

/* Mississippi's statutes address testing and confidentiality; health care workers; and disease control. The Mississippi Home Corporation has authority to assist HIV carriers in obtaining housing. */

CHAPTER 23 Contagious and Infectious Diseases; Quarantine

41-23-1. Rules and regulations; physicians and health care facilities to report cases of communicable and other dangerous diseases; penalties.

(1) The State Board of Health shall adopt rules and regulations

(a) defining and classifying communicable diseases and other diseases that are a danger to health based upon the characteristics of the disease; and (b) establishing reporting, monitoring and preventive procedures for those diseases.

(2) Upon the death of any person who has been diagnosed as having Acquired Immune Deficiency Syndrome (AIDS) or any Class 1 disease as designated by the State Board of Health, in a hospital or other health care facility, in all other cases where there is an attending physician, and in cases in which the medical examiner, as defined in Section 4161-53(f), investigates and certifies the cause of death, the attending physician, the person in charge of the hospital or health care facility, or the medical examiner, as the case may be, shall report as soon as practicable to the Executive Officer of the State Board of Health or to other authorities the cause or contributing cause of death as required by the State Board of Health. Such reporting shall be according to procedures as required by the State Board of Health.

(3) Upon the death of any person who has been diagnosed as having Acquired Immune Deficiency Syndrome (AIDS), where there is not an attending physician, any family member or other person making disposition of the body who knows that such decedent had been diagnosed as having AIDS shall report this fact to the medical examiner as defined in Section 41-61-53(f), who shall report as soon as practicable to the Executive Officer of the State Board of Health or to other authorities the cause or contributing cause of death as required by the State Board of Health. Such reporting shall be according to procedures as required by the State Board of Health.

(4) Every practicing or licensed physician, or person in charge of a hospital, health care facility or laboratory, shall report immediately to the Executive Officer of the State Board of Health or to other authorities as required by the State Board of Health every case of such diseases as shall be required to be reported by the State Board of Health. Such reporting shall be according to procedures, and shall include such information about the case, as shall be required by the State Board of Health.

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

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

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

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

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

41-23-2. Penalties for violating health department orders with respect to life threatening communicable diseases.

Any person who shall knowingly and willfully violate the lawful order of the county, district or state health officer where that person is afflicted with a life-threatening communicable disease or the causative agent thereof shall be guilty of a felony and, upon conviction, shall be punished by a fine not exceeding Five Thousand Dollars (\$5,000.00) or by imprisonment in the penitentiary for not more than five (5) years, or by both.

41-23-5. Authority of state department of health to investigate diseases.

The state department of health shall have the authority to investigate and control the causes of epidemic, infectious and other disease affecting the public health, including the authority to establish, maintain and enforce isolation and quarantine, and in pursuance thereof, to exercise such physical control over property and individuals as the department may find necessary for the protection of the public health.

41-23-13. Suppression of nuisances injurious to public health.

The state board of health, when informed by a county health officer, or otherwise, of the existence of any matter or thing calculated to produce, aggravate, or cause the spread of any epidemic or contagious disease, or to affect injuriously the health of the public or community, may declare the same a nuisance. When it does so, it shall notify the district attorney, county attorney, municipal attorney, county health officer, municipal health office or town marshal, of the district where the nuisance exists, who shall forthwith commence proceedings by information in the circuit court to have the same abated. The parties in interest shall have five days' notice of the proceedings, which shall be served as in ordinary suits. Such proceedings may be tried by the judge, in term-time or in vacation, in a summary way, and the matter be urgent, it shall be tried without delay. However, the parties in interest shall have a jury if they demand it, which the judge shall cause to be summoned, if in vacation, returnable at some early day, to be fixed by him and the matter shall be tried as other causes by judge and jury. If the matter be found to be a nuisance, the judge shall order the same abated, which order shall be executed by the sheriff or other proper officer, and an appeal shall not be allowed therefrom. This section shall not affect the right which municipalities may have to abate a nuisance, or any common law or equity proceedings for that purpose.

41-23-27. Powers of state board of health as to persons afflicted with infectious sexually transmitted disease.

