

Mississippi Secretary of State
700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME MS State Department of Health		CONTACT PERSON Paul E. Byers, MD	TELEPHONE NUMBER 6015767725	
ADDRESS PO Box 1700		CITY Jackson	STATE MS	ZIP 39215
EMAIL paul.byers@msdh.state.ms.us	SUBMIT DATE 9/10/2010	Name or number of rule(s): Rules and Regulations Governing Reportable Disease and Conditions		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: _____

Changes to the Sub-Part 118, Section 118.01 Paragraph 10 adding verbage to reflect refernecing Pargraph 11.

Add Paragraph 11 to Section 118.01 to include a fee schedule for the dissemination of Health Care Data collected by the MSDH and in accordance with the Data Use Council's Principles and Protocol for the Release of Health Care Data.

Specific legal authority authorizing the promulgation of rule: Miss. Code of 1972 Ann. 41-63-4 (13)

List all rules repealed, amended, or suspended by the proposed rule: Rules and Regulations Governing Reportable Disease and Conditions--Sub-Part 118

ORAL PROCEEDING:

- An oral proceeding is scheduled for this rule on Date: 10/4/2010 Time: 4:00 p.m. Place: MSDH
- Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

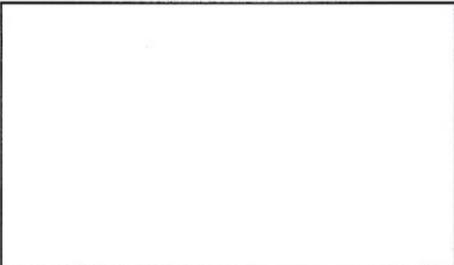
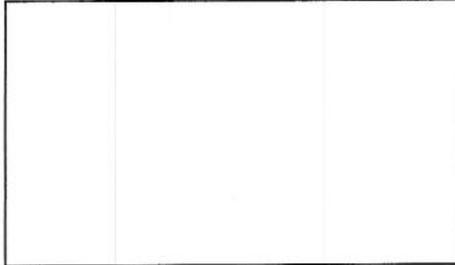
ECONOMIC IMPACT STATEMENT:

- Economic impact statement not required for this rule. Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
<input type="checkbox"/> Original filing <input type="checkbox"/> Renewal of effectiveness To be in effect in _____ days Effective date: <input type="checkbox"/> Immediately upon filing <input type="checkbox"/> Other (specify): _____	Action proposed: <input type="checkbox"/> New rule(s) <input checked="" type="checkbox"/> Amendment to existing rule(s) <input type="checkbox"/> Repeal of existing rule(s) <input type="checkbox"/> Adoption by reference Proposed final effective date: <input checked="" type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____	Date Proposed Rule Filed: _____ Action taken: <input type="checkbox"/> Adopted with no changes in text <input type="checkbox"/> Adopted with changes <input type="checkbox"/> Adopted by reference <input type="checkbox"/> Withdrawn <input type="checkbox"/> Repeal adopted as proposed Effective date: <input type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____

Printed name and Title of person authorized to file rules: Paul Byers, MD

Signature of person authorized to file rules: *Paul Byers*

OFFICIAL FILING STAMP  Accepted for filing by _____	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP  Accepted for filing by <u><i>AF</i></u>	OFFICIAL FILING STAMP  Accepted for filing by _____
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The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

**CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT
STATE OF MISSISSIPPI
MISSISSIPPI STATE BOARD OF HEALTH
MISSISSIPPI STATE DEPARTMENT OF HEALTH**

MS State Department of Health
c/o _____
P. O. Box 1700
Jackson, MS 39215-1700

Telephone Number
601-576-7725

Email Address

Specific Legal Authority Authorizing the promulgation
of Rule: § 41-63-4 (13)

Reference to Rules repealed, amended or suspended by
the Proposed Rule:
Rules and Regulations Governing Reportable Diseases and
Conditions Sub-Part 118

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Law. This is a Concise Summary of the Economic Impact Statement which must be filed with the Notice of Proposed Rule Adoption in the Secretary of State's Office. The full text of the Economic Impact Statement may be obtained from the agency contact person at the above address.

Persons may present their views by submitting written comments on the proposed rule adoption to the agency contact person at the above address. Additional information on where, when and how persons may present their views or demand an oral proceeding on the proposed rule are included in the Notice of Proposed Rule Adoption to which this is attached.

- a. Description of the need for and the benefits of the proposed rule: Mississippi's Health Care Data System operates under an unfunded legislative mandate. Making public data sets available, the potential revenue from sales of these data to consulting firms, health care providers, or health information management vendors can be significant, while providing the private sector with valuable information, such as market share reports and patient origin reports so important to hospital strategic planning activities. The core information technology and workforce infrastructure must be funded and at a sufficient level to establish and maintain the essential functions of planning, data collection, data management, analysis, and dissemination.
- b. Cost estimate to the agency and other state or local government entities: Costs estimates for the planning, establishment, and ongoing operations of a statewide health data program will vary, depending on various factors. The overall data volume is estimated to exceed 2,000,000 admissions and/or visits annually. Using the 2009 estimates, the annual cost to maintain the system is approximately \$600,000. There is no known cost to local government entities at this time.
- c. Estimate of the cost or economic benefit to all persons: National health care data purchases have shown that the data are useful for understanding hospital utilization patterns, length of stay, re-admissions to hospitals, and pricing. Large state purchasers, including Medicaid programs and state employee purchasing groups have utilized state data to examine differences in utilization across their state.
- d. Analysis of the impact on small business: By having the comparative information about the cost of episodes of care affords the potential to negotiate discounts thus potentially reducing the cost of health care for the small business employer.
- e. Comparison of the costs and benefits of the proposed rule to the probable costs and benefits of not adopting the rule: Failure to adopt the rule will affect how discharge data are used for economic and market applications, ranging from hospital strategic planning to the development of proprietary tools that generate information for purchasers, providers, and consumers.
- f. Determination as to whether less costly or less intrusive methods exist to achieve the purpose of the rule: There is no other method available other than receiving legislative funding for the entire system.
- g. Description of reasonable alternative methods and reasons for rejection of the alternative methods: There are no reasonable alternative methods currently available as the system was developed using one time federal funding. The key to a stable statewide health data program is a stable source of ongoing funding.
- h. Data and methodology in making the estimates in the economic impact statement: Information supplied is based on the recommendations made by the National Association of Health Data Organizations (NADHO) in their report titled: Options for a Statewide Health Data Reporting System in Mississippi (November 2007). Additionally, the Data Use Council explored other states data systems' fees and made adjustments to the cost estimates using 2009 data reporting estimates.

Date Rule Proposed: 9/10/10

Proposed Effective Date of Rule: 10/13/10

Paul Byers MS
Signature and Title of Person Submitting Rule for Filing

SOS FORM APA 004
Effective Date 07/29/2005