim made by the  
124 insured or policyholder under an insurance policy or contract or  
125 by a beneficiary.

126 (c) "Third party claim" means a claim for bodily  
127 injury, property damage or other damages brought by a third party  
128 against an insured that is covered by a liability insurance policy  
129 or contract or by a self-insured.

130 (d) "Insurance claim data collection organization"  
131 means an organization that maintains a centralized database of  
132 information concerning insurance claims to assist insurers that  
133 subscribe to the database in processing claims and detecting and  
134 preventing fraud.

135 (e) "Insurer" means a person who holds a certificate of  
136 authority to transact insurance in this state.

137 **SECTION 2.** Section 41-3-15, Mississippi Code of 1972, is  
138 amended as follows:

139 41-3-15. (1) (a) There shall be a State Department of  
140 Health.



141 (b) The State Board of Health shall have the following  
142 powers and duties:

143 (i) To formulate the policy of the State  
144 Department of Health regarding public health matters within the  
145 jurisdiction of the department;

146 (ii) To adopt, modify, repeal and promulgate,  
147 after due notice and hearing, and enforce rules and regulations  
148 implementing or effectuating the powers and duties of the  
149 department under any and all statutes within the department's  
150 jurisdiction, and as the board may deem necessary;

151 (iii) To apply for, receive, accept and expend any  
152 federal or state funds or contributions, gifts, trusts, devises,  
153 bequests, grants, endowments or funds from any other source or  
154 transfers of property of any kind;

155 (iv) To enter into, and to authorize the executive  
156 officer to execute contracts, grants and cooperative agreements  
157 with any federal or state agency or subdivision thereof, or any  
158 public or private institution located inside or outside the State  
159 of Mississippi, or any person, corporation or association in  
160 connection with carrying out the provisions of this chapter, if it  
161 finds those actions to be in the public interest and the contracts  
162 or agreements do not have a financial cost that exceeds the  
163 amounts appropriated for those purposes by the Legislature;

164 (v) To appoint, upon recommendation of the  
165 Executive Officer of the State Department of Health, a Director of



166 Internal Audit who shall be either a Certified Public Accountant  
167 or Certified Internal Auditor, and whose employment shall be  
168 continued at the discretion of the board, and who shall report  
169 directly to the board, or its designee; and

170 (vi) To discharge such other duties,  
171 responsibilities and powers as are necessary to implement the  
172 provisions of this chapter.

173 (c) The Executive Officer of the State Department of  
174 Health shall have the following powers and duties:

175 (i) To administer the policies of the State Board  
176 of Health within the authority granted by the board;

177 (ii) To supervise and direct all administrative  
178 and technical activities of the department, except that the  
179 department's internal auditor shall be subject to the sole  
180 supervision and direction of the board;

181 (iii) To organize the administrative units of the  
182 department in accordance with the plan adopted by the board and,  
183 with board approval, alter the organizational plan and reassign  
184 responsibilities as he or she may deem necessary to carry out the  
185 policies of the board;

186 (iv) To coordinate the activities of the various  
187 offices of the department;

188 (v) To employ, subject to regulations of the State  
189 Personnel Board, qualified professional personnel in the subject  
190 matter or fields of each office, and such other technical and





191 clerical staff as may be required for the operation of the  
192 department. The executive officer shall be the appointing  
193 authority for the department, and shall have the power to delegate  
194 the authority to appoint or dismiss employees to appropriate  
195 subordinates, subject to the rules and regulations of the State  
196 Personnel Board;

197 (vi) To recommend to the board such studies and  
198 investigations as he or she may deem appropriate, and to carry out  
199 the approved recommendations in conjunction with the various  
200 offices;

201 (vii) To prepare and deliver to the Legislature  
202 and the Governor on or before January 1 of each year, and at such  
203 other times as may be required by the Legislature or Governor, a  
204 full report of the work of the department and the offices thereof,  
205 including a detailed statement of expenditures of the department  
206 and any recommendations the board may have;

207 (viii) To prepare and deliver to the Chairmen of  
208 the Public Health and Welfare/Human Services Committees of the  
209 Senate and House on or before January 1 of each year, a plan for  
210 monitoring infant mortality in Mississippi and a full report of  
211 the work of the department on reducing Mississippi's infant  
212 mortality and morbidity rates and improving the status of maternal  
213 and infant health; and

214 (ix) To enter into contracts, grants and  
215 cooperative agreements with any federal or state agency or



216 subdivision thereof, or any public or private institution located  
217 inside or outside the State of Mississippi, or any person,  
218 corporation or association in connection with carrying out the  
219 provisions of this chapter, if he or she finds those actions to be  
220 in the public interest and the contracts or agreements do not have  
221 a financial cost that exceeds the amounts appropriated for those  
222 purposes by the Legislature. Each contract or agreement entered  
223 into by the executive officer shall be submitted to the board  
224 before its next meeting.

