



# Health Law Section

## The Mississippi Bar

Spring 2017

## Message from the Chair

We are more than half way through the Bar year, can you believe it! It is quite the honor to serve as your chair of the Health Law Section of the Mississippi Bar.

As one of the sections, we aim to serve our members the best ways we can. We have planned a wonderful half day CLE event in Jackson on May 5th at the Bar Center. Our Executive Committee worked hard to insure that the agenda is both timely and substantive.

A very exciting thing for our Section, we will have two articles on health law issues appear

in the spring edition of the Mississippi Lawyer. If you read the most recent MS Lawyer, you no doubt were impressed with the articles organized by the Family Law Section. We certainly have some big shoes to fill!

We also have a wonderful section meeting planned for our annual convention in Destin. Bob Anderson and Scott Gilbert will be doing a point/counterpoint on investigating and defending fraud cases. It will be very entertaining and informative and I hope to see you there!

As always, if there are any issues you would like covered in



Jenny Tyler Baker

an article, newsletter, CLE or teleseminar, please let us know. This Section is here for the benefit of our members and we are always open to the thoughts and ideas of our members.

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## Health Law Section Annual CLE Seminar - Friday, May 5, 2017

### *Health Care Law Updates 2017*

The Health Law Section of The Mississippi Bar will present a 4-hour CLE Seminar, including one hour of ethics, on the recent changes in the area of Health Care Law. Attendees will receive updates on the recent changes to the State Board of Medical Licensure Regulations and changes regarding the Certificate of Need (CON) policies and procedures as well as delve into the litigation area of health law. The ethics hour will provide the practitioner with advice on what to do when you get a Bar Complaint. This seminar will provide timely information to health care lawyers as well as to general practitioners with health care and non-health care business clients.

[Click here to download the registration brochure](#) or it is available on the next two pages.

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THE MISSISSIPPI BAR



Health Law

The Mississippi Bar's Health Law Section presents:

# *Health Care Law Updates 2017*

Friday, May 5, 2017

MS Bar Center - 643 North State Street - Jackson

*4 Hours CLE Credit, including 1 Ethics Hour*

## **About the Seminar**

There have been lots of changes recently in the area of Health Care Law. This CLE will cover a good portion of the recent updates in this area of the law. During this 4.0 hour CLE Seminar, Conner Reeves, General Counsel for the Mississippi State Medical Association, and Stan Ingram of Biggs, Ingram & Solop, PLLC will update us on the recent changes to the State Board of Medical Licensure Regulations. Rebecca Wiggs of Watkins & Eager will delve into the litigation area with her topic, Anatomy of a Malpractice Case. Nicole Litton of the Mississippi Health Department will advise us as to the changes regarding the Certificate of Need (CON) policies and procedures. Finally, The Mississippi Bar's General Counsel, Adam Kilgore, will present an ethics hour to talk about what to do when you get a Bar Complaint.

This seminar will provide timely information to health care lawyers as well as to general practitioners with health care and non-health care business clients. We hope to see you at the Mississippi Bar Center on Friday, May 5.

## **Registration Form**

### **Health Care Law Updates 2017**

**Friday, May 5, 2017 - MS Bar Center - 643 North State Street - Jackson**

*\$100 for Health Law Section Members / \$150 Non-Section Members*

Full Name: \_\_\_\_\_ Bar #: \_\_\_\_\_

Preferred First Name for Badge: \_\_\_\_\_ City: \_\_\_\_\_

Email (required to register): \_\_\_\_\_

Make check payable to **The Mississippi Bar** and return with this registration form to:  
The Mississippi Bar, Attn: Rene' Garner, P.O. Box 2168, Jackson, MS 39225-2168

*The Mississippi Bar's Health Law Section presents:*

# ***Health Care Law Updates 2017***

Friday, May 5, 2017 - MS Bar Center - 643 North State Street - Jackson

## **Agenda**

- 8:30 – 8:45 am      Registration Check-in and Breakfast
- 8:45 – 9:45 am      The Ins and Outs of the 2017 State Board of Medical Licensure Regulations Update  
Stan T. Ingram, Biggs, Ingram & Solop, PLLC  
J. Conner Reeves, MS State Medical Assoc
- 9:45 – 10:45 am     Anatomy of a Malpractice Case  
Rebecca L. Wiggs, Watkins & Eager
- 10:45 – 11:00 am    Break
- 11:00 – 12:00 pm    Certificate of Need (CON) Process: Changes to CON Policies and Procedures  
Nicole Litton, Director of Health Policy and Planning for the MS Dept. of Health
- 12:00 – 12:30 pm    Lunch, will be provided
- 12:30 – 1:30 pm     What To Do When You Get A Bar Complaint  
Adam B. Kilgore, The Mississippi Bar, General Counsel

## **Notes**

### **Registration:**

The registration fee is \$100 for Section Members and \$150 for Non-Section Members.

