

By: Senator(s) Bean

To: Judiciary; Public
Health and Welfare

SENATE BILL NO. 2141

1 AN ACT TO AMEND SECTIONS 93-11-151, 93-11-153, 93-11-155,
2 93-11-157, 93-11-159 AND 93-11-163, MISSISSIPPI CODE OF 1972, TO
3 REQUIRE THE SUSPENSION OF ALL STATE-ISSUED LICENSES, PERMITS OR
4 REGISTRATIONS FOR ANY CUSTODIAL PARENT WHO IS NOT IN COMPLIANCE
5 WITH A COURT ORDER FOR CHILD VISITATION, TO PROVIDE THAT IF THE
6 DEPARTMENT OF HUMAN SERVICES DETERMINES THAT A LICENSEE IS OUT OF
7 COMPLIANCE WITH A CHILD VISITATION ORDER PURSUANT TO A
8 COURT-ISSUED CONTEMPT CITATION, THE DEPARTMENT SHALL NOTIFY THE
9 LICENSING ENTITY TO SUSPEND THE LICENSEE'S LICENSE IF THE LICENSEE
10 DOES ENTER AN AGREEMENT ESTABLISHING VISITATION AND MAKE-UP
11 VISITATION WITHIN 90 DAYS, TO PROVIDE THAT THE LICENSING ENTITY
12 SHALL IMMEDIATELY SUSPEND THE LICENSEE'S LICENSE IN SUCH CASES, TO
13 AUTHORIZE THE LICENSEE TO APPEAL THE SUSPENSION TO THE CHANCERY
14 COURT, TO PROVIDE PROCEDURES FOR REINSTATEMENT, AND TO PROVIDE
15 THAT THE LICENSING ENTITY SHALL IMMEDIATELY SUSPEND THE LICENSEE'S
16 LICENSE UPON ORDER OF THE COURT WHERE THE ORDER FOR VISITATION IS
17 NOT BEING ENFORCED BY THE DEPARTMENT OF HUMAN SERVICES; TO AMEND
18 SECTIONS 27-15-205, 37-3-2, 49-7-27, 63-1-46, 63-1-51, 63-1-83,
19 67-1-37, 67-1-71, 67-3-29, 73-1-29, 73-1-33, 73-2-16, 73-3-321,
20 73-3-327, 73-3-335, 73-3-337, 73-4-19, 73-4-25, 73-5-25, 73-6-19,
21 73-7-27, 73-9-61, 73-9-65, 73-10-21, 73-11-57, 73-13-37, 73-14-35,
22 73-15-29, 73-15-31, 73-17-15, 73-19-23, 73-19-43, 73-21-97,
23 73-21-103, 73-23-59, 73-23-64, 73-24-25, 73-24-27, 73-25-27,
24 73-25-29, 73-25-32, 73-27-13, 73-27-16, 73-29-31, 73-30-21,
25 73-31-21, 73-33-11, 73-34-35, 73-35-21, 73-36-33, 73-38-27,
26 73-38-29, 73-39-19, 73-39-20, 73-39-27, 73-41-7, 73-53-17,
27 73-53-23, 73-55-19, 73-57-31, 73-59-13, 83-17-213, 83-17-215,
28 83-17-221, 83-18-3 AND 83-39-15, MISSISSIPPI CODE OF 1972, TO
29 CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

30 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

31 SECTION 1. Section 93-11-151, Mississippi Code of 1972, is
32 amended as follows:

33 93-11-151. In addition to other requirements necessary for
34 holding a license, an individual who is subject to (a) an order to
35 pay child support; or (b) an order to provide child visitation,
36 also is subject to the provisions of Sections 93-11-151 through
37 93-11-163.

38 SECTION 2. Section 93-11-153, Mississippi Code of 1972, is
39 amended as follows:

40 93-11-153. As used in Sections 93-11-151 through 93-11-163,

41 the following words and terms shall have the meanings ascribed
42 herein:

43 (a) "Licensing entity" or "entity" means any entity
44 specified in Title 73, Professions and Vocations, of the
45 Mississippi Code, and includes the Mississippi Department of
46 Public Safety with respect to driver's licenses, the Mississippi
47 State Tax Commission with respect to licenses for the sale of
48 alcoholic beverages and other licenses or registration authorizing
49 a person to engage in a business, the Mississippi Department of
50 Wildlife, Fisheries and Parks with respect to hunting and fishing
51 licenses, and any other state agency that issues a license
52 authorizing a person to engage in a business, occupation or
53 profession. For the purposes of this article, the Supreme Court
54 shall be considered to be the licensing entity for attorneys.

55 (b) "License" means a license, certificate, permit,
56 credential, registration, or any other authorization issued by a
57 licensing entity that allows a person to engage in a business,
58 occupation or profession, to operate a motor vehicle, to sell
59 alcoholic beverages, or to hunt and fish.

60 (c) "Licensee" means any person holding a license
61 issued by a licensing entity.

62 (d) "Order for support" means any judgment or order
63 that provides for periodic payments of funds for the support of a
64 child, whether it is temporary or final, and includes, but is not
65 limited to, an order for reimbursement for public assistance or an
66 order for making periodic payments on a support arrearage.

67 (e) "Out of compliance with an order for support" means
68 that the obligor has been found by a court of competent
69 jurisdiction to be in contempt of an order for support and is more
70 than two (2) months in arrears or delinquent in making payments in
71 full for current support, or in making periodic payments on a
72 support arrearage.

73

74 (f) "Order for visitation" means any judgment or order

75 that entitles the noncustodial parent to visitation with a minor
76 child, whether it is temporary or final.

77 (g) "Out of compliance with an order for visitation"
78 means that the custodial parent has been found by a court of
79 competent jurisdiction to be in contempt of an order for
80 visitation by wrongfully denying the noncustodial parent
81 visitation with a minor child for more than two (2) months.

82 (h) "Department" means the Mississippi Department of
83 Human Services.

84 (i) "Division" means the division within the department
85 that is charged with the state administration of Title IV-D of the
86 Social Security Act.

87 SECTION 3. Section 93-11-155, Mississippi Code of 1972, is
88 amended as follows:

89 93-11-155. (1) In the manner and form prescribed by the
90 division, all licensing entities shall provide to the division, on
91 at least a quarterly basis, information on licensees for use in
92 the establishment, enforcement and collection of either (a) child
93 support obligations, or (b) orders for visitation, including, but
94 not limited to: name, address, Social Security number, sex, date
95 of birth, employer's name and address, type of license, effective
96 date of the license, expiration date of the license, and active or
97 inactive license status. Whenever technologically feasible, the
98 department and licensing entities shall seek to reach agreements
99 to provide the information required by this section by way of
100 electronic data media, including, but not limited to, on-line
101 access and records on magnetic/optical disk or tape. In lieu of
102 providing the licensing information to the division as outlined
103 above and in the discretion of the licensing entity, the division
104 shall provide the identity of the individual who is delinquent in
105 support payments to the licensing entity who will then match that
106 information with their records and provide the division with all
107 necessary information for those individuals licensed by that
108 entity.

109 (2) Any licensed attorney may submit to the division the
110 name and order of contempt of an individual who is out of
111 compliance with an order either for visitation or for support
112 which is not being enforced by the division under Title IV-D, and
113 the division shall submit the name of such individual to the
114 licensing entities who will match the name with their records in
115 the same manner as provided in subsection (1) to provide the
116 attorney with necessary information regarding licensees. The
117 attorney applying for such information shall pay a fee not to
118 exceed Twenty-five Dollars (\$25.00) for such service.

119 SECTION 4. Section 93-11-157, Mississippi Code of 1972, is
120 amended as follows:

121 93-11-157. (1) The division shall review the information
122 received under Section 93-11-155 and any other information
123 available to the division, and shall determine if a licensee is
124 out of compliance with an order for support or an order for
125 visitation. If a licensee is out of compliance with an order for
126 support or an order for visitation, the division shall notify the
127 licensee by First Class Mail that ninety (90) days after the
128 licensee receives the notice of being out of compliance with the
129 order, the licensing entity will be notified to immediately
130 suspend the licensee's license unless (a) in the case of a
131 licensee who is the noncustodial parent, the licensee pays the
132 arrearage owing under the contempt order or enters into a
133 stipulated agreement and agreed judgment establishing a schedule
134 for the payment of the arrearage; or (b) in the case of a licensee
135 who is the custodial parent, the licensee enters into an agreed
136 judgment establishing a schedule for ongoing visitation and
137 make-up visitation to take the place of wrongfully denied
138 parenting time. The licensee shall be presumed to have received
139 the notice five (5) days after it is deposited in the mail.

140 (2) Upon receiving the notice provided for in subsection (1)
141 of this section the licensee may:

142 (a) Request a review with the division; however, the

143 issues the licensee may raise at the review are limited to (i)
144 whether the licensee is the person required to pay under the order
145 for support; (ii) whether the licensee is out of compliance with
146 the order for support; (iii) whether the licensee is the person
147 required to provide child visitation under the order for
148 visitation; or (iv) whether the licensee is out of compliance with
149 the order for visitation; or

150 (b) Request to participate in negotiations with the
151 division for the purpose of establishing a payment schedule for
152 the arrearage or a schedule for ongoing visitation and make-up
153 visitation.

154 (3) The division director or the designees of the division
155 director may and, upon request of a licensee, shall negotiate with
156 a licensee to establish a payment schedule for the arrearage or a
157 schedule for ongoing visitation and make-up visitation, as the
158 case may be. Payments made under the payment schedule shall be in
159 addition to the licensee's ongoing obligation under the latest
160 entered periodic order for support.

161 (4) Should the division and the licensee reach an agreement
162 on a payment schedule for the arrearage or a schedule for
163 visitation, as the case may be, the division director shall submit
164 to the court the stipulated agreement and agreed judgment
165 containing the payment schedule or visitation schedule, which,
166 upon the court's approval, is enforceable as any order of the
167 court. If the court does not approve the stipulated agreement and
168 agreed judgment, the court may require a hearing on a case-by-case
169 basis for the judicial review of the payment schedule agreement or
170 visitation schedule agreement.

171 (5) If the licensee and the division do not reach an
172 agreement on a payment schedule for the arrearage or a visitation
173 schedule, the licensee may move the court to establish a payment
174 or visitation schedule. However, this action does not stay the
175 license suspension.

176 (6) The notice given to a licensee that the licensee's

177 license will be suspended in ninety (90) days must clearly state
178 the remedies and procedures that are available to a licensee under
179 this section.

180 (7) If at the end of the ninety (90) days the licensee has
181 an arrearage owing under the contempt order for support and the
182 licensee has not entered into a stipulated agreement and agreed
183 judgment establishing a payment schedule for the arrearage, or is
184 out of compliance with an order for visitation and the licensee
185 has not entered into a stipulated agreement and agreed judgment
186 establishing a schedule for ongoing visitation and make-up
187 visitation, as the case may be, the division shall immediately
188 notify all applicable licensing entities in writing to suspend the
189 licensee's license, and the licensing entities shall immediately
190 suspend the license and shall within three (3) business days
191 notify the licensee and the licensee's employer, where known, of
192 the license suspension and the date of such suspension by
193 certified mail return receipt requested. A licensing entity shall
194 immediately reinstate the suspended license upon the division's
195 notification of the licensing entities in writing that the
196 licensee no longer has an arrearage, is in compliance with the
197 order for visitation or that the licensee has entered into a
198 stipulated agreement and agreed judgment.

199 (8) Within thirty (30) days after a licensing entity
200 suspends the licensee's license at the direction of the division
201 under subsection (7) of this section, the licensee may appeal the
202 license suspension to the chancery court of the county in which
203 the licensee resides or to the Chancery Court of the First
204 Judicial District of Hinds County, Mississippi, upon giving bond
205 with sufficient sureties in the amount of Two Hundred Dollars
206 (\$200.00), approved by the clerk of the chancery court and
207 conditioned to pay any costs that may be adjudged against the
208 licensee. Notice of appeal shall be filed in the office of the
209 clerk of the chancery court. If there is an appeal, the appeal
210 may, in the discretion of and on motion to the chancery court, act

211 as a supersedeas of the license suspension. The department shall
212 be the appellee in the appeal, and the licensing entity shall not
213 be a party in the appeal. The chancery court shall dispose of the
214 appeal and enter its decision within thirty (30) days of the
215 filing of the appeal. The hearing on the appeal may, in the
216 discretion of the chancellor, be tried in vacation. The decision
217 of the chancery court may be appealed to the Supreme Court in the
218 manner provided by the rules of the Supreme Court. In the
219 discretion of and on motion to the chancery court, no person shall
220 be allowed to practice any business, occupation or profession or
221 take any other action under the authority of any license the
222 suspension of which has been affirmed by the chancery court while
223 an appeal to the Supreme Court from the decision of the chancery
224 court is pending.

225 (9) If a licensee who has entered a stipulated agreement and
226 agreed judgment for the payment of an arrearage under this section
227 subsequently is out of compliance with an order for support, or
228 has entered a stipulated agreement and agreed judgment for
229 visitation under this section and subsequently is out of
230 compliance with an order for visitation, the division shall
231 immediately notify the licensing entity to suspend the licensee's
232 license, and the licensing entity shall immediately suspend the
233 license without a hearing and shall within three (3) business days
234 notify the licensee in writing of the license suspension. In the
235 case of a license suspension under the provisions of this
236 subsection, the procedures provided for under subsections (1) and
237 (2) of this section are not required; however, the appeal
238 provisions of subsection (8) of this section still apply. After
239 suspension of the license, if the licensee subsequently enters
240 into a stipulated agreement and agreed judgment or the licensee
241 otherwise informs the division of compliance with the order for
242 support or visitation, as the case may be, the division shall
243 within seven (7) days notify in writing the licensing entity that
244 the licensee is in compliance. Upon receipt of that notice from

245 the division, a licensing entity shall immediately reinstate the
246 license of the licensee and shall within three (3) business days
247 notify the licensee of the reinstatement.

248 (10) Nothing in this section prohibits a licensee from
249 filing a motion for the modification of an order for support or
250 visitation or for any other applicable relief. However, no such
251 action shall stay the license suspension procedure, except as may
252 be allowed under subsection (8) of this section.

253 (11) If a license is suspended under the provisions of this
254 section, the licensing entity is not required to refund any fees
255 paid by a licensee in connection with obtaining or renewing a
256 license.

257 (12) The requirement of a licensing entity to suspend a
258 license under this section does not affect the power of the
259 licensing entity to deny, suspend, revoke or terminate a license
260 for any other reason.

261 (13) The procedure for suspension of a license for being out
262 of compliance with an order for support or visitation, and the
263 procedure for the reissuance or reinstatement of a license
264 suspended for that purpose, shall be governed by this section and
265 not by the general licensing and disciplinary provisions
266 applicable to a licensing entity. Actions taken by a licensing
267 entity in suspending a license when required by this section are
268 not actions from which an appeal may be taken under the general
269 licensing and disciplinary provisions applicable to the licensing
270 entity. Any appeal of a license suspension that is required by
271 this section shall be taken in accordance with the appeal
272 procedure specified in subsection (8) of this section rather than
273 any procedure specified in the general licensing and disciplinary
274 provisions applicable to the licensing entity. If there is any
275 conflict between any provision of this section and any provision
276 of the general licensing and disciplinary provisions applicable to
277 a licensing entity, the provisions of this section shall control.

278 (14) No license shall be suspended under this section for

279 being out of compliance with an order for support until ninety
280 (90) days after July 1, 1996. This ninety-day period shall be a
281 one-time amnesty period in which any person who may be subject to
282 license suspension under this article may comply with an order of
283 support in order to avoid the suspension of any license. No
284 license shall be suspended under this section for being out of
285 compliance with an order for visitation until ninety (90) days
286 after July 1, 1999. This ninety-day period shall be a one-time
287 amnesty period in which any person who may be subject to license
288 suspension under this article may comply with an order for
289 visitation in order to avoid the suspension of any license.

290 SECTION 5. Section 93-11-159, Mississippi Code of 1972, is
291 amended as follows:

292 93-11-159. The department may enter into interagency
293 agreements with the appropriate licensing entities necessary to
294 implement Sections 93-11-151 through 93-11-161. Where possible,
295 those agreements shall provide for the licensing entities to
296 receive federal funds recoverable under federal law and
297 regulations for the cost of implementing Sections 93-11-151
298 through 93-11-161. The nonfederal share of the cost of
299 administering Sections 93-11-151 through 93-11-161 shall be paid
300 by each licensing entity from funds generated by and appropriated
301 to that entity. The licensing entities subject to Sections
302 93-11-151 through 93-11-161 may establish an additional
303 administrative fee not to exceed Twenty-five Dollars (\$25.00) to
304 be paid by licensees who are out of compliance with an order of
305 support or an order for visitation and who are subject to the
306 provisions of Sections 93-11-151 through 93-11-161 for the purpose
307 of recovering costs of the licensing entities associated with the
308 implementation of Sections 93-11-151 through 93-11-161.

309 SECTION 6. Section 93-11-163, Mississippi Code of 1972, is
310 amended as follows:

311 93-11-163. In addition to the procedures in Section
312 93-11-157, the court may, upon a finding that a defendant is in

313 contempt for being out of compliance with an order for support or
314 an order for visitation, order the licensing entity as defined in
315 Section 93-11-153(a) to suspend the license of the defendant. In
316 its discretion, the court may stay such an order for a reasonable
317 time to allow the defendant to purge himself of the contempt. If
318 a license is suspended under this section, the court may also
319 order the licensing entity to reinstate the license when it is
320 satisfied that the defendant has purged himself of contempt.
321 Licensing entities shall treat a suspension under this section the
322 same as a suspension under Section 93-11-157. Defendants whose
323 license is suspended under this section shall be subject to any
324 administrative fees established for reinstatement under Section
325 93-11-159.

326 SECTION 7. Section 27-15-205, Mississippi Code of 1972, is
327 amended as follows:

328 27-15-205. Upon the receipt of the application herein
329 required, and payment of the amount shown thereby to be due for
330 the privilege to be exercised, the officer to whom said
331 application is made shall determine if the application is in
332 proper form, and if the correct amount be tendered, and may
333 require the applicant to furnish such other and further
334 information as in his opinion is necessary to ascertain the
335 correct amount of tax due. When the correct amount of the tax has
336 been so ascertained, the said officer shall issue to the applicant
337 taxpayer a privilege license according to such application, and
338 shall date the same as of the first day of the month of its
339 issuance. The officer issuing the license shall countersign the
340 same when issued by him, and he shall enter the same in the
341 register prescribed by law therefor. The license issued by
342 collectors as herein provided shall be executed in duplicate, the
343 original shall be delivered to the licensee by the officer, and
344 the duplicate shall be attached to the application therefor, and
345 preserved by the officer as a public record.

346 If, however, such officer, shall, before issuing the said

347 license, or at any time thereafter, have reason to believe that
348 the statements of the business contained in the application are
349 incorrect or false in any material particular, the said officer
350 shall duly notify the applicant wherein the supposed discrepancy
351 lies, and he is hereby empowered to require the applicant to
352 render such other information as will enable him to determine the
353 proper tax due. After making such determination of the proper tax
354 due, if the license has not been issued, such officer shall
355 forthwith proceed to collect the amount of tax due; and if the
356 license shall have been issued under the original application, he
357 shall collect the difference between the sum shown to be properly
358 due, and the sum paid with the original application, and shall
359 issue an additional license therefor which shall expire at the
360 same time as the original. If the additional tax is paid within
361 thirty (30) days after the determination by the office of the
362 proper amount due, no penalty shall be applied. If the taxpayer
363 shall willfully fail or refuse to furnish the information
364 requested by such officer, he shall be liable for damages as in
365 other cases of payment of an insufficient privilege tax, and may
366 be proceeded against civilly or criminally as otherwise provided
367 herein, and shall suffer the penalties provided herein therefor.

368 The license issued pursuant to this section shall be good,
369 usable, and valid for one (1) year after the date thereof, or for
370 such other period as is fixed by law for the privilege, which
371 period shall be so designated in the license. All statewide
372 licenses shall be issued for a period no longer than one (1) year.

373 The officer issuing the license shall be authorized to
374 suspend any license issued to any person pursuant to this section
375 for being out of compliance with an order for support or an order
376 for visitation, as defined in Section 93-11-153. The procedure
377 for suspension of a license for being out of compliance with an
378 order for support or an order for visitation, and the procedure
379 for the reissuance or reinstatement of a license suspended for
380 that purpose, and the payment of any fees for the reissuance or

381 reinstatement of a license suspended for that purpose, shall be
382 governed by Section 93-11-157 or 93-11-163, as the case may be.
383 If there is any conflict between any provision of Section
384 93-11-157 or 93-11-163 and any provision of this chapter, the
385 provisions of Section 93-11-157 or 93-11-163, as the case may be,
386 shall control.

387 SECTION 8. Section 37-3-2, Mississippi Code of 1972, is
388 amended as follows:

389 37-3-2. (1) There is hereby established within the State
390 Department of Education the Commission on Teacher and
391 Administrator Education, Certification and Licensure and
392 Development. It shall be the purpose and duty of the commission
393 to make recommendations to the State Board of Education regarding
394 standards for the certification and licensure and continuing
395 professional development of those who teach or perform tasks of an
396 educational nature in the public schools of Mississippi.

397 (2) The commission shall be composed of fifteen (15)
398 qualified members. The membership of the commission shall be
399 composed of the following members to be appointed three (3) from
400 each congressional district: four (4) classroom teachers; three
401 (3) school administrators; one (1) representative of schools of
402 education of institutions of higher learning located within the
403 state to be recommended by the Board of Trustees of State
404 Institutions of Higher Learning; one (1) representative from the
405 schools of education of independent institutions of higher
406 learning to be recommended by the Board of the Mississippi
407 Association of Independent Colleges; one (1) representative from
408 public community and junior colleges located within the state to
409 be recommended by the State Board for Community and Junior
410 Colleges; one (1) local school board member; and four (4) lay
411 persons. All appointments shall be made by the State Board of
412 Education after consultation with the State Superintendent of
413 Public Education. The first appointments by the State Board of
414 Education shall be made as follows: five (5) members shall be

415 appointed for a term of one (1) year; five (5) members shall be
416 appointed for a term of two (2) years; and five (5) members shall
417 be appointed for a term of three (3) years. Thereafter, all
418 members shall be appointed for a term of four (4) years.

419 (3) The State Board of Education when making appointments
420 shall designate a chairman. The commission shall meet at least
421 once every two (2) months or more often if needed. Members of the
422 commission shall be compensated at a rate of per diem as
423 authorized by Section 25-3-69 and be reimbursed for actual and
424 necessary expenses as authorized by Section 25-3-41.

425 (4) An appropriate staff member of the State Department of
426 Education shall be designated and assigned by the State
427 Superintendent of Public Education to serve as executive secretary
428 and coordinator for the commission. No less than two (2) other
429 appropriate staff members of the State Department of Education
430 shall be designated and assigned by the State Superintendent of
431 Public Education to serve on the staff of the commission.

432 (5) It shall be the duty of the commission to:

433 (a) Set standards and criteria, subject to the approval
434 of the State Board of Education, for all educator preparation
435 programs in the state;

436 (b) Recommend to the State Board of Education each year
437 approval or disapproval of each educator preparation program in
438 the state;

439 (c) Establish, subject to the approval of the State
440 Board of Education, standards for initial teacher certification
441 and licensure in all fields;

442 (d) Establish, subject to the approval of the State
443 Board of Education, standards for the renewal of teacher licenses
444 in all fields;

445 (e) Review and evaluate objective measures of teacher
446 performance, such as test scores, which may form part of the
447 licensure process, and to make recommendations for their use;

448 (f) Review all existing requirements for certification

449 and licensure;

450 (g) Consult with groups whose work may be affected by
451 the commission's decisions;

452 (h) Prepare reports from time to time on current
453 practices and issues in the general area of teacher education and
454 certification and licensure;

455 (i) Hold hearings concerning standards for teachers'
456 and administrators' education and certification and licensure with
457 approval of the State Board of Education;

458 (j) Hire expert consultants with approval of the State
459 Board of Education;

460 (k) Set up ad hoc committees to advise on specific
461 areas; and

462 (l) Perform such other functions as may fall within
463 their general charge and which may be delegated to them by the
464 State Board of Education.

465 (6) (a) **Standard License - Approved Program Route.** An
466 educator entering the school system of Mississippi for the first
467 time and meeting all requirements as established by the State
468 Board of Education shall be granted a standard five-year license.

469 Persons who possess two (2) years of classroom experience as an
470 assistant teacher or who have taught for one (1) year in an
471 accredited public or private school shall be allowed to fulfill
472 student teaching requirements under the supervision of a qualified
473 participating teacher approved by an accredited college of
474 education. The local school district in which the assistant
475 teacher is employed shall compensate such assistant teachers at
476 the required salary level during the period of time such
477 individual is completing student teaching requirements.

478 Applicants for a standard license shall submit to the department:

479 (i) An application on a department form;

480 (ii) An official transcript of completion of a
481 teacher education program approved by the department or a
482 nationally accredited program, subject to the following:

483 Licensure to teach in Mississippi Kindergarten through Grade 4
484 shall require the completion of an interdisciplinary program of
485 studies. Licenses for Grades 4 through 8 shall require the
486 completion of an interdisciplinary program of studies with two (2)
487 or more areas of concentration. Licensure to teach in Mississippi
488 Grades 7 through 12 shall require a major in an academic field
489 other than education, or a combination of disciplines other than
490 education. Students preparing to teach a subject shall complete a
491 major in the respective subject discipline. All applicants for
492 standard licensure shall demonstrate that such person's college
493 preparation in those fields was in accordance with the standards
494 set forth by the National Council for Accreditation of Teacher
495 Education (NCATE) or the National Association of State Directors
496 of Teacher Education and Certification (NASDTEC);

497 (iii) A copy of test scores evidencing
498 satisfactory completion of nationally administered examinations of
499 achievement, such as the Educational Testing Service's teacher
500 testing examinations. The State Board of Education is directed to
501 study and develop a report on the progress of the nationally
502 administered examination of achievement for students in an
503 approved teacher education program. This report shall develop
504 data for the period beginning July 1, 1997, and ending June 30,
505 1998. The state board, with the assistance of the commission,
506 shall prepare the results of the study and make a report thereon
507 to the Education Committees of the Legislature utilizing the
508 following components:

- 509 1. Collect data on entrance and exit
510 performance of students in a teacher education program;
- 511 2. Report on student performance as compared
512 to the required examination score;
- 513 3. Develop and make recommendations on
514 necessary requirement revisions as may be appropriate based on
515 student performance results;
- 516 4. Include other such formats as may best

517 describe the profile of the student examination results; and
518 (iv) Any other document required by the State
519 Board of Education.

520 (b) **Standard License-Alternate Teaching Route.**

521 Applicants for a standard license-alternate teaching route shall
522 submit to the department:

523 (i) An application on a department form;

524 (ii) An official transcript evidencing a bachelors
525 degree from an accredited institution of higher learning;

526 (iii) A copy of test scores evidencing
527 satisfactory completion of an examination of achievement specified
528 by the commission and approved by the State Board of Education;

529 (iv) An official transcript evidencing appropriate
530 credit hours or a copy of test scores evidencing successful
531 completion of tests as required by the State Board of Education;
532 and

533 (v) Any other document required by the State Board
534 of Education.

535 A Standard License-Approved Program Route and a Standard
536 License-Alternate Teaching Route shall be issued for a five-year
537 period, and may be renewed. Recognizing teaching as a profession,
538 a hiring preference shall be granted to persons holding a Standard
539 License-Approved Program Route or Standard License-Alternate
540 Teaching Route over persons holding any other license.

541 (c) **Special License-Expert Citizen.** In order to allow
542 a school district to offer specialized or technical courses, the
543 State Department of Education, in accordance with rules and
544 regulations established by the State Board of Education, may grant
545 a one-year expert citizen-teacher license to local business or
546 other professional personnel to teach in a public school or
547 nonpublic school accredited or approved by the state. Such person
548 may begin teaching upon his employment by the local school board
549 and licensure by the Mississippi Department of Education. The
550 board shall adopt rules and regulations to administer the expert

551 citizen-teacher license. A special license-expert citizen may be
552 renewed in accordance with the established rules and regulations
553 of the State Department of Education.

554 (d) **Special License - Non-Renewable.** The State Board
555 of Education is authorized to establish rules and regulations to
556 allow those educators not meeting requirements in subsection
557 (6)(a), (b) or (c) to be licensed for a period of not more than
558 three (3) years, except by special approval of the State Board of
559 Education.

560 (e) **Non-Licensed Teaching Personnel.** A non-licensed
561 person may teach for a maximum of three (3) periods per teaching
562 day in a public school or a nonpublic school accredited/approved by
563 the state. Such person shall submit to the department a transcript
564 or record of his education and experience which substantiates his
565 preparation for the subject to be taught and shall meet other
566 qualifications specified by the commission and approved by the
567 State Board of Education. In no case shall any local school board
568 hire non-licensed personnel as authorized under this paragraph in
569 excess of five percent (5%) of the total number of licensed
570 personnel in any single school.

571 (f) In the event any school district meets Level 4 or 5
572 accreditation standards, the State Board of Education may, in its
573 discretion, exempt such school district from any restrictions in
574 paragraph (e) relating to the employment of non-licensed teaching
575 personnel.

576 (7) **Administrator License.** The State Board of Education is
577 authorized to establish rules and regulations and to administer
578 the licensure process of the school administrators in the State of
579 Mississippi. There will be four (4) categories of administrator
580 licensure with exceptions only through special approval of the
581 State Board of Education.

582 (a) **Administrator License - Non-practicing.** Those
583 educators holding administrative endorsement but have no
584 administrative experience or not serving in an administrative

585 position on January 15, 1997.

586 (b) **Administrator License - Entry Level.** Those
587 educators holding administrative endorsement and having met the
588 department's qualifications to be eligible for employment in a
589 Mississippi school district. Administrator license - entry level
590 shall be issued for a five-year period and shall be non-renewable.

591 (c) **Standard Administrator License - Career Level.** An
592 administrator who has met all the requirements of the department
593 for standard administrator licensure.

594 (d) **Administrator License-Alternate Route.** The board
595 may establish an alternate route for licensing administrative
596 personnel. Such alternate route for administrative licensure
597 shall be available for persons holding, but not limited to, a
598 masters of business administration degree, a masters of public
599 administration degree or a masters of public planning and policy
600 degree from an accredited college or university, with five (5)
601 years of administrative or supervisory experience. Successful
602 completion of the requirements of alternate route licensure for
603 administrators shall qualify the person for a standard
604 administrator license.

605 Beginning with the 1997-1998 school year, individuals seeking
606 school administrator licensure under paragraph (b), (c) or (d)
607 shall successfully complete a training program and an assessment
608 process prescribed by the State Board of Education. Applicants
609 seeking school administrator licensure prior to June 30, 1997, and
610 completing all requirements for provisional or standard
611 administrator certification and who have never practiced, shall be
612 exempt from taking the Mississippi Assessment Battery Phase I.
613 Applicants seeking school administrator licensure during the
614 period beginning July 1, 1997, through June 30, 1998, shall
615 participate in the Mississippi Assessment Battery, and upon
616 request of the applicant, the department shall reimburse the
617 applicant for the cost of the assessment process required. After
618 June 30, 1998, all applicants for school administrator licensure

619 shall meet all requirements prescribed by the department under
620 paragraph (b), (c) or (d), and the cost of the assessment process
621 required shall be paid by the applicant.

622 (8) **Reciprocity.** (a) The department shall grant a standard
623 license to any individual who possesses a valid standard license
624 from another state and has a minimum of two (2) years of full-time
625 teaching or administrator experience.

626 (b) The department shall grant a nonrenewable special
627 license to any individual who possesses a credential which is less
628 than a standard license or certification from another state, or
629 who possesses a standard license from another state but has less
630 than two (2) years of full-time teaching or administration
631 experience. Such special license shall be valid for the current
632 school year plus one (1) additional school year to expire on June
633 30 of the second year, not to exceed a total period of twenty-four
634 (24) months, during which time the applicant shall be required to
635 complete the requirements for a standard license in Mississippi.