225 (2) The State Board of Health shall have the authority to  
226 establish an Office of Rural Health within the department. The  
227 duties and responsibilities of this office shall include the  
228 following:

229 (a) To collect and evaluate data on rural health  
230 conditions and needs;

231 (b) To engage in policy analysis, policy development  
232 and economic impact studies with regard to rural health issues;

233 (c) To develop and implement plans and provide  
234 technical assistance to enable community health systems to respond  
235 to various changes in their circumstances;

236 (d) To plan and assist in professional recruitment and  
237 retention of medical professionals and assistants; and

238 (e) To establish information clearinghouses to improve  
239 access to and sharing of rural health care information.



240 (3) The State Board of Health shall have general supervision  
241 of the health interests of the people of the state and to exercise  
242 the rights, powers and duties of those acts which it is authorized  
243 by law to enforce.

244 (4) The State Board of Health shall have authority:

245 (a) To make investigations and inquiries with respect  
246 to the causes of disease and death, and to investigate the effect  
247 of environment, including conditions of employment and other  
248 conditions that may affect health, and to make such other  
249 investigations as it may deem necessary for the preservation and  
250 improvement of health.

251 (b) To make such sanitary investigations as it may,  
252 from time to time, deem necessary for the protection and  
253 improvement of health and to investigate nuisance questions that  
254 affect the security of life and health within the state.

255 (c) To direct and control sanitary and quarantine  
256 measures for dealing with all diseases within the state possible  
257 to suppress same and prevent their spread.

258 (d) To obtain, collect and preserve such information  
259 relative to mortality, morbidity, disease and health as may be  
260 useful in the discharge of its duties or may contribute to the  
261 prevention of disease or the promotion of health in this state.

262 (e) To charge and collect reasonable fees for health  
263 services, including immunizations, inspections and related  
264 activities, and the board shall charge fees for those services;



265 however, if it is determined that a person receiving services is  
266 unable to pay the total fee, the board shall collect any amount  
267 that the person is able to pay. Any increase in the fees charged  
268 by the board under this paragraph shall be in accordance with the  
269 provisions of Section 41-3-65.

270 (f) (i) To establish standards for, issue permits and  
271 exercise control over, any cafes, restaurants, food or drink  
272 stands, sandwich manufacturing establishments, and all other  
273 establishments, other than churches, church-related and private  
274 schools, and other nonprofit or charitable organizations, where  
275 food or drink is regularly prepared, handled and served for pay;  
276 and

277 (ii) To require that a permit be obtained from the  
278 Department of Health before those persons begin operation. If any  
279 such person fails to obtain the permit required in this  
280 subparagraph (ii), the State Board of Health, after due notice and  
281 opportunity for a hearing, may impose a monetary penalty not to  
282 exceed One Thousand Dollars (\$1,000.00) for each violation.  
283 However, the department is not authorized to impose a monetary  
284 penalty against any person whose gross annual prepared food sales  
285 are less than Five Thousand Dollars (\$5,000.00). Money collected  
286 by the board under this subparagraph (ii) shall be deposited to  
287 the credit of the State General Fund of the State Treasury.



288 (g) To promulgate rules and regulations and exercise  
289 control over the production and sale of milk pursuant to the  
290 provisions of Sections 75-31-41 through 75-31-49.

291 (h) On presentation of proper authority, to enter into  
292 and inspect any public place or building where the State Health  
293 Officer or his representative deems it necessary and proper to  
294 enter for the discovery and suppression of disease and for the  
295 enforcement of any health or sanitary laws and regulations in the  
296 state.

297 (i) To conduct investigations, inquiries and hearings,  
298 and to issue subpoenas for the attendance of witnesses and the  
299 production of books and records at any hearing when authorized and  
300 required by statute to be conducted by the State Health Officer or  
301 the State Board of Health.