The state board of health shall have full power to isolate, quarantine or otherwise confine, intern, and treat such person afflicted with such infectious sexually transmitted disease for such time and under such restrictions as may seem proper. Said board shall have full power to pass all such rules and regulations as to the isolation, quarantine, confinement, internment and treatment as may be needful.

Any person knowingly violating any rule or regulation promulgated by the state board of health, under the authority of this section, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by fine or imprisonment or both.

41-23-29. Inspection and examination of person suspected of being afflicted with infectious sexually transmitted disease.

Any person suspected of being afflicted with any such infectious sexually transmitted disease shall be subject to physical examination and inspection by any representative of the state board of health. For failure or refusal to allow such inspection or examination, such person may be punished as for a misdemeanor.

41-23-39. Definitions applicable to Section 41-23-41.

The following terms when used in Sections 41-23-39 and 41-23-41 shall have the following meanings herein ascribed:

(a) "Emergency medical technician" means a person licensed pursuant to Section 41-59-1 et seq., Mississippi Code of 1972, to provide emergency medical services as an emergency medical technician-ambulance, emergency medical technical-intermediate, emergency medical technician-paramedic, or emergency medical technical-nurse-paramedic.

(b) "Fire department" means service groups (paid or volunteer) that are organized and trained for the prevention and control of loss of life and property from fire and/or other emergencies.

(c) "Fire fighter" means an individual who is assigned to fire fighting activity and is required to respond to alarms and perform emergency actions at the location of a fire, hazardous materials or other emergency incident.

(d) "Infectious disease" means any condition as listed or determined by the State Department of Health that may be transmitted by an infected person.

(e) "Licensed facility" means hospital, nursing home, medical clinic or dialysis center, as licensed by the state to provide medical care, but shall not include a physician's office.

41-23-1. Notice to hospital or other facility of emergency

medical technician's or firefighter's exposure to patient's blood or body fluids; notice to technician or firefighter of infectious disease.

If, in the course of providing emergency services to any person subsequently transported to a licensed facility, an emergency medical technician, fire fighter or other provider of emergency rescue services is exposed by direct contact to the patient's blood or other internal body fluids, the emergency medical technician, fire fighter or the emergency service provider, or his/her employer, shall notify the licensed facility to which the patient is transported of the blood and/or body fluid exposure. If the patient is subsequently diagnosed as having an infectious disease specified by the State Department of Health as being transmissible by blood or other internal body fluids, the licensed facility shall notify the emergency service provider, or his/her employer, in such detail and according to the manner prescribed by the State Board of Health in its regulations. The State Board of Health shall adopt appropriate regulations to address the diseases involved.

Health Care Practice Requirements Pertaining to Transmission of Hepatitis B and HIV

41-34-1. Definitions applicable to sections 41-34-1 through 41-34-7. For the purposes of Sections 41-34-1 through 41-34-7 the following terms shall have the following meanings:

- (a) "Health care provider" shall mean a person licensed by this state to provide health care or professional services as a physician, podiatrist, registered nurse, licensed practical nurse, nurse practitioner, dentist, chiropractor or optometrist.
- (b) "Board" means the State Board of Medical Licensure, State Board of Dental Examiners, the Mississippi Board of Nursing, the State Board of Chiropractic Examiners or the State Board of Optometry.

41-34-3. Licensing boards to establish practice requirements to protect public from transmission of Hepatitis B and HIV from health care providers.

Each board licensing health care providers may establish by rule and regulation practice requirements based, in part, on applicable guidelines from the Federal Centers for Disease Control which will protect the public from the transmission of the Hepatitis B Virus and Human Immunodeficiency Virus in the practice of a profession regulated by the appropriate board.

41-34-5. Licensing boards to establish procedure for licensees and applicants for license to report status as carrier of

Hepatitis B and HIV

The boards may establish by rule and regulation requirements and procedures for a licensee and a licensure applicant to report his/her status as a carrier of the Hepatitis B Virus and Human Immunodeficiency Virus to the board and shall enforce such requirements and procedures.

41-34-7. Confidentiality of reports of Hepatitis B or HIV carrier status.

Each report of Hepatitis B Virus carrier status or Human Immunodeficiency Virus carrier status filed in compliance with this section, and each record maintained and meetings held by the boards in the course of monitoring a licensee for compliance with the practice requirements established by this section, are confidential and exempt from the provisions of the Mississippi Public Records Law, Sections 25-61-1, et seq.