636 (9) **Renewal and Reinstatement of Licenses.** The State Board
637 of Education is authorized to establish rules and regulations for
638 the renewal and reinstatement of educator and administrator
639 licenses.

640 (10) All controversies involving the issuance, revocation,
641 suspension or any change whatsoever in the licensure of an
642 educator required to hold a license shall be initially heard in a
643 hearing de novo, by the commission or by a subcommittee
644 established by the commission and composed of commission members
645 for the purpose of holding hearings. Any complaint seeking the
646 denial of issuance, revocation or suspension of a license shall be
647 by sworn affidavit filed with the Commission of Teacher and
648 Administrator Education, Certification and Licensure and
649 Development. The decision thereon by the commission or its
650 subcommittee shall be final, unless the aggrieved party shall
651 appeal to the State Board of Education, within ten (10) days, of
652 the decision of the committee or its subcommittee. An appeal to

653 the State Board of Education shall be on the record previously
654 made before the commission or its subcommittee unless otherwise
655 provided by rules and regulations adopted by the board. The State
656 Board of Education in its authority may reverse, or remand with
657 instructions, the decision of the committee or its subcommittee.
658 The decision of the State Board of Education shall be final.

659 (11) The State Board of Education, acting through the
660 commission, may deny an application for any teacher or
661 administrator license for one or more of the following:

662 (a) Lack of qualifications which are prescribed by law
663 or regulations adopted by the State Board of Education;

664 (b) Has a physical, emotional or mental disability that
665 renders the applicant unfit to perform the duties authorized by
666 the license, as certified by a licensed psychologist or
667 psychiatrist;

668 (c) Is actively addicted to or actively dependent on
669 alcohol or other habit-forming drugs or is a habitual user of
670 narcotics, barbiturates, amphetamines, hallucinogens, or other
671 drugs having similar effect, at the time of application for a
672 license;

673 (d) Revocation of a certificate or license by another
674 state;

675 (e) Committed fraud or deceit in securing or attempting
676 to secure such certification and license;

677 (f) Fails or refuses to furnish reasonable evidence of
678 identification;

679 (g) Has been convicted, has pled guilty or entered a
680 plea of nolo contendere to a felony, as defined by federal or
681 state law; or

682 (h) Has been convicted, has pled guilty or entered a
683 plea of nolo contendere to a sex offense as defined by federal or
684 state law.

685 (12) The State Board of Education, acting on the
686 recommendation of the commission, may revoke or suspend any

687 teacher or administrator license for specified periods of time for
688 one or more of the following:

689 (a) Breach of contract or abandonment of employment may
690 result in the suspension of the license for one (1) school year as
691 provided in Section 37-9-57, Mississippi Code of 1972;

692 (b) Obtaining a license by fraudulent means shall
693 result in immediate suspension and continued suspension for one
694 (1) year after correction is made;

695 (c) Suspension or revocation of a certificate or
696 license by another state shall result in immediate suspension or
697 revocation and shall continue until records in the prior state
698 have been cleared;

699 (d) Has been convicted, has pled guilty or entered a
700 plea of nolo contendere to a felony, as defined by federal or
701 state law;

702 (e) Has been convicted, has pled guilty or entered a
703 plea of nolo contendere to a sex offense, as defined by federal or
704 state law; or

705 (f) Knowingly and willfully committing any of the acts
706 affecting validity of mandatory uniform test results as provided
707 in Section 37-16-4(1), Mississippi Code of 1972.

708 (13) (a) Dismissal or suspension of a licensed employee by
709 a local school board pursuant to Section 37-9-59, Mississippi Code
710 of 1972, may result in the suspension or revocation of a license
711 for a length of time which shall be determined by the commission
712 and based upon the severity of the offense.

713 (b) Any offense committed or attempted in any other
714 state shall result in the same penalty as if committed or
715 attempted in this state.

716 (c) A person may voluntarily surrender a license. The
717 surrender of such license may result in the commission
718 recommending any of the above penalties without the necessity of a
719 hearing. However, any such license which has voluntarily been
720 surrendered by a licensed employee may be reinstated by a

721 unanimous vote of all members of the commission.

722 (14) A person whose license has been suspended on any
723 grounds except criminal grounds may petition for reinstatement of
724 the license after one (1) year from the date of suspension, or
725 after one-half (1/2) of the suspended time has lapsed, whichever
726 is greater. A license suspended on the criminal grounds may be
727 reinstated upon petition to the commission filed after expiration
728 of the sentence and parole or probationary period imposed upon
729 conviction. A revoked license may be reinstated upon satisfactory
730 showing of evidence of rehabilitation. The commission shall
731 require all who petition for reinstatement to furnish evidence
732 satisfactory to the commission of good character, good mental,
733 emotional and physical health and such other evidence as the
734 commission may deem necessary to establish the petitioner's
735 rehabilitation and fitness to perform the duties authorized by the
736 license.

737 (15) Reporting procedures and hearing procedures for dealing
738 with infractions under this section shall be promulgated by the
739 commission, subject to the approval of the State Board of
740 Education. The revocation or suspension of a license shall be
741 effected at the time indicated on the notice of suspension or
742 revocation. The commission shall immediately notify the
743 superintendent of the school district or school board where the
744 teacher or administrator is employed of any disciplinary action
745 and also notify the teacher or administrator of such revocation or
746 suspension and shall maintain records of action taken. The State
747 Board of Education may reverse or remand with instructions any
748 decision of the commission regarding a petition for reinstatement
749 of a license, and any such decision of the State Board of
750 Education shall be final.

751 (16) An appeal from the action of the State Board of
752 Education in denying an application, revoking or suspending a
753 license or otherwise disciplining any person under the provisions
754 of this section, shall be filed in the Chancery Court of the First

755 Judicial District of Hinds County on the record made, including a
756 verbatim transcript of the testimony at the hearing. The appeal
757 shall be filed within thirty (30) days after notification of the
758 action of the board is mailed or served and the proceedings in
759 chancery court shall be conducted as other matters coming before
760 the court. The appeal shall be perfected upon filing notice of
761 the appeal and by the prepayment of all costs, including the cost
762 of preparation of the record of the proceedings by the State Board
763 of Education, and the filing of a bond in the sum of Two Hundred
764 Dollars (\$200.00) conditioned that if the action of the board be
765 affirmed by the chancery court, the applicant or license holder
766 shall pay the costs of the appeal and the action of the chancery
767 court.

768 (17) All such programs, rules, regulations, standards and
769 criteria recommended or authorized by the commission shall become
770 effective upon approval by the State Board of Education as
771 designated by appropriate orders entered upon the minutes thereof.

772 (18) The granting of a license shall not be deemed a
773 property right nor a guarantee of employment in any public school
774 district. A license is a privilege indicating minimal eligibility
775 for teaching in the public schools of Mississippi. This section
776 shall in no way alter or abridge the authority of local school
777 districts to require greater qualifications or standards of
778 performance as a prerequisite of initial or continued employment
779 in such districts.

780 (19) In addition to the reasons specified in subsection (8)
781 of this section, the board shall be authorized to suspend the
782 license of any licensee for being out of compliance with an order
783 for support or an order for visitation, as defined in Section
784 93-11-153. The procedure for suspension of a license for being
785 out of compliance with an order for support or an order for
786 visitation, and the procedure for the reissuance or reinstatement
787 of a license suspended for that purpose, and the payment of any
788 fees for the reissuance or reinstatement of a license suspended

789 for that purpose, shall be governed by Section 93-11-157 or
790 93-11-163, as the case may be. Actions taken by the board in
791 suspending a license when required by Section 93-11-157 or
792 93-11-163 are not actions from which an appeal may be taken under
793 this section. Any appeal of a license suspension that is required
794 by Section 93-11-157 or 93-11-163 shall be taken in accordance
795 with the appeal procedure specified in Section 93-11-157 or
796 93-11-163, as the case may be, rather than the procedure specified
797 in this section. If there is any conflict between any provision
798 of Section 93-11-157 or 93-11-163 and any provision of this
799 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
800 case may be, shall control.

801 SECTION 9. Section 49-7-27, Mississippi Code of 1972, is
802 amended as follows:

803 49-7-27. The commission may revoke any hunting, trapping, or
804 fishing privileges, license or deny any person the right to secure
805 such license if the person has been convicted of the violation of
806 any of the provisions of this chapter or any regulation
807 thereunder. The revocation of the privilege, license or refusal
808 to grant license shall be for a period of one (1) year. However,
809 before the revocation of the privilege or license shall become
810 effective, the executive director shall send by registered mail
811 notice to the person or licensee, who shall have the right to a
812 hearing or representation before the commission at the next
813 regular meeting or a special meeting, the notice shall set out
814 fully the ground or complaint upon which revocation of, or refusal
815 to grant, the privilege or license is sought.

816 Any person who is convicted for a second time during any
817 period of twelve (12) consecutive months for violation of any of
818 the laws with respect to game, fish or nongame fish or animals
819 shall forfeit his privilege and any license or licenses issued to
820 him by the commission and the commission shall not issue the
821 person any license for a period of one (1) year from the date of
822 forfeiture.

823 Failure of any person to surrender his license or licenses
824 upon demand made by the commission or by its representatives at
825 the direction of the commission shall be a misdemeanor and shall
826 be punishable as such.

827 Any violator whose privilege or license has been revoked, who
828 shall, during the period of revocation, be apprehended for hunting
829 or fishing, shall have imposed upon him a mandatory jail term of
830 not less than thirty (30) days nor more than six (6) months.

831 In addition to the reasons specified in this section and
832 other provisions of this chapter, the commission shall be
833 authorized to suspend any license issued to any person under this
834 chapter for being out of compliance with an order for support or
835 an order for visitation, as defined in Section 93-11-153. The
836 procedure for suspension of a license for being out of compliance
837 with an order for support or an order for visitation, and the
838 procedure for the reissuance or reinstatement of a license
839 suspended for that purpose, and the payment of any fees for the
840 reissuance or reinstatement of a license suspended for that
841 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
842 the case may be. If there is any conflict between any provision
843 of Section 93-11-157 or 93-11-163 and any provision of this
844 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
845 case may be, shall control.

846 SECTION 10. Section 63-1-46, Mississippi Code of 1972, is
847 amended as follows:

848 63-1-46. (1) A fee of Twenty-five Dollars (\$25.00) shall be
849 charged for the reinstatement of a license issued pursuant to this
850 article to every person whose license has been validly suspended,
851 revoked or cancelled. This fee shall be in addition to the fee
852 provided for in Section 63-1-43, Mississippi Code of 1972.

853 (2) The funds received under the provisions of subsection
854 (1) of this section shall be deposited into the State General Fund
855 in accordance with Section 45-1-23, Mississippi Code of 1972.

856 (3) In addition to the fee provided for in subsection (1) of

857 this section, an additional fee of Seventy-Five Dollars (\$75.00)
858 shall be charged for the reinstatement of a license issued
859 pursuant to this article to every person whose license has been
860 suspended or revoked under the provisions of the Mississippi
861 Implied Consent Law or as a result of a conviction of a violation
862 of the Uniform Controlled Substances Law under the provisions of
863 Section 63-1-71.

864 (4) The funds received under the provisions of subsection
865 (3) of this section shall be placed in a special fund hereby
866 created in the State Treasury. Monies in such special fund may be
867 expended solely to contribute to the Disability and Relief Fund
868 for members of the Mississippi Highway Safety Patrol such amounts
869 as are necessary to make sworn agents of the Mississippi Bureau of
870 Narcotics who were employed by such bureau prior to December 1,
871 1990, and who were subsequently employed as enforcement troopers
872 by the Department of Public Safety, full members of the retirement
873 system for the Mississippi Highway Safety Patrol with full credit
874 for the time they were employed as sworn agents for the
875 Mississippi Bureau of Narcotics. The Board of Trustees of the
876 Public Employees' Retirement System shall certify to the State
877 Treasurer the amounts necessary for the purposes described above.
878 The State Treasurer shall monthly transfer from the special fund
879 created pursuant to this subsection the amounts deposited in such
880 special fund to the Disability and Relief Fund for members of the
881 Mississippi Highway Safety Patrol until such time as the certified
882 amount has been transferred. At such time as the certified amount
883 has been transferred, the State Treasurer shall transfer any funds
884 remaining in the special fund created pursuant to this subsection
885 to the State General Fund and shall then dissolve such special
886 fund. This subsection (4) of Section 63-1-46 shall stand repealed
887 at such time when the State Treasurer transfers funds and
888 dissolves the special fund account in accordance with the
889 provisions of this subsection.

890 (5) The procedure for the reinstatement of a license issued

891 pursuant to this article that has been suspended for being out of
892 compliance with an order for support or an order for visitation,
893 as defined in Section 93-11-153, and the payment of any fees for
894 the reinstatement of a license suspended for that purpose, shall
895 be governed by Section 93-11-157 or 93-11-163, as the case may be.

896 SECTION 11. Section 63-1-51, Mississippi Code of 1972, is
897 amended as follows:

898 63-1-51. (1) It shall be the duty of the trial judge, upon
899 conviction of any person holding a license issued pursuant to this
900 article where the penalty for a traffic violation is as much as
901 Ten Dollars (\$10.00), to mail a copy of abstract of the court
902 record or provide an electronically or computer generated copy of
903 abstract of the court record immediately to the commissioner at
904 Jackson, Mississippi, showing the date of conviction, penalty,
905 etc., so that a record of same may be made by the Department of
906 Public Safety. The commissioner shall forthwith revoke the
907 license of any person for a period of one (1) year upon receiving
908 a duly certified record of each person's convictions of any of the
909 following offenses when such conviction has become final:

910 (a) Manslaughter or negligent homicide resulting from
911 the operation of a motor vehicle;

912 (b) Any felony in the commission of which a motor
913 vehicle is used;

914 (c) Failure to stop and render aid as required under
915 the laws of this state in event of a motor vehicle accident
916 resulting in the death or personal injury of another;

917 (d) Perjury or the willful making of a false affidavit
918 or statement under oath to the department under this article or
919 under any other law relating to the ownership or operation of
920 motor vehicles;

921 (e) Conviction, or forfeiture of bail not vacated, upon
922 three (3) charges of reckless driving committed within a period of
923 twelve (12) months;

924 (f) Contempt for failure to pay a fine or fee or to

925 respond to a summons or citation pursuant to a charge of a
926 violation of this title.

927 (2) The commissioner shall revoke the license issued
928 pursuant to this article of any person convicted of negligent
929 homicide, in addition to any penalty now provided by law.

930 (3) In addition to the reasons specified in this section,
931 the commissioner shall be authorized to suspend the license issued
932 to any person pursuant to this article for being out of compliance
933 with an order for support or an order for visitation, as defined
934 in Section 93-11-153. The procedure for suspension of a license
935 for being out of compliance with an order for support or an order
936 for visitation, and the procedure for the reissuance or
937 reinstatement of a license suspended for that purpose, and the
938 payment of any fees for the reissuance or reinstatement of a
939 license suspended for that purpose, shall be governed by Section
940 93-11-157 or 93-11-163, as the case may be. If there is any
941 conflict between any provision of Section 93-11-157 or 93-11-163
942 and any provision of this article, the provisions of Section
943 93-11-157 or 93-11-163, as the case may be, shall control.

944 SECTION 12. Section 63-1-83, Mississippi Code of 1972, is
945 amended as follows:

946 63-1-83. (1) From and after April 1, 1992, it shall be a
947 violation of this article and the Commissioner of Public Safety
948 shall suspend for a period of one (1) year the commercial driver's
949 license of any person whom he determines to have committed a first
950 violation of:

951 (a) Driving a commercial motor vehicle for which a
952 commercial driver instruction permit or commercial driver's
953 license is required under this article while under the influence
954 of alcohol or a controlled substance;

955 (b) Driving a commercial motor vehicle for which a
956 commercial driver instruction permit or commercial driver's
957 license is required under this article while the alcohol
958 concentration of the person's blood, breath or urine is four

959 one-hundredths percent (.04%) or more;

960 (c) Knowingly and willfully leaving the scene of an
961 accident involving a commercial motor vehicle for which a
962 commercial driver instruction permit or commercial driver's
963 license is required under this article, if the vehicle was driven
964 by such person;

965 (d) Using a commercial motor vehicle for which a
966 commercial driver instruction permit or commercial driver's
967 license is required under this article in the commission of any
968 felony as defined in this article; or

969 (e) Refusing to submit to a test to determine the
970 driver's alcohol concentration while driving a commercial motor
971 vehicle for which a commercial driver instruction permit or
972 commercial driver's license is required under this article.

973 If any of the violations in subsection (1) of this section
974 occurred while transporting hazardous materials required to be
975 placarded under the Hazardous Materials Transportation Act, the
976 commissioner shall suspend the commercial driver's license of such
977 person for a period of three (3) years.

978 (2) The Commissioner of Public Safety shall suspend the
979 commercial driver's license of a person for life, or such lesser
980 minimum period of time as shall be required under applicable
981 federal law or regulations, if a person is determined to have
982 committed two (2) or more of the violations specified in
983 subsection (1) of this section or any combination of such
984 violations arising from two (2) or more separate incidents. The
985 provisions of this subsection (2) shall apply only to violations
986 occurring on or after April 1, 1992.

987 (3) The Commissioner of Public Safety shall suspend for life
988 the commercial driver's license of any person who uses a
989 commercial motor vehicle for which a commercial driver instruction
990 permit or commercial driver's license is required under this
991 article in the commission of any felony involving the manufacture,
992 distribution or dispensing of a controlled substance, or

993 possession with intent to manufacture, distribute or dispense a
994 controlled substance. The provisions of this subsection (3) shall
995 apply only to violations occurring on or after April 1, 1992.

996 (4) The Commissioner of Public Safety shall suspend for a
997 period of sixty (60) days the commercial driver's license of any
998 person convicted of two (2) serious traffic violations, or one
999 hundred twenty (120) days if convicted of three (3) serious
1000 traffic violations, committed in a commercial motor vehicle for
1001 which a commercial driver instruction permit or commercial
1002 driver's license is required under this article arising from
1003 separate incidents occurring within a period of three (3) years.
1004 The provisions of this subsection (4) shall apply only to
1005 violations occurring on or after April 1, 1992.

1006 (5) In addition to the reasons specified in this section for
1007 suspension of the commercial driver's license, the Commissioner of
1008 Public Safety shall be authorized to suspend the commercial
1009 driver's license of any person for being out of compliance with an
1010 order for support or an order for visitation, as defined in
1011 Section 93-11-153. The procedure for suspension of a commercial
1012 driver's license for being out of compliance with an order for
1013 support or an order for visitation, and the procedure for the
1014 reissuance or reinstatement of a commercial driver's license
1015 suspended for that purpose, and the payment of any fees for the
1016 reissuance or reinstatement of a commercial driver's license
1017 suspended for that purpose, shall be governed by Section 93-11-157
1018 or 93-11-163, as the case may be. If there is any conflict
1019 between any provision of Section 93-11-157 or 93-11-163 and any
1020 provision of this article, the provisions of Section 93-11-157 or
1021 93-11-163, as the case may be, shall control.

1022 SECTION 13. Section 67-1-37, Mississippi Code of 1972, is
1023 amended as follows:

1024 **[Through June 30, 2000, this section shall read as follows:]**

1025 67-1-37. The State Tax Commission, under its duties and
1026 powers with respect to the Alcoholic Beverage Control Division

1027 therein, shall have the following powers, functions and duties:

1028 (a) To issue or refuse to issue any permit provided for
1029 by this chapter, or to extend the permit or remit in whole or any
1030 part of the permit monies when the permit cannot be used due to a
1031 natural disaster or Act of God.

1032 (b) To revoke, suspend or cancel, for violation of or
1033 noncompliance with the provisions of this chapter, or the law
1034 governing the production and sale of native wines, or any lawful
1035 rules and regulations of the commission issued hereunder, or for
1036 other sufficient cause, any permit issued by it under the
1037 provisions of this chapter; however, no such permit shall be
1038 revoked, suspended or cancelled except after a hearing of which
1039 the permit holder shall have been given reasonable notice and an
1040 opportunity to be heard. The board shall be authorized to suspend
1041 the permit of any permit holder for being out of compliance with
1042 an order for support or an order for visitation, as defined in
1043 Section 93-11-153. The procedure for suspension of a permit for
1044 being out of compliance with an order for support or an order for
1045 visitation, and the procedure for the reissuance or reinstatement
1046 of a permit suspended for that purpose, and the payment of any
1047 fees for the reissuance or reinstatement of a permit suspended for
1048 that purpose, shall be governed by Section 93-11-157 or 93-11-163,
1049 as the case may be. If there is any conflict between any
1050 provision of Section 93-11-157 or 93-11-163 and any provision of
1051 this chapter, the provisions of Section 93-11-157 or 93-11-163, as
1052 the case may be, shall control.

1053 (c) To prescribe forms of permits and applications for
1054 permits and of all reports which it deems necessary in
1055 administering this chapter.

1056 (d) To fix standards, not in conflict with those
1057 prescribed by any law of this state or of the United States, to
1058 secure the use of proper ingredients and methods of manufacture of
1059 alcoholic beverages.

1060 (e) To issue rules regulating the advertising of

1061 alcoholic beverages in the state in any class of media and
1062 permitting advertising of the retail price of alcoholic beverages.

1063 (f) To issue reasonable rules and regulations, not
1064 inconsistent with the federal laws or regulations, requiring
1065 informative labeling of all alcoholic beverages offered for sale
1066 within this state and providing for the standards of fill and
1067 shapes of retail containers of alcoholic beverages; however, such
1068 containers shall not contain less than fifty (50) milliliters by
1069 liquid measure.

1070 (g) Subject to the provisions of subsection (3) of
1071 Section 67-1-51, to issue rules and regulations governing the
1072 issuance of retail permits for premises located near or around
1073 schools, colleges, universities, churches and other public
1074 institutions, and specifying the distances therefrom within which
1075 no such permit shall be issued. The alcoholic beverage control
1076 division shall not allow the sale or consumption of alcoholic
1077 beverages in or on the campus of any public school or college, and
1078 no alcoholic beverage shall be for sale or consumed at any public
1079 athletic event at any grammar or high school or any college.

1080 (h) To adopt and promulgate, repeal and amend, such
1081 rules, regulations, standards, requirements and orders, not
1082 inconsistent with this chapter or any law of this state or of the
1083 United States, as it deems necessary to control the manufacture,
1084 importation, transportation, distribution and sale of alcoholic
1085 liquor, whether intended for beverage or nonbeverage use in a
1086 manner not inconsistent with the provisions of this chapter or any
1087 other statute, including the native wine laws.

1088 (i) To call upon other administrative departments of
1089 the state, county and municipal governments, county and city
1090 police departments and upon prosecuting officers for such
1091 information and assistance as it may deem necessary in the
1092 performance of its duties.

1093 (j) To prepare and submit to the Governor during the
1094 month of January of each year a detailed report of its official

1095 acts during the preceding fiscal year ending June 30, including
1096 such recommendations as it may see fit to make, and to transmit a
1097 like report to each member of the Legislature of this state upon
1098 the convening thereof at its next regular session.

1099 (k) To inspect, or cause to be inspected, any premises
1100 where alcoholic liquors intended for sale are manufactured,
1101 stored, distributed or sold, and to examine or cause to be
1102 examined all books and records pertaining to the business
1103 conducted therein.

1104 (l) In the conduct of any hearing authorized to be held
1105 by the commission, to hear testimony and take proof material for
1106 its information in the discharge of its duties under this chapter;
1107 to issue subpoenas, which shall be effective in any part of this
1108 state, requiring the attendance of witnesses and the production of
1109 books and records; to administer or cause to be administered
1110 oaths; and to examine or cause to be examined any witness under
1111 oath. Any court of record, or any judge thereof, may by order
1112 duly entered require the attendance of witnesses and the
1113 production of relevant books subpoenaed by the commission, and
1114 such court or judge may compel obedience to its or his order by
1115 proceedings for contempt.

1116 (m) To investigate the administration of laws in
1117 relation to alcoholic liquors in this and other states and any
1118 foreign countries, and to recommend from time to time to the
1119 Governor and through him to the Legislature of this state such
1120 amendments to this chapter, if any, as it may think desirable.

1121 (n) To designate hours and days when alcoholic
1122 beverages may be sold in different localities in the state which
1123 permit such sale.

1124 (o) To assign employees to posts of duty at locations
1125 where they will be most beneficial for the control of alcoholic
1126 beverages, to remove, to dismiss, to suspend without pay, to act
1127 as a trial board in hearings based upon charges against employees.
1128 After twelve (12) months' service, no employee shall be removed,

1129 dismissed, demoted or suspended without just cause and only after
1130 being furnished with reasons for such removal, dismissal, demotion
1131 or suspension, and upon request given a hearing in his own
1132 defense.

1133 (p) All hearings conducted by the commission shall be
1134 open to the public, and, when deemed necessary, a written
1135 transcript shall be made of the testimony introduced thereat.

1136 (q) To adopt and promulgate rules and regulations for
1137 suspension or revocation of identification cards of employees of
1138 permittees for violations of the alcoholic beverage control laws,
1139 rules or regulations.

1140 (r) To enforce the provisions made unlawful by Section
1141 67-3-53.

1142 **[From and after July 1, 2000, this section shall read as**
1143 **follows:]**

1144 67-1-37. The State Tax Commission, under its duties and
1145 powers with respect to the Alcoholic Beverage Control Division
1146 therein, shall have the following powers, functions and duties:

1147 (a) To issue or refuse to issue any permit provided for
1148 by this chapter, or to extend the permit or remit in whole or any
1149 part of the permit monies when the permit cannot be used due to a
1150 natural disaster or Act of God.

1151 (b) To revoke, suspend or cancel, for violation of or
1152 noncompliance with the provisions of this chapter, or the law
1153 governing the production and sale of native wines, or any lawful
1154 rules and regulations of the commission issued hereunder, or for
1155 other sufficient cause, any permit issued by it under the
1156 provisions of this chapter; however, no such permit shall be
1157 revoked, suspended or cancelled except after a hearing of which
1158 the permit holder shall have been given reasonable notice and an
1159 opportunity to be heard. The board shall be authorized to suspend
1160 the permit of any permit holder for being out of compliance with
1161 an order for support or an order for visitation, as defined in
1162 Section 93-11-153. The procedure for suspension of a permit for

1163 being out of compliance with an order for support or an order for
1164 visitation, and the procedure for the reissuance or reinstatement
1165 of a permit suspended for that purpose, and the payment of any
1166 fees for the reissuance or reinstatement of a permit suspended for
1167 that purpose, shall be governed by Section 93-11-157 or 93-11-163,
1168 as the case may be. If there is any conflict between any
1169 provision of Section 93-11-157 or 93-11-163 and any provision of
1170 this chapter, the provisions of Section 93-11-157 or 93-11-163, as
1171 the case may be, shall control.

1172 (c) To prescribe forms of permits and applications for
1173 permits and of all reports which it deems necessary in
1174 administering this chapter.

1175 (d) To fix standards, not in conflict with those
1176 prescribed by any law of this state or of the United States, to
1177 secure the use of proper ingredients and methods of manufacture of
1178 alcoholic beverages.

1179 (e) To issue rules regulating the advertising of
1180 alcoholic beverages in the state in any class of media and
1181 permitting advertising of the retail price of alcoholic beverages.

1182 (f) To issue reasonable rules and regulations, not
1183 inconsistent with the federal laws or regulations, requiring
1184 informative labeling of all alcoholic beverages offered for sale
1185 within this state and providing for the standards of fill and
1186 shapes of retail containers of alcoholic beverages; however, such
1187 containers shall not contain less than fifty (50) milliliters by
1188 liquid measure.

1189 (g) Subject to the provisions of subsection (3) of
1190 Section 67-1-51, to issue rules and regulations governing the
1191 issuance of retail permits for premises located near or around
1192 schools, colleges, universities, churches and other public
1193 institutions, and specifying the distances therefrom within which
1194 no such permit shall be issued. The alcoholic beverage control
1195 division shall not allow the sale or consumption of alcoholic
1196 beverages in or on the campus of any public school or college, and

1197 no alcoholic beverage shall be for sale or consumed at any public
1198 athletic event at any grammar or high school or any college.

1199 (h) To adopt and promulgate, repeal and amend, such
1200 rules, regulations, standards, requirements and orders, not
1201 inconsistent with this chapter or any law of this state or of the
1202 United States, as it deems necessary to control the manufacture,
1203 importation, transportation, distribution and sale of alcoholic
1204 liquor, whether intended for beverage or nonbeverage use in a
1205 manner not inconsistent with the provisions of this chapter or any
1206 other statute, including the native wine laws.

1207 (i) To call upon other administrative departments of
1208 the state, county and municipal governments, county and city
1209 police departments and upon prosecuting officers for such
1210 information and assistance as it may deem necessary in the
1211 performance of its duties.

1212 (j) To prepare and submit to the Governor during the
1213 month of January of each year a detailed report of its official
1214 acts during the preceding fiscal year ending June 30, including
1215 such recommendations as it may see fit to make, and to transmit a
1216 like report to each member of the Legislature of this state upon
1217 the convening thereof at its next regular session.

1218 (k) To inspect, or cause to be inspected, any premises
1219 where alcoholic liquors intended for sale are manufactured,
1220 stored, distributed or sold, and to examine or cause to be
1221 examined all books and records pertaining to the business
1222 conducted therein.

1223 (l) In the conduct of any hearing authorized to be held
1224 by the commission, to hear testimony and take proof material for
1225 its information in the discharge of its duties under this chapter;
1226 to issue subpoenas, which shall be effective in any part of this
1227 state, requiring the attendance of witnesses and the production of
1228 books and records; to administer or cause to be administered
1229 oaths; and to examine or cause to be examined any witness under
1230 oath. Any court of record, or any judge thereof, may by order

1231 duly entered require the attendance of witnesses and the
1232 production of relevant books subpoenaed by the commission, and
1233 such court or judge may compel obedience to its or his order by
1234 proceedings for contempt.

1235 (m) To investigate the administration of laws in
1236 relation to alcoholic liquors in this and other states and any
1237 foreign countries, and to recommend from time to time to the
1238 Governor and through him to the Legislature of this state such
1239 amendments to this chapter, if any, as it may think desirable.

1240 (n) To designate hours and days when alcoholic
1241 beverages may be sold in different localities in the state which
1242 permit such sale.

1243 (o) To assign employees to posts of duty at locations
1244 where they will be most beneficial for the control of alcoholic
1245 beverages, to remove, to dismiss, to suspend without pay, to act
1246 as a trial board in hearings based upon charges against employees.
1247 After twelve (12) months' service, no employee shall be removed,
1248 dismissed, demoted or suspended without just cause and only after
1249 being furnished with reasons for such removal, dismissal, demotion
1250 or suspension, and upon request given a hearing in his own
1251 defense.

1252 (p) All hearings conducted by the commission shall be
1253 open to the public, and, when deemed necessary, a written
1254 transcript shall be made of the testimony introduced thereat.

1255 (q) To adopt and promulgate rules and regulations for
1256 suspension or revocation of identification cards of employees of
1257 permittees for violations of the alcoholic beverage control laws,
1258 rules or regulations.

1259 SECTION 14. Section 67-1-71, Mississippi Code of 1972, is
1260 amended as follows:

1261 67-1-71. The commission may revoke or suspend any permit
1262 issued by it for a violation by the permittee of any of the
1263 provisions of this chapter or of the regulations promulgated under
1264 it by the commission.