302 (j) To promulgate rules and regulations, and to collect  
303 data and information, on (i) the delivery of services through the  
304 practice of telemedicine; and (ii) the use of electronic records  
305 for the delivery of telemedicine services.

306 (k) To enforce and regulate domestic and imported fish  
307 as authorized under Section 69-7-601 et seq.

308 (5) (a) The State Board of Health shall have the authority,  
309 in its discretion, to establish programs to promote the public  
310 health, to be administered by the State Department of Health.  
311 Specifically, those programs may include, but shall not be limited  
312 to, programs in the following areas:



- 313 (i) Maternal and child health;
- 314 (ii) Family planning;
- 315 (iii) Pediatric services;
- 316 (iv) Services to crippled and disabled children;
- 317 (v) Control of communicable and noncommunicable
- 318 disease;
- 319 (vi) Chronic disease;
- 320 (vii) Accidental deaths and injuries;
- 321 (viii) Child care licensure;
- 322 (ix) Radiological health;
- 323 (x) Dental health;
- 324 (xi) Milk sanitation;
- 325 (xii) Occupational safety and health;
- 326 (xiii) Food, vector control and general
- 327 sanitation;
- 328 (xiv) Protection of drinking water;
- 329 (xv) Sanitation in food handling establishments
- 330 open to the public;
- 331 (xvi) Registration of births and deaths and other
- 332 vital events;
- 333 (xvii) Such public health programs and services as
- 334 may be assigned to the State Board of Health by the Legislature or
- 335 by executive order; and
- 336 (xviii) Regulation of domestic and imported fish
- 337 for human consumption.



338 (b) The State Board of Health and State Department of  
339 Health shall not be authorized to sell, transfer, alienate or  
340 otherwise dispose of any of the home health agencies owned and  
341 operated by the department on January 1, 1995, and shall not be  
342 authorized to sell, transfer, assign, alienate or otherwise  
343 dispose of the license of any of those home health agencies,  
344 except upon the specific authorization of the Legislature by an  
345 amendment to this section. However, this paragraph (b) shall not  
346 prevent the board or the department from closing or terminating  
347 the operation of any home health agency owned and operated by the  
348 department, or closing or terminating any office, branch office or  
349 clinic of any such home health agency, or otherwise discontinuing  
350 the providing of home health services through any such home health  
351 agency, office, branch office or clinic, if the board first  
352 demonstrates that there are other providers of home health  
353 services in the area being served by the department's home health  
354 agency, office, branch office or clinic that will be able to  
355 provide adequate home health services to the residents of the area  
356 if the department's home health agency, office, branch office or  
357 clinic is closed or otherwise discontinues the providing of home  
358 health services. This demonstration by the board that there are  
359 other providers of adequate home health services in the area shall  
360 be spread at length upon the minutes of the board at a regular or  
361 special meeting of the board at least thirty (30) days before a  
362 home health agency, office, branch office or clinic is proposed to



363 be closed or otherwise discontinue the providing of home health  
364 services.

365 (c) The State Department of Health may undertake such  
366 technical programs and activities as may be required for the  
367 support and operation of those programs, including maintaining  
368 physical, chemical, bacteriological and radiological laboratories,  
369 and may make such diagnostic tests for diseases and tests for the  
370 evaluation of health hazards as may be deemed necessary for the  
371 protection of the people of the state.

372 (6) (a) The State Board of Health shall administer the  
373 local governments and rural water systems improvements loan  
374 program in accordance with the provisions of Section 41-3-16.

375 (b) The State Board of Health shall have authority:

376 (i) To enter into capitalization grant agreements  
377 with the United States Environmental Protection Agency, or any  
378 successor agency thereto;

379 (ii) To accept capitalization grant awards made  
380 under the federal Safe Drinking Water Act, as amended;

381 (iii) To provide annual reports and audits to the  
382 United States Environmental Protection Agency, as may be required  
383 by federal capitalization grant agreements; and

384 (iv) To establish and collect fees to defray the  
385 reasonable costs of administering the revolving fund or emergency  
386 fund if the State Board of Health determines that those costs will  
387 exceed the limitations established in the federal Safe Drinking





388 Water Act, as amended. The administration fees may be included in  
389 loan amounts to loan recipients for the purpose of facilitating  
390 payment to the board; however, those fees may not exceed five  
391 percent (5%) of the loan amount.

