

A Proclamation  
by  
Governor Ronnie Musgrove

**TO THE MEMBERS OF THE LEGISLATURE:**

By virtue of the provisions of Section 121 of the Constitution of the State of Mississippi, and in conformity with the Proclamation issued August 30, 2002, I, Ronnie Musgrove, Governor of the State of Mississippi, do herewith submit in writing the following additional matters relating exclusively to and for no other purpose than the provision of affordable and accessible healthcare for all Mississippians that is at present seriously jeopardized by the inability of many healthcare providers to obtain or afford medical malpractice insurance, for the consideration of the Legislature in the Third Extraordinary Session convening on Thursday, September 5, 2002 at 10:00 a.m., to wit:

1. An act (a) creating the Mississippi Care Access and Reliability Enhancement Act in new Sections 41-105-1 through 41-105-21, Mississippi Code of 1972 to provide for a nonprofit authority to ensure that quality, affordable healthcare will be accessible to all Mississippians, by making available to healthcare providers who agree to serve patients covered by Medicaid, Medicare, Children's Health Insurance Program and the State Health Plan medical malpractice insurance with limitations for participating healthcare providers of \$250,000 and non-participating healthcare providers of \$500,000 on their noneconomic damages in instances where there is no gross malpractice nor exceptional circumstances, to be funded from any available source, all as set forth in Exhibit A attached hereto, and (b) including certain other provisions targeted solely and specifically to civil procedures and actions affecting healthcare providers only, as follows:
  - (i) The creation of a new Section 11-11-4, Mississippi Code of 1972, to revise venue for medical malpractice actions;
  - (ii) The creation of a new Section 11-1-62, Mississippi Code of 1972, to provide indemnity to physicians who prescribe and pharmacists who dispense prescriptions of FDA approved drugs;
  - (iii) The amendment of Section 73-25-33, Mississippi Code of 1972, to revise the definition of practice of medicine ;
  - (iv) The provision of immunity from liability to physicians and nurse practitioners who provide health services at schools, and to physicians who render medical service under a special volunteer medical license, on a charitable basis;

- (v) The creation of a new Section 11-46-14, Mississippi Code of 1972, to limit joint and several liability under the Tort Claims Act when a physician is a joint tort-feasor and the amendment of Section 85-5-7, Mississippi Code of 1972, to conform thereto.
- (vi) The amendment of Section 43-11-1, Mississippi Code of 1972, to define medical records made or maintained in institutions for the aged or infirm;
- (vii) The creation of a new Section 43-11-16, Mississippi Code of 1972, to provide for confidentiality of medical records made or maintained in institutions for the aged or infirm, and to require 90-days notice of intention to sue;
- (viii) The amendment of Section 15-1-36, Mississippi Code of 1972, to revise the statute of limitations applicable to claims against nursing facilities;
- (ix) The amendment of Section 11-46-1, to revise the definition of employee under the Tort Claims Act;
- (x) The review, and amendment where necessary to promote the best interests of healthcare for all Mississippians and to ensure the reasonable, responsible provision of medical malpractice insurance to healthcare providers, of Sections 83-47-1 et seq., Mississippi Code of 1972, providing for the formation and operation of nonprofit medical liability insurance corporations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Mississippi to be affixed.

DONE in the City of Jackson, September 5, 2002, in the two hundred and twenty-sixth year of the United States of America.

RONNIE MUSGROVE  
GOVERNOR

BY THE GOVERNOR

Eric Clark, Secretary of State