1265 Permits must be revoked or suspended for the following
1266 causes:

1267 (a) Conviction of the permittee for the violation of
1268 any of the provisions of this chapter;

1269 (b) Willful failure or refusal by any permittee to
1270 comply with any of the provisions of this chapter or of any rule
1271 or regulation adopted pursuant thereto;

1272 (c) The making of any materially false statement in any
1273 application for a permit;

1274 (d) Conviction of one or more of the clerks, agents or
1275 employees of the permittee, of any violation of this chapter upon
1276 the premises covered by such permit within a period of time as
1277 designated by the rules or regulations of the commission;

1278 (e) The possession on the premises of any retail
1279 permittee of any alcoholic beverages upon which the tax has not
1280 been paid;

1281 (f) The willful failure of any permittee to keep the
1282 records or make the reports required by this chapter, or to allow
1283 an inspection of such records by any duly authorized person;

1284 (g) The suspension or revocation of a permit issued to
1285 the permittee by the federal government, or conviction of
1286 violating any federal law relating to alcoholic beverages;

1287 (h) The failure to furnish any bond required by this
1288 chapter within fifteen (15) days after notice from the commission;
1289 and

1290 (i) The conducting of any form of illegal gambling on
1291 the premises of any permittee or on any premises connected
1292 therewith or the presence on any such premises of any gambling
1293 device with the knowledge of the permittee.

1294 The provisions of item (i) of this section shall not apply to
1295 gambling or the presence of any gambling devices, with knowledge
1296 of the permittee, on board a cruise vessel in the waters within
1297 the State of Mississippi, which lie adjacent to the State of
1298 Mississippi south of the three (3) most southern counties in the

1299 State of Mississippi, or on any vessel as defined in Section
1300 27-109-1 whenever such vessel is on the Mississippi River or
1301 navigable waters within any county bordering on the Mississippi
1302 River. The commission may, in its discretion, issue on-premises
1303 retailer's permits to a common carrier of the nature described in
1304 this paragraph.

1305 No permit shall be revoked except after a hearing by the
1306 commission with reasonable notice to the permittee and an
1307 opportunity for him to appear and defend.

1308 In addition to the causes specified in this section and other
1309 provisions of this chapter, the commission shall be authorized to
1310 suspend the permit of any permit holder for being out of
1311 compliance with an order for support or an order for visitation,
1312 as defined in Section 93-11-153. The procedure for suspension of
1313 a permit for being out of compliance with an order for support or
1314 an order for visitation, and the procedure for the reissuance or
1315 reinstatement of a permit suspended for that purpose, and the
1316 payment of any fees for the reissuance or reinstatement of a
1317 permit suspended for that purpose, shall be governed by Section
1318 93-11-157 or 93-11-163, as the case may be. If there is any
1319 conflict between any provision of Section 93-11-157 or 93-11-163
1320 and any provision of this chapter, the provisions of Section
1321 93-11-157 or 93-11-163, as the case may be, shall control.

1322 SECTION 15. Section 67-3-29, Mississippi Code of 1972, is
1323 amended as follows:

1324 67-3-29. (1) The commissioner shall revoke any permit
1325 granted by authority of this chapter to any person who shall
1326 violate any of the provisions of this chapter or the revenue laws
1327 of this state relating to engaging in transporting, storing,
1328 selling, distributing, possessing, receiving or manufacturing of
1329 wines or beers, or any person who shall hereafter be convicted of
1330 the unlawful sale of intoxicating liquor, or any person who shall
1331 allow or permit any form of illegal gambling or immorality on the
1332 premises described in such permit.

1333 (2) If any person exercising any privilege taxable under the
1334 provisions of Chapter 71 of Title 27, Mississippi Code of 1972,
1335 shall willfully neglect or refuse to comply with the provisions of
1336 such chapter, or any rules or regulations promulgated by the
1337 commissioner under authority of such chapter, or the provisions of
1338 this chapter, the commissioner shall be authorized to revoke the
1339 permit theretofore issued to such person, after giving to such
1340 person ten (10) days notice of the intention of the commissioner
1341 to revoke such permit. The commissioner may, however, suspend
1342 such permit instead of revoking same if, in his opinion,
1343 sufficient cause is shown for a suspension rather than revocation.
1344 Any person whose permit shall have been revoked by the
1345 commissioner shall be thereafter prohibited from exercising any
1346 privilege under the provisions of Chapter 71 of Title 27,
1347 Mississippi Code of 1972, for a period of two (2) years from the
1348 date of such revocation. The commissioner may, however, for good
1349 cause shown, grant a new permit upon such conditions as the
1350 commissioner may prescribe. Any person whose permit shall have
1351 been suspended by the commissioner shall be prohibited from
1352 exercising any privilege under the provisions of Chapter 71 of
1353 Title 27, Mississippi Code of 1972, during the period of such
1354 suspension. Failure of such person to comply with the terms of
1355 the suspension shall be cause for revocation of his permit, in
1356 addition to the other penalties provided by law.

1357 (3) In addition to the reasons specified in this section and
1358 other provisions of this chapter, the commissioner shall be
1359 authorized to suspend the permit of any permit holder for being
1360 out of compliance with an order for support or an order for
1361 visitation, as defined in Section 93-11-153. The procedure for
1362 suspension of a permit for being out of compliance with an order
1363 for support or an order for visitation, and the procedure for the
1364 reissuance or reinstatement of a permit suspended for that
1365 purpose, and the payment of any fees for the reissuance or
1366 reinstatement of a permit suspended for that purpose, shall be

1367 governed by Section 93-11-157 or 93-11-163, as the case may be.
1368 If there is any conflict between any provision of Section
1369 93-11-157 or 93-11-163 and any provision of this chapter, the
1370 provisions of Section 93-11-157 or 93-11-163, as the case may be,
1371 shall control.

1372 SECTION 16. Section 73-1-29, Mississippi Code of 1972, is
1373 amended as follows:

1374 73-1-29. (1) The board, upon satisfactory proof and in
1375 accordance with this chapter and the regulations of the board, is
1376 authorized to take the disciplinary actions provided for
1377 hereinafter against any person for any of the following reasons:

1378 (a) Violating any of the provisions of Sections 73-1-1
1379 through 73-1-43 or the bylaws, rules, regulations or standards of
1380 ethics or conduct duly adopted by the board pertaining to the
1381 practice of architecture;

1382 (b) Obtaining a certificate of registration by fraud,
1383 deceit or misrepresentation;

1384 (c) Gross negligence, malpractice, incompetency or
1385 misconduct in the practice of architecture;

1386 (d) Any professional misconduct, as defined by the
1387 board through bylaws, rules and regulations, and standards of
1388 conduct and ethics; (professional misconduct may not be defined to
1389 include bidding by architects for contracts based on price);

1390 (e) Practicing or offering to practice architecture on
1391 an expired certificate or while under suspension or revocation of
1392 certificate unless such suspension or revocation is abated through
1393 probation, as provided for hereinafter;

1394 (f) Practicing architecture under an assumed or
1395 fictitious name;

1396 (g) Being convicted by any court of a felony, except
1397 conviction of culpable negligent manslaughter, in which case the
1398 record of conviction shall be conclusive evidence;

1399 (h) Willfully misleading or defrauding any person
1400 employing him as an architect by any artifice or false statement;

1401 or

1402 (i) Having undisclosed financial or personal interests
1403 which compromise his obligation to his client.

1404 (2) Any person may prefer charges against any other person
1405 for committing any of the acts set forth in subsection (1). Such
1406 charges need not be sworn to, may be made upon actual knowledge or
1407 upon information and belief, and must be filed with the board. If
1408 any person licensed under Sections 73-1-1 through 73-1-43 is
1409 expelled from membership in any Mississippi or national
1410 professional architectural society or association, the board shall
1411 thereafter cite such person to appear at a hearing before the
1412 board to show cause why disciplinary action should not be taken
1413 against that person.

1414 The board shall investigate all charges filed with it and,
1415 upon finding reasonable cause to believe that the charges are not
1416 frivolous, unfounded or filed in bad faith, may cause a hearing to
1417 be held, at a time and place fixed by the board, regarding the
1418 charges and may compel the accused by subpoena to appear before
1419 the board to respond to the charges.

1420 No disciplinary action may be taken until the accused has
1421 been furnished both a statement of the charges against him and
1422 notice of the time and place of the hearing thereof, which shall
1423 be personally served on the accused or mailed by registered or
1424 certified mail, return receipt requested, to the last known
1425 business or residence address of the accused not less than thirty
1426 (30) days prior to the date of the hearing.

1427 (3) At any hearing held hereunder, the board, upon
1428 application and approval of the chancery court, shall have the
1429 power to subpoena witnesses and compel their attendance and may
1430 also require the production of books, papers and other documents,
1431 as provided in this chapter. The hearing shall be conducted
1432 before the full board with the president of the board serving as
1433 the presiding judge. Counsel for the board shall present all
1434 evidence relating to the charges. All evidence shall be presented

1435 under oath, which may be administered by any member of the board,
1436 and thereafter the proceedings may, if necessary, be transcribed
1437 in full by the court reporter and filed as part of the record in
1438 the case. Copies of such transcriptions may be provided to any
1439 party to the proceedings at a cost fixed by the board.

1440 All witnesses who are subpoenaed and who appear in any
1441 proceedings before the board shall receive the same fees and
1442 mileage as allowed by law in judicial civil proceedings, and all
1443 such fees shall be taxed as part of the costs in the case.

1444 If in any proceeding before the board any witness fails or
1445 refuses to attend upon subpoena issued by the board, refuses to
1446 testify, or refuses to produce any books and papers the production
1447 of which is called for by the subpoena, the attendance of such
1448 witness and the giving of his testimony and the production of the
1449 books and papers shall be enforced by any court of competent
1450 jurisdiction of this state in the manner provided for the
1451 enforcement of attendance and testimony of witnesses in civil
1452 cases in the courts of this state.

1453 The accused shall have the right to be present at the hearing
1454 in person, by counsel or other representative, or both. The
1455 accused shall have the right to present evidence and to examine
1456 and cross-examine all witnesses. The board may continue or recess
1457 the hearing as may be necessary.

1458 (4) At the conclusion of the hearing, the board may either
1459 decide the issue at that time or take the case under advisement
1460 for further deliberation. The board shall render its decision not
1461 more than forty-five (45) days after the close of the hearing and
1462 shall forward to the last known business or residence address of
1463 the accused by certified or registered mail, return receipt
1464 requested, a written statement of the decision of the board.

1465 If a majority of the board finds the accused guilty of the
1466 charges filed, the board may:

- 1467 (a) Issue a public or private reprimand;
1468 (b) Suspend or revoke the certificate of the accused,

1469 if the accused is a registrant; or

1470 (c) In lieu of or in addition to such reprimand,
1471 suspension or revocation, assess and levy upon the guilty party a
1472 monetary penalty of not less than One Hundred Dollars (\$100.00)
1473 nor more than Five Thousand Dollars (\$5,000.00) for each
1474 violation.

1475 (5) A monetary penalty assessed and levied under this
1476 section shall be paid to the board upon the expiration of the
1477 period allowed for appeal of such penalties under this section, or
1478 may be paid sooner if the guilty party elects. Money collected by
1479 the board under this section shall be deposited to the credit of
1480 the special fund created in Section 73-1-43, Mississippi Code of
1481 1972.

1482 When payment of such monetary penalty assessed and levied by
1483 the board is delinquent, the board shall have the power to
1484 institute and maintain proceedings in its name for enforcement of
1485 payment in the chancery court of the county of residence of the
1486 guilty party. If the guilty party is a nonresident of the State
1487 of Mississippi, such proceedings shall be in the Chancery Court of
1488 the First Judicial District of Hinds County, Mississippi.

1489 (6) When the board has taken a disciplinary action under
1490 this section, the board may stay such action and place the guilty
1491 party on probation for a period not to exceed one (1) year upon
1492 condition that the guilty party shall not further violate either
1493 the laws of the State of Mississippi pertaining to the practice of
1494 architecture or the bylaws, rules and regulations, or standards of
1495 conduct and ethics promulgated by the board.

1496 (7) The board may assess and tax any part or all of the
1497 costs of any disciplinary proceedings conducted under this section
1498 against the accused if the accused is found guilty of the charges.

1499 (8) The power and authority of the board to assess and levy
1500 the monetary penalties provided for in this section shall not be
1501 affected or diminished by any other proceeding, civil or criminal,
1502 concerning the same violation or violations except as provided in

1503 this section.

1504 (9) The board, for sufficient cause, may reissue a revoked
1505 certificate of registration by a majority vote of the board
1506 members; but in no event shall a revoked certificate be issued
1507 within two (2) years of the revocation. A new certificate of
1508 registration required to replace a revoked, lost, mutilated or
1509 destroyed certificate may be issued, subject to the rules of the
1510 board, for a charge not to exceed Ten Dollars (\$10.00).

1511 (10) In addition to the reasons specified in subsection (1)
1512 of this section, the board shall be authorized to suspend the
1513 certificate of registration of any person for being out of
1514 compliance with an order for support or an order for visitation,
1515 as defined in Section 93-11-153. The procedure for suspension of
1516 a certificate for being out of compliance with an order for
1517 support or an order for visitation, and the procedure for the
1518 reissuance or reinstatement of a certificate suspended for that
1519 purpose, and the payment of any fees for the reissuance or
1520 reinstatement of a certificate suspended for that purpose, shall
1521 be governed by Section 93-11-157 or 93-11-163, as the case may be.

1522 If there is any conflict between any provision of Section
1523 93-11-157 or 93-11-163 and any provision of this chapter, the
1524 provisions of Section 93-11-157 or 93-11-163, as the case may be,
1525 shall control.

1526 SECTION 17. Section 73-1-33, Mississippi Code of 1972, is
1527 amended as follows:

1528 73-1-33. The board, for reasons it may deem sufficient, may
1529 reissue a certificate of registration to any person whose
1530 certificate has been suspended or revoked, providing three (3) or
1531 more members of the board vote in favor of such reissuance. The
1532 procedure for the reissuance of a certificate that is suspended
1533 for being out of compliance with an order for support or an order
1534 for visitation, as defined in Section 93-11-153, shall be governed
1535 by Section 93-11-157 or 93-11-163, as the case may be.

1536 SECTION 18. Section 73-2-16, Mississippi Code of 1972, is

1537 amended as follows:

1538 73-2-16. (1) The board shall also have the power to revoke,
1539 suspend or annul the certificate or registration of a landscape
1540 architect or reprimand, censure or otherwise discipline a
1541 landscape architect.

1542 (2) The board, upon satisfactory proof and in accordance
1543 with the provisions of this chapter, may take the disciplinary
1544 actions against any registered landscape architect for any of the
1545 following reasons:

1546 (a) Violating any of the provisions of Sections 73-2-1
1547 through 73-2-21 or the implementing bylaws, rules, regulations or
1548 standards of ethics or conduct duly adopted and promulgated by the
1549 board pertaining to the practice of landscape architecture;

1550 (b) Fraud, deceit or misrepresentation in obtaining a
1551 certificate of registration;

1552 (c) Gross negligence, malpractice, incompetency or
1553 misconduct in the practice of landscape architecture;

1554 (d) Any professional misconduct, as defined by the
1555 board through bylaws, rules and regulations and standards of
1556 conduct and ethics (professional misconduct shall not be defined
1557 to include bidding on contracts for a price);

1558 (e) Practicing or offering to practice landscape
1559 architecture on an expired license or while under suspension or
1560 revocation of a license unless said suspension or revocation be
1561 abated through probation;

1562 (f) Practicing landscape architecture under an assumed
1563 or fictitious name;

1564 (g) Being convicted by any court of a felony, except
1565 conviction of culpable negligent manslaughter, in which case the
1566 record of conviction shall be conclusive evidence;

1567 (h) Willfully misleading or defrauding any person
1568 employing him as a landscape architect by any artifice or false
1569 statement;

1570 (i) Having undisclosed financial or personal interest

1571 which compromises his obligation to his client;

1572 (j) Obtaining a certificate by fraud or deceit; or

1573 (k) Violating any of the provisions of this chapter.

1574 (3) Any person may prefer charges against any other person
1575 for committing any of the acts set forth in subsection (2). Such
1576 charges need not be sworn to, may be made upon actual knowledge,
1577 or upon information and belief, and shall be filed with the board.
1578 In the event any person licensed under Sections 73-2-1 through
1579 73-2-21 is expelled from membership in any Mississippi or national
1580 professional landscape architectural society or association, the
1581 board shall thereafter cite said person to appear at a hearing
1582 before the board and to show cause why disciplinary action should
1583 not be taken against that person.

1584 The board shall investigate all charges filed with it and,
1585 upon finding reasonable cause to believe that the charges are not
1586 frivolous, unfounded or filed in bad faith, may, in its
1587 discretion, cause a hearing to be held, at a time and place fixed
1588 by the board, regarding the charges and may compel the accused by
1589 subpoena to appear before the board to respond to said charges.

1590 No disciplinary action taken hereunder may be taken until the
1591 accused has been furnished both a statement of the charges against
1592 him and notice of the time and place of the hearing thereof, which
1593 shall be personally served on the accused or mailed by registered
1594 or certified mail, return receipt requested, to the last known
1595 business or residence address of the accused not less than thirty
1596 (30) days prior to the date fixed for the hearing.

1597 (4) At any hearing held under the provisions of this
1598 section, the board shall have the power to subpoena witnesses and
1599 compel their attendance and require the production of any books,
1600 papers or documents. The hearing shall be conducted before the
1601 full board with the president of the board serving as the
1602 presiding judge. Counsel for the board shall present all evidence
1603 relating to the charges. All evidence shall be presented under
1604 oath, which may be administered by any member of the board, and

1605 thereafter the proceedings may, if necessary, be transcribed in
1606 full by the court reporter and filed as part of the record in the
1607 case. Copies of such transcription may be provided to any party
1608 to the proceedings at a cost to be fixed by the board.

1609 All witnesses who shall be subpoenaed and who shall appear in
1610 any proceedings before the board shall receive the same fees and
1611 mileage as allowed by law in judicial civil proceedings, and all
1612 such fees shall be taxed as part of the costs of the case.

1613 Where in any proceedings before the board any witness shall
1614 fail or refuse to attend upon subpoena issued by the board, shall
1615 refuse to testify or shall refuse to produce any books and papers,
1616 the production of which is called for by the subpoena, the
1617 attendance of such witness and the giving of his testimony and the
1618 production of the books and papers shall be enforced by any court
1619 of competent jurisdiction of this state in the manner provided for
1620 the enforcement of attendance and testimony of witnesses in civil
1621 cases in the courts of this state.

1622 The accused shall have the right to be present at the hearing
1623 in person, by counsel or other representative, or both. The
1624 accused shall have the right to present evidence and to examine
1625 and cross-examine all witnesses. The board is authorized to
1626 continue or recess the hearing as may be necessary.

1627 (5) At the conclusion of the hearing, the board may either
1628 decide the issue at that time or take the case under advisement
1629 for further deliberation. The board shall render its decision not
1630 more than forty-five (45) days after the close of the hearing, and
1631 shall forward to the last known business or residence address of
1632 the accused by certified or registered mail, return receipt
1633 requested, a written statement of the decision of the board.

1634 If a majority of the board finds the accused guilty of the
1635 charges filed, the board may: (a) issue a public or private
1636 reprimand; (b) suspend or revoke the license of the accused, if
1637 the accused is a registrant; or (c) in lieu of or in addition to
1638 such reprimand, suspension or revocation, assess and levy upon the

1639 guilty party a monetary penalty of not less than One Hundred
1640 Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00)
1641 for each violation.

1642 (6) A monetary penalty assessed and levied under this
1643 section shall be paid to the board upon the expiration of the
1644 period allowed for appeal of such penalties under this section, or
1645 may be paid sooner if the guilty party elects. Money collected by
1646 the board under this section shall be deposited to the credit of
1647 the board's general operating fund.

1648 When payment of a monetary penalty assessed and levied by the
1649 board in accordance with this section is not paid when due, the
1650 board shall have the power to institute and maintain proceedings
1651 in its name for enforcement of payment in the chancery court of
1652 the county and judicial district of the residence of the guilty
1653 party and if the guilty party be a nonresident of the State of
1654 Mississippi, such proceedings shall be in the Chancery Court of
1655 the First Judicial District of Hinds County, Mississippi.

1656 (7) When the board has taken a disciplinary action under
1657 this section, the board may, in its discretion, stay such action
1658 and place the guilty party on probation for a period not to exceed
1659 one (1) year upon the condition that the guilty party shall not
1660 further violate either the law of the State of Mississippi
1661 pertaining to the practice of landscape architecture or the
1662 bylaws, rules and regulations, or standards of conduct and ethics
1663 promulgated by the board.

1664 (8) The board, in its discretion, may assess and tax any
1665 part or all of the costs of any disciplinary proceedings conducted
1666 under this section against the accused, if the accused is found
1667 guilty of the charges.

1668 (9) The power and authority of the board to assess and levy
1669 the monetary penalties provided for in this section shall not be
1670 affected or diminished by any other proceeding, civil or criminal,
1671 concerning the same violation or violations except as provided in
1672 this section.

1673 (10) The board, for sufficient cause, may reissue a revoked
1674 license of registration whenever a majority of the board members
1675 vote to do so but in no event shall a revoked license be issued
1676 within two (2) years of the revocation. A new license of
1677 registration required to replace a revoked, lost, mutilated or
1678 destroyed license may be issued, subject to the rules of the
1679 board, for a charge not to exceed Twenty-five Dollars (\$25.00).

1680 (11) The board may direct the advisory committee to review
1681 and investigate any charges brought against any landscape
1682 architect under this chapter and to hold the hearings provided for
1683 in this section and to make findings of fact and recommendations
1684 to the board concerning the disposition of such charges.

1685 (12) Nothing herein contained shall preclude the board or
1686 advisory committee from initiating proceedings in any case. The
1687 advisory committee shall furnish legal advice and assistance to
1688 the board whenever such service is requested.

1689 (13) In addition to the reasons specified in subsection (2)
1690 of this section, the board shall be authorized to suspend the
1691 license of any licensee for being out of compliance with an order
1692 for support or an order for visitation, as defined in Section
1693 93-11-153. The procedure for suspension of a license for being
1694 out of compliance with an order for support or an order for
1695 visitation, and the procedure for the reissuance or reinstatement
1696 of a license suspended for that purpose, and the payment of any
1697 fees for the reissuance or reinstatement of a license suspended
1698 for that purpose, shall be governed by Section 93-11-157 or
1699 93-11-163, as the case may be. If there is any conflict between
1700 any provision of Section 93-11-157 or 93-11-163 and any provision
1701 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
1702 as the case may be, shall control.

1703 SECTION 19. Section 73-3-321, Mississippi Code of 1972, is
1704 amended as follows:

1705 73-3-321. (1) All formal complaints shall be filed in the
1706 court and shall be prosecuted in the name of The Mississippi Bar.

1707 The formal complaint and other pleadings shall comply with the
1708 following requirements:

1709 (a) The formal complaint shall be filed with the clerk
1710 of the court within thirty (30) days of the receipt by complaint
1711 counsel of the written notice from the committee on complaints
1712 directing him to file said complaint.

1713 (b) The complaint shall set forth with fair and
1714 reasonable certainty the particulars of the offense of which the
1715 accused attorney is charged.

1716 (c) All matters of defense or abatement asserted by the
1717 accused attorney shall be filed within twenty (20) days after a
1718 copy of the complaint is served upon the accused attorney.

1719 Provided that upon application to the clerk the accused attorney
1720 may be granted such additional time as the circumstances warrant.

1721 (d) The complaint shall be personally served upon the
1722 accused attorney by the Executive Director of The Mississippi Bar
1723 or by the complaint counsel unless the accused attorney shall
1724 waive the same by execution and delivery to the clerk of receipt
1725 and waiver of personal service.

1726 (2) The procedure for suspending an attorney from the
1727 practice of law for being out of compliance with an order for
1728 support or an order for visitation, as defined in Section
1729 93-11-153, and the procedure for reinstating an attorney to
1730 practice law after suspension for being out of compliance, and the
1731 payment of any fees for reinstating an attorney to practice law
1732 after suspension for being out of compliance, shall be governed by
1733 Section 93-11-157 or 93-11-163, as the case may be. If there is
1734 any conflict between any provision of Section 93-11-157 or
1735 93-11-163 and any provision of this article, the provisions of
1736 Section 93-11-157 or 93-11-163, as the case be, shall control.

1737 SECTION 20. Section 73-3-327, Mississippi Code of 1972, is
1738 amended as follows:

1739 73-3-327. (1) At the conclusion of the hearing the
1740 complaint tribunal, upon the majority vote of the members of such

1741 tribunal, shall render a written opinion incorporating a finding
1742 of fact and a judgment thereon. The judgment of the complaint
1743 tribunal may provide the following:

1744 (a) Exonerate the accused attorney and dismiss the
1745 complaint.

1746 (b) Reprimand and admonish the attorney, as provided in
1747 Section 73-3-319(b) of this article.

1748 (c) Suspend the attorney from the practice of law for
1749 any period of time.

1750 (d) Permanently disbar the attorney.

1751 (2) In cases in which the Clerk of the Supreme Court has
1752 received notice from the division that the attorney is out of
1753 compliance with an order for support or an order for visitation,
1754 as defined in Section 93-11-153, the Supreme Court shall suspend
1755 the attorney from the practice of law until such time as the
1756 attorney may be reinstated to practice law because of the
1757 attorney's compliance with the requirements of Section 93-11-157
1758 or 93-11-163, as the case may be.

1759 SECTION 21. Section 73-3-335, Mississippi Code of 1972, is
1760 amended as follows:

1761 73-3-335. Any time after the entry of a final judgment of
1762 suspension and after the expiration of at least one-fourth (1/4)
1763 of the period of the ordered suspension, the convicted attorney
1764 may file a petition in the court to modify or terminate said
1765 suspension; provided, however, any petition to modify or terminate
1766 subsequent to the initial petition shall not be filed within six
1767 (6) months from the date of the adverse determination of any prior
1768 petition. A filing fee of Two Hundred Fifty Dollars (\$250.00) to
1769 defray the expense of investigating the matter shall be paid The
1770 Mississippi Bar upon the filing of each petition to modify or
1771 terminate. A copy of said petition shall be served upon The
1772 Mississippi Bar, and it shall be under a duty to investigate the
1773 matter, respond to the petition and appear at the hearing.

1774 Modification or termination of suspension shall be granted only

1775 upon a showing of good cause and exceptional circumstances.

1776 The procedure for reinstating an attorney to practice law
1777 after suspension for being out of compliance with an order of
1778 support or an order for visitation, as defined in Section
1779 93-11-153, and the payment of any fees for reinstating an attorney
1780 to practice law after suspension for being out of compliance,
1781 shall be governed by Section 93-11-157 or 93-11-163, as the case
1782 may be.

1783 SECTION 22. Section 73-3-337, Mississippi Code of 1972, is
1784 amended as follows:

1785 73-3-337. Upon the termination of the period of suspension,
1786 the convicted attorney may be reinstated by the court, pursuant to
1787 a petition filed with the court and a copy thereof served upon The
1788 Mississippi Bar. A filing fee of Two Hundred Fifty Dollars
1789 (\$250.00) to defray the expense of investigating the matter shall
1790 be paid The Mississippi Bar upon the filing of such petition. The
1791 Mississippi Bar shall investigate the matter and report all
1792 relevant facts for the consideration of the court.

1793 Any time after the expiration of three (3) years from and
1794 after the date of the final judgment of disbarment, the convicted
1795 attorney may petition the court for reinstatement. The petition
1796 shall be in writing and verified by the petitioner, and it shall
1797 set forth the full name, age, residence and mailing address of the
1798 petitioner, the offense or misconduct for which he was disbarred,
1799 a concise statement of the facts claimed to justify restoration
1800 and that he has made full amends and restitution to all persons,
1801 firms or legal entities, naming them, who may have suffered
1802 pecuniary loss by reason of the misconduct or offense for which he
1803 was disbarred. A copy of said petition shall be served on The
1804 Mississippi Bar, and a filing fee of Five Hundred Dollars
1805 (\$500.00) to defray the expense of investigating the matter shall
1806 be paid The Mississippi Bar upon the filing of each petition. Any
1807 petition for reinstatement subsequent to the initial petition
1808 shall not be filed by the convicted attorney within one (1) year

1809 from the date of the adverse determination of any prior petition.

1810 The court shall examine the petition and, if satisfied that
1811 it states sufficient grounds, shall set the same for hearing and
1812 shall cause the clerk of the court to serve each person named in
1813 the petition with a copy thereof by sending the same to them by
1814 registered mail. If the court deems it necessary or proper to so
1815 do, it may cause an investigation to be made by complaint counsel.

1816 If the court is satisfied that all material allegations of
1817 the petition for reinstatement are true and that the ends of
1818 justice will be served, the court may reinstate the convicted
1819 attorney and enter judgment accordingly; provided, however, no
1820 judgment of reinstatement shall be entered by default or on an ex
1821 parte basis, and in all cases the court shall hear The Mississippi
1822 Bar and may hear any party named in the petition.

1823 The procedure for reinstating an attorney to practice law
1824 after suspension for being out of compliance with an order of
1825 support or an order for visitation, as defined in Section
1826 93-11-153, and the payment of any fees for reinstating an attorney
1827 to practice law after suspension for being out of compliance,
1828 shall be governed by Section 93-11-157 or 93-11-163, as the case
1829 may be.

1830 SECTION 23. Section 73-4-19, Mississippi Code of 1972, is
1831 amended as follows:

1832 73-4-19. (1) Any person desiring to make a complaint
1833 against a licensee shall submit a complaint to the commission in
1834 verified form as prescribed by the commission. Upon receipt of a
1835 properly verified complaint, the commission shall send a copy of
1836 the complaint to the affected licensee by certified mail, and the
1837 licensee shall make answer to the complaint in writing within
1838 twenty (20) days after receipt of the complaint. The licensee
1839 shall mail a copy of his response to the commission and the
1840 complainant. Upon receipt of the licensee's response or lapse of
1841 twenty (20) days, the commission shall make investigation of the
1842 underlying allegations of the complaint, and upon a finding of

1843 probable cause that a violation of this chapter has occurred, the
1844 commission shall order a hearing for the licensee to appear and
1845 show cause why he should not be disciplined for a violation of
1846 this chapter.

1847 (2) (a) All hearings held pursuant to this chapter shall be
1848 held at the offices of the commission. The commission, for good
1849 cause shown, may order that a hearing be held in another location
1850 convenient to all parties.

1851 (b) The commission shall give the complainant and the
1852 affected licensee twenty (20) days' notice of any hearing upon a
1853 complaint. Such notice shall be by United States certified mail.

1854 (c) Any party appearing before the commission may be
1855 accompanied by counsel.

1856 (d) The commission or its executive director shall have
1857 the right to subpoena witnesses and documents as they deem
1858 necessary for the proper conduct of the hearing. The commission
1859 shall not entertain a motion for a continuance for failure of a
1860 witness to appear unless such witness shall have been duly
1861 subpoenaed.

1862 (e) (i) Before commencing a hearing, the chairman of
1863 the commission shall determine if all parties are present and
1864 ready to proceed. If the complainant fails to attend a hearing
1865 without good cause shown, the complaint shall be dismissed
1866 summarily and all fees and expenses of convening the hearing shall
1867 be assessed to, and paid by, the complainant. If any affected
1868 licensee fails to appear for a hearing without good cause shown,
1869 such licensee shall be presumed to have waived his right to appear
1870 and be heard.

1871 (ii) Upon the chairman's determination that all
1872 parties are ready to proceed, the chairman shall call the hearing
1873 to order and the complainant and the licensee may give opening
1874 statements. At the request of any party, the chairman shall order
1875 the sequestration of nonparty witnesses. The complainant shall
1876 then present his complaint through sworn testimony and the

1877 production of physical evidence. The licensee, any counsel and
1878 any member of the commission may ask questions of witnesses.

1879 (iii) The licensee shall then present his case in
1880 rebuttal with equal right of cross examination of the parties. At
1881 the completion of the evidence, all parties may give closing
1882 statements.

1883 (iv) At the conclusion of testimony and argument,
1884 the commission may go into closed session for deliberation.

1885 (v) At the conclusion of deliberations, the
1886 commission may announce the commission's decision in an open
1887 session, and shall notify the parties of its decision by mail
1888 within ten (10) days after the commission reaches its decision.