392 (7) Notwithstanding any other provision to the contrary, the  
393 State Department of Health shall have the following specific  
394 powers: The department shall issue a license to Alexander Milne  
395 Home for Women, Inc., a 501(c)(3) nonprofit corporation, for the  
396 construction, conversion, expansion and operation of not more than  
397 forty-five (45) beds for developmentally disabled adults who have  
398 been displaced from New Orleans, Louisiana, with the beds to be  
399 located in a certified ICF-MR facility in the City of Laurel,  
400 Mississippi. There shall be no prohibition or restrictions on  
401 participation in the Medicaid program for the person receiving the  
402 license under this subsection (7). The license described in this  
403 subsection shall expire five (5) years from the date of its issue.  
404 The license authorized by this subsection shall be issued upon the  
405 initial payment by the licensee of an application fee of  
406 Sixty-seven Thousand Dollars (\$67,000.00) and a monthly fee of  
407 Sixty-seven Thousand Dollars (\$67,000.00) after the issuance of  
408 the license, to be paid as long as the licensee continues to  
409 operate. The initial and monthly licensing fees shall be  
410 deposited by the State Department of Health into the special fund  
411 created under Section 41-7-188.



412 (8) Notwithstanding any other provision to the contrary, the  
413 State Department of Health shall have the following specific  
414 powers: The State Department of Health is authorized to issue a  
415 license to an existing home health agency for the transfer of a  
416 county from that agency to another existing home health agency,  
417 and to charge a fee for reviewing and making a determination on  
418 the application for such transfer not to exceed one-half (1/2) of  
419 the authorized fee assessed for the original application for the  
420 home health agency, with the revenue to be deposited by the State  
421 Department of Health into the special fund created under Section  
422 41-7-188.

423 (9) Notwithstanding any other provision to the contrary, the  
424 State Department of Health shall have the following specific  
425 powers: For the period beginning July 1, 2010, through July 1,  
426 2017, the State Department of Health is authorized and empowered  
427 to assess a fee in addition to the fee prescribed in Section  
428 41-7-188 for reviewing applications for certificates of need in an  
429 amount not to exceed twenty-five one-hundredths of one percent  
430 (.25 of 1%) of the amount of a proposed capital expenditure, but  
431 shall be not less than Two Hundred Fifty Dollars (\$250.00)  
432 regardless of the amount of the proposed capital expenditure, and  
433 the maximum additional fee permitted shall not exceed Fifty  
434 Thousand Dollars (\$50,000.00). Provided that the total  
435 assessments of fees for certificate of need applications under



436 Section 41-7-188 and this section shall not exceed the actual cost  
437 of operating the certificate of need program.

438 (10) Notwithstanding any other provision to the contrary,  
439 the State Department of Health shall have the following specific  
440 powers: The State Department of Health is authorized to extend  
441 and renew any certificate of need that has expired, and to charge  
442 a fee for reviewing and making a determination on the application  
443 for such action not to exceed one-half (1/2) of the authorized fee  
444 assessed for the original application for the certificate of need,  
445 with the revenue to be deposited by the State Department of Health  
446 into the special fund created under Section 41-7-188.

447 (11) Notwithstanding any other provision to the contrary,  
448 the State Department of Health shall have the following specific  
449 powers: The State Department of Health is authorized and  
450 empowered, to revoke, immediately, the license and require closure  
451 of any institution for the aged or infirm, including any other  
452 remedy less than closure to protect the health and safety of the  
453 residents of said institution or the health and safety of the  
454 general public.

455 (12) Notwithstanding any other provision to the contrary,  
456 the State Department of Health shall have the following specific  
457 powers: The State Department of Health is authorized and  
458 empowered, to require the temporary detainment of individuals for  
459 disease control purposes based upon violation of any order of the  
460 State Health Officer, as provided in Section 41-23-5. For the



461 purpose of enforcing such orders of the State Health Officer,  
462 persons employed by the department as investigators shall have  
463 general arrest powers. All law enforcement officers are  
464 authorized and directed to assist in the enforcement of such  
465 orders of the State Health Officer.

466 (13) (12) Notwithstanding any other provision to the  
467 contrary, the State Department of Health shall have the following  
468 specific powers: The State Department of Health is authorized and  
469 empowered, to facilitate a secure electronic process to exchange  
470 information with insurers to verify whether a claimant owes debt  
471 for the support of one or more children as provided in House Bill  
472 No. 1082, 2023 Regular Session.

473 **SECTION 3.** This act shall take effect and be in force from  
474 and after July 1, 2023.

