

By: Senator(s) Parker

To: Public Health and Welfare

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; AND FOR
4 RELATED PURPOSES.

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

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

8 41-9-69. (1) (a) Hospital records shall be retained * * *
9 by hospitals in their original, microfilmed, or similarly
10 reproduced form for a minimum period of ten (10) years from the
11 date a patient is discharged.

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



19 writing by the patient or someone acting legally in his
20 behalf. * * *

21 Upon the expiration of the applicable period of retention,
22 any hospital may retire the hospital record.

23 * * *

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

26 73-9-13. The State Board of Dental Examiners shall each year
27 elect from their number a president, vice president and
28 secretary-treasurer to serve for the coming year and until their
29 successors are qualified. Only dentist members of the board may
30 hold the offices of president and vice president. The board shall
31 have a seal with appropriate wording to be kept at the offices of
32 the board. The secretary and the executive director of the board
33 shall be required to make bond in such sum and with such surety as
34 the board may determine. It shall be the duty of the executive
35 director to keep a complete record of the acts and proceedings of
36 the board and to preserve all papers, documents and correspondence
37 received by the board relating to its duties and office.

38 The board shall have the following powers and duties:

39 (a) To carry out the purposes and provisions of the
40 state laws pertaining to dentistry and dental hygiene, and the
41 practice thereof and matters related thereto, particularly
42 Sections 73-9-1 through 73-9-117, together with all amendments and
43 additions thereto.



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

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

56 (d) To provide for the enforcement of and to enforce
57 the laws of the State of Mississippi and the rules and regulations
58 of the State Board of Dental Examiners.

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

63 (f) To issue licenses and permits to applicants when
64 found to be qualified.

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

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



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

71 (j) To issue licenses or duplicates and
72 reregistration/renewal certificates, and to collect and account
73 for fees for same.

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

77 (l) To provide by appropriate rules and regulations,
78 within the provisions of the state laws, for revoking or
79 suspending licenses and permits and a system of fines for lesser
80 penalties.

81 (m) To prosecute, investigate or initiate prosecution
82 for violations of the laws of the state pertaining to practice of
83 dentistry or dental hygiene, or matters affecting the rights and
84 duties, or related thereto.

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

89 (o) To adopt rules and regulations providing for the
90 reasonable regulation of advertising by dentists and dental
91 hygienists.

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



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

98 (r) To adopt reasonable rules and regulations providing
99 for dentist practice records retention under the following minimum
100 standards:

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

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

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

115 73-43-11. The State Board of Medical Licensure shall have
116 the following powers and responsibilities:

117 (a) Setting policies and professional standards
118 regarding the medical practice of physicians, osteopaths,



119 podiatrists and physician assistants practicing with physician
120 supervision;

121 (b) Considering applications for licensure;

122 (c) Conducting examinations for licensure;

123 (d) Investigating alleged violations of the medical
124 practice act;

125 (e) Conducting hearings on disciplinary matters
126 involving violations of state and federal law, probation,
127 suspension and revocation of licenses;

128 (f) Considering petitions for termination of
129 probationary and suspension periods, and restoration of revoked
130 licenses;

131 (g) To promulgate and publish reasonable rules and
132 regulations necessary to enable it to discharge its functions and
133 to enforce the provisions of law regulating the practice of
134 medicine; however, the board shall not adopt any rule or
135 regulation or impose any requirement regarding the licensing of
136 physicians or osteopaths that conflicts with the prohibitions in
137 Section 73-49-3;

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

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



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

146 (k) To adopt reasonable rules and regulations providing
147 for physician practice records retention under the following
148 minimum standards:

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

153 (ii) Graphic matter, images, x-ray films, and like
154 matter that were necessary to produce a diagnostic or therapeutic
155 report shall be retained, preserved and properly stored by a
156 physician in the original, microfilmed or similarly reproduced
157 form for a minimum period of three (3) years from the date a
158 patient is last treated by the physician. Such graphic matter,
159 images, x-ray film, and like matter shall be retained for a longer
160 period when requested in writing by the patient.

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