1889 (f) Upon a finding that a licensee has violated one or
1890 more provisions of this chapter, the commission may privately or
1891 publicly reprimand the licensee, suspend the licensee's license
1892 for a period not to exceed two (2) years, or revoke the license.
1893 No person whose license has been revoked hereunder may apply for a
1894 new license for a period of at least five (5) years. The
1895 procedure for the reissuance of a license that is for being out of
1896 compliance with an order for support or an order for visitation,
1897 as defined in Section 93-11-153, shall be governed by Section
1898 93-11-157 or 93-11-163, as the case may be.

1899 (3) Any person aggrieved by an action of the commission may
1900 file an appeal of such action in Circuit Court of Hinds County.
1901 Any appeal must be accompanied by an attested copy of the record
1902 of the hearing before the commission. Upon filing an appeal, the
1903 clerk of the court shall docket the appeal and cause process to
1904 issue in the same manner as an original action before such court.
1905 The action shall be set for hearing, and, upon hearing, the court
1906 shall enter an order affirming or setting aside the findings of
1907 the commission. Actions taken by the commission in suspending a
1908 license when required by Section 93-11-157 or 93-11-163 are not
1909 actions from which an appeal may be taken under this section. Any
1910 appeal of a license suspension that is required by Section

1911 93-11-157 or 93-11-163 shall be taken in accordance with the
1912 appeal procedure specified in Section 93-11-157 or 93-11-163, as
1913 the case may be, rather than the procedure specified in this
1914 section.

1915 (4) Nothing in this section shall be deemed as an exclusive
1916 remedy or prevent or proscribe any person's right to petition a
1917 court of law or equity for redress of a grievance against a
1918 licensee or any other entity.

1919 SECTION 24. Section 73-4-25, Mississippi Code of 1972, is
1920 amended as follows:

1921 73-4-25. (1) Commission of any of the following acts by a
1922 licensee may subject the licensee to the disciplinary provisions
1923 contained herein:

1924 (a) Knowingly filing or causing to be filed a false
1925 application.

1926 (b) Failure to enter into a written contract with a
1927 seller or consignor prior to placing or permitting advertising for
1928 an auction sale to be placed.

1929 (c) Failure by the licensee to give the seller or
1930 consignor a signed receipt for items received for sale at auction,
1931 either by item or lot number at the time the goods are received,
1932 unless the goods are to remain in the possession of the seller or
1933 consignor.

1934 (d) Failure to give the seller or consignor a statement
1935 or lot description, selling price, purchaser's identity and the
1936 net proceeds due to the seller or consignor.

1937 (e) Failure to place funds received from an auction
1938 sale in an escrow or trust account, and failure to make timely
1939 settlement on escrowed funds. Absent a written agreement to the
1940 contrary, five (5) business days shall be deemed timely for
1941 settlement on personal property.

1942 (f) Permitting an unlicensed auctioneer to call for
1943 bids in an auction sale.

1944 (g) Being convicted of one or more felonies.

1945 (h) Any course of intentional willful or wanton conduct
1946 by a licensee or such licensee's employees which misleads or
1947 creates a false impression among the seller, buyer, bidders and
1948 the auctioneer in the advertising, conducting and closing of an
1949 auction sale.

1950 (2) In addition to the acts specified in subsection (1) of
1951 this section, the commission shall be authorized to suspend the
1952 license of any licensee for being out of compliance with an order
1953 for support or an order for visitation, as defined in Section
1954 93-11-153. The procedure for suspension of a license for being
1955 out of compliance with an order for support or an order for
1956 visitation, and the procedure for the reissuance or reinstatement
1957 of a license suspended for that purpose, and the payment of any
1958 fees for the reissuance or reinstatement of a license suspended
1959 for that purpose, shall be governed by Section 93-11-157 or
1960 93-11-163. If there is any conflict between any provision of
1961 Section 93-11-157 or 93-11-163 and any provision of this chapter,
1962 the provisions of Section 93-11-157 or 93-11-163, as the case may
1963 be, shall control.

1964 SECTION 25. Section 73-5-25, Mississippi Code of 1972, is
1965 amended as follows:

1966 73-5-25. (1) The Board of Barber Examiners may refuse to
1967 issue, or may suspend definitely or indefinitely, or revoke any
1968 certificate of registration for any one or a combination of the
1969 following causes:

1970 (a) Conviction of a felony shown by a certified copy of
1971 the judgment of court in which such conviction is had, unless upon
1972 a full and unconditional pardon of such convict, and upon
1973 satisfactory showing that such convict will in the future conduct
1974 himself in a law-abiding way.

1975 (b) Gross malpractice or gross incompetency.

1976 (c) Continued practice by a person knowingly having an
1977 infectious or contagious disease.

1978 (d) Advertising, practicing or attempting to practice

1979 under a trade name or name other than one's own.

1980 (e) Habitual drunkenness or habitual addiction to the
1981 use of morphine, cocaine or habit forming drug.

1982 (f) Immoral or unprofessional conduct.

1983 (g) Violation of regulations that may be prescribed as
1984 provided for in Section 73-5-7 and the commission of any of the
1985 offenses set forth in Section 73-5-43.

1986 (2) In addition to the causes specified in subsection (1) of
1987 this section, the board shall be authorized to suspend the
1988 certificate of registration of any person for being out of
1989 compliance with an order for support or an order for visitation,
1990 as defined in Section 93-11-153. The procedure for suspension of
1991 a certificate for being out of compliance with an order for
1992 support or an order for visitation, and the procedure for the
1993 reissuance or reinstatement of a certificate suspended for that
1994 purpose, and the payment of any fees for the reissuance or
1995 reinstatement of a certificate suspended for that purpose shall be
1996 governed by Section 93-11-157 or 93-11-163. If there is any
1997 conflict between any provision of Section 93-11-157 or 93-11-163
1998 and any provision of this chapter, the provisions of Section
1999 93-11-157 or 93-11-163, as the case may be, shall control.

2000 SECTION 26. Section 73-6-19, Mississippi Code of 1972, is
2001 amended as follows:

2002 73-6-19. (1) The board shall refuse to grant a certificate
2003 of licensure to any applicant or may cancel, revoke or suspend the
2004 certificate upon the finding of any of the following facts
2005 regarding the applicant or licensed practitioner:

2006 (a) Failure to comply with the rules and regulations
2007 adopted by the State Board of Chiropractic Examiners;

2008 (b) Violation of any of the provisions of this chapter
2009 or any of the rules and regulations of the State Board of Health
2010 pursuant to this chapter with regard to the operation and use of
2011 X-rays;

2012 (c) Fraud or deceit in obtaining a license;

2013 (d) Addiction to the use of alcohol, narcotic drugs, or
2014 anything which would seriously interfere with the competent
2015 performance of his professional duties;

2016 (e) Conviction by a court of competent jurisdiction of
2017 a felony, other than manslaughter or any violation of the United
2018 States Revenue Code;

2019 (f) Unprofessional and unethical conduct;

2020 (g) Contraction of a contagious disease which may be
2021 carried for a prolonged period;

2022 (h) Failure to report to the Mississippi Department of
2023 Human Services or the county attorney any case wherein there are
2024 reasonable grounds to believe that a child has been abused by its
2025 parent or person responsible for such child's welfare;

2026 (i) Advising a patient to use drugs, prescribing or
2027 providing drugs for a patient, or advising a patient not to use a
2028 drug prescribed by a licensed physician or dentist;

2029 (j) Professional incompetency in the practice of
2030 chiropractic;

2031 (k) Having disciplinary action taken by his peers
2032 within any professional chiropractic association or society;

2033 (l) Offering to accept or accepting payment for
2034 services rendered by assignment from any third-party payor after
2035 offering to accept or accepting whatever the third-party payor
2036 covers as payment in full, if the effect of the offering or
2037 acceptance is to eliminate or give the impression of eliminating
2038 the need for payment by an insured of any required deductions
2039 applicable in the policy of the insured;

2040 (m) Associating his practice with any chiropractor who
2041 does not hold a valid chiropractic license in Mississippi, or
2042 teach chiropractic manipulation to non-qualified persons under
2043 Section 73-6-13; or

2044 (n) Failure to make payment on chiropractic student
2045 loans.

2046 (2) Any holder of such certificate or any applicant therefor

2047 against whom is preferred any of the designated charges shall be
2048 furnished a copy of the complaint and shall receive a formal
2049 hearing in Jackson, Mississippi, before the board, at which time
2050 he may be represented by counsel and examine witnesses. The board
2051 is authorized to administer oaths as may be necessary for the
2052 proper conduct of any such hearing. In addition, the board is
2053 authorized and empowered to issue subpoenas for the attendance of
2054 witnesses and the production of books and papers. The process
2055 issued by the board shall extend to all parts of the state. Where
2056 in any proceeding before the board any witness shall fail or
2057 refuse to attend upon subpoena issued by the board, shall refuse
2058 to testify, or shall refuse to produce any books and papers, the
2059 production of which is called for by the subpoena, the attendance
2060 of such witness and the giving of his testimony and the production
2061 of the books and papers shall be enforced by any court of
2062 competent jurisdiction of this state in the manner provided for
2063 the enforcement of attendance and testimony of witnesses in civil
2064 cases in the courts of this state.

2065 (3) In addition to any other investigators the board
2066 employs, the board shall appoint one or more licensed
2067 chiropractors to act for the board in investigating the conduct
2068 relating to the competency of a chiropractor, whenever
2069 disciplinary action is being considered for professional
2070 incompetence and unprofessional conduct.

2071 (4) Whenever the board finds any person unqualified to
2072 practice chiropractic because of any of the grounds set forth in
2073 subsection (1) of this section, after a hearing has been conducted
2074 as prescribed by this section, the board may enter an order
2075 imposing one or more of the following:

2076 (a) Deny his application for a license or other
2077 authorization to practice chiropractic;

2078 (b) Administer a public or private reprimand;

2079 (c) Suspend, limit or restrict his license or other

2080 authorization to practice chiropractic for up to five (5) years;

2081 (d) Revoke or cancel his license or other authorization
2082 to practice chiropractic;

2083 (e) Require him to submit to care, counseling or
2084 treatment by physicians or chiropractors designated by the board,
2085 as a condition for initial, continued or renewal of licensure or
2086 other authorization to practice chiropractic;

2087 (f) Require him to participate in a program of
2088 education prescribed by the board; or

2089 (g) Require him to practice under the direction of a
2090 chiropractor designated by the board for a specified period of
2091 time.

2092 (5) Any person whose application for a license or whose
2093 license to practice chiropractic has been cancelled, revoked or
2094 suspended by the board within thirty (30) days from the date of
2095 such final decision shall have the right of a de novo appeal to
2096 the circuit court of his county of residence or the Circuit Court
2097 of the First Judicial District of Hinds County, Mississippi. If
2098 there is an appeal, such appeal may, in the discretion of and on
2099 motion to the circuit court, act as a supersedeas. The circuit
2100 court shall dispose of the appeal and enter its decision promptly.
2101 The hearing on the appeal may, in the discretion of the circuit
2102 judge, be tried in vacation. Either party shall have the right of
2103 appeal to the Supreme Court as provided by law from any decision
2104 of the circuit court.

2105 (6) In a proceeding conducted under this section by the
2106 board for the revocation, suspension or cancellation of a license
2107 to practice chiropractic, after a hearing has been conducted as
2108 prescribed by this section, the board shall have the power and
2109 authority for the grounds stated in subsection (1) of this
2110 section, with the exception of paragraph (c) thereof, to assess
2111 and levy upon any person licensed to practice chiropractic in the
2112 state a monetary penalty in lieu of such revocation, suspension or
2113 cancellation, as follows:

2114 (a) For the first violation, a monetary penalty of not

2115 less than Five Hundred Dollars (\$500.00) nor more than One
2116 Thousand Dollars (\$1,000.00) for each violation.

2117 (b) For the second and each subsequent violation, a
2118 monetary penalty of not less than One Thousand Dollars (\$1,000.00)
2119 nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for
2120 each violation.

2121 The power and authority of the board to assess and levy such
2122 monetary penalties under this section shall not be affected or
2123 diminished by any other proceeding, civil or criminal, concerning
2124 the same violation or violations. A licensee shall have the right
2125 of appeal from the assessment and levy of a monetary penalty as
2126 provided in this section to the circuit court under the same
2127 conditions as a right of appeal is provided for in this section
2128 for appeals from an adverse ruling, or order, or decision of the
2129 board. Any monetary penalty assessed and levied under this
2130 section shall not take effect until after the time for appeal has
2131 expired, and an appeal of the assessment and levy of such a
2132 monetary penalty shall act as a supersedeas.

2133 (7) In addition to the grounds specified in subsection (1)
2134 of this section, the board shall be authorized to suspend the
2135 license of any licensee for being out of compliance with an order
2136 for support or an order for visitation, as defined in Section
2137 93-11-153. The procedure for suspension of a license for being
2138 out of compliance with an order for support or an order for
2139 visitation, and the procedure for the reissuance or reinstatement
2140 of a license suspended for that purpose, and the payment of any
2141 fees for the reissuance or reinstatement of a license suspended
2142 for that purpose, shall be governed by Section 93-11-157 or
2143 93-11-163, as the case may be. Actions taken by the board in
2144 suspending a license when required by Section 93-11-157 or
2145 93-11-163 are not actions from which an appeal may be taken under
2146 this section. Any appeal of a license suspension that is required
2147 by Section 93-11-157 or 93-11-163 shall be taken in accordance
2148 with the appeal procedure specified in Section 93-11-157 or

2149 93-11-163, as the case may be, rather than the procedure specified
2150 in this section. If there is any conflict between any provision
2151 of Section 93-11-157 or 93-11-163 and any provision of this
2152 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
2153 case may be, shall control.

2154 SECTION 27. Section 73-7-27, Mississippi Code of 1972, is
2155 amended as follows:

2156 73-7-27. (1) Any complaint may be filed with the board by a
2157 member or agent of the board or by any person charging any
2158 licensee of the board with the commission of any of the offenses
2159 enumerated in subsection (2) of this section. Such complaint
2160 shall be in writing, signed by the accuser or accusers, and
2161 verified under oath, and such complaints shall be investigated as
2162 set forth in Section 73-7-7. If, after the investigation, the
2163 board through its administrative review agents determines that
2164 there is not substantial justification to believe that the accused
2165 licensee has committed any of the offenses enumerated, it may
2166 dismiss the complaint or may prepare a formal complaint proceeding
2167 against the licensee as hereinafter provided. When used with
2168 reference to any complaint filed against a licensee herein, the
2169 term "not substantial justification" means a complaint that is
2170 frivolous, groundless in fact or law, or vexatious, as determined
2171 by unanimous vote of the board. In the event of a dismissal, the
2172 person filing the accusation and the accused licensee shall be
2173 given written notice of the board's determination. If the board
2174 determines there is reasonable cause to believe the accused has
2175 committed any of those offenses, the secretary of the board shall
2176 give written notice of such determination to the accused licensee
2177 and set a day for a hearing as provided in subsection (3) of this
2178 section.

2179 (2) The board shall have the power to revoke, suspend or
2180 refuse to issue or renew any license or certificate provided for
2181 in this chapter, and to fine, place on probation and/or otherwise
2182 discipline a student or licensee or holder of a certificate, upon

2183 proof that such person: (a) has not complied with or has violated
2184 any of the rules and regulations promulgated by the board; (b) has
2185 not complied with or has violated any of the sections of this
2186 chapter; (c) has committed fraud or dishonest conduct in the
2187 taking of the examination herein provided for; (d) has been
2188 convicted of a felony; (e) has committed grossly unprofessional or
2189 dishonest conduct; (f) is addicted to the excessive use of
2190 intoxicating liquors or to the use of drugs to such an extent as
2191 to render him or her unfit to practice in any of the practices or
2192 occupations set forth in this chapter; (g) has advertised by means
2193 of knowingly false or deceptive statements; or (h) has failed to
2194 display the license or certificate issued to him or her as
2195 provided for in this chapter; or (i) has been convicted of
2196 violating any of the provisions of this chapter. A conviction of
2197 violating any of the provisions of this chapter shall be grounds
2198 for automatic suspension of the license or certificate of such
2199 person.

2200 (3) The board shall not revoke, suspend or refuse to issue
2201 or renew any license or certificate, or fine, place on probation
2202 or otherwise discipline any person in a disciplinary matter except
2203 after a hearing of which the applicant or licensee or holder of
2204 the certificate affected shall be given at least twenty (20) days'
2205 notice in writing, specifying the reason or reasons for denying
2206 the applicant a license or certificate of registration, or in the
2207 case of any other disciplinary action, the offense or offenses of
2208 which the licensee or holder of a certificate of registration is
2209 charged. Such notice may be served by mailing a copy thereof by
2210 United States first class certified mail, postage prepaid, to the
2211 last known residence or business address of such applicant,
2212 licensee or holder of a certificate. The hearing on such charges
2213 shall be at such time and place as the board may prescribe.

2214 (4) At such hearings, all witnesses shall be sworn by a
2215 member of the board, and stenographic notes of the proceedings
2216 shall be taken. Any party to the proceedings desiring it shall be

2217 furnished with a copy of such stenographic notes upon payment to
2218 the board of such fees as it shall prescribe, not exceeding,
2219 however, the actual costs of transcription.

2220 (5) The board is hereby authorized and empowered to issue
2221 subpoenas for the attendance of witnesses and the production of
2222 books and papers. The process issued by the board shall extend to
2223 all parts of the state and such process shall be served by any
2224 person designated by the board for such service. The person
2225 serving such process shall receive such compensation as may be
2226 allowed by the board, not to exceed the fee prescribed by law for
2227 similar services. All witnesses who shall be subpoenaed, and who
2228 shall appear in any proceedings before the board, shall receive
2229 the same fees and mileage as allowed by law.

2230 (6) Where in any proceeding before the board any witness
2231 shall fail or refuse to attend upon subpoena issued by the board,
2232 shall refuse to testify, or shall refuse to produce any books and
2233 papers, the production of which is called for by the subpoena, the
2234 attendance of such witness and the giving of his testimony and the
2235 production of the books and papers shall be enforced by any court
2236 of competent jurisdiction of this state, in manner as are enforced
2237 the attendance and testimony of witnesses in civil cases in the
2238 courts of this state.

2239 (7) The board shall conduct the hearing in an orderly and
2240 continuous manner, granting continuances only when the ends of
2241 justice may be served. The board shall, within sixty (60) days
2242 after conclusion of the hearing, reduce its decision to writing
2243 and forward an attested true copy thereof to the last known
2244 residence or business address of such applicant, licensee or
2245 holder of a certificate, by way of United States first class
2246 certified mail, postage prepaid. Such applicant, licensee, holder
2247 of a certificate, or person aggrieved shall have the right of
2248 appeal from an adverse ruling, or order, or decision of the board
2249 to the chancery court upon forwarding notice of appeal to the
2250 board within thirty (30) days after the decision of the board is

2251 mailed in the manner here contemplated. An appeal will not be
2252 allowed in the event notice of appeal, together with the appeal
2253 bond hereinafter required, shall not have been forwarded to the
2254 board within the thirty-day period. Appeal shall be to the
2255 chancery court of the county and judicial district of the
2256 residence of the appellant, or to the Chancery Court of the First
2257 Judicial District of Hinds County, Mississippi, at the election of
2258 the appellant. The notice of appeal shall elect venue, unless the
2259 appellant be a nonresident of the State of Mississippi, in which
2260 event the board shall certify all documents and evidence directly
2261 to the Chancery Court of the First Judicial District of Hinds
2262 County for further proceedings. The appeal shall thereupon be
2263 heard in due course by the court which shall review the record and
2264 make its determination thereon.

2265 (8) The appellant shall, together with the notice of appeal,
2266 forward to and post with the board a satisfactory bond in the
2267 amount of Five Hundred Dollars (\$500.00) for the payment of any
2268 costs which may be adjudged against him.

2269 (9) In the event of an appeal, the court shall dispose of the
2270 appeal and enter its decision promptly. The hearing on the appeal
2271 may, in the discretion of the chancellor, be tried in vacation.
2272 If there is an appeal, such appeal may, in the discretion of and
2273 on motion to the chancery court, act as a supersedeas. However,
2274 any fine imposed by the board under the provisions of this chapter
2275 shall not take effect until after the time for appeal has expired,
2276 and an appeal of the imposition of such a fine shall act as a
2277 supersedeas.

2278 (10) Any fine imposed by the board upon a licensee or holder
2279 of a certificate shall be in accordance with the following
2280 schedule:

2281 (a) For the first violation, a fine of not less than
2282 Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00)
2283 for each violation.

2284 (b) For the second and each subsequent violation, a

2285 fine of not less than One Hundred Dollars (\$100.00) nor more than
2286 Four Hundred Dollars (\$400.00) for each violation.

2287 The power and authority of the board to impose such fines
2288 under this section shall not be affected or diminished by any
2289 other proceeding, civil or criminal, concerning the same violation
2290 or violations.

2291 (11) In addition to the reasons specified in subsection (2)
2292 of this section, the board shall be authorized to suspend the
2293 license of any licensee for being out of compliance with an order
2294 for support or an order for visitation, as defined in Section
2295 93-11-153. The procedure for suspension of a license for being
2296 out of compliance with an order for support or an order for
2297 visitation, and the procedure for the reissuance or reinstatement
2298 of a license suspended for that purpose, and the payment of any
2299 fees for the reissuance or reinstatement of a license suspended
2300 for that purpose, shall be governed by Section 93-11-157 or
2301 93-11-163, as the case may be. Actions taken by the board in
2302 suspending a license when required by Section 93-11-157 or
2303 93-11-163 are not actions from which an appeal may be taken under
2304 this section. Any appeal of a license suspension that is required
2305 by Section 93-11-157 or 93-11-163 shall be taken in accordance
2306 with the appeal procedure specified in Section 93-11-157 or
2307 93-11-163, as the case may be, rather than the procedure specified
2308 in this section. If there is any conflict between any provision
2309 of Section 93-11-157 or 93-11-163 and any provision of this
2310 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
2311 case may be, shall control.

2312 SECTION 28. Section 73-9-61, Mississippi Code of 1972, is
2313 amended as follows:

2314 73-9-61. (1) Upon satisfactory proof, and in accordance
2315 with statutory provisions elsewhere set out for such hearings and
2316 protecting the rights of accused as well as the public, the State
2317 Board of Dental Examiners may revoke or suspend the license of any
2318 licensed dentist or dental hygienist practicing in the State of

2319 Mississippi, or by taking any other action in relation to his
2320 license as the board may deem proper under the circumstances, for
2321 any of the following reasons:

2322 (a) Misrepresentation in obtaining a license, or a
2323 willful violation of any of the provisions of the laws of the
2324 State of Mississippi pertaining to the practice of dentistry or
2325 dental hygiene.

2326 (b) Willful violation of any of the rules or
2327 regulations duly promulgated by the board, or of any of the rules
2328 or regulations duly promulgated by the appropriate dental
2329 licensure agency of another state or jurisdiction.

2330 (c) Gross immorality or habitual personal use of
2331 intoxicants or drugs rendering such person unfit for the practice
2332 of dentistry or dental hygiene.

2333 (d) Administering, dispensing or prescribing any
2334 narcotic drug, or any other drug having addiction-forming or
2335 addiction-sustaining liability otherwise than in the course of
2336 legitimate professional practice.

2337 (e) Conviction of violation of any federal or state law
2338 regulating the possession, distribution or use of any narcotic
2339 drug or any drug considered a controlled substance under state or
2340 federal law.

2341 (f) Malpractice, gross ignorance, incompetency or the
2342 employing of unlicensed persons to perform work which under state
2343 law can only be done legally by persons holding a license to
2344 practice in this state.

2345 (g) Any unprofessional conduct to be determined by the
2346 board on a case-by-case basis, which shall include, but not be
2347 restricted to, the following:

2348 (i) Committing any crime involving moral
2349 turpitude.

2350 (ii) Practicing deceit or other fraud upon the
2351 public.

2352 (iii) Practicing dentistry or dental hygiene under

2353 a false or assumed name.

2354 (iv) Advertising that is false, deceptive or
2355 misleading.

2356 (v) Announcing a specialized practice shall be
2357 considered advertising that tends to deceive or mislead the public
2358 unless the dentist announcing as a specialist conforms to other
2359 statutory provisions and the duly promulgated rules or regulations
2360 of the board pertaining to practice of dentistry in the State of
2361 Mississippi.

2362 (vi) Contumacious refusal to abide by the
2363 principles of ethics which are approved and published by the
2364 American Dental Association, when such principles have been
2365 adopted by the Mississippi Board of Dental Examiners and after due
2366 notice of such allegation or violation has been given to such
2367 person charged and he has had reasonable time, not to exceed
2368 fifteen (15) days, to comply therewith.

2369 (h) Being guilty of an offense under the laws of a
2370 state punishable by death or imprisonment for a term exceeding one
2371 (1) year; or being guilty of an offense under the laws of the
2372 federal government punishable by death or imprisonment for a term
2373 exceeding one (1) year. Conviction in a state or federal court
2374 shall constitute prima facie evidence of such guilt in proceedings
2375 before the board for the purpose of determining whether the
2376 license of any licensed dentist or dental hygienist should be
2377 revoked or suspended.

2378 (i) Willful, obstinate, contumacious and continuing
2379 refusal to cooperate with the board in observing its rules and
2380 regulations in promptly paying all legal license or other fees
2381 required by law.

2382 (j) Practicing dentistry or dental hygiene while such
2383 person's license is suspended.

2384 (2) In lieu of revocation of a license as provided for
2385 above, the board may suspend the license of the offending dentist
2386 or dental hygienist, suspend the sedation permit of the offending

2387 dentist, or take any other action in relation to his license as
2388 the board may deem proper under the circumstances.

2389 (3) When a license to practice dentistry or dental hygiene
2390 is revoked or suspended by the board, the board may, in its
2391 discretion, stay such revocation or suspension and simultaneously
2392 place the licensee on probation upon the condition that such
2393 licensee shall not violate the laws of the State of Mississippi
2394 pertaining to the practice of dentistry or dental hygiene and
2395 shall not violate the rules and regulations of the board and shall
2396 not violate any terms in relation to his license as may be set by
2397 the board.

2398 (4) In a proceeding conducted under this section by the
2399 board for the revocation or suspension of a license to practice
2400 dentistry or dental hygiene, the board shall have the power and
2401 authority for the grounds stated for such revocation or
2402 suspension, and in addition thereto or in lieu of such revocation
2403 or suspension may assess and levy upon any person licensed to
2404 practice dentistry or dental hygiene in the State of Mississippi,
2405 a monetary penalty, as follows:

2406 (a) For the first violation of any of subparagraph (a),
2407 (b), (c), (d), (e), (f) or (g) of subsection (1) of this section,
2408 a monetary penalty of not less than Fifty Dollars (\$50.00) nor
2409 more than Five Hundred Dollars (\$500.00).

2410 (b) For the second violation of any of subparagraph
2411 (a), (b), (c), (d), (e), (f) or (g) of subsection (1) of this
2412 section, a monetary penalty of not less than One Hundred Dollars
2413 (\$100.00) nor more than One Thousand Dollars (\$1,000.00).

2414 (c) For the third and any subsequent violation of any
2415 of subparagraph (a), (b), (c), (d), (e), (f) or (g) of subsection
2416 (1) of this section, a monetary penalty of not less than Five
2417 Hundred Dollars (\$500.00) and not more than Five Thousand Dollars
2418 (\$5,000.00).

2419 (d) For any violation of any of subparagraph (a), (b),
2420 (c), (d), (e), (f), (g) or (h) of subsection (1) of this section,

2421 those reasonable costs that are expended by the board in the
2422 investigation and conduct of a proceeding for licensure revocation
2423 or suspension, including, but not limited to, the cost of process
2424 service, court reporters, expert witnesses and investigators.

2425 (5) The power and authority of the board to assess and levy
2426 such monetary penalties hereunder shall not be affected or
2427 diminished by any other proceeding, civil or criminal, concerning
2428 the same violation or violations except as provided in this
2429 section.

2430 (6) A licensee shall have the right of appeal from the
2431 assessment and levy of a monetary penalty as provided in this
2432 section under the same conditions as a right of appeal is provided
2433 elsewhere for appeals from an adverse ruling, order or decision of
2434 the board.

2435 (7) Any monetary penalty assessed and levied under this
2436 section shall not take effect until after the time for appeal
2437 shall have expired. In the event of an appeal, such appeal shall
2438 act as a supersedeas.

2439 (8) A monetary penalty assessed and levied under this
2440 section shall be paid to the board by the licensee upon the
2441 expiration of the period allowed for appeal of such penalties
2442 under this section or may be paid sooner if the licensee elects.
2443 With the exception of subsection (4)(d) of this section, monetary
2444 penalties collected by the board under this section shall be
2445 deposited to the credit of the General Fund of the State Treasury.
2446 Any monies collected by the board under subsection (4)(d) of this
2447 section shall be deposited into the special fund operating account
2448 of the board.

2449 (9) When payment of a monetary penalty assessed and levied
2450 by the board against a licensee in accordance with this section is
2451 not paid by the licensee when due under this section, the board
2452 shall have power to institute and maintain proceedings in its name
2453 for enforcement of payment in the chancery court of the county and
2454 judicial district of residence of the licensee, and if the

2455 licensee be a nonresident of the State of Mississippi, such
2456 proceedings shall be in the Chancery Court of the First Judicial
2457 District of Hinds County, Mississippi.

2458 (10) In addition to the reasons specified in subsection (1)
2459 of this section, the board shall be authorized to suspend the
2460 license of any licensee for being out of compliance with an order
2461 for support or an order for visitation, as defined in Section
2462 93-11-153. The procedure for suspension of a license for being
2463 out of compliance with an order for support or an order for
2464 visitation, and the procedure for the reissuance or reinstatement
2465 of a license suspended for that purpose, and the payment of any
2466 fees for the reissuance or reinstatement of a license suspended
2467 for that purpose, shall be governed by Section 93-11-157 or
2468 93-11-163, as the case may be. If there is any conflict between
2469 any provision of Section 93-11-157 or 93-11-163 and any provision
2470 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
2471 as the case may be, shall control.

2472 SECTION 29. Section 73-9-65, Mississippi Code of 1972, is
2473 amended as follows:

2474 73-9-65. No action to revoke or suspend a license shall be
2475 taken until the accused has been furnished a statement of the
2476 charges against him and a notice of the time and place of hearing
2477 thereof. The accused may be present at the hearing in person, by
2478 counsel, or both. When a license is revoked or suspended the
2479 secretary shall certify the revocation or suspension to the clerk
2480 of the county or counties with whom the accused shall have filed
2481 his license, or certified copy thereof. The board may, for good
2482 cause shown, reinstate any license so revoked or suspended; and in
2483 case of reinstatement of the license, the secretary shall certify
2484 such reinstatement to said clerk. The procedure for the
2485 reinstatement of a license that is suspended for being out of
2486 compliance with an order for support or an order for visitation,
2487 as defined in Section 93-11-153, shall be governed by Section
2488 93-11-157 or 93-11-163, as the case may be. The right to appeal

2489 from the action of the board in revoking or suspending the license
2490 of any dentist or dental hygienist is hereby granted. Such appeal
2491 shall be to the chancery court of the county in which such dentist
2492 is practicing, and must be taken within thirty (30) days after
2493 notice of the action of the board in revoking or suspending such
2494 license. The appeal is perfected upon filing notice of appeal,
2495 together with bond in the sum of One Hundred Dollars (\$100.00),
2496 with two (2) sureties, conditioned that if the action of the board
2497 in revoking or suspending the license be affirmed by the chancery
2498 court the dentist or dental hygienist will pay the costs of the
2499 appeal and the action in the chancery court. Such bonds shall be
2500 approved by the president of the board. In lieu of the bond, the
2501 dentist or dental hygienist may deposit One Hundred Dollars
2502 (\$100.00) with the clerk of the chancery court. If there is an
2503 appeal, such appeal may, in the discretion of and on motion to the
2504 chancery court, act as a supersedeas. The chancery court shall
2505 dispose of the appeal and enter its decision promptly. The
2506 hearing on the appeal may, in the discretion of the chancellor, be
2507 tried in vacation. Appeals may be had to the Supreme Court of the
2508 State of Mississippi as provided by law from any final action of
2509 the chancery court. No such person shall be allowed to practice
2510 dentistry or dental hygiene or deliver health care services in
2511 violation of any action of the chancery court revoking or
2512 suspending his or her license while any such appeal to the Supreme
2513 Court is pending.