### **Written Materials:**

Will be provided to all registrants on the day of the seminar.

### **Cancellations:**

Cancellations made prior to the seminar will receive a refund less a \$25 administrative fee. Cancellations on the day of the seminar and “no shows” will receive no refund.

### **Questions:**

Contact Rene' Garner at The Mississippi Bar at [rgarner@msbar.org](mailto:rgarner@msbar.org) with any questions you might have.

# 2017 Healthcare Legislative Summary

## By: Conner Reeves, Mississippi State Medical Association

Legislators addressed a number of healthcare related bills during the 2017 regular session. Some are simple updates to existing law while others are significant changes to how healthcare is regulated and administered in Mississippi. Below is a summary of the bills that will become law.

### **HB 309- Physical Therapy Compact**

Similar to the Medical Licensure Compact passed in 2016, this bill allows Mississippi to join a physical therapist licensure compact with other states. The bill language is identical to what other states passed to join the compact and should aid in the licensure process for physical therapists seeking licensure between compact states

### **HB 478 – Post-Acute Brain Injury Rehab Facilities**

This bill authorizes the Department of Health to issue licenses for Post-Acute Brain Injury Rehab Facilities. Such facilities must contain no more than 12 beds providing medically directed long-term but non-acute rehabilitation to patients who have acquired brain injury. The facility must be at least 25 miles from the nearest acute care rehab hospital and at least 5 miles from the boundaries of a municipality having more than 10,000 residents.

### **HB 488 – Nursing Licensure Compact**

Similar to the PT licensure compact, this bill allows Mississippi to join a nursing licensure compact with other states. The bill language is identical to what other states passed to join the compact and should aid in the licensure process for nurses seeking licensure between Compact states.

### **HB 494 – Maternal Mortality Review Committee**

Establishes the Maternal Mortality Review Committee through the Department of Health to examine maternal deaths and establish strategies to prevent maternal deaths during childbirth. A key function to this bill would authorize the collection and analysis of demographic information on these deaths to help establish policies to impact the maternal death rate.

### **HB 926 – Health Care Collaboration Act**

This bill authorizes the University of Mississippi Medical Center to enter into joint purchasing arrangements, joint ventures and joint operating agreements with other public or private health-related organizations or for-profit or nonprofit corporations. Such arrangements are still subject to approval by the IHL Board of Trustees. The bill also provides that health care practitioners working under such agreements are covered by the Tort Claims Act.

### **HB 996 – Opioid Antagonists**

The bill allows pharmacists to administer opioid antagonists under a standing order from a physician. This allows faster access to life saving drugs for persons experiencing an opioid overdose. Drugs such as Naloxone/Narcan can be administered via a nasal spray as an emergency treatment. The bill also allows firefighters, EMTs and law enforcement officers to administer these drugs.

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## 2017 Healthcare Legislative Summary, *continued*

### **HB 1032 – Prescription Monitoring Program Registration**

Requires licensed practitioners who have an active DEA number to register with the Prescription Monitoring Program administered by the Board of Pharmacy. Practitioners include “physicians, dentists, veterinarians, or other health care providers authorized by law to diagnose and prescribe drugs.” Some licensing boards currently require PMP registration for licensees with active DEA numbers.

### **HB 1090 – Medicaid and Human Services Transparency and Fraud Prevention Act**

This bill directs the Division of Medicaid to create and utilize a service to identify in real-time an applicant’s income, assets and residence in order to reduce waste, fraud and abuse within the division’s various assistance programs. The system shall also determine if an applicant is enrolled in other public assistance programs within or outside the state. The Division is authorized to contract with third party vendors for the system and must have a service operational by July 1, 2019.

