

By: Senator(s) Huggins

To: Public Health and  
Welfare

SENATE BILL NO. 2667

1 AN ACT TO CODIFY SECTION 41-63-4, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE AND DIRECT THE STATE DEPARTMENT OF HEALTH TO  
3 ESTABLISH A CENTRAL HEALTH DATA REGISTRY SYSTEM TO PROVIDE CURRENT  
4 INFORMATION REGARDING THE DIAGNOSTIC AND THERAPEUTIC SERVICES  
5 PROVIDED INJURED, DISABLED OR SICK PERSONS IN HOSPITALS IN ORDER  
6 TO IMPROVE QUALITY AND EFFICIENCY; TO AUTHORIZE THE STATE  
7 DEPARTMENT OF HEALTH TO ADOPT RULES; TO PROVIDE FOR THE  
8 CONFIDENTIALITY OF SUCH INFORMATION; TO PROVIDE IMMUNITY FOR THE  
9 REPORTING PERSON OR INSTITUTION; TO AMEND SECTIONS 41-63-3 AND  
10 41-63-5, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR  
11 RELATED PURPOSES.

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

13 **SECTION 1.** The following provision shall be codified as  
14 Section 41-63-4, Mississippi Code of 1972:

15 41-63-4. (1) In order to improve the quality and efficiency  
16 of medical care, the State Department of Health shall establish  
17 and design a registry program of the condition and treatment of  
18 persons seeking medical care that will provide the following:

19 (a) Information in a central data bank system of  
20 accurate, precise and current information regarding the diagnostic  
21 services and therapeutic services for medical diagnosis, treatment  
22 and care of injured, disabled or sick persons, or rehabilitation  
23 services for the rehabilitation of injured, disabled or sick  
24 persons provided in an acute care hospital as that term is defined  
25 in Section 41-7-173(h) (i);

26 (b) Collection of such data;

27 (c) Dissemination of such data; and

28 (d) Analysis of such data for the purposes of the  
29 evaluation and improvement of the quality and efficiency of  
30 medical care provided in a health care facility.



31 (2) The State Department of Health shall adopt rules,  
32 regulations and procedures to govern the operation of the registry  
33 program and to carry out the intent of this section.

34 (3) The State Department of Health shall specify the types  
35 of information to be provided to the registry.

36 (4) Information collected and analyzed by the State  
37 Department of Health under this section shall be placed in a  
38 central health data registry system maintained by the Mississippi  
39 Hospital Association, acting under the direction of the State  
40 Department of Health.

41 (5) Such information, data and records shall not divulge the  
42 identity of any patient.

43 (6) Notwithstanding any conflicting statute, court rule or  
44 other law, the data maintained in the registry shall be  
45 confidential and shall not be subject to discovery or introduction  
46 into evidence in any civil action. However, information and data  
47 otherwise discoverable or admissible from original sources are not  
48 to be construed as immune from discovery or use in any civil  
49 action merely because they were provided to the registry.

50 **SECTION 2.** Section 41-63-3, Mississippi Code of 1972, is  
51 amended as follows:

52 41-63-3. (1) Any hospital, medical staff, state or local  
53 professional medical, pharmacy or dental society, nursing home,  
54 health maintenance organization, medical care foundation,  
55 preferred provider organization or other health care facility is  
56 authorized to establish medical or dental review committees one of  
57 the purposes of which may be to evaluate or review the diagnosis  
58 or treatment or the performance or rendition of medical or  
59 hospital services, to evaluate or improve the quality of health  
60 care rendered by providers of health care service, to determine  
61 that health care services rendered were professionally indicated  
62 or were performed in compliance with the applicable standard of



63 care or that the cost of health care rendered was considered  
64 reasonable under the circumstances.

65 (2) Any person, professional group, hospital, sanatorium,  
66 extended care facility, skilled nursing home, intermediate care  
67 facility or other health care facility or organization may provide  
68 medical or dental information, reports or other data relating to  
69 the condition and treatment of any person to the Mississippi  
70 Hospital Association, Mississippi State Medical Association,  
71 Mississippi Dental Association, Mississippi State Pharmaceutical  
72 Association, Mississippi Division of Medicaid, any allied medical  
73 or dental organization or any duly authorized medical or dental  
74 review committee, to be used in the evaluation and improvement of  
75 the quality and efficiency of medical or dental care provided in  
76 such medical, dental or health care facility, including care  
77 rendered at the private office of a physician or dentist. Such  
78 data and records shall not divulge the identity of any patient.

79 **SECTION 3.** Section 41-63-5, Mississippi Code of 1972, is  
80 amended as follows:

81 41-63-5. No physician, dentist, pharmacist, nurse, hospital,  
82 organization or institution furnishing information, data, reports  
83 or records pursuant to Section 41-63-3 or 41-63-4, Mississippi  
84 Code of 1972, shall, by reason of furnishing such information be  
85 liable in damages to any person. No hospital, hospital governing  
86 body, medical or dental review committee, or member of such a  
87 committee or governing body, or employee thereof, shall be liable  
88 in damages to any person for any action taken or recommendation  
89 made within the scope of the functions of any medical or dental  
90 review committee if such committee or committee member acts  
91 without malice and in the reasonable belief that such action or  
92 recommendation is warranted by the facts known to him at the time  
93 of such action or recommendation.

94 **SECTION 4.** This act shall take effect and be in force from  
95 and after July 1, 2002.