2514 Actions taken by the board in suspending a license when
2515 required by Section 93-11-157 or 93-11-163 are not actions from
2516 which an appeal may be taken under this section. Any appeal of a
2517 license suspension that is required by Section 93-11-157 or
2518 93-11-163 shall be taken in accordance with the appeal procedure
2519 specified in Section 93-11-157 or 93-11-163, as the case may be,
2520 rather than the procedure specified in this section.

2521 SECTION 30. Section 73-10-21, Mississippi Code of 1972, is
2522 amended as follows:

2523 73-10-21. (1) **Rules, regulations and standards.**

2524 (a) The board is hereby empowered, authorized and
2525 directed to adopt, amend, promulgate and enforce such rules,
2526 regulations and standards governing dietitians as may be necessary
2527 to further the accomplishment of the purpose of the governing law,
2528 and in so doing shall utilize as the basis thereof the
2529 corresponding recommendations of the advisory council. The rules,
2530 regulations and minimum standards for licensing of dietitians may
2531 be amended by the board as deemed necessary. In so doing, the
2532 board shall utilize as the basis thereof the corresponding
2533 recommendations of the advisory council.

2534 (b) The board shall publish and disseminate to all
2535 licensees, in appropriate manner, the licensure standards
2536 prescribed by this chapter, any amendments thereto, and such rules
2537 and regulations as the board may adopt under the authority vested
2538 by Section 73-38-13, within sixty (60) days of their adoption.

2539 (2) The board shall adopt a code of ethics for dietitians
2540 using as the basis thereof the ADA "Standards of Professional
2541 Responsibility."

2542 (3) **Issuance and renewal of licenses.**

2543 (a) The board shall issue a license to any person who
2544 meets the requirements of this chapter upon payment of the license
2545 fee prescribed.

2546 (b) Licenses under this chapter shall be valid for two
2547 (2) calendar years and shall be subject to renewal and shall
2548 expire unless renewed in the manner prescribed by the rules and
2549 regulations of the board, upon the payment of a biennial renewal
2550 fee to be set at the discretion of the board, but not to exceed
2551 One Hundred Dollars (\$100.00), and the presentation of evidence
2552 satisfactory to the board that the licensee has met such
2553 continuing education requirements as the board may require. An
2554 applicant for license renewal shall demonstrate to the board
2555 evidence of satisfactory completion of the continuing education
2556 requirements established by the American Dietetic Association

2557 and/or other continuing education requirements as may be required
2558 by the board.

2559 (c) The board may provide for the late renewal of a
2560 license upon the payment of a late fee in accordance with its
2561 rules and regulations, but no such late renewal of a license may
2562 be granted more than one (1) year after its expiration.

2563 (d) A suspended license shall be subject to expiration
2564 and may be renewed as provided in this section, but such renewal
2565 shall not entitle the licensee, while the license remains
2566 suspended and until it is reinstated, to engage in the licensed
2567 activity, or in any other conduct or activity in violation of the
2568 order of judgment by which the license was suspended. If a
2569 license revoked on disciplinary grounds is reinstated, the
2570 licensee, as a condition of reinstatement, shall pay the renewal
2571 fee and any late fee that may be applicable.

2572 (4) **Denial or revocation of license.**

2573 (a) The board may deny or refuse to renew a license, or
2574 suspend or revoke a license, or issue orders to cease or desist
2575 from certain conduct, or issue warnings or reprimands where the
2576 licensee or applicant for license has been convicted of unlawful
2577 conduct or has demonstrated unprofessional conduct which has
2578 endangered or is likely to endanger the health, welfare or safety
2579 of the public. Such conduct includes:

2580 (i) Obtaining a license by means of fraud,
2581 misrepresentation or concealment of material facts;

2582 (ii) Being guilty of unprofessional conduct as
2583 defined by the rules and established by the board or violating the
2584 Code of Ethics of the American Dietetic Association;

2585 (iii) Being convicted of a crime in any court
2586 other than a misdemeanor;

2587 (iv) Violating any lawful order, rule or
2588 regulation rendered or adopted by the board; or

2589 (v) Violating any provision of this chapter.

2590 (b) Such denial, refusal to renew, suspension,

2591 revocation, order to cease and desist from designated conduct, or
2592 warning or reprimand may be ordered by the board in a decision
2593 made after a hearing in the manner provided by the rules and
2594 regulations adopted by the board. One (1) year from the date of
2595 the revocation of a license, application may be made to the board
2596 for reinstatement. The board shall have discretion to accept or
2597 reject an application for reinstatement and may, but shall not be
2598 required to, hold a hearing to consider such reinstatement.

2599 (c) In addition to the reasons specified in paragraph
2600 (a) of this subsection (4), the board shall be authorized to
2601 suspend the license of any licensee for being out of compliance
2602 with an order for support or an order for visitation, as defined
2603 in Section 93-11-153. The procedure for suspension of a license
2604 for being out of compliance with an order for support or an order
2605 for visitation, and the procedure for the reissuance or
2606 reinstatement of a license suspended for that purpose, and the
2607 payment of any fees for the reissuance or reinstatement of a
2608 license suspended for that purpose, shall be governed by Section
2609 93-11-157 or 93-11-163, as the case may be. If there is any
2610 conflict between any provision of Section 93-11-157 or 93-11-163
2611 and any provision of this chapter, the provisions of Section
2612 93-11-157 or 93-11-163, as the case may be, shall control.

2613 (5) **Establish fees.**

2614 (a) A person licensed under this chapter shall pay to
2615 the board a fee, not to exceed One Hundred Dollars (\$100.00), to
2616 be set by the board for the issuance of a license.

2617 (b) Such fees shall be set in such an amount as to
2618 reimburse the state to the extent feasible for the cost of the
2619 services rendered.

2620 (6) **Collect funds.**

2621 (a) The administration of the provisions of this
2622 chapter shall be financed from income accruing from fees, licenses
2623 and other charges assessed and collected by the board in
2624 administering this chapter.

2625 (b) The board shall receive and account for all funds
2626 received and shall keep such funds in a separate fund.

2627 (c) Funds collected under the provisions of this
2628 chapter shall be used solely for the expenses of the advisory
2629 council and the board to administer the provisions of this
2630 chapter. Such funds shall be subject to audit by the State
2631 Auditor.

2632 (d) Members of the advisory council shall receive no
2633 compensation for services performed on the council, but may be
2634 reimbursed for necessary and actual expenses incurred in
2635 connection with attendance at meetings of the council or for
2636 authorized business of the council from funds made available for
2637 such purpose, as provided in Section 25-3-41.

2638 (7) **Receive and process complaints.**

2639 (a) The board shall have full authority to investigate
2640 and evaluate each and every applicant applying for a license to
2641 practice dietetics, with the advice of the advisory council.

2642 (b) The board shall have the authority to issue
2643 subpoenas, examine witnesses and administer oaths, and shall, at
2644 its discretion, investigate allegations or practices violating the
2645 provisions of this chapter, and in so doing shall have power to
2646 seek injunctive relief to prohibit any person from providing
2647 professional dietetic services as defined in Section 73-10-3(1)(j)
2648 without being licensed as provided herein.

2649 (8) A license certificate issued by the board is the
2650 property of the board and must be surrendered on demand.

2651 SECTION 31. Section 73-11-57, Mississippi Code of 1972, is
2652 amended as follows:

2653 73-11-57. (1) The board may refuse to examine or to issue
2654 or renew, or may suspend or revoke, any license, or may reprimand
2655 or place the holder thereof on a term of probation, after proper
2656 hearing, upon finding the holder of such license to be guilty of
2657 acts of commission or omission including the following: (a) the
2658 employment of fraud or deception in applying for a license or in

2659 passing the examination provided for in this chapter; (b) the
2660 erroneous issuance of a license to any person; (c) the conviction
2661 of a felony by any court in this state or any federal court or by
2662 the court of any other state or territory of the United States;
2663 (d) the practice of embalming under a false name or without a
2664 license for the practice of funeral service; (e) the impersonation
2665 of another funeral service or funeral directing licensee; (f) the
2666 permitting of a person other than a funeral service or funeral
2667 directing licensee to make arrangements for a funeral and/or form
2668 of disposition; (g) violation of any provision of this chapter or
2669 any rule or regulation of the board; (h) having had a license for
2670 the practice of funeral service or funeral directing suspended or
2671 revoked in any jurisdiction, having voluntarily surrendered his
2672 license in any jurisdiction, having been placed on probation in
2673 any jurisdiction, having been placed under disciplinary order(s)
2674 or other restriction in any manner for funeral directing and/or
2675 funeral service, or operating a funeral establishment (a certified
2676 copy of the order of suspension, revocation, probation or
2677 disciplinary action shall be prima facie evidence of such action);
2678 (i) solicitation of dead human bodies by the licensee, his agents,
2679 assistants or employees, whether such solicitation occurs after
2680 death or when death is imminent; however, this shall not be deemed
2681 to prohibit general advertising; (j) employment directly or
2682 indirectly of any apprentice, agent, assistant, employee, or other
2683 person, on a part-time or full-time basis or on commission, for
2684 the purpose of calling upon individuals or institutions by whose
2685 influence dead human bodies may be turned over to a particular
2686 funeral establishment.

2687 (2) The board may, upon satisfactory proof that the
2688 applicant or licensee has been guilty of any of the offenses above
2689 enumerated, refuse to examine or issue a license to the applicant,
2690 or may refuse to renew or revoke or suspend the license of the
2691 licensee, or place on probation or reprimand him, upon a majority
2692 vote of the board members, after a hearing thereon. The board is

2693 hereby vested with full power and authority to hold and conduct
2694 such hearings, compel the attendance of witnesses and the
2695 production of books, records and documents, issue subpoenas
2696 therefor, administer oaths, examine witnesses, and do all things
2697 necessary to properly conduct such hearings. The board may waive
2698 the necessity of a hearing if the person accused of a violation
2699 admits that he has been guilty of such offense. Any person who
2700 has been refused a license or whose license has been revoked or
2701 suspended may, within thirty (30) days after the decision of the
2702 board, file with the board a written notice stating that he feels
2703 himself aggrieved by such decision and appeals therefrom to the
2704 circuit court. Upon the filing of such notice, the secretary of
2705 the board shall transmit to the clerk of the circuit court the
2706 records and findings of such proceedings. The circuit court shall
2707 hear and determine as to whether the action of the board was in
2708 accord or consistent with law, or was arbitrary, unwarranted or in
2709 abuse of discretion. An appeal from the circuit court judgment or
2710 decree may be reviewed by the Supreme Court as is provided by law
2711 for other appeals.

2712 (3) In a proceeding conducted under this section by the
2713 board for the revocation or suspension of a license, the board
2714 shall have the power and authority for the grounds stated for such
2715 revocation or suspension, and in addition thereto or in lieu of
2716 such revocation or suspension may assess and levy upon any person
2717 licensed under this chapter, a monetary penalty, as follows:

2718 (a) For the first violation of any of the subparagraphs
2719 of subsection (1) of this section, a monetary penalty of not less
2720 than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars
2721 (\$500.00).

2722 (b) For the second violation of any of the
2723 subparagraphs of subsection (1) of this section, a monetary
2724 penalty of not less than One Hundred Dollars (\$100.00) nor more
2725 than One Thousand Dollars (\$1,000.00).

2726 (c) For the third and any subsequent violation of any

2727 of the subparagraphs of subsection (1) of this section, a monetary
2728 penalty of not less than Five Hundred Dollars (\$500.00) and not
2729 more than Five Thousand Dollars (\$5,000.00).

2730 (d) For any violation of any of the subparagraphs of
2731 subsection (1) of this section, those reasonable costs that are
2732 expended by the board in the investigation and conduct of a
2733 proceeding for licensure revocation or suspension, including, but
2734 not limited to, the cost of process service, court reporters,
2735 expert witnesses and investigators.

2736 (4) The power and authority of the board to assess and levy
2737 such monetary penalties hereunder shall not be affected or
2738 diminished by any other proceeding, civil or criminal, concerning
2739 the same violation or violations except as provided in this
2740 section.

2741 (5) A licensee shall have the right of appeal from the
2742 assessment and levy of a monetary penalty as provided in this
2743 section under the same conditions as a right of appeal is provided
2744 elsewhere for appeals from an adverse ruling, order or decision of
2745 the board.

2746 (6) Any monetary penalty assessed and levied under this
2747 section shall not take effect until after the time for appeal
2748 shall have expired. In the event of an appeal, such appeal shall
2749 act as a supersedeas.

2750 (7) A monetary penalty assessed and levied under this
2751 section shall be paid to the board by the licensee upon the
2752 expiration of the period allowed for appeal of such penalties
2753 under this section or may be paid sooner if the licensee elects.
2754 With the exception of subsection (3)(d) of this section, monetary
2755 penalties collected by the board under this section shall be
2756 deposited to the credit of the General Fund of the State Treasury.
2757 Any monies collected by the board under subsection (3)(d) of this
2758 section shall be deposited into the special fund operating account
2759 of the board.

2760 (8) When payment of a monetary penalty assessed and levied

2761 by the board against a licensee in accordance with this section is
2762 not paid by the licensee when due under this section, the board
2763 shall have power to institute and maintain proceedings in its name
2764 for enforcement of payment in the chancery court of the county and
2765 judicial district of residence of the licensee, and if the
2766 licensee be a nonresident of the State of Mississippi, such
2767 proceedings shall be in the Chancery Court of the First Judicial
2768 District of Hinds County, Mississippi.

2769 (9) In addition to the reasons specified in subsection (1)
2770 of this section, the board shall be authorized to suspend the
2771 license of any licensee for being out of compliance with an order
2772 for support or an order for visitation, as defined in Section
2773 93-11-153. The procedure for suspension of a license for being
2774 out of compliance with an order for support or an order for
2775 visitation, and the procedure for the reissuance or reinstatement
2776 of a license suspended for that purpose, and the payment of any
2777 fees for the reissuance or reinstatement of a license suspended
2778 for that purpose, shall be governed by Section 93-11-157 or
2779 93-11-163, as the case may be. Actions taken by the board in
2780 suspending a license when required by Section 93-11-157 or
2781 93-11-163 are not actions from which an appeal may be taken under
2782 this section. Any appeal of a license suspension that is required
2783 by Section 93-11-157 or 93-11-163 shall be taken in accordance
2784 with the appeal procedure specified in Section 93-11-157 or
2785 93-11-163, as the case may be, rather than the procedure specified
2786 in this section. If there is any conflict between any provision
2787 of Section 93-11-157 or 93-11-163 and any provision of this
2788 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
2789 case may be, shall control.

2790 SECTION 32. Section 73-13-37, Mississippi Code of 1972, is
2791 amended as follows:

2792 73-13-37. (1) The board, upon satisfactory proof and in
2793 accordance with the provisions of this chapter and the
2794 implementing regulations of the board pertaining thereto, is

2795 authorized to take the disciplinary actions provided for
2796 hereinafter against any person for any of the following reasons:

2797 (a) Violating any of the provisions of Sections 73-13-1
2798 through 73-13-45 or the implementing bylaws, rules, regulations,
2799 or standards of ethics or conduct duly adopted and promulgated by
2800 the board pertaining to the practice of engineering;

2801 (b) Fraud, deceit or misrepresentation in obtaining a
2802 certificate of registration;

2803 (c) Gross negligence, malpractice or incompetency;

2804 (d) Any professional misconduct, as defined by the
2805 board through bylaws, rules and regulations, and standards of
2806 conduct and ethics;

2807 (e) Practicing or offering to practice engineering on
2808 an expired certificate or while under suspension or revocation of
2809 certificate unless said suspension or revocation be abated through
2810 probation, as provided for hereinafter.

2811 (2) Any person may prefer charges against any other person
2812 for committing any of the acts set forth in subsection (1). Such
2813 charges shall be sworn to, either upon actual knowledge or upon
2814 information and belief, and shall be filed with the board. In the
2815 event any person certified under Sections 73-13-1 through 73-13-45
2816 is expelled from membership in any Mississippi professional
2817 engineering society or association, the board shall thereafter
2818 cite said person to appear at a hearing before the board and to
2819 show cause why disciplinary action should not be taken against
2820 him.

2821 The board shall investigate all charges filed with it and,
2822 upon finding reasonable cause to believe that the charges are not
2823 frivolous, unfounded or filed in bad faith, may, in its
2824 discretion, cause a hearing to be held, at a time and place fixed
2825 by the board, regarding the charges and may compel the accused by
2826 subpoena to appear before the board to respond to said charges.

2827 No disciplinary action taken hereunder may be taken until the
2828 accused has been furnished both a statement of the charges against

2829 him and notice of the time and place of the hearing thereof, which
2830 shall be personally served on or mailed by registered or certified
2831 mail, return receipt requested, to the last-known business or
2832 residence address of the accused not less than thirty (30) days
2833 prior to the date fixed for the hearing.

2834 (3) At any hearing held hereunder, the board shall have the
2835 power to subpoena witnesses and compel their attendance and may
2836 also require the production of books, papers, documents, etc., as
2837 provided elsewhere in this chapter. The board is authorized to
2838 designate or secure a hearing officer to conduct the hearing. All
2839 evidence shall be presented under oath, which may be administered
2840 by any member of the board, and thereafter the proceedings may, if
2841 necessary, be transcribed in full by the court reporter and filed
2842 as part of the record in the case. Copies of such transcriptions
2843 may be provided to any party to the proceedings at a cost to be
2844 fixed by the board.

2845 All witnesses who shall be subpoenaed and who shall appear in
2846 any proceedings before the board shall receive the same fees and
2847 mileage as allowed by law in judicial civil proceedings, and all
2848 such fees shall be taxed as part of the costs in the case.

2849 Where in any proceeding before the board any witness shall
2850 fail or refuse to attend upon subpoena issued by the board, shall
2851 refuse to testify or shall refuse to produce any books and papers,
2852 the production of which is called for by the subpoena, the
2853 attendance of such witness and the giving of his testimony and the
2854 production of the books and papers shall be enforced by any court
2855 of competent jurisdiction of this state in the manner provided for
2856 the enforcement of attendance and testimony of witnesses in civil
2857 cases in the courts of this state.

2858 The accused shall have the right to be present at the hearing
2859 in person, by counsel or other representative, or both. The board
2860 is authorized to continue or recess the hearing as may be
2861 necessary.

2862 (4) At the conclusion of the hearing, the board may either

2863 decide the issue at that time or take the case under advisement
2864 for further deliberation. The board shall render its decision not
2865 more than ninety (90) days after the close of the hearing, and
2866 shall forward to the last-known business or residence address of
2867 the accused, by certified or registered mail, return receipt
2868 requested, a written statement of the decision of the board.

2869 If a majority of the board finds the accused guilty of the
2870 charges filed, the board may: (a) issue a public or private
2871 reprimand; (b) require the guilty party to complete a course,
2872 approved by the board, in ethics; (c) suspend or revoke the
2873 certificate of the accused, if the accused is a registrant; or (d)
2874 in lieu of or in addition to such reprimand, course completion,
2875 suspension or revocation, assess and levy upon the guilty party a
2876 monetary penalty of not less than One Hundred Dollars (\$100.00)
2877 nor more than Five Thousand Dollars (\$5,000.00) for each
2878 violation.

2879 (5) A monetary penalty assessed and levied under this
2880 section shall be paid to the board upon the expiration of the
2881 period allowed for appeal of such penalties under this section, or
2882 may be paid sooner if the guilty party elects. Money collected by
2883 the board under this section shall be deposited to the credit of
2884 the board's special fund in the State Treasury.

2885 When payment of a monetary penalty assessed and levied by the
2886 board in accordance with this section is not paid when due, the
2887 board shall have the power to institute and maintain proceedings
2888 in its name for enforcement of payment in the chancery court of
2889 the county and judicial district of residence of the guilty party
2890 and if the guilty party be a nonresident of the State of
2891 Mississippi, such proceedings shall be in the Chancery Court of
2892 the First Judicial District of Hinds County, Mississippi.

2893 (6) When the board has taken a disciplinary action under
2894 this section, the board may, in its discretion, stay such action
2895 and place the guilty party on probation for a period not to exceed
2896 one (1) year upon the condition that the guilty party shall not

2897 further violate either the laws of the State of Mississippi
2898 pertaining to the practice of engineering or the bylaws, rules and
2899 regulations, or standards of conduct and ethics promulgated by the
2900 board.

2901 (7) The board, in its discretion, may assess and tax any
2902 part or all of the costs of any disciplinary proceedings conducted
2903 under this section against either the accused, the charging party,
2904 or both, as it may elect.

2905 (8) The power and authority of the board to assess and levy
2906 the monetary penalties provided for in this section shall not be
2907 affected or diminished by any other proceeding, civil or criminal,
2908 concerning the same violation or violations except as provided in
2909 this section.

2910 (9) The board, for sufficient cause, may reissue a revoked
2911 certificate of registration whenever a majority of the board
2912 members vote to do so.

2913 (10) Any person aggrieved by an action of the board denying
2914 or revoking his certificate of registration or re-registration as
2915 a professional engineer or his certificate of enrollment as an
2916 engineer intern, or who is aggrieved by the action of the board as
2917 a result of disciplinary proceedings conducted under this section
2918 may appeal therefrom to the chancery court of either the county
2919 wherein the appellant resides or the Chancery Court of the First
2920 Judicial District of Hinds County, at the election of the
2921 appellant. If the appellant is a nonresident of this state, the
2922 appeal shall be made to the Chancery Court of the First Judicial
2923 District of Hinds County. Such appeal shall be perfected before
2924 the board by the filing with the board of a notice of appeal to
2925 the chancery court. The court shall require a bond in an amount
2926 not to exceed Five Hundred Dollars (\$500.00) conditioned to pay
2927 all costs which may be adjudged against the appellant. The notice
2928 of appeal shall be filed not later than thirty (30) days after the
2929 decision of the board is forwarded to the guilty party, as
2930 provided hereinabove.

2931 All appeals perfected hereunder shall act as a supersedeas,
2932 and shall be made to the chancery court solely upon the record
2933 made before the board during the disciplinary hearing. When the
2934 appeal shall have been properly perfected as provided herein, the
2935 board shall cause the record of the proceedings conducted before
2936 it to be compiled, certified and filed with the chancery court.
2937 The chancellor may hear and determine the appeal during any
2938 regular term or in vacation.

2939 (11) In addition to the reasons specified in subsection (1)
2940 of this section, the board shall be authorized to suspend the
2941 certificate of registration of any person for being out of
2942 compliance with an order for support or an order for visitation,
2943 as defined in Section 93-11-153. The procedure for suspension of
2944 a certificate for being out of compliance with an order for
2945 support or an order for visitation, and the procedure for the
2946 reissuance or reinstatement of a certificate suspended for that
2947 purpose, and the payment of any fees for the reissuance or
2948 reinstatement of a certificate suspended for that purpose, shall
2949 be governed by Section 93-11-157 or 93-11-163, as the case may be.

2950 Actions taken by the board in suspending a certificate when
2951 required by Section 93-11-157 or 93-11-163 are not actions from
2952 which an appeal may be taken under this section. Any appeal of a
2953 suspension of a certificate that is required by Section 93-11-157
2954 or 93-11-163 shall be taken in accordance with the appeal
2955 procedure specified in Section 93-11-157 or 93-11-163, as the case
2956 may be, rather than the procedure specified in this section. If
2957 there is any conflict between any provision of Section 93-11-157
2958 or 93-11-163 and any provision of this chapter, the provisions of
2959 Section 93-11-157 or 93-11-163, as the case may be, shall control.

2960 SECTION 33. Section 73-14-35, Mississippi Code of 1972, is
2961 amended as follows:

2962 73-14-35. (1) Any person registered under this chapter may
2963 have his license or certificate revoked or suspended for a fixed
2964 period to be determined by the board for any of the following

2965 causes:

2966 (a) Being convicted of an offense involving moral
2967 turpitude. The record of such conviction, or certified copy
2968 thereof from the clerk of the court where such conviction occurred
2969 or by the judge of that court, shall be sufficient evidence to
2970 warrant revocation or suspension.

2971 (b) By securing a license or certificate under this
2972 chapter through fraud or deceit.

2973 (c) For unethical conduct or for gross ignorance or
2974 inefficiency in the conduct of his practice.

2975 (d) For knowingly practicing while suffering with a
2976 contagious or infectious disease.

2977 (e) For the use of a false name or alias in the
2978 practice of his profession.

2979 (f) For violating any of the provisions of this chapter
2980 or any rules or regulations promulgated pursuant to this chapter.

2981 (g) For violating the provisions of any applicable
2982 federal laws or regulations.

2983 (h) Discipline by another jurisdiction if at least one
2984 (1) of the grounds for the discipline is the same or substantially
2985 equivalent to those set forth in this chapter or rules and
2986 regulations promulgated pursuant to this chapter.

2987 (2) In addition to the causes specified in subsection (1) of
2988 this section, the board shall be authorized to suspend the license
2989 of any licensee for being out of compliance with an order for
2990 support or an order for visitation, as defined in Section
2991 93-11-153. The procedure for suspension of a license for being
2992 out of compliance with an order for support or an order for
2993 visitation, and the procedure for the reissuance or reinstatement
2994 of a license suspended for that purpose, and the payment of any
2995 fees for the reissuance or reinstatement of a license suspended
2996 for that purpose, shall be governed by Section 93-11-157 or
2997 93-11-163, as the case may be. If there is any conflict between
2998 any provision of Section 93-11-157 or 93-11-163 and any provision

2999 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
3000 as the case may be, shall control.

3001 SECTION 34. Section 73-15-29, Mississippi Code of 1972, is
3002 amended as follows:

3003 73-15-29. (1) The board shall have power to revoke, suspend
3004 or refuse to renew any license issued by the board, or to deny an
3005 application for a license, or to fine, place on probation and/or
3006 discipline a licensee, in any manner specified in this chapter,
3007 upon proof that such person:

3008 (a) Has committed fraud or deceit in securing or
3009 attempting to secure such license;

3010 (b) Has been convicted of felony, or a crime involving
3011 moral turpitude or has had accepted by a court a plea of nolo
3012 contendere to a felony or a crime involving moral turpitude (a
3013 certified copy of the judgment of the court of competent
3014 jurisdiction of such conviction or pleas shall be prima facie
3015 evidence of such conviction);

3016 (c) Has negligently or willfully acted in a manner
3017 inconsistent with the health or safety of the persons under the
3018 licensee's care;

3019 (d) Has had a license to practice as a registered nurse
3020 or a licensed practical nurse suspended or revoked in any
3021 jurisdiction, has voluntarily surrendered said license in any
3022 jurisdiction, has been placed on probation as a registered nurse
3023 or licensed practical nurse in any jurisdiction or has been placed
3024 under a disciplinary order(s) in any manner as a registered nurse
3025 or licensed practical nurse in any jurisdiction, (a certified copy
3026 of the order of suspension, revocation, probation or disciplinary
3027 action shall be prima facie evidence of such action);

3028 (e) Has negligently or willfully practiced nursing in a
3029 manner that fails to meet generally accepted standards of such
3030 nursing practice;

3031 (f) Has negligently or willfully violated any order,
3032 rule or regulation of the board pertaining to nursing practice or

3033 licensure;

3034 (g) Has falsified or in a repeatedly negligent manner
3035 made incorrect entries or failed to make essential entries on
3036 records;

3037 (h) Is addicted to or dependent on alcohol or other
3038 habit-forming drugs or is a habitual user of narcotics,
3039 barbiturates, amphetamines, hallucinogens, or other drugs having
3040 similar effect, or has misappropriated any medication;

3041 (i) Has a physical, mental or emotional disability that
3042 renders the licensee unable to perform nursing services or duties
3043 with reasonable skill and safety;

3044 (j) Has engaged in any other conduct, whether of the
3045 same or of a different character from that specified in this
3046 chapter, that would constitute a crime as defined in Title 97 of
3047 the Mississippi Code of 1972, as now or hereafter amended, and
3048 that relates to such person's employment as a registered nurse or
3049 licensed practical nurse;

3050 (k) Engages in conduct likely to deceive, defraud or
3051 harm the public;

3052 (l) Engages in any unprofessional conduct as identified
3053 by the board in its rules; or

3054 (m) Has violated any provision of this chapter.

3055 (2) When the board finds any person unqualified because of
3056 any of the grounds set forth in subsection (1) of this section, it
3057 may enter an order imposing one or more of the following
3058 penalties:

3059 (a) Denying application for a license or other
3060 authorization to practice nursing or practical nursing;

3061 (b) Administering a reprimand;

3062 (c) Suspending or restricting the license or other
3063 authorization to practice as a registered nurse or licensed
3064 practical nurse for up to two (2) years without review;

3065 (d) Revoking the license or other authorization to
3066 practice nursing or practical nursing;

3067 (e) Requiring the discipline to submit to care,
3068 counseling or treatment by persons and/or agencies approved or
3069 designated by the board as a condition for initial, continued or
3070 renewed licensure or other authorization to practice nursing or
3071 practical nursing;

3072 (f) Requiring the discipline to participate in a
3073 program of education prescribed by the board as a condition for
3074 initial, continued or renewed licensure;

3075 (g) Requiring the discipline to practice under the
3076 supervision of a registered nurse for a specified period of time;
3077 or

3078 (h) Imposing a fine not to exceed Five Hundred Dollars
3079 (\$500.00).

3080 (3) In addition to the grounds specified in subsection (1)
3081 of this section, the board shall be authorized to suspend the
3082 license of any licensee for being out of compliance with an order
3083 for support or an order for visitation, as defined in Section
3084 93-11-153. The procedure for suspension of a license for being
3085 out of compliance with an order for support or an order for
3086 visitation, and the procedure for the reissuance or reinstatement
3087 of a license suspended for that purpose, and the payment of any
3088 fees for the reissuance or reinstatement of a license suspended
3089 for that purpose, shall be governed by Section 93-11-157 or
3090 93-11-163, as the case may be. If there is any conflict between
3091 any provision of Section 93-11-157 or 93-11-163 and any provision
3092 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
3093 as the case may be, shall control.

3094 SECTION 35. Section 73-15-31, Mississippi Code of 1972, is
3095 amended as follows:

3096 73-15-31. (1) Charges may be brought upon sworn affidavit
3097 filed by the Board of Nursing against any licensee who has
3098 allegedly committed any act in violation of this chapter that is
3099 grounds for disciplinary action. Upon receiving the sworn
3100 affidavit charging a licensee with an act which is a ground for

3101 disciplinary action under this chapter, the executive director or
3102 designee of the board shall fix a time and place for a hearing and
3103 shall cause a copy of the specific allegations and charges to be
3104 sent by certified mail or served by personal service of process
3105 together with notice of the time and place fixed for the hearing,
3106 to be served upon the accused at least fifteen (15) days prior
3107 thereto. The accused may waive notice of the hearing in writing
3108 and the board may grant the accused at least one (1) extension of
3109 time, upon the request of the accused. When personal service of
3110 process or service of process by certified mail cannot be
3111 effected, the executive director of the board shall cause to be
3112 published once in each of three (3) successive weeks a notice of
3113 the hearing in the newspapers published in the county in which the
3114 accused last practiced according to the records of the board, or
3115 in the county in which the accused last resided. When publication
3116 of the notice is necessary, the date of the hearing shall not be
3117 less than ten (10) days after the last date of the notice.

