

By: Senator(s) Parker, Hill

To: Public Health and Welfare

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2873

1 AN ACT TO AMEND SECTIONS 41-9-69, 73-9-13 AND 73-43-11,
2 MISSISSIPPI CODE OF 1972, TO PROVIDE MEDICAL RECORDS RETENTION
3 REQUIREMENTS FOR HOSPITALS, PHYSICIANS AND DENTISTS; TO REQUIRE
4 HOSPITAL, DENTAL AND MEDICAL RECORDS IN THEIR ORIGINAL,
5 MICROFILMED, OR SIMILARLY REPRODUCED FORM TO BE PROVIDED UPON
6 REQUEST TO A PARENT OR GUARDIAN OF AN UNEMANCIPATED MINOR UNDER 18
7 WITHOUT THE PERMISSION OF SUCH UNEMANCIPATED MINOR; AND FOR
8 RELATED PURPOSES.

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

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

12 41-9-69. (1) (a) Hospital records shall be retained * * *
13 by hospitals in their original, microfilmed, or similarly
14 reproduced form for a minimum period of ten (10) years from the
15 date a patient is discharged.

16 (b) Graphic matter, images, X-ray films and like matter
17 that were necessary to produce a diagnostic or therapeutic report
18 shall be retained, preserved, and properly stored by hospitals in
19 their original, microfilmed, or similarly reproduced form for a
20 minimum period of three (3) years from the date a patient is
21 discharged. Such graphic matter, images, X-ray film, and like



22 matter shall be retained for longer periods when requested in
23 writing by the patient or someone acting legally in his behalf.

24 Upon the expiration of the applicable period of retention,
25 any hospital may retire the hospital record.

26 (2) * * * Hospital records in their original, microfilmed,
27 or similarly reproduced form shall be provided upon request to a
28 parent or guardian of an unemancipated minor under eighteen (18)
29 without the permission of such unemancipated minor.

30 **SECTION 2.** Section 73-9-13, Mississippi Code of 1972, is
31 amended as follows:

32 73-9-13. The State Board of Dental Examiners shall each year
33 elect from their number a president, vice president and
34 secretary-treasurer to serve for the coming year and until their
35 successors are qualified. Only dentist members of the board may
36 hold the offices of president and vice president. The board shall
37 have a seal with appropriate wording to be kept at the offices of
38 the board. The secretary and the executive director of the board
39 shall be required to make bond in such sum and with such surety as
40 the board may determine. It shall be the duty of the executive
41 director to keep a complete record of the acts and proceedings of
42 the board and to preserve all papers, documents and correspondence
43 received by the board relating to its duties and office.

44 The board shall have the following powers and duties:

45 (a) To carry out the purposes and provisions of the
46 state laws pertaining to dentistry and dental hygiene, and the



47 practice thereof and matters related thereto, particularly
48 Sections 73-9-1 through 73-9-117, together with all amendments and
49 additions thereto.

50 (b) To regulate the practice of dentistry and dental
51 hygiene and to promulgate reasonable regulations as are necessary
52 or convenient for the protection of the public; however, the board
53 shall not adopt any rule or regulation or impose any requirement
54 regarding the licensing of dentists that conflicts with the
55 prohibitions in Section 73-49-3.

56 (c) To make rules and regulations by which clinical
57 facilities within institutions, schools, colleges, universities
58 and other agencies may be recognized and approved for the practice
59 of dentistry or of dental hygiene by unlicensed persons therein,
60 as a precondition to their being excepted from the dental practice
61 act and authorized in accordance with Section 73-9-3(g) and (h).

62 (d) To provide for the enforcement of and to enforce
63 the laws of the State of Mississippi and the rules and regulations
64 of the State Board of Dental Examiners.

65 (e) To compile at least once each calendar year and to
66 maintain an adequate list of prospective dentist and dental
67 hygienist appointees for approval by the Governor as provided for
68 elsewhere by law.

69 (f) To issue licenses and permits to applicants when
70 found to be qualified.



71 (g) To provide for reregistration of all licenses and
72 permits duly issued by the board.

73 (h) To maintain an up-to-date list of all licensees and
74 permit holders in the state, together with their addresses.

75 (i) To examine applicants for the practice of dentistry
76 or dental hygiene at least annually.

77 (j) To issue licenses or duplicates and
78 reregistration/renewal certificates, and to collect and account
79 for fees for same.

80 (k) To maintain an office adequately staffed insofar as
81 funds are available for the purposes of carrying out the powers
82 and duties of the board.