41-39-13. Tags on bodies of persons with infectious or communicable diseases.

(1) For the purposes of this section, the term "infectious or communicable disease" means the following:

- (a) Infectious hepatitis;
- (b) Tuberculosis;
- (c) Any venereal disease;
- (d) Acquired immune deficiency syndrome (AIDS); or
- (e) Any other disease designated by the State Board of Health in its rules and regulations as a disease transmissible through blood contact for which precautions are necessary in embalming or otherwise handling dead bodies infected with the disease or its causative agent.

(2) Upon the death of a person who has been diagnosed as having an infectious or communicable disease or its causative agent, in a hospital or other health care facility, and in all other cases where there is an attending physician, the attending physician, or person in charge of the hospital or health care facility, shall affix or cause to be affixed a tag on the body, preferably on the great toe. The tag shall be on card stock paper and shall be no smaller than five (5) centimeters by ten (10) centimeters. It shall be red in color and shall include the words "BLOOD/BODY FLUID PRECAUTIONS REQUIRED" in letters no smaller than six (6) millimeters in height. The name of the deceased person shall be written on the tag and the tag shall remain affixed to the body until the preparation of the body for burial has been completed.

(3) Upon the death of a person infected with the agent which causes an infectious or communicable disease, outside of a hospital or health care facility or without an attending

physician, any family member or person making arrangements for the disposition of the body who knows that the deceased was infected with such agent at the time of death shall advise the person taking charge of the body for disposition of this fact. The person taking charge of the body then shall affix or cause to be affixed a tag on the body as described in subsection (2) of this section.

(4)(a) Failure to comply with the requirements of this section shall constitute a misdemeanor and shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by confinement in the county jail for not more than thirty (30) days, or both.

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

41-39-15. Protocol for identifying potential organ and tissue donors.

(1) Each general acute care hospital shall develop a protocol for identifying potential organ and tissue donors.

(2) The protocol shall require that a patient or any deceased person's next of kin or other person, in order of priority, as specified in Section 41-39-35, at or near the time of notification of death, be asked whether the deceased was an organ and tissue donor or if the family is a donor family. If not, the family may be informed of the option to donate organs and tissues pursuant to Sections 41-39-31 through 41-39-51. With the approval of the designated next of kin or other person, as specified in Section 41-39-35, the hospital then shall notify the organ procurement organization at the University Medical Center and cooperate in the procurement of the anatomical gift or gifts. The University Medical Center organ procurement organization shall cooperate with family members and honor their wishes concerning the designation of the recipient facility.

(3) The protocol shall provide that the inquiry to the patient or the deceased person's next of kin and the information provided to the patient or the next of kin shall be conveyed by the treating physician of the patient or the deceased person, if possible, or by the hospital administrator or his designated representative.

(4) The protocol shall encourage reasonable discretion and sensitivity to the patient and family circumstances in all discussions regarding donations of organs or tissues. The protocol may take into account the patient's or the deceased person's religious beliefs or obvious nonsuitability for organ

and tissue donation. If an organ and tissue procurement organization does not exist in the State of Mississippi, the hospital shall contact an organ or a tissue procurement organization as appropriate. No organ or tissue may be shipped out of the State of Mississippi except through an approved national organ sharing network.

41-41-16. Health care providers conducting tests for infectious diseases without consent of patient.

A hospital or physician, and employees of such hospital or physician, may conduct an acquired immune deficiency syndrome (AIDS)/human immunodeficiency virus (HIV) antibody test or appropriate tests for any other infectious diseases without specific consent for such tests if the hospital or physician determines that the test is necessary for diagnostic purposes to provide appropriate care or treatment to the person to be tested, or in order to protect the health and safety of other patients or persons providing care and treatment to the person to be tested. The person who is to be tested shall be informed of the nature of the test which is to be conducted.

/* The following is excerpted from the duties of the Mississippi Home Corporation. */

43-33-717. Powers of corporation.

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(4) Using funds not otherwise encumbered by pledge or indenture, the corporation may:

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(f) Design and support programs to address special needs groups including, but not limited to, handicapped, disabled, elderly, homeless, HIV/AIDS carriers and families with children;

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