3118 (2) The board, acting by and through its executive director,
3119 shall have the power to subpoena persons and compel the production
3120 of any records, including, but not limited to, hospital and
3121 physician's records, papers and other documents, which shall be
3122 served in accordance with law for the Board of Nursing and on
3123 behalf of the accused. The person providing copies shall prepare
3124 them from the original records and shall delete from the copy
3125 provided pursuant to the subpoena the name of the individual by
3126 numbered code, to be retained by the custodian of the records from
3127 which the copies were made. Upon certification of the custodian
3128 that the copies are true and complete except for the individual's
3129 name, they shall be deemed authentic, subject to the right to
3130 inspect the originals for the limited purpose of ascertaining the
3131 accuracy of the copies. No privilege of confidentiality shall
3132 exist with respect to such copies, and no liabilities shall lie
3133 against the board or the custodian for furnishing or using such
3134 copies in accordance with this chapter.

3135 (3) All records of the investigation and all patient charts,
3136 records, emergency room records or any other document that may
3137 have been copied shall be kept confidential and shall not be
3138 subject to discovery or subpoena. If no disciplinary proceedings
3139 are initiated within a period of five (5) years after the
3140 determination of insufficient cause, then the board shall destroy
3141 all records obtained pursuant to this section.

3142 (4) At the hearings the board shall administer oaths as may
3143 be necessary for the proper conduct of the hearings. The accused
3144 shall have the right to appear either personally or by counsel, or
3145 both, to produce witnesses or evidence in his or her behalf, to
3146 cross-examine witnesses, and to have subpoenas issued by the
3147 board. All disciplinary hearings shall be conducted by a hearing
3148 panel consisting of three (3) members of the board, designated on
3149 a rotating basis by the board. All disciplinary hearings or
3150 appeals before the board and the Attorney General, and/or a
3151 designee thereof, shall not be bound by strict rules of procedure
3152 or by the laws of evidence in the conduct of its proceedings, but
3153 the determination shall be based upon sufficient legal evidence to
3154 sustain it. A final decision by the hearing panel and by the
3155 board on appeal shall include findings of fact and conclusions of
3156 law, separately stated, of which the accused shall receive a copy.

3157 (5) If the hearing panel determines that probable cause and
3158 sufficient legal evidence exist to believe that an applicant does
3159 not possess the qualifications required by this chapter or that an
3160 accused has violated any of the provisions of this chapter, the
3161 hearing panel may refuse to issue a license to the applicant, or
3162 revoke, suspend, refuse to renew a license, or otherwise
3163 discipline the accused as prescribed in this chapter.

3164 (6) No previously issued license to practice nursing as a
3165 registered nurse or as a licensed practical nurse shall be revoked
3166 or suspended until after a hearing conducted pursuant to this
3167 chapter, except where the board finds there is imminent danger to
3168 the public health or safety that warrants injunctive relief

3169 provided in this chapter.

3170 (7) A revoked or suspended license may be reissued after one
3171 (1) year, in the discretion of the hearing panel. The denial of
3172 an application to renew an existing license shall be treated in
3173 all respects as a revocation. The procedure for the reissuance of
3174 a license that is suspended for being out of compliance with an
3175 order for support or an order for visitation, as defined in
3176 Section 93-11-153, shall be governed by Section 93-11-157 or
3177 93-11-163, as the case may be.

3178 (8) The hearing panel need not find that the actions that
3179 are grounds for discipline were willful, but it may consider the
3180 same in determining the nature of the disciplinary actions
3181 imposed.

3182 (9) The right to appeal from the action of the hearing panel
3183 to the full membership of the board in denying, revoking,
3184 suspending or refusing to renew any license issued by the board,
3185 or fining or otherwise disciplining any person practicing as a
3186 registered nurse or licensed practical nurse, is hereby granted.
3187 The appeal must be taken within thirty (30) days after notice of
3188 the action of the hearing panel in denying, revoking, suspending
3189 or refusing to renew the license, or fining or otherwise
3190 disciplining the person, and is perfected upon filing notice of
3191 appeal and Fifty Dollars (\$50.00) with the executive director of
3192 the board.

3193 (10) The right to appeal from the action of the board in
3194 affirming the denial, revocation, suspension or refusal to renew
3195 any license issued by the board, or fining or otherwise
3196 disciplining of any person practicing as a registered nurse or a
3197 licensed practical nurse, is hereby granted. Such appeal shall be
3198 to the chancery court of the county of the residence of the
3199 licensee on the record made, including a verbatim transcript of
3200 the testimony at the hearing. The appeal must be taken within
3201 thirty (30) days after notice of the action of the board in
3202 denying, revoking, suspending or refusing to renew the license, or

3203 fining or otherwise disciplining the person. The appeal is
3204 perfected upon filing notice of the appeal, together with a bond
3205 in the sum of One Hundred Dollars (\$100.00), with two (2)
3206 sureties, conditioned that if the action of the board in denying,
3207 revoking, suspending or refusing to renew the license, or fining
3208 or otherwise disciplining the person, be affirmed by the chancery
3209 court the nurse will pay the costs of the appeal and the action in
3210 the chancery court. Such bond shall be approved by the president
3211 of the board. In lieu of the bond, the nurse may deposit One
3212 Hundred Dollars (\$100.00) with the clerk of the chancery court.
3213 Appeals may be had to the Supreme Court of the State of
3214 Mississippi as provided by law from any final action of the
3215 chancery court. No such person shall be allowed to practice
3216 nursing or deliver health care services in violation of any action
3217 of the chancery court denying, revoking, suspending, restricting
3218 or refusing to renew a license while any such appeal to the
3219 Supreme Court is pending. Actions taken by the board in
3220 suspending a license when required by Section 93-11-157 or
3221 93-11-163 are not actions from which an appeal may be taken under
3222 this section. Any appeal of a license suspension that is required
3223 by Section 93-11-157 or 93-11-163 shall be taken in accordance
3224 with the appeal procedure specified in Section 93-11-157 or
3225 93-11-163, as the case may be, rather than the procedure specified
3226 in this section.

3227 (11) Nothing contained in this chapter shall be construed to
3228 bar any criminal prosecutions for violation of this chapter or any
3229 regulations promulgated hereunder.

3230 (12) Any member of the board and any witness appearing
3231 before the board shall be immune from suit in any civil action
3232 brought by a licensee who is the subject of a review hearing if
3233 such member or witness acts in good faith within the scope of the
3234 board and has made a reasonable effort to obtain the facts of the
3235 matter as to which the individual acts, and acts in the reasonable
3236 belief that the action taken is warranted by the facts.

3237 (13) Proceedings in progress on July 1, 1998, to deny,
3238 revoke, suspend or refuse to renew any license, or fine or
3239 otherwise discipline a licensee, shall not abate by reason of this
3240 chapter.

3241 SECTION 36. Section 73-17-15, Mississippi Code of 1972, is
3242 amended as follows:

3243 73-17-15. (1) The board is authorized to investigate either
3244 on the basis of complaints filed with it, or on its own
3245 initiative, instances of suspected violations of this chapter of
3246 any nature, including, but not limited to: performing the duties
3247 of a nursing home administrator without a license; the providing
3248 of false information to the board either incident to an
3249 application for a license, incident to a hearing, or otherwise;
3250 maladministration; unethical conduct; incompetence; the conviction
3251 of a licensee of a felony; the misappropriation of funds; or of
3252 any other matter reflecting unfavorably upon the holder of a
3253 license under this chapter or an applicant therefor. On the basis
3254 of information developed during such an investigation, the board
3255 may (a) revoke, suspend, or refuse to renew any license issued by
3256 the board, (b) deny an application for a license, or (c)
3257 reprimand, place on probation, and/or take any other action in
3258 relation to a license, as the board may deem proper under the
3259 circumstances. Whenever the results of such an investigation are
3260 filed, the executive director of the board shall set a day for a
3261 hearing, and shall transmit to the licensee a true copy of all
3262 papers filed with the board relating to such investigation and
3263 shall notify the licensee that on the day fixed for hearing he may
3264 appear and show cause, if any, why his license should not be
3265 revoked, suspended, or other action taken in relation to his
3266 license. Such notice shall be transmitted to the licensee by
3267 certified United States mail to the address of such licensee
3268 appearing of record with the board.

3269 (2) The board, upon finding and determining that any person
3270 represents himself to be a nursing home administrator or performs

3271 any or all of the services, acts or duties of a nursing home
3272 administrator as defined in this chapter without a license, is
3273 authorized to petition the chancery court of the county in which
3274 such unauthorized acts have been, are being or may be committed,
3275 for writ or writs of injunction prohibiting such unauthorized
3276 acts. This provision is supplemental and in addition to the penal
3277 provisions set forth in Section 73-17-13.

3278 (3) Any licensee whose license has been revoked or
3279 suspended, or who has been placed on probation or reprimanded
3280 after a contested hearing may appeal such action of the board to
3281 the chancery court of the county in which such nursing home
3282 administrator is practicing, which appeal shall not be a de novo
3283 appeal but shall be determined upon an official transcript of the
3284 record of the contested hearing. Appeals to the chancery court
3285 shall be taken within ten (10) days from the date of the board's
3286 order and shall be taken, perfected, heard and determined either
3287 in termtime or in vacation, and such appeals shall be heard and
3288 disposed of promptly by the court. Appeals from the board shall
3289 be taken and perfected by the filing of a bond in the sum of Two
3290 Hundred Fifty Dollars (\$250.00) with two (2) sureties, or with a
3291 surety company qualified to do business in Mississippi as surety,
3292 conditioned to pay the costs of the appeal. Such bond shall be
3293 payable to the state and shall be approved by the clerk of the
3294 chancery court. Such bond may be enforced in its name as other
3295 judicial bonds filed in the chancery court, and judgment may be
3296 entered upon such bonds and process and execution shall issue upon
3297 such judgments as provided by law in other cases. Upon approval
3298 of the bond by the clerk of the chancery court, the clerk shall
3299 give notice to the board of the appeal from the decision of the
3300 board. It thereupon shall be the duty of the board through its
3301 duly authorized representative to promptly transmit to the clerk
3302 of the chancery court in which the appeal is pending a certified
3303 copy of the order of the board and all documents filed relating to
3304 the board's action against such licensee, together with a

3305 transcript of the testimony, both oral and documentary, introduced
3306 for consideration by the board both in support of and in
3307 opposition to such action, which appeal shall be docketed by the
3308 clerk and shall be determined by the court based upon such record.
3309 If there is an appeal, such appeal may, in the discretion of and
3310 on motion to the chancery court, act as a supersedeas. The
3311 chancery court shall dispose of the appeal and enter its decision
3312 promptly. The hearing on the appeal may, in the discretion of the
3313 chancellor, be tried in vacation.

3314 (4) Appeals from the decision of the chancery court may be
3315 taken by either the board or the licensee to the Supreme Court as
3316 in the case of appeals generally from the chancery court to the
3317 Supreme Court.

3318 (5) In addition to the reasons specified in subsection (1)
3319 of this section, the board shall be authorized to suspend the
3320 license of any licensee for being out of compliance with an order
3321 for support or an order for visitation, as defined in Section
3322 93-11-153. The procedure for suspension of a license for being
3323 out of compliance with an order for support or an order for
3324 visitation, and the procedure for the reissuance or reinstatement
3325 of a license suspended for that purpose, and the payment of any
3326 fees for the reissuance or reinstatement of a license suspended
3327 for that purpose, shall be governed by Section 93-11-157 or
3328 93-11-163, as the case may be. Actions taken by the board in
3329 revoking a license when required by Section 93-11-157 or 93-11-163
3330 are not actions from which an appeal may be taken under this
3331 section. Any appeal of a license suspension that is required by
3332 Section 93-11-157 or 93-11-163 shall be taken in accordance with
3333 the appeal procedure specified in Section 93-11-157 or 93-11-163,
3334 as the case may be, rather than the procedure specified in this
3335 section. If there is any conflict between any provision of
3336 Section 93-11-157 or 93-11-163 and any provision of this chapter,
3337 the provisions of Section 93-11-157 or 93-11-163, as the case may
3338 be, shall control.

3339 SECTION 37. Section 73-19-23, Mississippi Code of 1972, is
3340 amended as follows:

3341 73-19-23. (1) The board shall refuse to grant a certificate
3342 of licensure to any applicant and may cancel, revoke or suspend
3343 the operation of any certificate by it granted for any or all of
3344 the following reasons, to-wit: unprofessional and unethical
3345 conduct or the conviction of a crime involving moral turpitude,
3346 habitual intemperance in the use of ardent spirits, or stimulants,
3347 narcotics, or any other substance which impairs the intellect and
3348 judgment to such an extent as to incapacitate one for the
3349 performance of the duties of an optometrist. The certificate of
3350 licensure of any person can be revoked for violating any section
3351 of this chapter.

3352 (2) The board shall further be authorized to take
3353 disciplinary action against a licensee for any unlawful acts which
3354 shall include violations of regulations promulgated by the board,
3355 as well as the following acts:

3356 (a) Fraud or misrepresentation in applying for or
3357 procuring an optometric license or in connection with applying for
3358 or procuring periodic renewal of an optometric license.

3359 (b) Cheating on or attempting to subvert the optometric
3360 licensing examination(s).

3361 (c) The conviction of a felony in this state or any
3362 other jurisdiction, or the entry of guilty or nolo contendere plea
3363 to a felony charge.

3364 (d) The conviction of a felony as defined by federal
3365 law, or the entry of a guilty or nolo contendere plea to a felony
3366 charge.

3367 (e) Conduct likely to deceive, defraud or harm the
3368 public.

3369 (f) Making a false or misleading statement regarding
3370 his or her skill or the efficacy or value of the medicine, device,
3371 treatment or remedy prescribed by him or her or used at his or her
3372 direction in the treatment of any disease or other condition.

3373 (g) Willfully or negligently violating the
3374 confidentiality between doctor and patient, except as required by
3375 law.

3376 (h) Negligence or gross incompetence in the practice of
3377 optometry as determined by the board.

3378 (i) Being found mentally incompetent or insane by any
3379 court of competent jurisdiction.

3380 (j) The use of any false, fraudulent, deceptive or
3381 misleading statement in any document connected with the practice
3382 of optometry.

3383 (k) Aiding or abetting the practice of optometry by an
3384 unlicensed, incompetent or impaired person.

3385 (l) Commission of any act of sexual abuse, misconduct
3386 or exploitation related to the licensee's practice of optometry.

3387 (m) Being addicted or habituated to a drug or
3388 intoxicant.

3389 (n) Violating any state or federal law or regulation
3390 relating to a drug legally classified as a controlled substance.

3391 (o) Obtaining any fee by fraud, deceit or
3392 misrepresentation.

3393 (p) Disciplinary action of another state or
3394 jurisdiction against a licensee or other authorization to practice
3395 optometry based upon acts or conduct by the licensee similar to
3396 acts or conduct which would constitute grounds for action as
3397 defined in this chapter, a certified copy of the record of the
3398 action taken by the other state or jurisdiction being conclusive
3399 evidence thereof.

3400 (q) Failure to report to the board the relocation of
3401 his or her office in or out of the jurisdiction, or to furnish
3402 floor plans as required by regulation.

3403 (r) Violation of any provision(s) of the Optometry
3404 Practice Act or the rules and regulations of the board or of an
3405 action, stipulation or agreement of the board.

3406 (s) To advertise in a manner that tends to deceive,

3407 mislead or defraud the public.

3408 (t) The designation of any person licensed under this
3409 chapter, other than by the terms "optometrist," "Doctor of
3410 Optometry" or "O.D."

3411 (u) To knowingly submit or cause to be submitted any
3412 misleading, deceptive or fraudulent representation on a claim
3413 form, bill or statement.

3414 (v) To practice or attempt to practice optometry while
3415 his or her license is suspended.

3416 (3) Any person who is holder of a certificate of licensure
3417 or who is an applicant for examination for a certificate of
3418 licensure, against whom is preferred any charges, shall be
3419 furnished by the board with a copy of the complaint and shall have
3420 a hearing in Jackson, Mississippi, before the board, at which
3421 hearing he may be represented by counsel. At such hearing
3422 witnesses may be examined for and against the accused respecting
3423 the said charges, and said hearing orders or appeals will be
3424 conducted according to the procedure now provided in Section
3425 73-25-27. The suspension of a certificate of licensure, by reason
3426 of the use of stimulants or narcotics may be removed when the
3427 holder thereof shall have been adjudged by the said board to be
3428 cured and capable of practicing optometry.

3429 (4) In addition to the reasons specified in subsections (1)
3430 and (2) of this section, the board shall be authorized to suspend
3431 the license of any licensee for being out of compliance with an
3432 order for support or an order for visitation, as defined in
3433 Section 93-11-153. The procedure for suspension of a license for
3434 being out of compliance with an order for support or an order for
3435 visitation, and the procedure for the reissuance or reinstatement
3436 of a license suspended for that purpose, and the payment of any
3437 fees for the reissuance or reinstatement of a license suspended
3438 for that purpose, shall be governed by Section 93-11-157 or
3439 93-11-163, as the case may be. If there is any conflict between
3440 any provision of Section 93-11-157 or 93-11-163 and any provision

3441 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
3442 as the case may be, shall control.

3443 SECTION 38. Section 73-19-43, Mississippi Code of 1972, is
3444 amended as follows:

3445 73-19-43. (1) Upon finding of the existence of grounds for
3446 discipline of any person holding a license, seeking a license, or
3447 seeking to renew a license under the provisions of this chapter,
3448 the board may impose one or more of the following penalties:

3449 (a) Suspension of the offender's license for a term to
3450 be determined by the board;

3451 (b) Revocation of the offender's license;

3452 (c) Restriction of the offender's license to prohibit
3453 the offender from performing certain acts or from engaging in the
3454 practice of optometry in a particular manner for a term to be
3455 determined by the board;

3456 (d) Imposition of a monetary penalty as follows:

3457 (i) For the first violation, a monetary penalty of
3458 not less than Fifty Dollars (\$50.00) nor more than Five Hundred
3459 Dollars (\$500.00) for each violation;

3460 (ii) For the second violation and subsequent
3461 violations, a monetary penalty of not less than One Hundred
3462 Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00)
3463 for each violation;

3464 (e) Refusal to renew offender's license;

3465 (f) Placement of the offender on probation and
3466 supervision by the board for a period to be determined by the
3467 board;

3468 (g) Public or private reprimand.

3469 (2) Any person whose license has been suspended, revoked or
3470 restricted pursuant to this chapter, whether voluntarily or by
3471 action of the board, shall have the right to petition the board at
3472 reasonable intervals for reinstatement of such license. Such
3473 petition shall be made in writing and in the form prescribed by
3474 the board. Upon investigation and hearing, the board may, in its

3475 discretion, grant or deny such petition, or it may modify its
3476 original finding to reflect any circumstances which have changed
3477 sufficiently to warrant such modifications. The procedure for the
3478 reinstatement of a license that is suspended for being out of
3479 compliance with an order for support or an order for visitation,
3480 as defined in Section 93-11-153, shall be governed by Section
3481 93-11-157 or 93-11-163, as the case may be.

3482 (3) Nothing herein shall be construed as barring criminal
3483 prosecutions for violation of this chapter where such violations
3484 are deemed as criminal offenses in other statutes of this state or
3485 of the United States.

3486 (4) A monetary penalty assessed and levied under this
3487 section shall be paid to the board by the licensee upon the
3488 expiration of the period allowed for appeal of such penalties
3489 under Section 73-19-45, Mississippi Code of 1972, or may be paid
3490 sooner if the licensee elects. Money collected by the board under
3491 this section shall be deposited to the credit of the General Fund
3492 of the State Treasury.

3493 (5) When payment of a monetary penalty assessed and levied
3494 by the board against a licensee in accordance with this section is
3495 not paid by the licensee when due under this section, the board
3496 shall have the power to institute and maintain proceedings in its
3497 name for enforcement of payment in the Chancery Court of the First
3498 Judicial District of Hinds County, Mississippi. When such
3499 proceedings are instituted, the board shall certify its order to
3500 the chancery court and the matter shall thereupon be heard in due
3501 course by the court, which shall review the order and make its
3502 determination thereon. The hearing on the matter may, in the
3503 discretion of the chancellor, be tried in vacation. If the
3504 chancellor finds no errors on the face of the board's order, the
3505 board shall have a judgment for the amount due which shall be
3506 enforceable as all other judgments.

3507 SECTION 39. Section 73-21-97, Mississippi Code of 1972, is
3508 amended as follows:

3509 73-21-97. (1) The board may refuse to issue or renew, or
3510 may suspend, reprimand, revoke or restrict the license,
3511 registration or permit of any person upon one or more of the
3512 following grounds:

3513 (a) Unprofessional conduct as defined by the rules and
3514 regulations of the board;

3515 (b) Incapacity of a nature that prevents a pharmacist
3516 from engaging in the practice of pharmacy with reasonable skill,
3517 confidence and safety to the public;

3518 (c) Being found guilty by a court of competent
3519 jurisdiction of one or more of the following:

3520 (i) A felony;

3521 (ii) Any act involving moral turpitude or gross
3522 immorality; or

3523 (iii) Violation of pharmacy or drug laws of this
3524 state or rules or regulations pertaining thereto, or of statutes,
3525 rules or regulations of any other state or the federal government;

3526 (d) Fraud or intentional misrepresentation by a
3527 licensee or permit holder in securing the issuance or renewal of a
3528 license or permit;

3529 (e) Engaging or aiding and abetting an individual to
3530 engage in the practice of pharmacy without a license;

3531 (f) Violation of any of the provisions of this chapter
3532 or rules or regulations adopted pursuant to this chapter;

3533 (g) Failure to comply with lawful orders of the board;

3534 (h) Negligently or willfully acting in a manner
3535 inconsistent with the health or safety of the public;

3536 (i) Addiction to or dependence on alcohol or controlled
3537 substances or the unauthorized use or possession of controlled
3538 substances;

3539 (j) Misappropriation of any prescription drug;

3540 (k) Being found guilty by the licensing agency in
3541 another state of violating the statutes, rules or regulations of
3542 that jurisdiction; or

3543 (1) The unlawful or unauthorized possession of a
3544 controlled substance.

3545 (2) In lieu of suspension, revocation or restriction of a
3546 license as provided for above, the board may warn or reprimand the
3547 offending pharmacist.

3548 (3) In addition to the grounds specified in subsection (1)
3549 of this section, the board shall be authorized to suspend the
3550 license, registration or permit of any person for being out of
3551 compliance with an order for support or an order for visitation,
3552 as defined in Section 93-11-153. The procedure for suspension of
3553 a license, registration or permit for being out of compliance with
3554 an order for support or an order for visitation, and the procedure
3555 for the reissuance or reinstatement of a license, registration or
3556 permit suspended for that purpose, and the payment of any fees for
3557 the reissuance or reinstatement of a license, registration or
3558 permit suspended for that purpose, shall be governed by Section
3559 93-11-157 or 93-11-163, as the case may be. If there is any
3560 conflict between any provision of Section 93-11-157 or 93-11-163
3561 and any provision of this chapter, the provisions of Section
3562 93-11-157 or 93-11-163, as the case may be, shall control.

3563 SECTION 40. Section 73-21-103, Mississippi Code of 1972, is
3564 amended as follows:

3565 73-21-103. (1) Upon the finding of the existence of grounds
3566 for action against any permitted facility or discipline of any
3567 person holding a license, registration or permit, seeking a
3568 license, registration or permit, or seeking to renew a license or
3569 permit under the provisions of this chapter, the board may impose
3570 one or more of the following penalties:

3571 (a) Suspension of the offender's license, registration
3572 and/or permit for a term to be determined by the board;

3573 (b) Revocation of the offender's license, registration
3574 and/or permit;

3575 (c) Restriction of the offender's license, registration
3576 and/or permit to prohibit the offender from performing certain

3577 acts or from engaging in the practice of pharmacy in a particular
3578 manner for a term to be determined by the board;

3579 (d) Imposition of a monetary penalty as follows:

3580 (i) For the first violation, a monetary penalty of
3581 not less than Fifty Dollars (\$50.00) nor more than Five Hundred
3582 Dollars (\$500.00) for each violation;

3583 (ii) For the second violation and subsequent
3584 violations, a monetary penalty of not less than One Hundred
3585 Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00)
3586 for each violation.

3587 Money collected by the board under Section 73-21-103,
3588 paragraphs (1)(d)(i), (ii) and (iv) shall be deposited to the
3589 credit of the State General Fund of the State Treasury.

3590 (iii) The board may assess a monetary penalty for
3591 those reasonable costs that are expended by the board in the
3592 investigation and conduct of a proceeding for licensure
3593 revocation, suspension or restriction, including, but not limited
3594 to, the cost of process service, court reporters, expert witnesses
3595 and investigators.

3596 Money collected by the board under Section 73-21-103,
3597 paragraph (1)(d)(iii), shall be deposited to the credit of the
3598 Special Fund of the Pharmacy Board.

3599 (iv) The board may impose a monetary penalty for
3600 those facilities/businesses registered with the Pharmacy Board as
3601 wholesalers/manufacturers of not less than One Hundred Dollars
3602 (\$100.00) per violation and not more than Twenty-five Thousand
3603 Dollars (\$25,000.00) per violation.

3604 (e) Refusal to renew offender's license, registration
3605 and/or permit;

3606 (f) Placement of the offender on probation and
3607 supervision by the board for a period to be determined by the
3608 board;

3609 (g) Public or private reprimand.

3610 Whenever the board imposes any penalty under this subsection,

3611 the board may require rehabilitation and/or additional education
3612 as the board may deem proper under the circumstances, in addition
3613 to the penalty imposed.

3614 (2) Any person whose license, registration and/or permit has
3615 been suspended, revoked or restricted pursuant to this chapter,
3616 whether voluntarily or by action of the board, shall have the
3617 right to petition the board at reasonable intervals for
3618 reinstatement of such license, registration and/or permit. Such
3619 petition shall be made in writing and in the form prescribed by
3620 the board. Upon investigation and hearing, the board may, in its
3621 discretion, grant or deny such petition, or it may modify its
3622 original finding to reflect any circumstances which have changed
3623 sufficiently to warrant such modifications. The procedure for the
3624 reinstatement of a license, registration or permit that is
3625 suspended for being out of compliance with an order for support or
3626 an order for visitation, as defined in Section 93-11-153, shall be
3627 governed by Section 93-11-157 or 93-11-163, as the case may be.

3628 (3) Nothing herein shall be construed as barring criminal
3629 prosecutions for violation of this chapter where such violations
3630 are deemed as criminal offenses in other statutes of this state or
3631 of the United States.

3632 (4) A monetary penalty assessed and levied under this
3633 section shall be paid to the board by the licensee, registrant or
3634 permit holder upon the expiration of the period allowed for appeal
3635 of such penalties under Section 73-21-101, or may be paid sooner
3636 if the licensee, registrant or permit holder elects.

3637 (5) When payment of a monetary penalty assessed and levied
3638 by the board against a licensee, registrant or permit holder in
3639 accordance with this section is not paid by the licensee,
3640 registrant or permit holder when due under this section, the board
3641 shall have the power to institute and maintain proceedings in its
3642 name for enforcement of payment in the chancery court of the
3643 county and judicial district of residence of the licensee,
3644 registrant or permit holder, or if the licensee, registrant or

3645 permit holder is a nonresident of the State of Mississippi, in the
3646 Chancery Court of the First Judicial District of Hinds County,
3647 Mississippi. When such proceedings are instituted, the board
3648 shall certify the record of its proceedings, together with all
3649 documents and evidence, to the chancery court and the matter shall
3650 thereupon be heard in due course by the court, which shall review
3651 the record and make its determination thereon. The hearing on the
3652 matter may, in the discretion of the chancellor, be tried in
3653 vacation.

3654 (6) The board shall develop and implement a uniform penalty
3655 policy which shall set the minimum and maximum penalty for any
3656 given violation of board regulations and laws governing the
3657 practice of pharmacy. The board shall adhere to its uniform
3658 penalty policy except in such cases where the board specifically
3659 finds, by majority vote, that a penalty in excess of, or less
3660 than, the uniform penalty is appropriate. Such vote shall be
3661 reflected in the minutes of the board and shall not be imposed
3662 unless such appears as having been adopted by the board.

3663 SECTION 41. Section 73-23-59, Mississippi Code of 1972, is
3664 amended as follows:

3665 73-23-59. (1) Licensees subject to this chapter shall
3666 conduct their activities, services and practice in accordance with
3667 this chapter and any rules promulgated pursuant hereto. Licensees
3668 may be subject to the exercise of the disciplinary sanction
3669 enumerated in Section 73-23-64 if the board finds that a licensee
3670 is guilty of any of the following:

3671 (a) Negligence in the practice or performance of
3672 professional services or activities;

3673 (b) Engaging in dishonorable, unethical or
3674 unprofessional conduct of a character likely to deceive, defraud
3675 or harm the public in the course of professional services or
3676 activities;

3677 (c) Perpetrating or cooperating in fraud or material
3678 deception in obtaining or renewing a license or attempting the

3679 same;

3680 (d) Being convicted of any crime which has a
3681 substantial relationship to the licensee's activities and services
3682 or an essential element of which is misstatement, fraud or
3683 dishonesty;

3684 (e) Being convicted of any crime which is a felony
3685 under the laws of this state or the United States;

3686 (f) Engaging in or permitting the performance of
3687 unacceptable services personally or by others working under the
3688 licensee's supervision due to the licensee's deliberate or
3689 negligent act or acts or failure to act, regardless of whether
3690 actual damage or damages to the public is established;

3691 (g) Continued practice although the licensee has become
3692 unfit to practice as a physical therapist or physical therapist
3693 assistant due to: (i) failure to keep abreast of current
3694 professional theory or practice; or (ii) physical or mental
3695 disability; the entry of an order or judgment by a court of
3696 competent jurisdiction that a licensee is in need of mental
3697 treatment or is incompetent shall constitute mental disability; or
3698 (iii) addiction or severe dependency upon alcohol or other drugs
3699 which may endanger the public by impairing the licensee's ability
3700 to practice;

3701 (h) Having disciplinary action taken against the
3702 licensee's license in another state;

3703 (i) Making differential, detrimental treatment against
3704 any person because of race, color, creed, sex, religion or
3705 national origin;

3706 (j) Engaging in lewd conduct in connection with
3707 professional services or activities;

3708 (k) Engaging in false or misleading advertising;

3709 (l) Contracting, assisting or permitting unlicensed
3710 persons to perform services for which a license is required under
3711 this chapter;

3712 (m) Violation of any probation requirements placed on a

3713 license by the board;

3714 (n) Revealing confidential information except as may be
3715 required by law;

3716 (o) Failing to inform clients of the fact that the
3717 client no longer needs the services or professional assistance of
3718 the licensee;

3719 (p) Charging excessive or unreasonable fees or engaging
3720 in unreasonable collection practices;

3721 (q) For treating or attempting to treat ailments or
3722 other health conditions of human beings other than by physical
3723 therapy as authorized by this chapter;

3724 (r) For applying or offering to apply physical therapy,
3725 exclusive of initial evaluation or screening and exclusive of
3726 education or consultation for the prevention of physical and
3727 mental disability within the scope of physical therapy, other than
3728 upon the referral of a licensed physician, dentist, osteopath,
3729 podiatrist, chiropractor or nurse practitioner; or for acting as a
3730 physical therapist assistant other than under the direct, on-site
3731 supervision of a licensed physical therapist;

3732 (s) Violations of the current codes of conduct for
3733 physical therapists and physical therapy assistants adopted by the
3734 American Physical Therapy Association;

3735 (t) Violations of any rules or regulations promulgated
3736 pursuant to this chapter.

3737 (2) The board may order a licensee to submit to a reasonable
3738 physical or mental examination if the licensee's physical or
3739 mental capacity to practice safely is at issue in a disciplinary
3740 proceeding.

3741 (3) Failure to comply with a board order to submit to a
3742 physical or mental examination shall render a licensee subject to
3743 the summary suspension procedures described in Section 73-23-64.