83 (l) To provide by appropriate rules and regulations,
84 within the provisions of the state laws, for revoking or
85 suspending licenses and permits and a system of fines for lesser
86 penalties.

87 (m) To prosecute, investigate or initiate prosecution
88 for violations of the laws of the state pertaining to practice of
89 dentistry or dental hygiene, or matters affecting the rights and
90 duties, or related thereto.

91 (n) To provide by rules for the conduct of as much
92 board business as practicable by mail, which, when so done, shall
93 be and have the same force and effect as if done in a regular
94 meeting duly organized.



95 (o) To adopt rules and regulations providing for the
96 reasonable regulation of advertising by dentists and dental
97 hygienists.

98 (p) To employ, in its discretion, a duly licensed
99 attorney to represent the board in individual cases.

100 (q) To employ, in its discretion, technical and
101 professional personnel to conduct dental office sedation site
102 visits, administer and monitor state board examinations and carry
103 out the powers and duties of the board.

104 (r) To adopt reasonable rules and regulations providing
105 for dentist practice records retention under the following minimum
106 standards:

107 (i) Dental records shall be retained by a dentist
108 in the original, microfilmed, or similarly reproduced form for a
109 minimum period of ten (10) years from the date a patient is last
110 treated by a dentist.

111 (ii) Graphic matter, images, X-ray films, and like
112 matter that were necessary to produce a diagnostic or therapeutic
113 report shall be retained, preserved and properly stored by a
114 dentist in the original microfilmed or similarly reproduced form
115 for a minimum period of three (3) years from the date a patient is
116 last treated by the dentist. Such graphic matter, images, X-ray
117 film, and like matter shall be retained for a longer period when
118 requested in writing by the patient.



119 (iii) Dental records in their original,
120 microfilmed, or similarly reproduced form shall be provided upon
121 request to a parent or guardian of an unemancipated minor under
122 eighteen (18) without the permission of such unemancipated minor.

123 **SECTION 3.** Section 73-43-11, Mississippi Code of 1972, is
124 amended as follows:

125 73-43-11. The State Board of Medical Licensure shall have
126 the following powers and responsibilities:

127 (a) Setting policies and professional standards
128 regarding the medical practice of physicians, osteopaths,
129 podiatrists and physician assistants practicing with physician
130 supervision;

131 (b) Considering applications for licensure;

132 (c) Conducting examinations for licensure;

133 (d) Investigating alleged violations of the medical
134 practice act;

135 (e) Conducting hearings on disciplinary matters
136 involving violations of state and federal law, probation,
137 suspension and revocation of licenses;

138 (f) Considering petitions for termination of
139 probationary and suspension periods, and restoration of revoked
140 licenses;

141 (g) To promulgate and publish reasonable rules and
142 regulations necessary to enable it to discharge its functions and
143 to enforce the provisions of law regulating the practice of



144 medicine; however, the board shall not adopt any rule or
145 regulation or impose any requirement regarding the licensing of
146 physicians or osteopaths that conflicts with the prohibitions in
147 Section 73-49-3;

148 (h) To enter into contracts with any other state or
149 federal agency, or with any private person, organization or group
150 capable of contracting, if it finds such action to be in the
151 public interest and in the furtherance of its responsibilities;

152 (i) Perform the duties prescribed by Sections 73-26-1
153 through 73-26-5; * * *

154 (j) Perform the duties prescribed by the Interstate
155 Medical Licensure Compact, Section 73-25-101 * * *; and

156 (k) To adopt reasonable rules and regulations providing
157 for physician practice records retention under the following
158 minimum standards:

159 (i) Medical records shall be retained by a
160 physician in the original, microfilmed, or similarly reproduced
161 form for a minimum period of ten (10) years from the date a
162 patient is last treated by a physician.

163 (ii) Graphic matter, images, X-ray films, and like
164 matter that were necessary to produce a diagnostic or therapeutic
165 report shall be retained, preserved and properly stored by a
166 physician in the original, microfilmed or similarly reproduced
167 form for a minimum period of three (3) years from the date a
168 patient is last treated by the physician. Such graphic matter,



169 images, X-ray film, and like matter shall be retained for a longer
170 period when requested in writing by the patient.

171 (iii) Medical records in their original,
172 microfilmed, or similarly reproduced form shall be provided upon
173 request to a parent or guardian of an unemancipated minor under
174 eighteen (18) without the permission of such unemancipated minor.

175 **SECTION 4.** This act shall take effect and be in force from
176 and after its passage.