### **HB 1092 – Qualifications for Director of Medicaid**

Currently the Executive Director for Medicaid must either be (i) a physician with administrative experience in a health program, (ii) a person holding a graduate degree in medical care administration, public health, hospital admin or equivalent, or (iii) a person holding a bachelor’s degree in business admin with at least ten years’ experience in management level administration of Medicaid programs. Under the new law, a person would only need a bachelor’s degree and three years’ experience in administration or policy development of Medicaid programs. However, no person serving in the Legislature within the previous three years may serve in this role.

### **HB 1119 – Open Meetings Act**

This bill revised the Open Meetings Act to include new requirements for meetings of public bodies held via telephone or video conference. Such meetings must be held using technology that makes the deliberations of the public body available to the public. Public bodies meeting virtually must also provide the meeting agenda and minutes in a readily available format.

### **HB 1116- Notice of Special Meetings of Public Bodies**

This bill added new notice requirements for public bodies holding “special meetings”. Public bodies shall transmit via email a copy of the special meeting notice to any citizen and any publication, broadcast and digital media company with a general circulation or coverage within the public body’s jurisdiction if the person or company has requested to receive such notices. Public bodies will now have to keep a database of these persons yet are able to purge the list once every twenty-four months.

### **HB 1425 – Occupational Board Compliance Act of 2017**

In response to the US Supreme Court’s decision in North Carolina State Board of Dental Examiners vs FTC, the legislature passed this bill to provide active state supervision of occupational licensing boards consisting of active market participants. A commission chaired by the Governor and including the Attorney General and Secretary of State, or their designees, will review proposed regulations to ensure

## 2017 Healthcare Legislative Summary, *continued*

they are consistent with clearly articulated state policy and are not anticompetitive. The Commission may approve, disapprove with suggested amendment, or allow the occupational licensing board to withdraw for revision any regulation being reviewed. The Commission will not review individual disciplinary actions taken or imposed by licensing boards against any active market participant who is within the board's jurisdiction. This new system should ensure that licensing boards avoid liability under federal antitrust laws.

### **SB 2006 – Mammograms**

Requires the Department of Health to adopt regulations that specify the information to be provided to patients receiving mammogram services in the written report that is furnished by the entity performing the services. The information must be in compliance with the federal Mammography Quality Standards Act and shall be evidence-based and consistent with accepted medical standards.

### **SB 2194 – Uniform Controlled Substance Law**

This bill updates Mississippi's list of controlled substances to be in line with recent changes to the FDA regulations.

### **SB 2214 – Acupuncture Practice Act**

Eliminates the current "physician referral" requirement and authorizes licensed acupuncturists to see patients directly after the patient attests to seeing a physician within 6 months for the condition for which he or she is seeking treatment. Also allows for direct treatment for smoking cessation, weight loss and substance abuse with further guidance through regulation from the Medical Licensure Board.

### **SB 2724 – Seatbelts**

This bill requires all persons riding in the backseat of an automobile to wear a seatbelt and authorizes a \$25 fine against the driver for any violation.

### **SB 2828- EMS Licensure Compact**

Like the Nursing and PT Compact, this bill authorizes MS to enter into a compact with other states to aid in licensure of EMS personnel between Compact states.

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## Health Law Section

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We are on the  
web!

Click [here](#)

## Upcoming Events

Friday, May 5, 2017  
**Health Law Section Annual CLE Seminar**  
**"Health Care Law Updates 2017"**  
**Mississippi Bar Center in Jackson**  
Register now

Thursday, July 13, 2017  
**Health Law Section Annual Meeting**  
**Sandestin Hilton - Destin, Florida**

## Write for the Health Law Section Newsletter

The Health Law Section newsletter is now accepting articles on health law topics for publication in the newsletter. If you have an idea for an article, you may submit it to Health Law Section Newsletter Editor Conner Reeves at

[CReeves@msmaonline.com](mailto:CReeves@msmaonline.com)

Please include a short description of the article. The Health Law Section Committee will consider your proposal and will notify you of whether your proposal has been accepted. The committee reserves the right to reject proposals. Please note that when you submit your article for publication in the newsletter, you will be granting The Mississippi Bar the nonexclusive right to publish your article.

## Health Law Section 2016-2017 Executive Committee

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