3744 (4) In addition to the reasons specified in subsection (1)
3745 of this section, the board shall be authorized to suspend the
3746 license of any licensee for being out of compliance with an order

3747 for support or an order for visitation, as defined in Section
3748 93-11-153. The procedure for suspension of a license for being
3749 out of compliance with an order for support or an order for
3750 visitation, and the procedure for the reissuance or reinstatement
3751 of a license suspended for that purpose, and the payment of any
3752 fees for the reissuance or reinstatement of a license suspended
3753 for that purpose, shall be governed by Section 93-11-157 or
3754 93-11-163, as the case may be. If there is any conflict between
3755 any provision of Section 93-11-157 or 93-11-163 and any provision
3756 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
3757 as the case may be, shall control.

3758 SECTION 42. Section 73-23-64, Mississippi Code of 1972, is
3759 amended as follows:

3760 73-23-64. (1) The board may impose any of the following
3761 sanctions, singly or in combination, when it finds that a licensee
3762 is guilty of any such offense:

3763 (a) Revocation of the license;

3764 (b) Suspension of the license, for any period of time;

3765 (c) Censure the licensee;

3766 (d) Impose a monetary penalty of not more than Two
3767 Hundred Dollars (\$200.00);

3768 (e) Place a licensee on probationary status and require
3769 the licensee to submit to any of the following: (i) report
3770 regularly to the board, or its designee, upon matters which are
3771 the basis of probation; (ii) continue to renew professional
3772 education until a satisfactory degree of skill has been attained
3773 in those areas which are the basis of probation; or (iii) such
3774 other reasonable requirements or restrictions as are proper;

3775 (f) Refuse to renew a license; or

3776 (g) Revoke probation which has been granted and impose
3777 any other disciplinary action in this subsection when the
3778 requirements of probation have not been fulfilled or have been
3779 violated.

3780 (2) The board may summarily suspend a license under this

3781 chapter without a hearing simultaneously with the filing of a
3782 formal complaint and notice for a hearing provided under this
3783 section if the board finds that the continued practice in the
3784 profession would constitute an immediate danger to the public. If
3785 the board suspends summarily a license under the provisions of
3786 this subsection, a hearing must begin within twenty (20) days
3787 after such suspension begins, unless continued at the request of
3788 the licensee.

3789 (3) Disposition of any formal complaint may be made by
3790 consent order or stipulation between the board and the licensee.

3791 (4) The board may reinstate any licensee to good standing
3792 under this chapter if, after hearing, the board is satisfied that
3793 the applicant's renewed practice is in the public interest. The
3794 procedure for the reimbursement of a license that is suspended for
3795 being out of compliance with an order for support or an order for
3796 visitation, as defined in Section 93-11-153, shall be governed by
3797 Section 93-11-157 or 93-11-163, as the case may be.

3798 (5) The board may seek the counsel of the Physical Therapy
3799 Advisory Council regarding disciplinary actions.

3800 (6) The board shall seek to achieve consistency in the
3801 application of the foregoing sanctions, and significant departure
3802 from prior decisions involving similar conduct shall be explained
3803 by the board.

3804 SECTION 43. Section 73-24-25, Mississippi Code of 1972, is
3805 amended as follows:

3806 73-24-25. (1) The board shall, after notice and opportunity
3807 for hearing, have the power to deny or refuse renewal, suspend or
3808 revoke the license of, or propose probationary conditions upon any
3809 licensee who has been guilty of unprofessional conduct which has
3810 endangered or is likely to endanger the health, welfare or safety
3811 of the public. Such unprofessional conduct includes:

3812 (a) Obtaining or attempting to obtain a license by
3813 fraud, misrepresentation or concealment of material facts; or

3814 (b) Being guilty of unprofessional conduct as defined

3815 by the rules and regulations as established by the board; or
3816 violating the Code of Ethics adopted and published by the board.

3817 (c) Being convicted of a crime in any court except for
3818 minor offenses defined as "minor misdemeanors," "violations" or
3819 "offenses" in any court, if the acts for which he was convicted
3820 are found by the board to have a direct bearing on whether he
3821 should be entrusted to serve the public in the capacity of an
3822 occupational therapist or occupational therapy assistant.

3823 (d) Violating any lawful order, rule or regulation
3824 rendered or adopted by the board; and

3825 (e) Violating any provisions of this chapter.

3826 (2) A denial, refusal to renew, suspension, revocation or
3827 imposition of probationary conditions upon a license may be
3828 ordered by the board after a hearing in the manner provided by the
3829 rules and regulations adopted by the board. An application for
3830 reinstatement may be made to the board one (1) year from the date
3831 of the revocation of a license. The board may: (a) accept or
3832 reject an application for reinstatement, and (b) hold a hearing to
3833 consider such reinstatement.

3834 (3) In addition to the reasons specified in subsection (1)
3835 of this section, the board shall be authorized to suspend the
3836 license of any licensee for being out of compliance with an order
3837 for support or an order for visitation, as defined in Section
3838 93-11-153. The procedure for suspension of a license for being
3839 out of compliance with an order for support or an order for
3840 visitation, and the procedure for the reissuance or reinstatement
3841 of a license suspended for that purpose, and the payment of any
3842 fees for the reissuance or reinstatement of a license suspended
3843 for that purpose, shall be governed by Section 93-11-157 or
3844 93-11-163, as the case may be. If there is any conflict between
3845 any provision of Section 93-11-157 or 93-11-163 and any provision
3846 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
3847 as the case may be, shall control.

3848 SECTION 44. Section 73-24-27, Mississippi Code of 1972, is

3849 amended as follows:

3850 73-24-27. (1) Any license issued under this chapter shall
3851 be subject to renewal and shall expire unless renewed in the
3852 manner prescribed by the rules and regulations of the board, upon
3853 the payment of a renewal fee and demonstration of completion of
3854 continuing professional education. The board may provide for the
3855 late renewal of a license upon the payment of a late fee in
3856 accordance with its rules and regulations, but no late renewal of
3857 a license may be granted more than two (2) years after its
3858 expiration.

3859 (2) Upon request and payment of the license fee required,
3860 the board shall grant inactive status to a licensee who: (a) does
3861 not practice as an occupational therapist or an occupational
3862 therapy assistant, (b) does not hold himself or herself out as an
3863 occupational therapist or an occupational therapy assistant, and
3864 (c) does not maintain any continuing education requirements.

3865 (3) A suspended license is subject to expiration and may be
3866 renewed as provided in this section, but such renewal shall not
3867 entitle the suspended licensee to engage in the licensed activity
3868 or in any other conduct or activity in violation of the order of
3869 judgment by which the license was suspended. If a license revoked
3870 on disciplinary grounds is reinstated, the licensee, as a
3871 condition of reinstatement, shall pay the renewal fee and any late
3872 fee that may be applicable. The procedure for the reinstatement
3873 of a license that is suspended for being out of compliance with an
3874 order for support or an order for visitation, as defined in
3875 Section 93-11-153, shall be governed by Section 93-11-157 or
3876 93-11-163, as the case may be.

3877 SECTION 45. Section 73-25-27, Mississippi Code of 1972, is
3878 amended as follows:

3879 73-25-27. The Mississippi State Board of Medical Licensure
3880 after notice and opportunity for a hearing to the licentiate, is
3881 authorized to suspend or revoke for any cause named herein any
3882 license it has issued, or the renewal thereof, that authorizes any

3883 person to practice medicine, osteopathy, or any other method of
3884 preventing, diagnosing, relieving, caring for, or treating, or
3885 curing disease, injury or other bodily condition. The procedure
3886 for suspension of a license for being out of compliance with an
3887 order for support or an order for visitation, and the procedure
3888 for the reissuance or reinstatement of a license suspended for
3889 that purpose, and the payment of any fees for the reissuance or
3890 reinstatement of a license suspended for that purpose, shall be
3891 governed by Section 93-11-157 or 93-11-163, as the case may be.
3892 If there is any conflict between any provision of Section
3893 93-11-157 or 93-11-163 and any provision of this chapter, the
3894 provisions of Section 93-11-157 or 93-11-163, as the case may be,
3895 shall control.

3896 Such notice shall be effected by registered mail or personal
3897 service setting forth the particular reasons for the proposed
3898 action and fixing a date not less than thirty (30) days or more
3899 than sixty (60) days from the date of such mailing or such
3900 service, at which time the licentiate shall be given an
3901 opportunity for a prompt and fair hearing. For the purpose of
3902 such hearing the board, acting by and through its executive
3903 office, may subpoena persons and papers on its own behalf and on
3904 behalf of licentiate, including records obtained pursuant to
3905 Section 73-25-28, may administer oaths and such testimony when
3906 properly transcribed, together with such papers and exhibits,
3907 shall be admissible in evidence for or against the licentiate. At
3908 such hearing licentiate may appear by counsel and personally in
3909 his own behalf. Any person sworn and examined as a witness in
3910 such hearing shall not be held to answer criminally, nor shall any
3911 papers or documents produced by such witness be competent evidence
3912 in any criminal proceedings against such witness other than for
3913 perjury in delivering his evidence. On the basis of any such
3914 hearing, or upon default of the licentiate, the Board of Medical
3915 Licensure shall make a determination specifying its findings of
3916 fact and conclusions of law.

3917 A copy of such determination shall be sent by registered mail
3918 or served personally upon the licentiate. The decision of the
3919 Board of Medical Licensure revoking or suspending the license
3920 shall become final thirty (30) days after so mailed or served
3921 unless within said period the licentiate appeals the decision to
3922 the chancery court, pursuant to the provisions hereof, and the
3923 proceedings in chancery shall be conducted as other matters coming
3924 before the court. All proceedings and evidence, together with
3925 exhibits, presented at such hearing before the Board of Medical
3926 Licensure in the event of appeal shall be admissible in evidence
3927 in said court.

3928 The Board of Medical Licensure may subpoena persons and
3929 papers on its own behalf and on behalf of the respondent,
3930 including records obtained pursuant to Section 73-25-28, may
3931 administer oaths, and may compel the testimony of witnesses. It
3932 may issue commissions to take testimony, and testimony so taken
3933 and sworn to shall be admissible in evidence for and against the
3934 respondent. The Board of Medical Licensure shall be entitled to
3935 the assistance of the chancery court or the chancellor in
3936 vacation, which, on petition by the board, shall issue ancillary
3937 subpoenas and petitions and may punish as for contempt of court in
3938 the event of noncompliance therewith.

3939 Unless the court otherwise decrees, a license that has been
3940 suspended by the Board of Medical Licensure for a stated period of
3941 time shall automatically become valid on the expiration of that
3942 period and a license that has been suspended for an indefinite
3943 period shall become again valid if and when the Board of Medical
3944 Licensure so orders, which it may do on its own motion or on the
3945 petition of the respondent. A license that has been revoked shall
3946 not be restored to validity except: (1) after a rehearing by the
3947 Board of Medical Licensure, on petition of the respondent, for
3948 good cause shown, filed within ten (10) days, immediately
3949 following the service on him of the order or judgment of the Board
3950 of Medical Licensure revoking his license, or (2) by order of the

3951 court, on petition as aforesaid. Any licentiate whose license
3952 becomes again valid after a period of suspension or after it has
3953 been restored to validity after a rehearing or by an order of the
3954 court, shall record it again in the office of the clerk of the
3955 circuit court of the county in which he resides in conformity with
3956 the requirements of Section 73-25-13. Nothing in this chapter
3957 shall be construed as limiting or revoking the authority of any
3958 court or of any licensing or registering officer or board, other
3959 than the State Board of Medical Licensure, to suspend, revoke and
3960 reinstate licenses and to cancel registrations under the
3961 provisions of Section 41-29-311.

3962 SECTION 46. Section 73-25-29, Mississippi Code of 1972, is
3963 amended as follows:

3964 73-25-29. The grounds for the nonissuance, suspension,
3965 revocation or restriction of a license or the denial of
3966 reinstatement or renewal of a license are:

3967 (1) Habitual personal use of narcotic drugs, or any other
3968 drug having addiction-forming or addiction-sustaining liability.

3969 (2) Habitual use of intoxicating liquors, or any beverage,
3970 to an extent which affects professional competency.

3971 (3) Administering, dispensing or prescribing any narcotic
3972 drug, or any other drug having addiction-forming or
3973 addiction-sustaining liability otherwise than in the course of
3974 legitimate professional practice.

3975 (4) Conviction of violation of any federal or state law
3976 regulating the possession, distribution or use of any narcotic
3977 drug or any drug considered a controlled substance under state or
3978 federal law, a certified copy of the conviction order or judgment
3979 rendered by the trial court being prima facie evidence thereof,
3980 notwithstanding the pendency of any appeal.

3981 (5) Procuring, or attempting to procure, or aiding in, an
3982 abortion that is not medically indicated.

3983 (6) Conviction of a felony or misdemeanor involving moral
3984 turpitude, a certified copy of the conviction order or judgment

3985 rendered by the trial court being prima facie evidence thereof,
3986 notwithstanding the pendency of any appeal.

3987 (7) Obtaining or attempting to obtain a license by fraud or
3988 deception.

3989 (8) Unprofessional conduct, which includes, but is not
3990 limited to:

3991 (a) Practicing medicine under a false or assumed name
3992 or impersonating another practitioner, living or dead.

3993 (b) Knowingly performing any act which in any way
3994 assists an unlicensed person to practice medicine.

3995 (c) Making or willfully causing to be made any
3996 flamboyant claims concerning the licensee's professional
3997 excellence.

3998 (d) Being guilty of any dishonorable or unethical
3999 conduct likely to deceive, defraud or harm the public.

4000 (e) Obtaining a fee as personal compensation or gain
4001 from a person on fraudulent representation a disease or injury
4002 condition generally considered incurable by competent medical
4003 authority in the light of current scientific knowledge and
4004 practice can be cured or offering, undertaking, attempting or
4005 agreeing to cure or treat the same by a secret method, which he
4006 refuses to divulge to the board upon request.

4007 (f) Use of any false, fraudulent or forged statement or
4008 document, or the use of any fraudulent, deceitful, dishonest or
4009 immoral practice in connection with any of the licensing
4010 requirements, including the signing in his professional capacity
4011 any certificate that is known to be false at the time he makes or
4012 signs such certificate.

4013 (g) Failing to identify a physician's school of
4014 practice in all professional uses of his name by use of his earned
4015 degree or a description of his school of practice.

4016 (9) The refusal of a licensing authority of another state or
4017 jurisdiction to issue or renew a license, permit or certificate to
4018 practice medicine in that jurisdiction or the revocation,

4019 suspension or other restriction imposed on a license, permit or
4020 certificate issued by such licensing authority which prevents or
4021 restricts practice in that jurisdiction, a certified copy of the
4022 disciplinary order or action taken by the other state or
4023 jurisdiction being prima facie evidence thereof, notwithstanding
4024 the pendency of any appeal.

4025 (10) Surrender of a license or authorization to practice
4026 medicine in another state or jurisdiction or surrender of
4027 membership on any medical staff or in any medical or professional
4028 association or society while under disciplinary investigation by
4029 any of those authorities or bodies for acts or conduct similar to
4030 acts or conduct which would constitute grounds for action as
4031 defined in this section.

4032 (11) Final sanctions imposed by the United States Department
4033 of Health and Human Services, Office of Inspector General or any
4034 successor federal agency or office, based upon a finding of
4035 incompetency, gross misconduct or failure to meet professionally
4036 recognized standards of health care; a certified copy of the
4037 notice of final sanction being prima facie evidence thereof. As
4038 used in this paragraph, the term "final sanction" means the
4039 written notice to a physician from the United States Department of
4040 Health and Human Services, Officer of Inspector General or any
4041 successor federal agency or office, which implements the
4042 exclusion.

4043 (12) Failure to furnish the board, its investigators or
4044 representatives information legally requested by the board.

4045 (13) Violation of any provision(s) of the Medical Practice
4046 Act or the rules and regulations of the board or of any order,
4047 stipulation or agreement with the board.

4048 In addition to the grounds specified above, the board shall
4049 be authorized to suspend the license of any licensee for being out
4050 of compliance with an order for support or an order for
4051 visitation, as defined in Section 93-11-153. The procedure for
4052 suspension of a license for being out of compliance with an order

4053 for support or an order for visitation, and the procedure for the
4054 reissuance or reinstatement of a license suspended for that
4055 purpose, and the payment of any fees for the reissuance or
4056 reinstatement of a license suspended for that purpose, shall be
4057 governed by Section 93-11-157 or 93-11-163, as the case may be.
4058 If there is any conflict between any provision of Section
4059 93-11-157 or 93-11-163 and any provision of this chapter, the
4060 provisions of Section 93-11-157 or 93-11-163, as the case may be,
4061 shall control.

4062 SECTION 47. Section 73-25-32, Mississippi Code of 1972, is
4063 amended as follows:

4064 73-25-32. (1) A person whose license to practice medicine
4065 or osteopathy has been revoked or suspended may petition the
4066 Mississippi State Board of Medical Licensure to reinstate this
4067 license after a period of not less than one (1) year has elapsed
4068 from the date of the revocation or suspension. The procedure for
4069 the reinstatement of a license that is suspended for being out of
4070 compliance with an order for support or an order for visitation,
4071 as defined in Section 93-11-153, shall be governed by Section
4072 93-11-157 or 93-11-163, as the case may be.

4073 (2) The petition shall be accompanied by two (2) or more
4074 verified recommendations from physicians or osteopaths licensed by
4075 the Board of Medical Licensure to which the petition is addressed
4076 and by two (2) or more recommendations from citizens each having
4077 personal knowledge of the activities of the petitioner since the
4078 disciplinary penalty was imposed and such facts as may be required
4079 by the Board of Medical Licensure.

4080 The petition may be heard at the next regular meeting of the
4081 Board of Medical Licensure but not earlier than thirty (30) days
4082 after the petition was filed. No petition shall be considered
4083 while the petitioner is under sentence for any criminal offense,
4084 including any period during which he is under probation or parole.
4085 The hearing may be continued from time to time as the Board of
4086 Medical Licensure finds necessary.

4087 (3) In determining whether the disciplinary penalty should
4088 be set aside and the terms and conditions, if any, which should be
4089 imposed if the disciplinary penalty is set aside, the Board of
4090 Medical Licensure may investigate and consider all activities of
4091 the petitioner since the disciplinary action was taken against
4092 him, the offense for which he was disciplined, his activity during
4093 the time his certificate was in good standing, his general
4094 reputation for truth, professional ability and good character; and
4095 it may require the petitioner to pass an oral examination.

4096 (4) The Secretary-Treasurer of the Board of Medical
4097 Licensure shall enter into his records of the case all actions of
4098 the board in setting aside a disciplinary penalty under this
4099 section and he shall certify notices to the proper court clerk.
4100 The clerk shall make such changes on his records as may be
4101 necessary.

4102 SECTION 48. Section 73-27-13, Mississippi Code of 1972, is
4103 amended as follows:

4104 73-27-13. (1) The State Board of Medical Licensure may
4105 refuse to issue, suspend, revoke or otherwise restrict any license
4106 provided for in this chapter, with the advice of the advisory
4107 committee, based upon the following grounds:

4108 (a) Habitual personal use of narcotic drugs, or any
4109 other drug having addiction-forming or addiction-sustaining
4110 liability.

4111 (b) Habitual use of intoxicating liquors, or any
4112 beverage, to an extent which affects professional competency.

4113 (c) Administering, dispensing or prescribing any
4114 narcotic drug, or any other drug having addiction-forming or
4115 addiction-sustaining liability otherwise than in the course of
4116 legitimate professional practice.

4117 (d) Conviction of violation of any federal or state law
4118 regulating the possession, distribution or use of any narcotic
4119 drug or any drug considered a controlled substance under state or
4120 federal law.

- 4121 (e) Performing any medical diagnosis or treatment
4122 outside the scope of podiatry as defined in Section 73-27-1.
- 4123 (f) Conviction of a felony or misdemeanor involving
4124 moral turpitude.
- 4125 (g) Obtaining or attempting to obtain a license by
4126 fraud or deception.
- 4127 (h) Unprofessional conduct, which includes, but is not
4128 limited to:
- 4129 (i) Practicing medicine under a false or assumed
4130 name or impersonating another practitioner, living or dead.
- 4131 (ii) Knowingly performing any act which in any way
4132 assists an unlicensed person to practice podiatry.
- 4133 (iii) Making or willfully causing to be made any
4134 flamboyant claims concerning the licensee's professional
4135 excellence.
- 4136 (iv) Being guilty of any dishonorable or unethical
4137 conduct likely to deceive, defraud or harm the public.
- 4138 (v) Obtaining a fee as personal compensation or
4139 gain from a person on fraudulent representation a disease or
4140 injury condition generally considered incurable by competent
4141 medical authority in the light of current scientific knowledge and
4142 practice can be cured or offering, undertaking, attempting or
4143 agreeing to cure or treat the same by a secret method, which he
4144 refuses to divulge to the board upon request.
- 4145 (vi) Use of any false, fraudulent or forged
4146 statement or document, or the use of any fraudulent, deceitful,
4147 dishonest or immoral practice in connection with any of the
4148 licensing requirements, including the signing in his professional
4149 capacity any certificate that is known to be false at the time he
4150 makes or signs such certificate.
- 4151 (vii) Failing to identify a podiatrist's school of
4152 practice in all professional uses of his name by use of his earned
4153 degree or a description of his school of practice.
- 4154 (i) The refusal of a licensing authority of another

4155 state to issue or renew a license, permit or certificate to
4156 practice podiatry in that state or the revocation, suspension or
4157 other restriction imposed on a license, permit or certificate
4158 issued by such licensing authority which prevents or restricts
4159 practice in that state.

4160 (2) Upon the nonissuance, suspension or revocation of a
4161 license to practice podiatry, the board may, in its discretion and
4162 with the advice of the advisory committee, reissue a license after
4163 a lapse of six (6) months. No advertising shall be permitted
4164 except regular professional cards.

4165 (3) In its investigation of whether the license of a
4166 podiatrist should be suspended, revoked or otherwise restricted,
4167 the board may inspect patient records in accordance with the
4168 provisions of Section 73-25-28.

4169 (4) In addition to the grounds specified in subsection (1)
4170 of this section, the board shall be authorized to suspend the
4171 license of any licensee for being out of compliance with an order
4172 for support or an order for visitation, as defined in Section
4173 93-11-153. The procedure for suspension of a license for being
4174 out of compliance with an order for support or an order for
4175 visitation, and the procedure for the reissuance or reinstatement
4176 of a license suspended for that purpose, and the payment of any
4177 fees for the reissuance or reinstatement of a license suspended
4178 for that purpose, shall be governed by Section 93-11-157 or
4179 93-11-163, as the case may be. If there is any conflict between
4180 any provision of Section 93-11-157 or 93-11-163 and any provision
4181 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
4182 as the case may be, shall control.

4183 SECTION 49. Section 73-27-16, Mississippi Code of 1972, is
4184 amended as follows:

4185 73-27-16. (1) A person whose license to practice podiatry
4186 has been revoked or suspended may petition the Mississippi State
4187 Board of Medical Licensure to reinstate this license after a
4188 period of not less than one (1) year has elapsed from the date of

4189 the revocation or suspension. The procedure for the reinstatement
4190 of a license that is suspended for being out of compliance with an
4191 order for support or an order for visitation, as defined in
4192 Section 93-11-153, shall be governed by Section 93-11-157 or
4193 93-11-163, as the case may be.

4194 (2) The petition shall be accompanied by two (2) or more
4195 verified recommendations from podiatrists licensed by the Board of
4196 Medical Licensure to which the petition is addressed and by two
4197 (2) or more recommendations from citizens each having personal
4198 knowledge of the activities of the petitioner since the
4199 disciplinary penalty was imposed and such facts as may be required
4200 by the board.

4201 The petition may be heard at the next regular meeting of the
4202 Board of Medical Licensure but not earlier than thirty (30) days
4203 after the petition was filed. No petition shall be considered
4204 while the petitioner is under sentence for any criminal offense,
4205 including any period during which he is under probation or parole.
4206 The hearing may be continued from time to time as the Board of
4207 Medical Licensure finds necessary. Any final action by the board
4208 on a petition under this section shall be made with the advice of
4209 the advisory committee.

4210 (3) In determining whether the disciplinary penalty should
4211 be set aside and the terms and conditions, if any, which should be
4212 imposed if the disciplinary penalty is set aside, the Board of
4213 Medical Licensure may investigate and consider all activities of
4214 the petitioner since the disciplinary action was taken against
4215 him, the offense for which he was disciplined, his activity during
4216 the time his certificate was in good standing, his general
4217 reputation for truth, professional ability and good character; and
4218 it may require the petitioner to pass an oral examination.

4219 (4) The Secretary-Treasurer of the Board of Medical
4220 Licensure shall enter into his records of the case all actions of
4221 the Board of Medical Licensure in setting aside a disciplinary
4222 penalty under this section and he shall certify notices to the

4223 proper court clerk. The clerk shall make such changes on his
4224 records as may be necessary.

4225 SECTION 50. Section 73-29-31, Mississippi Code of 1972, is
4226 amended as follows:

4227 73-29-31. (1) The board may refuse to issue or may suspend
4228 or revoke a license on any one or more of the following grounds:

4229 (a) For failing to inform a subject to be examined as
4230 to the nature of the examination;

4231 (b) For failing to inform a subject to be examined that
4232 his participation in the examination is voluntary;

4233 (c) Material misstatement in the application for
4234 original license or in the application for any renewal license
4235 under this chapter;

4236 (d) Willful disregard or violation of this chapter or
4237 of any regulation or rule issued pursuant thereto, including, but
4238 not limited to, willfully making a false report concerning an
4239 examination for polygraph examination purposes;

4240 (e) If the holder of any license has been adjudged
4241 guilty of the commission of a felony or a misdemeanor involving
4242 moral turpitude;

4243 (f) Making any willful misrepresentation or false
4244 promises or causing to be printed any false or misleading
4245 advertisement for the purpose of directly or indirectly obtaining
4246 business or trainees;

4247 (g) Having demonstrated unworthiness or incompetency to
4248 act as a polygraph examiner as defined by this chapter;

4249 (h) Allowing one's license under this chapter to be
4250 used by any unlicensed person in violation of the provisions of
4251 this chapter;

4252 (i) Willfully aiding or abetting another in the
4253 violation of this chapter or any regulation or rule issued
4254 pursuant thereto;

4255 (j) Where the license holder has been adjudged by a
4256 court of competent jurisdiction as habitual drunkard, mentally

4257 incompetent, or in need of a conservator;

4258 (k) Failing, within a reasonable time, to provide
4259 information requested by the secretary as the result of a formal
4260 complaint to the board which would indicate a violation of this
4261 chapter;

4262 (l) Failing to inform the subject of the results of the
4263 examination if so requested; or

4264 (m) With regard to any polygraph examiner employed for
4265 a fee and not employed by a governmental law enforcement agency or
4266 the Mississippi Department of Corrections:

4267 (i) Requiring a subject, prior to taking the
4268 examination or as a condition of receiving the results of the
4269 examination, to waive any rights or causes of action he may have
4270 or which may accrue in favor of the subject arising out of or
4271 resulting from the administration of the examination; except the
4272 examiner may require, prior to the examination or as a condition
4273 of receiving the results of the examination, a subject to waive
4274 any rights or causes of action that may accrue against the
4275 examiner as a result of any use made of the results of the
4276 examination by the person who employed the examiner;

4277 (ii) Requiring a subject to acknowledge that his
4278 examination is not done for purposes of employment when, in fact,
4279 the results of the examination are to be submitted to an employer
4280 or an agent of an employer; or

4281 (iii) Reporting the results of an examination to
4282 any person not authorized to receive the results of the
4283 examination except for the person who employed the examiner,
4284 unless authorized in writing by the subject.

4285 (2) In addition to the grounds specified in subsection (1)
4286 of this section, the board shall be authorized to suspend the
4287 license of any licensee for being out of compliance with an order
4288 for support or an order for visitation, as defined in Section
4289 93-11-153. The procedure for suspension of a license for being
4290 out of compliance with an order for support or an order for

4291 visitation, and the procedure for the reissuance or reinstatement
4292 of a license suspended for that purpose, and the payment of any
4293 fees for the reissuance or reinstatement of a license suspended
4294 for that purpose, shall be governed by Section 93-11-157 or
4295 93-11-163, as the case may be. If there is any conflict between
4296 any provision of Section 93-11-157 or 93-11-163 and any provision
4297 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
4298 as the case may be, shall control.

4299 SECTION 51. Section 73-30-21, Mississippi Code of 1972, is
4300 amended as follows:

4301 73-30-21. (1) The board may, after notice and opportunity
4302 for a hearing, suspend, revoke or refuse to issue or renew a
4303 license or may reprimand the license holder, upon a determination
4304 by the board that such license holder or applicant for licensure
4305 has:

- 4306 (a) Been adjudged by any court to be mentally
4307 incompetent or have had a guardian of person appointed;
- 4308 (b) Been convicted of a felony;
- 4309 (c) Sworn falsely under oath or affirmation;
- 4310 (d) Obtained a license or certificate by fraud, deceit
4311 or other misrepresentation;
- 4312 (e) Engaged in the conduct of professional counseling
4313 in a grossly negligent or incompetent manner;
- 4314 (f) Intentionally violated any provision of this
4315 chapter;
- 4316 (g) Violated any rules or regulations of the board; or
- 4317 (h) Aided or assisted another in falsely obtaining a
4318 license under this chapter.

4319 (2) No revoked license may be reinstated within twelve (12)
4320 months after such revocation. Reinstatement thereafter shall be
4321 upon such conditions as the board may prescribe, which may
4322 include, without being limited to, successful passing of the
4323 examination required by this chapter.

4324 (3) A license certificate issued by the board is the

4325 property of the board and must be surrendered on demand.

4326 (4) The chancery court is hereby vested with the
4327 jurisdiction and power to enjoin the unlawful practice of
4328 counseling and/or the false representation as a licensed counselor
4329 in a proceeding brought by the board or any members thereof or by
4330 any citizen of this state.

4331 (5) In addition to the reasons specified in subsection (1)
4332 of this section, the board shall be authorized to suspend the
4333 license of any licensee for being out of compliance with an order
4334 for support or an order for visitation, as defined in Section
4335 93-11-153. The procedure for suspension of a license for being
4336 out of compliance with an order for support or an order for
4337 visitation, and the procedure for the reissuance or reinstatement
4338 of a license suspended for that purpose, and the payment of any
4339 fees for the reissuance or reinstatement of a license suspended
4340 for that purpose, shall be governed by Section 93-11-157 or
4341 93-11-163, as the case may be. If there is any conflict between
4342 any provision of Section 93-11-157 or 93-11-163 and any provision
4343 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
4344 as the case may be, shall control.

4345 SECTION 52. Section 73-31-21, Mississippi Code of 1972, is
4346 amended as follows:

4347 73-31-21. (1) The board, by an affirmative vote of at least
4348 four (4) of its seven (7) members, shall withhold, deny, revoke or
4349 suspend any license issued or applied for in accordance with the
4350 provisions of this chapter, or otherwise discipline a licensed
4351 psychologist, upon proof that the applicant or licensed
4352 psychologist:

4353 (a) Has violated the current code of ethics of the
4354 American Psychological Association or other codes of ethical
4355 standards adopted by the board; or

4356 (b) Has been convicted of a felony or any offense
4357 involving moral turpitude, the record of conviction being
4358 conclusive evidence thereof; or

4359 (c) Is using any narcotic or any alcoholic beverage to
4360 an extent or in a manner dangerous to any other person or the
4361 public, or to an extent that such use impairs his ability to
4362 perform the work of a professional psychologist with safety to the
4363 public; or

4364 (d) Has impersonated another person holding a
4365 psychologist license or allowed another person to use his license;
4366 or

4367 (e) Has used fraud or deception in applying for a
4368 license or in taking an examination provided for in this chapter;
4369 or

4370 (f) Has accepted commissions or rebates or other forms
4371 of remuneration for referring clients to other professional
4372 persons; or

4373 (g) Has allowed his name or license issued under this
4374 chapter to be used in connection with any person or persons who
4375 perform psychological services outside of the area of their
4376 training, experience or competence; or

4377 (h) Is legally adjudicated mentally incompetent, the
4378 record of such adjudication being conclusive evidence thereof; or

4379 (i) Has willfully or negligently violated any of the
4380 provisions of this chapter. The board may recover from any person
4381 disciplined under this chapter, the costs of investigation,
4382 prosecution, and adjudication of the disciplinary action.

