



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

May 14, 2021

Kathryn R. Gilchrist, Esq.
Attorney for Magnolia Regional Medical Center
609 Steed Road
Ridgeland, Mississippi 39157

Re: Service area of community hospital

Dear Ms. Gilchrist:

The Office of the Attorney General has received your request for an official opinion.

Question Presented

Can a community hospital provide services outside of Mississippi, so long as it operates within its “service area”?

Brief Response

Yes. A community hospital may provide authorized services within the hospital’s “service area,” which “may include areas outside of the State of Mississippi.”

Applicable Law and Discussion

Mississippi Code Annotated Sections 41-13-10 through 41-13-47 govern community hospitals. Section 41-13-10 provides, in part:

For purposes of Sections 41-13-10 through 41-13-47, the following words shall have the meanings ascribed herein, unless the context otherwise requires:

...

(f) “Service area” means that area in which a community hospital may provide services and perform the activities in Section 41-13-35(5), as determined by a board of trustees by its patient origin studies, *and may include areas outside of the State of Mississippi.*

Miss. Code Ann. § 41-13-10 (emphasis added).

As your request notes, our office has previously been asked to opine as to whether a community hospital could operate in another state, so long as it operates within its “service area.” MS AG Op., *Philips* (Feb. 18, 2011). There, we found that a community hospital could not operate in another state because the community hospital enabling legislation did not allow for such operation. While *Philips* is a correct interpretation of the law as it existed in 2011, Section 41-13-10(f)—the definition of “service area”—was amended during the 2019 Regular Legislative Session to specifically state that a community hospital’s authorized service area “may include areas outside of the State of Mississippi.” S.B. 2892, Reg. Sess. (Miss. 2019).¹

Based on a plain reading of Section 41-13-10(f), as currently written, a community hospital’s service area may include areas outside the State. Therefore, so long as the hospital is performing services that it is otherwise authorized to perform, it may do so outside the State of Mississippi, providing such location is within the hospital’s service area.²

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: /s/ Phil Carter

Phil Carter
Special Assistant Attorney General

OFFICIAL OPINION

¹ Our *Philips* opinion is modified to the extent that it is inconsistent with current law and this opinion.

² This opinion is limited to an interpretation of the term “service area,” as was amended during the 2019 Regular Legislative Session. We offer no opinion on the applicability of any other state or federal laws to a Mississippi community hospital operating in another state.