

By: Representative Scott

To: Public Health and Human Services

HOUSE BILL NO. 1440

1 AN ACT TO AMEND SECTION 41-23-1, MISSISSIPPI CODE OF 1972, TO
2 REQUIRE THE STATE DEPARTMENT OF HEALTH TO CONDUCT PERIODIC
3 WORKSHOPS IN LOCAL AREAS OF WHERE HIGH INSTANCES OF CONTAGIOUS AND
4 INFECTIOUS DISEASES OCCUR; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 41-23-1, Mississippi Code of 1972, is
7 amended as follows:

8 41-23-1. (1) The State Board of Health shall adopt rules
9 and regulations (a) defining and classifying communicable diseases
10 and other diseases that are a danger to health based upon the
11 characteristics of the disease; and (b) establishing reporting,
12 monitoring and preventive procedures for those diseases.

13 (2) Upon the death of any person who has been diagnosed as
14 having Human Immunodeficiency Virus/Acquired Immune Deficiency
15 Syndrome (HIV/AIDS) or any Class 1 disease as designated by the
16 State Board of Health, in a hospital or other health care
17 facility, in all other cases where there is an attending
18 physician, and in cases in which the medical examiner, as defined
19 in Section 41-61-53(f), investigates and certifies the cause of
20 death, the attending physician, the person in charge of the
21 hospital or health care facility, or the medical examiner, as the
22 case may be, shall report as soon as practicable to the Executive
23 Officer of the State Board of Health or to other authorities the
24 cause or contributing cause of death as required by the State
25 Board of Health. Such reporting shall be according to procedures
26 as required by the State Board of Health.

27 (3) Upon the death of any person who has been diagnosed as
28 having Human Immunodeficiency Virus/Acquired Immune Deficiency

29 Syndrome (HIV/AIDS), where there is not an attending physician,
30 any family member or other person making disposition of the body
31 who knows that such decedent had been diagnosed as having HIV/AIDS
32 shall report this fact to the medical examiner as defined in
33 Section 41-61-53(f), who shall report as soon as practicable to
34 the Executive Officer of the State Board of Health or to other
35 authorities the cause or contributing cause of death as required
36 by the State Board of Health. Such reporting shall be according
37 to procedures as required by the State Board of Health.

38 (4) Every practicing or licensed physician, or person in
39 charge of a hospital, health care facility, insurance company
40 which causes to be performed blood tests for underwriting purposes
41 or laboratory, shall report immediately to the Executive Officer
42 of the State Board of Health or to other authorities as required
43 by the State Board of Health every case of such diseases as shall
44 be required to be reported by the State Board of Health. Such
45 reporting shall be according to procedures, and shall include such
46 information about the case, as shall be required by the State
47 Board of Health. Insurance companies having such blood test
48 results shall report immediately to the Executive Officer of the
49 State Board of Health or to other authorities as required by the
50 State Board of Health every case of such diseases as shall be
51 required to be reported by the State Board of Health. The
52 insurance company shall notify the individual on whom the blood
53 test was performed in writing by certified mail of an adverse
54 underwriting decision based upon the results of such individual's
55 blood test but shall not disclose the specific results of such
56 blood tests to the individual. The insurance company shall also
57 inform the individual on whom the blood test was performed that
58 the results of the blood test will be sent to the physician
59 designated by the individual at the time of application and that
60 such physician should be contacted for information regarding the
61 blood test results. If a physician was not designated at the time

62 of application, the insurance company shall request that the
63 individual name a physician to whom a copy of the blood test can
64 be sent.

65 (5) Any practicing or licensed physician, or person in
66 charge of a hospital or health care facility, who knows that a
67 patient has a medical condition specified by the Department of
68 Health as requiring special precautions by health care providers,
69 shall report this fact and the need for appropriate precautions to
70 any other institution or provider of health care services to whom
71 such patient is transferred or referred, according to regulations
72 established by the State Board of Health.

73 (6) Any practicing or licensed physician or person in charge
74 of a hospital, health care facility or laboratory who fails to
75 make the reports required under this section regarding Human
76 Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
77 (HIV/AIDS) or any Class 1 disease or condition as designated by
78 the State Board of Health shall be reported to the Board of
79 Medical Licensure, in the case of a physician, or to the
80 applicable licensing agency in the case of institutions, and such
81 failure shall be grounds for suspension of license.

82 (7) Any person other than a practicing or licensed
83 physician, or person in charge of a hospital or health care
84 facility, willfully failing to make the reports required under
85 this section shall be guilty of a misdemeanor and, upon
86 conviction, shall be punished by a fine of not more than Five
87 Hundred Dollars (\$500.00) or by confinement in the county jail for
88 not more than thirty (30) days, or both.

89 (8) The provisions of this section are cumulative and
90 supplemental to any other provision of law, and a conviction or
91 penalty imposed under this section shall not preclude any other
92 action at law, proceedings for professional discipline or other
93 criminal proceedings.

94 (9) Notwithstanding any law of this state to the contrary,
95 the State Board of Health is authorized to establish the rules by
96 which exceptions may be made to the confidentiality provisions of
97 the laws of this state for the notification of third parties of an
98 individual's infection with any Class 1 or Class 2 disease, as
99 designated by the State Board of Health, when exposure is
100 indicated or there exists a threat to the public health and
101 welfare. All notifications authorized by this section shall be
102 within the rules established according to this subsection. All
103 persons who receive notification of the infectious condition of an
104 individual under this subsection and the rules established under
105 this subsection shall hold such information in the strictest of
106 confidence and privilege, shall not reveal the information to
107 others, and shall take only those actions necessary to protect the
108 health of the infected person or other persons where there is a
109 foreseeable, real or probable risk of transmission of the disease.

110 (10) Each public or private correctional facility housing
111 state offenders, federal offenders or offenders from any other
112 jurisdiction shall require all offenders in the facility to be
113 tested for tuberculosis and Human Immunodeficiency Virus (HIV) in
114 conjunction with the rules and regulations of the State Department
115 of Health. The reporting shall be according to procedures and
116 shall include any information about the case that is required by
117 the State Board of Health. In order to carry out the provisions
118 of this section, the following shall apply:

119 (a) Any such public or private correctional facility
120 may contract with the Mississippi Department of Corrections, the
121 Mississippi State Department of Health, or other such appropriate
122 state, federal or local entity for the inspection, monitoring or
123 provision of any assistance necessary or desirable to maintain
124 appropriate facilities for the purpose of identification,
125 prevention, and treatment of communicable diseases and other
126 conditions considered prejudicial to public health; and

127 (b) Any such public or private correctional facility
128 shall grant representatives of the State Department of Health, in
129 the discharge of its duties, access to all areas of the facility
130 and to the offenders and staff at all times. The facility shall
131 reimburse the State Department of Health for all costs incurred
132 for the control of communicable diseases or other conditions
133 prejudicial to public health in the facility and for the costs
134 incurred for the control of communicable diseases or other
135 conditions prejudicial to public health spreading from the
136 facility, staff or inmates to other individuals or property in the
137 county or state.

138 (11) The State Department of Health shall conduct periodic
139 workshops in local areas where high instances of contagious and/or
140 infectious diseases occur.

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