

Frequently Asked Questions for Consumers

Are complaints and investigations public information?

No. Investigative records are exempt from public access pursuant to Miss. Code Ann. Sections 45-29-1 and 45-29-3 (1972). The Mississippi State Board of Medical Licensure, charged with enforcing the Mississippi Medical Practice Act, is also vested with law enforcement authority pursuant to the Mississippi Uniform Controlled Substances Law, Sections 41-29-101 et seq. Under this statute, the Board is vested with the authority to regulate and investigate legitimate drug traffic.

Can my doctor charge me for a copy of my medical records?

Yes. Mississippi Code §11-1-52, provides limitations on charges permitted for photocopying patients' records. The Mississippi State Board of Medical Licensure *Part 2635 Chapter 10: Release of Medical Records* provides the fees that a physician may charge for copying and mailing patient records. You may locate this regulation on the website under Rules, Laws & Policies, Administrative Rules.

Can my physician terminate my care?

Yes. The physician has a right to terminate the doctor/patient relationship. The physician can terminate a patient from his practice by giving reasonable notice. Patients should receive notice to seek another physician for continuation of treatment or maintenance medications. It is recommended that the physician provide 30 days notice.

Do medical records belong to the patient?

No. The medical records are the property of the physician. The physician is required by Mississippi Code §11-1-52 and Board regulations to provide a copy of the medical record upon request by the patient with an appropriate signed release.

How do I file a complaint against a doctor or hospital?

The Mississippi State Board of Medical Licensure has jurisdiction over the following professionals: Medical Doctors (M.D.), Osteopathic Doctors (D.O.), Podiatrists (D.P.M.), Physician Assistants (P.A.) and Radiology Assistants (R.A.). If your complaint concerns other professions or health facilities, you should contact the appropriate regulatory or licensing agency. Contact information and internet websites for other Mississippi State Agencies are listed on the Official State Web Site of Mississippi; <http://www.ms.gov/index.jsp>.

How do I obtain a copy of my medical records from my physician?

Patients are entitled to a copy of their medical records when requested after providing a signed release and paying the required fees for copying and mailing costs as stipulated by state law. If a physician does not comply with a patient's request for a copy of medical records, a written complaint should be submitted to the Mississippi State Board of Medical Licensure.

I am considering legal action against my physician. Will the Mississippi State Board of Medical Licensure give me a legal opinion on my case?

No. The Mississippi State Board of Medical Licensure does not give legal advice or become involved in civil litigation.

I need a doctor. Will the Mississippi Medical Board refer me to a physician?

No. The Mississippi State Board of Medical Licensure does not give referrals. You may call your local hospital or your insurance company for a referral.

My doctor has a public record. Does this mean the Mississippi State Board of Medical Licensure considers my doctor a "bad" doctor?

Public record means that there is a public document concerning the licensee. This could be a consent order with certain terms and conditions placed on the medical license of the licensee, a notice that the Board intended to hold a hearing, or a Board document. The existence of a public record does

not necessarily mean the licensee was disciplined by the Medical Board or that the licensee, if disciplined, is currently under any type of restriction or probation.

A copy of any public record can be obtained by submitting a Request for Public Records form found at www.msbml.ms.gov.

Review the public documents carefully. The most recent order will indicate the Board's latest action. It could also be something that is in the past and the terms and conditions have been fulfilled. For example, the Board may have required a doctor or podiatrist, physician assistant or radiological assistant to obtain more training as a "condition of licensure" in the State of Mississippi. This does not mean this doctor or other health care professional was sanctioned by the Medical Board. The doctor or practitioner contractually agreed to meet specific conditions in order to become licensed in the state of Mississippi.

My doctor was ill-mannered and ugly to me, What should I do?

There is no state law or Board regulation which requires a Licensee to be kind and understanding to their patients. You should seek the services of a physician in whom you can establish a satisfactory doctor-patient relationship.

My insurance company won't pay the bill and now the doctor is billing me! Can the Medical Board stop the doctor from billing me or sending my account to a collection agency?

No. We do not have jurisdiction over billing or insurance disputes.

What are the duties and responsibilities of the Mississippi State Board of Medical Licensure?

The Mississippi State Board of Medical Licensure has the following powers and responsibilities pursuant to MS Code §73-43-11:

- Setting policies and professional standards regarding the medical practice of physicians, osteopaths, podiatrists, physician assistants and radiological assistants;
- Consider applications for licensure and collaborative practice arrangements;
- Set policies and establish certain professional standards regarding the practice of medicine;
- Investigate alleged violations of the Medical Practice Act;
- Conduct hearings;
- Consider petitions; and
- Promulgate and publish rules and regulations.

What type of complaints fall within the Board's jurisdiction?

Unprofessional conduct which may endanger the public includes but is not limited to, assisting an unlicensed person to practice medicine, flamboyant claims concerning professional excellence, personal compensation on claims of cure generally considered incurable, patient abandonment, crossing the boundary of the doctor/patient relationship, refusal to comply with requests for copying of medical records, prescribing, administering or dispensing of a drug or treatment; diverting of drugs having addiction-forming and addiction-sustaining liability, prescribing medication that is not in the course of legitimate professional practice, influencing patients to a supplier or pharmacy in which he/she has financial interest in and the inability to practice medicine by reason of mental or physical impairment (alcohol or chemical abuse, mental or physical condition).

What is the difference between a D.O and an M.D.? Does Mississippi differentiate in the type of license granted to a D.O. and an M.D.?

The Mississippi State Board of Medical Licensure licenses physicians who are either Medical Doctors (M.D.s) or Doctors of Osteopathy (D.O.s). Osteopathic doctors are equal to medical doctors. The osteopathic philosophy is a holistic approach of medicine in treating the whole person and is applied to the prevention, diagnosis and treatment of illness, disease and injury. The Medical Board issues the same type of medical license to both.