

By: Representatives Frierson, Sullivan

To: Public Health and Human Services

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 521

1 AN ACT TO AMEND SECTION 41-9-101, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE DEFINITION OF CUSTODIAN OF HOSPITAL RECORDS FOR THE  
3 PURPOSE OF THE STATUTES GOVERNING THE USE OF THOSE RECORDS IN  
4 TRIALS AND ADMINISTRATIVE HEARINGS; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 41-9-101, Mississippi Code of 1972, is  
7 amended as follows:

8 41-9-101. As used in Sections 41-9-101 through 41-9-119, the  
9 following terms shall have the respective meanings ascribed to  
10 them:

11 (a) "Records" shall mean and include "hospital records"  
12 as defined in Section 41-9-61; however, a subpoena duces tecum for  
13 records shall not be deemed to include X-rays, electrocardiograms  
14 and like graphic matter unless specifically referred to in the  
15 subpoena; and

16 (b) "Custodian" shall mean and include the health  
17 information administrator or registered health information  
18 technician and the administrator or other chief officer of a duly  
19 licensed hospital in this state and its proprietor, as well as  
20 their deputies and assistants, and any other persons who are  
21 official custodians or depositories of records. The custodian  
22 shall abide, in all respects, to the federal Health Insurance  
23 Portability and Accountability Act of 1996 (HIPAA),  
24 notwithstanding any other state statute.

25 **SECTION 2.** This act shall take effect and be in force from  
26 and after July 1, 2005.