



August 17, 2021

Jenny Pittman
Mississippi State Hospital
3550 MS-468
Pearl, MS 39208

**RE: RECORDS REQUEST - PURSUANT TO PROTECTION AND ADVOCACY FOR
INDIVIDUALS WITH MENTAL ILLNESS¹ ("PAIMI")**

Ms. Pittman:

Disability Rights Mississippi ("DRMS"), by and through this correspondence, is requesting to receive incident reports from Mississippi State Hospital for the last thirty (30) days and on a regular, scheduled basis moving forward.

Pursuant to 42 U.S.C. § 10801(b)(2)(B), DRMS has the authority to investigate abuse and neglect in any setting where a person with mental illness receives services. With this authority, we may access and monitor both facilities and records to ensure that people's rights are protected, this includes reports, summaries, or other documents which describe incidents that occur in this facility. DRMS' access to public and private service providers, programs in the state, and to all areas of the service provider's premises that are used by individuals with disabilities or are accessible to them will be provided without advance notice and made available immediately upon request.

Further, DRMS has access to a wide range of records as part of its investigatory authority. The PAIMI Act defines records to which the P&A must have access to as information and individual records, whether written or in another medium (draft or final), including handwritten notes, electronic files, photographs, or video/audio records including but not limited to:

- (1) Information and individual records, obtained in the course of intake, assessment, evaluation, supportive and other services, including medical records, financial records, and reports prepared or received by a member of the staff of a facility and/or program rendering care and treatment. This includes records stored or maintained in locations other than the facility or program as long as the system as obtained appropriate consent consistent with Section 105(a)(4) of the PAIMI Act.
- (2) Reports prepared by an agency charged with investigating abuse/neglect, or injury occurring at a facility rendering care or treatment, or by or for the facility itself, that described any or

¹ 42 C.F.R. § 51.42(c)(2)

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601-968-0600
www.drms.r

Exhibit A

all of the following: abuse/neglect/ injury occurring at the facility, steps taken to investigate the incidents, reports/records (including personnel) records, prepared or maintained by the facility, and/or supporting information that was relied upon in creating a report, including all information and records used or reviewed in preparing reports of abuse, neglect, or injury such as records which describe persons who were interviewed, physical and documentary evidence that was reviewed, and the related investigative findings.

- (3) Discharge planning records
- (4) Reports prepared by individuals and entities performing certification or licensure reviews or by professional accreditation organizations, as well as related assessments prepared for the facility by its staff, contractors, or related entities
- (5) Professional, performance, building, or other safety standards, demographic, and statistical information relating to facility
- (6) Reasonable access to interview and examine all relevant records of any facility service recipient consistent with Section 10805(a)(4) of the Act or employee
- (7) Inspect and copy records, subject to a reasonable charge

Please provide DRMS with copies of the requested documentation within three (3) business days upon receipt of this written notice. We would also ask that you work with the Advocate who regularly monitors this facility to determine a schedule for receiving this documentation on a scheduled basis moving forward.

If DRMS's access to these records is delayed or denied, Mississippi State Hospital must promptly provide a written statement, outlining the reasons for such denial or delay immediately. Please do not hesitate to contact me if you have any questions regarding this notice. I can be reached at (601) 968-0600 (ext. 247) or email at gmartin@drms.ms.

Sincerely,



Greta Kemp Martin
Litigation Director

Cc: Bo Chastain