4383 (2) Notice shall be effected by registered mail or personal
4384 service setting forth the particular reasons for the proposed
4385 action and fixing a date not less than thirty (30) days nor more
4386 than sixty (60) days from the date of such mailing or such
4387 service, at which time the applicant or licentiate shall be given
4388 an opportunity for a prompt and fair hearing. For the purpose of
4389 such hearing the board, acting by and through its executive
4390 secretary, may subpoena persons and papers on its own behalf and
4391 on behalf of the applicant or licentiate, may administer oaths and
4392 may take testimony. Such testimony, when properly transcribed,

4393 together with such papers and exhibits, shall be admissible in
4394 evidence for or against the applicant or licentiate. At such
4395 hearing applicant or licentiate may appear by counsel and
4396 personally in his own behalf. Any person sworn and examined by a
4397 witness in such hearing shall not be held to answer criminally,
4398 nor shall any papers or documents produced by such witness be
4399 competent evidence in any criminal proceedings against such
4400 witness other than for perjury in delivering his evidence. On the
4401 basis of any such hearing, or upon default of applicant or
4402 licentiate, the board shall make a determination specifying its
4403 findings of fact and conclusions of law. A copy of such
4404 determination shall be sent by registered mail or served
4405 personally upon the applicant or licentiate. The decision of the
4406 board denying, revoking or suspending the license shall become
4407 final thirty (30) days after so mailed or served unless within
4408 said period the licentiate appeals the decision to the chancery
4409 court, pursuant to the provisions hereof, and the proceedings in
4410 chancery shall be conducted as other matters coming before the
4411 court. All proceedings and evidence, together with exhibits,
4412 presented at such hearing before the board in the event of appeal
4413 shall be admissible in evidence in said court.

4414 (3) The board may subpoena persons and papers on its own
4415 behalf and on behalf of the respondent, may administer oaths and
4416 may compel the testimony of witnesses. It may issue commissions
4417 to take testimony, and testimony so taken and sworn to shall be
4418 admissible in evidence for and against the respondent. The board
4419 shall be entitled to the assistance of the chancery court or the
4420 chancellor in vacation, which, on petition by the board, shall
4421 issue ancillary subpoenas and petitions and may punish as for
4422 contempt of court in the event of noncompliance therewith.

4423 (4) Every order and judgment of the board shall take effect
4424 immediately on its promulgation unless the board in such order or
4425 judgment fixes a probationary period for applicant or licentiate.

4426 Such order and judgment shall continue in effect unless upon

4427 appeal the court by proper order or decree terminates it earlier.

4428 The board may make public its order and judgments in such manner
4429 and form as it deems proper. It shall, in event of the suspension
4430 or revocation of a license, direct the clerk of the circuit court
4431 of the county in which that license was recorded to cancel such
4432 record.

4433 (5) Nothing in this section shall be construed as limiting
4434 or revoking the authority of any court or of any licensing or
4435 registering officer or board, other than the State Board of
4436 Psychological Examiners, to suspend, revoke and reinstate licenses
4437 and to cancel registrations under the provisions of Section
4438 41-29-311.

4439 (6) Suspension by the board of the license of a psychologist
4440 shall be for a period not exceeding one (1) year. At the end of
4441 this period the board shall reevaluate the suspension, and shall
4442 either reinstate or revoke the license. A person whose license
4443 has been revoked under the provisions of this section may reapply
4444 for license after more than two (2) years have elapsed from the
4445 date such denial or revocation is legally effective.

4446 (7) In addition to the reasons specified in subsection (1)
4447 of this section, the board shall be authorized to suspend the
4448 license of any licensee for being out of compliance with an order
4449 for support or an order for visitation, as defined in Section
4450 93-11-153. The procedure for suspension of a license for being
4451 out of compliance with an order for support or an order for
4452 visitation, and the procedure for the reissuance or reinstatement
4453 of a license suspended for that purpose, and the payment of any
4454 fees for the reissuance or reinstatement of a license suspended
4455 for that purpose, shall be governed by Section 93-11-157. Actions
4456 taken by the board in suspending a license when required by
4457 Section 93-11-157 or 93-11-163 are not actions from which an
4458 appeal may be taken under this section. Any appeal of a license
4459 suspension that is required by Section 93-11-157 or 93-11-163
4460 shall be taken in accordance with the appeal procedure specified

4461 in Section 93-11-157 or 93-11-163, as the case may be, rather than
4462 the procedure specified in this section. If there is any conflict
4463 between any provision of Section 93-11-157 or 93-11-163 and any
4464 provision of this chapter, the provisions of Section 93-11-157 or
4465 93-11-163, as the case may be, shall control.

4466 (8) This section shall stand repealed from and after July 1,
4467 2001.

4468 SECTION 53. Section 73-33-11, Mississippi Code of 1972, is
4469 amended as follows:

4470 73-33-11. The Mississippi State Board of Public Accountancy
4471 may revoke any certificate or license issued by virtue of any
4472 provision of this chapter and/or may cancel the registration of
4473 any certificate or license registered by virtue of any provision
4474 of this chapter for any unprofessional conduct of the holder of
4475 such certificate or license, or for other sufficient cause,
4476 provided written notice shall have been sent by registered mail
4477 (with the addressee's receipt required) to the holder thereof,
4478 twenty (20) days before any hearing thereon, stating the cause for
4479 such contemplated action and appointing a day and a place for a
4480 full hearing thereon by said board, provided, further, no
4481 certificate or license be cancelled or revoked until a hearing
4482 shall have been given to the holder thereof according to law.
4483 But, after such hearing, said board may, in its discretion,
4484 suspend such a certified public accountant from practice as a
4485 certified public accountant in this state not exceeding twelve
4486 (12) months.

4487 The members of said board are hereby empowered to sit as a
4488 trial board; to administer oaths (or affirmations); to summon any
4489 witness and to compel his attendance and/or his testimony, under
4490 oath (or affirmation) before such board; to compel the production
4491 before it, of any book, paper or document by the owner or
4492 custodian thereof; and/or to compel any officer to produce, at
4493 such hearing a copy of any public record (not privileged from
4494 public inspection by law) in his official custody, certified to,

4495 by him. Such board shall elect one (1) of its members to serve as
4496 clerk, to issue summons and other processes, and to certify copies
4497 of its records; and another, to serve as president of the board.

4498 Its minutes shall be recorded in book form. Testimony of
4499 witnesses shall be taken by a stenographic reporter, and may be
4500 enforced in the same manner and with like powers as would be in a
4501 justice court. Its records, when not in session, shall be filed
4502 with the Secretary of State.

4503 The accused certified public accountant may appear in person
4504 and/or by counsel to defend himself. But if he does not appear or
4505 answer, judgment may be entered by default, provided if he does
4506 not appear he shall have been notified twenty (20) days before
4507 such hearing, by summons issued by the clerk and served by the
4508 sheriff, or by publication by the clerk in a newspaper, under the
4509 same circumstances, for the same time and in the same manner, as
4510 in cases in the chancery court.

4511 Three (3) or more persons, qualified to practice as certified
4512 public accountants, may prefer charges against any person,
4513 practicing as a certified public accountant, for misconduct and/or
4514 unprofessional conduct, by filing a sworn bill of complaint with
4515 any member of said board with bond for double the cost.

4516 Thereupon, said board shall proceed with its hearing of such
4517 charges. In case of a decision adverse to the charges, the cost
4518 shall be borne by those who made the charges.

4519 In case of a decision adverse to the certified public
4520 accountant, he shall have thirty (30) days from the day on which
4521 decision is made, within which to appeal to the circuit court of
4522 the county in which the misconduct and/or unprofessional conduct
4523 was alleged to have been committed, and the cancellation,
4524 revocation or suspension of his certificate or license shall not
4525 take effect until the expiration of said thirty (30) days.

4526 In case of an appeal, the trial in the circuit court shall be
4527 de novo; the Mississippi State Board of Public Accountancy and
4528 those preferring the charges shall be made parties to the suit,

4529 bond for costs in the circuit court shall be given as in other
4530 cases; and such suspension, revocation or cancellation shall not
4531 take effect until such appeal shall have been finally disposed of
4532 by the court or courts.

4533 The board may, at any time, reinstate the certificate or
4534 license, if satisfied that such reinstatement is justified.

4535 In addition to the reasons specified in the first paragraph
4536 of this section, the board shall be authorized to suspend the
4537 license of any licensee for being out of compliance with an order
4538 for support or an order for visitation, as defined in Section
4539 93-11-153. The procedure for suspension of a license for being
4540 out of compliance with an order for support or an order for
4541 visitation, and the procedure for the reissuance or reinstatement
4542 of a license suspended for that purpose, and the payment of any
4543 fees for the reissuance or reinstatement of a license suspended
4544 for that purpose, shall be governed by Section 93-11-157 or
4545 93-11-163, as the case may be. Actions taken by the board in
4546 suspending a license when required by Section 93-11-157 or
4547 93-11-163 are not actions from which an appeal may be taken under
4548 this section. Any appeal of a license suspension that is required
4549 by Section 93-11-157 or 93-11-163 shall be taken in accordance
4550 with the appeal procedure specified in Section 93-11-157 or
4551 93-11-163, as the case may be, rather than the procedure specified
4552 in this section. If there is any conflict between any provision
4553 of Section 93-11-157 or 93-11-163 and any provision of this
4554 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
4555 case may be, shall control.

4556 SECTION 54. Section 73-34-35, Mississippi Code of 1972, is
4557 amended as follows:

4558 73-34-35. (1) An application for licensure or renewal may
4559 be denied, and the rights of any licensed appraiser or licensed
4560 certified real estate appraiser may be revoked or suspended, or
4561 the holder of the license may be otherwise disciplined, in
4562 accordance with the provisions of this chapter for any of the

4563 following acts or omissions:

4564 (a) Failing to meet the minimum qualifications for
4565 licensure established pursuant to this chapter;

4566 (b) Procuring or attempting to procure licensure
4567 pursuant to this chapter by knowingly making a false statement,
4568 submitting false information or making a material
4569 misrepresentation in an application filed with the commission or
4570 procuring or attempting to procure licensure through any form of
4571 fraud or misrepresentation;

4572 (c) Paying money other than the fees provided for by
4573 this chapter to any member or employee of the commission or the
4574 board to procure licensure under this chapter;

4575 (d) An act or omission in the practice of real estate
4576 appraising which constitutes dishonesty, fraud or
4577 misrepresentation with the intent to substantially benefit the
4578 licensee or another person or with the intent to substantially
4579 injure another person;

4580 (e) Entry of a final civil or criminal judgment against
4581 a licensee on grounds of fraud, misrepresentation or deceit;

4582 (f) Conviction, including a conviction based upon a
4583 plea or finding of guilty, of a crime which is substantially
4584 related to the qualifications, functions or duties of a person
4585 developing real estate appraisals and communicating real estate
4586 appraisals to others;

4587 (g) Engaging in the business of real estate appraising
4588 under an assumed or fictitious name not properly registered in
4589 this state;

4590 (h) Paying a finder's fee or a referral fee;

4591 (i) Making a false or misleading statement in that
4592 portion of a written appraisal report that deals with professional
4593 qualifications or in any testimony concerning professional
4594 qualifications;

4595 (j) Issuing an appraisal on any real property in which
4596 the appraiser has an interest through fee simple ownership,

4597 leasehold, rental agreement or auction agreement;

4598 (k) Taking a listing for the sale of a property within
4599 ninety (90) days of appraising such property, except as may be
4600 otherwise agreed upon by all parties and disclosed in the listing
4601 agreement; or

4602 (1) Any act or conduct, whether the same or of a
4603 different character than specified above, which constitutes or
4604 demonstrates bad faith, incompetency or untrustworthiness; or
4605 dishonest, fraudulent or improper dealing; or any other violation
4606 of the provisions of this chapter and of rules and regulations
4607 established by the board.

4608 (2) In addition to the reasons specified in subsection (1)
4609 of this section, the board shall be authorized to suspend the
4610 license of any licensee for being out of compliance with an order
4611 for support or an order for visitation, as defined in Section
4612 93-11-153. The procedure for suspension of a license for being
4613 out of compliance with an order for support or an order for
4614 visitation, and the procedure for the reissuance or reinstatement
4615 of a license suspended for that purpose, and the payment of any
4616 fees for the reissuance or reinstatement of a license suspended
4617 for that purpose, shall be governed by Section 93-11-157 or
4618 93-11-163, as the case may be. If there is any conflict between
4619 any provision of Section 93-11-157 or 93-11-163 and any provision
4620 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
4621 as the case may be, shall control.

4622 SECTION 55. Section 73-35-21, Mississippi Code of 1972, is
4623 amended as follows:

4624 73-35-21. (1) The commission may, upon its own motion and
4625 shall upon the verified complaint in writing of any person, hold a
4626 hearing for the refusal of license or for the suspension or
4627 revocation of a license previously issued, or for such other
4628 action as the commission deems appropriate. The commission shall
4629 have full power to refuse a license for cause or to revoke or
4630 suspend a license where it has been obtained by false or

4631 fraudulent representation, or where the licensee in performing or
4632 attempting to perform any of the acts mentioned herein, is deemed
4633 to be guilty of:

4634 (a) Making any substantial misrepresentation in
4635 connection with a real estate transaction;

4636 (b) Making any false promises of a character likely to
4637 influence, persuade or induce;

4638 (c) Pursuing a continued and flagrant course of
4639 misrepresentation or making false promises through agents or
4640 salespersons or any medium of advertising or otherwise;

4641 (d) Any misleading or untruthful advertising;

4642 (e) Acting for more than one (1) party in a transaction
4643 or receiving compensation from more than one (1) party in a
4644 transaction, or both, without the knowledge of all parties for
4645 whom he acts;

4646 (f) Failing, within a reasonable time, to account for
4647 or to remit any monies coming into his possession which belong to
4648 others, or commingling of monies belonging to others with his own
4649 funds. Every responsible broker procuring the execution of an
4650 earnest money contract or option or other contract who shall take
4651 or receive any cash or checks shall deposit, within a reasonable
4652 period of time, the sum or sums so received in a trust or escrow
4653 account in a bank or trust company pending the consummation or
4654 termination of the transaction. "Reasonable time" in this context
4655 means by the close of business of the next banking day;

4656 (g) Entering a guilty plea or conviction in a court of
4657 competent jurisdiction of this state, or any other state or the
4658 United States of any felony;

4659 (h) Displaying a "for sale" or "for rent" sign on any
4660 property without the owner's consent;

4661 (i) Failing to furnish voluntarily, at the time of
4662 signing, copies of all listings, contracts and agreements to all
4663 parties executing the same;

4664 (j) Paying any rebate, profit or commission to any

4665 person other than a real estate broker or salesperson licensed
4666 under the provisions of this chapter;

4667 (k) Inducing any party to a contract, sale or lease to
4668 break such contract for the purpose of substituting in lieu
4669 thereof a new contract, where such substitution is motivated by
4670 the personal gain of the licensee;

4671 (l) Accepting a commission or valuable consideration as
4672 a real estate salesperson for the performance of any of the acts
4673 specified in this chapter from any person, except his employer who
4674 must be a licensed real estate broker; or

4675 (m) Any act or conduct, whether of the same or a
4676 different character than hereinabove specified, which constitutes
4677 or demonstrates bad faith, incompetency or untrustworthiness, or
4678 dishonest, fraudulent or improper dealing.

4679 (2) No real estate broker shall practice law or give legal
4680 advice directly or indirectly unless said broker be a duly
4681 licensed attorney under the laws of this state. He shall not act
4682 as a public conveyancer nor give advice or opinions as to the
4683 legal effect of instruments nor give opinions concerning the
4684 validity of title to real estate; nor shall he prevent or
4685 discourage any party to a real estate transaction from employing
4686 the services of an attorney; nor shall a broker undertake to
4687 prepare documents fixing and defining the legal rights of parties
4688 to a transaction. However, when acting as a broker, he may use an
4689 earnest money contract form. A real estate broker shall not
4690 participate in attorney's fees, unless the broker is a duly
4691 licensed attorney under the laws of this state and performs legal
4692 services in addition to brokerage services.

4693 (3) It is expressly provided that it is not the intent and
4694 purpose of the Mississippi Legislature to prevent a license from
4695 being issued to any person who is found to be of good reputation,
4696 is able to give bond, and who has lived in the State of
4697 Mississippi for the required period or is otherwise qualified
4698 under this chapter.

4699 (4) In addition to the reasons specified in subsection (1)
4700 of this section, the commission shall be authorized to suspend the
4701 license of any licensee for being out of compliance with an order
4702 for support or an order for visitation, as defined in Section
4703 93-11-153. The procedure for suspension of a license for being
4704 out of compliance with an order for support or an order for
4705 visitation, and the procedure for the reissuance or reinstatement
4706 of a license suspended for that purpose, and the payment of any
4707 fees for the reissuance or reinstatement of a license suspended
4708 for that purpose, shall be governed by Section 93-11-157 or
4709 93-11-163, as the case may be. If there is any conflict between
4710 any provision of Section 93-11-157 or 93-11-163 and any provision
4711 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
4712 as the case may be, shall control.

4713 SECTION 56. Section 73-36-33, Mississippi Code of 1972, is
4714 amended as follows:

4715 73-36-33. (1) The board shall have the power, after notice
4716 and hearing, to suspend or revoke the license of any registrant
4717 who (a) is found guilty by the board of fraud or gross negligence
4718 in the practice of professional forestry; (b) fails to comply with
4719 board rules and regulations; (c) is found guilty by the board of
4720 unprofessional or unethical conduct; or (d) has had his license
4721 suspended or revoked for cause in another jurisdiction.

4722 (2) Any person may prefer charges of fraud or gross
4723 negligence in connection with any forestry practice against any
4724 registrant. Such charges shall be in writing, shall be sworn to
4725 by the person making them, and shall be filed with the secretary
4726 of the board. All charges shall be heard by the board pursuant to
4727 its rules and regulations without undue delay.

4728 (3) Any applicant whose license is suspended or revoked by
4729 the board may apply for a review of the proceedings with reference
4730 to such suspension or revocation by appealing to the Chancery
4731 Court of the First Judicial District of Hinds County, Mississippi,
4732 provided a notice of appeal is filed by such applicant with the

4733 clerk of said court within sixty (60) days from entry of an order
4734 by the board suspending or revoking his license, provided said
4735 applicant files with said notice of appeal a bond to be approved
4736 by the court assuring the prompt payment of any and all costs of
4737 said appeal, said amount to be fixed by the court. Upon the
4738 filing of such notice of appeal and posting of such bond, the
4739 clerk of the said court shall notify the secretary of the board
4740 thereof and the record of the proceedings involved shall be
4741 prepared by the secretary and forwarded to the court within a
4742 period of sixty (60) days from such notice by the clerk. The
4743 court shall thereupon review the proceedings on the record
4744 presented and may hear such additional testimony as to the court
4745 may appear material and dispose of the appeal in termtime or in
4746 vacation, and the court may sustain or dismiss the appeal, or
4747 modify or vacate the order complained of, but in case the order is
4748 modified or vacated, the court may also, in its discretion, remand
4749 the matter to the board for such further proceedings not
4750 inconsistent with the court's order as, in the opinion of the
4751 court, justice may require. The decision of the chancery court
4752 may be appealed as other cases to the Supreme Court.

4753 (4) The board is authorized to secure, by contract, the
4754 services of an investigator when deemed necessary by the board to
4755 properly consider any charge then before it. The board may, at
4756 its discretion, establish a program of routine inspections.

4757 (5) In addition to the reasons specified in subsection (1)
4758 of this section, the board shall be authorized to suspend the
4759 license of any licensee for being out of compliance with an order
4760 for support or an order for visitation, as defined in Section
4761 93-11-153. The procedure for suspension of a license for being
4762 out of compliance with an order for support or an order for
4763 visitation, and the procedure for the reissuance or reinstatement
4764 of a license suspended for that purpose, and the payment of any
4765 fees for the reissuance or reinstatement of a license suspended
4766 for that purpose, shall be governed by Section 93-11-157 or

4767 93-11-163, as the case may be. Actions taken by the board in
4768 suspending a license when required by Section 93-11-157 or
4769 93-11-163 are not actions from which an appeal may be taken under
4770 this section. Any appeal of a license suspension that is required
4771 by Section 93-11-157 or 93-11-163 shall be taken in accordance
4772 with the appeal procedure specified in Section 93-11-157 or
4773 93-11-163, as the case may be, rather than the procedure specified
4774 in this section. If there is any conflict between any provision
4775 of Section 93-11-157 or 93-11-163 and any provision of this
4776 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
4777 case may be, shall control.

4778 SECTION 57. Section 73-38-27, Mississippi Code of 1972, is
4779 amended as follows:

4780 73-38-27. (1) The board may refuse to issue or renew a
4781 license, or may suspend or revoke a license where the licensee or
4782 applicant for license has been guilty of unprofessional conduct
4783 which has endangered or is likely to endanger the health, welfare
4784 or safety of the public. Such unprofessional conduct may result
4785 from:

4786 (a) Obtaining a license by means of fraud,
4787 misrepresentation or concealment of material facts;

4788 (b) Being guilty of unprofessional conduct as defined
4789 by the rules established by the board;

4790 (c) Being convicted of a felony in any court of the
4791 United States if the acts for which he is convicted are found by
4792 the board to have a direct bearing on whether he should be
4793 entrusted to serve the public in the capacity of a speech-language
4794 pathologist or audiologist;

4795 (d) Violating any lawful order, rule or regulation
4796 rendered or adopted by the board;

4797 (e) Violating any provisions of this chapter.

4798 (2) The board may deny an application for, or suspend,
4799 revoke or impose probationary conditions upon a license upon
4800 recommendations of the council made after a hearing as provided in

4801 this chapter. One (1) year from the date of revocation of a
4802 license under this section, application may be made to the board
4803 for reinstatement. The board shall have discretion to accept or
4804 reject an application for reinstatement and may require an
4805 examination for such reinstatement.

4806 (3) A plea or verdict of guilty, or a conviction following a
4807 plea of nolo contendere, made to a charge of a felony or of any
4808 offense involving moral turpitude is a conviction within the
4809 meaning of this section. After due notice and administrative
4810 hearing, the license of the person so convicted shall be suspended
4811 or revoked or the board shall decline to issue a license when:

4812 (a) The time for appeal has elapsed;

4813 (b) The judgment of conviction has been affirmed on
4814 appeal; or

4815 (c) An order granting probation has been made
4816 suspending the imposition of sentence, without regard to a
4817 subsequent order allowing the withdrawal of a guilty plea and the
4818 substitution therefor of a not guilty plea, or the setting aside
4819 of a guilty verdict, or the dismissal of the acquisition,
4820 information or indictment.

4821 (4) Within thirty (30) days after any order or act of the
4822 board, any person aggrieved thereby may appeal to the chancery
4823 court of the county where such person resides.

4824 (5) Notice of appeals shall be filed in the office of the
4825 clerk of the court, who shall issue a writ of certiorari directed
4826 to the board, commanding it within ten (10) days after service
4827 thereof to certify to such court its entire record in the matter
4828 in which the appeal has been taken. The appeal shall thereupon be
4829 heard in the due course by said court, and the court shall review
4830 the record and make its determination of the cause between the
4831 parties.

4832 (6) Any order, rule or decision of the board shall not take
4833 effect until after the time of appeal in the said court shall have
4834 expired. In the event an appeal is taken by a defendant, such

4835 appeal shall not act as a supersedeas, and the court shall enter
4836 its decision promptly.

4837 (7) Any person taking an appeal shall post a satisfactory
4838 bond in the amount of Two Hundred Dollars (\$200.00) for payment of
4839 any cost which may be adjudged against him.

4840 (8) In addition to the reasons specified in subsection (1)
4841 of this section, the board shall be authorized to suspend the
4842 license of any licensee for being out of compliance with an order
4843 for support or an order for visitation, as defined in Section
4844 93-11-153. The procedure for suspension of a license for being
4845 out of compliance with an order for support or an order for
4846 visitation, and the procedure for the reissuance or reinstatement
4847 of a license suspended for that purpose, and the payment of any
4848 fees for the reissuance or reinstatement of a license suspended
4849 for that purpose, shall be governed by Section 93-11-157 or
4850 93-11-163, as the case may be. Actions taken by the board in
4851 suspending a license when required by Section 93-11-157 or
4852 93-11-163 are not actions from which an appeal may be taken under
4853 this section. Any appeal of a license suspension that is required
4854 by Section 93-11-157 or 93-11-163 shall be taken in accordance
4855 with the appeal procedure specified in Section 93-11-157 or
4856 93-11-163, as the case may be, rather than the procedure specified
4857 in this section. If there is any conflict between any provision
4858 of Section 93-11-157 or 93-11-163 and any provision of this
4859 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
4860 case may be, shall control.

4861 SECTION 58. Section 73-38-29, Mississippi Code of 1972, is
4862 amended as follows:

4863 73-38-29. (1) Licenses issued under this chapter shall
4864 expire and become invalid at midnight.

4865 (2) Every person licensed under this chapter shall, on or
4866 before the license expiration date, pay a fee for the biennial
4867 renewal of license to the board. The board may suspend the
4868 license of any person who fails to have his license renewed by the

4869 expiration date. After the expiration date, the board may renew a
4870 license upon payment of a fee to the board. No person who
4871 requests renewal of license, whose license has expired, shall be
4872 required to submit to examination as a condition to renewal, if
4873 such renewal application is made within two (2) years from the
4874 date of such expiration.

4875 (3) A suspended license is subject to expiration and may be
4876 renewed as provided in this section, but such renewal shall not
4877 entitle the licensee, while the license remains suspended and
4878 until it is reinstated, to engage in the licensed activity, or in
4879 any other conduct or activity in violation of the order or
4880 judgment by which the license was suspended.

4881 (4) A license revoked on disciplinary grounds is subject to
4882 expiration as provided in subsection (1) of this section, but it
4883 may not be renewed. If such license is reinstated after its
4884 expiration, the licensee, as a condition of reinstatement, shall
4885 pay a reinstatement fee in an amount equal to the fee for a
4886 license issued after the expiration date which is in effect on the
4887 last preceding regular renewal date before the date on which it is
4888 reinstated. The procedure for the reinstatement of a license that
4889 is suspended for being out of compliance with an order for support
4890 or an order for visitation, as defined in Section 93-11-153, shall
4891 be governed by Section 93-11-157 or 93-11-163, as the case may be.

4892 (5) Any person who fails to renew his license within the two
4893 (2) years after the date of its expiration may not renew it, and
4894 it may not be restored, reissued or reinstated thereafter, but
4895 such person may apply for and obtain a new license if he meets the
4896 requirements of this chapter.

4897 SECTION 59. Section 73-39-19, Mississippi Code of 1972, is
4898 amended as follows:

4899 73-39-19. (1) After a hearing held as set out in this
4900 chapter, the board, on concurrence of three (3) members, shall
4901 have the right and power to revoke or suspend the license of a
4902 veterinarian, or the certificate of an animal technician and may

4903 place said veterinarian or technician on prohibition conditioned
4904 on future good conduct and compliance with this chapter, and may
4905 impose an administrative fine not to exceed One Thousand Dollars
4906 (\$1,000.00) for each such separate offense, for any of the
4907 following reasons:

4908 (a) Insanity or mental incompetence or an adjudication
4909 of insanity or mental incompetence by a court of competent
4910 jurisdiction.

4911 (b) Chronic inebriety or habitual use of drugs, or any
4912 adjudication by a court of competent jurisdiction that such
4913 veterinarian is an alcoholic or habitual user of drugs. Decrees
4914 of divorce shall not be construed as an adjudication that a
4915 veterinarian is an alcoholic or habitual user of drugs.

4916 (c) A final conviction of a felony or of an offense
4917 involving moral turpitude by a court of competent jurisdiction.

4918 (d) Fraud or dishonesty in the application or reporting
4919 of any test for disease in animals, including intentional
4920 misrepresentation on any forms filed with any governmental agency.

4921 (e) Failure to report or making a false report of any
4922 contagious or infectious disease required by state or federal law
4923 to be reported.

4924 (f) Dishonesty, intentional misrepresentation or gross
4925 negligence in the inspection of foodstuffs or the issuance of
4926 health or inspection certificates.

4927 (g) The refusal of licensing authority of another state
4928 to issue or renew a license, permit or certificate to practice
4929 veterinary medicine in that state or the revocation, suspension or
4930 other restriction imposed on a license, permit or certificate
4931 issued by such licensing authority which prevents or restricts
4932 practice in that state; further, any probationary status imposed
4933 by another state which had the offense occurred in this state
4934 would have been a violation of this chapter.

4935 (h) The employment of fraud, misrepresentation or
4936 deception in obtaining a license.

4937 (i) The use of advertising or solicitation which is
4938 false or misleading or is deemed unprofessional under rules or
4939 regulations adopted by the board.

4940 (j) Incompetence, gross negligence, cruelty or gross
4941 malpractice in the practice of veterinary medicine.

4942 (k) Employing any person practicing veterinary medicine
4943 unlawfully with the knowledge of such illegal practice by said
4944 employee.

4945 (l) Failure to keep veterinary premises and equipment
4946 in a clean and sanitary condition.

4947 (m) Cruelty to animals in the practice of veterinary
4948 medicine.

4949 (n) Unprofessional or unethical conduct as defined in
4950 regulations adopted by the board.

4951 (o) Administering, dispensing or prescribing any
4952 narcotic drug having addiction-forming, addiction-sustaining or
4953 habituating liability otherwise than in the course of legitimate
4954 professional practice.

4955 (p) Conviction of violation of any federal or state law
4956 regulating the possession, distribution or use of any narcotic
4957 drug or any drug considered a controlled substance under state or
4958 federal law.

4959 (q) Obtaining or procuring, or attempting to obtain or
4960 procure by misrepresentation, fraud, deception or subterfuge, any
4961 narcotic or drug classified as a controlled substance.

4962 (r) Making or causing to be made any false claims
4963 concerning the licensee's professional excellence.

4964 (s) Being guilty of any dishonorable or unethical
4965 conduct likely to deceive, defraud or harm the public.

4966 (t) Refusing to permit the board or any legal
4967 representative of the board to inspect the business premises of
4968 the licensee during regular business hours.

4969 (u) Failure to complete requirement of continuing
4970 education.

4971 (2) A certified copy of any judgment of conviction or
4972 finding of guilt by a court of competent jurisdiction or by a
4973 governmental board or agency authorized to issue licenses or
4974 permits, including the United States Department of Agriculture,
4975 Animal and Plant Health Inspection Service, the Mississippi Board
4976 of Animal Health and the Mississippi State Board of Health, of a
4977 veterinarian or animal technician of any of the matters listed in
4978 paragraph (a), (b), (c), (d), (e), (f) or (g) of subsection
4979 (1) shall be admissible in evidence in any hearing held by the
4980 board to discipline such veterinarian and shall constitute prima
4981 facie evidence of the commission of any such act.

4982 (3) In addition to the reasons specified in subsection (1)
4983 of this section, the board shall be authorized to suspend the
4984 license or certificate of any licensee or certificate holder for
4985 being out of compliance with an order for support or an order for
4986 visitation, as defined in Section 93-11-153. The procedure for
4987 suspension of a license or certificate for being out of compliance
4988 with an order for support or an order for visitation, and the
4989 procedure for the reissuance or reinstatement of a license or
4990 certificate suspended for that purpose, and the payment of any
4991 fees for the reissuance or reinstatement of a license or
4992 certificate suspended for that purpose, shall be governed by
4993 Section 93-11-157 or 93-11-163, as the case may be. If there is
4994 any conflict between any provision of Section 93-11-157 or
4995 93-11-163 and any provision of this chapter, the provisions of
4996 Section 93-11-157 or 93-11-163, as the case may be, shall control.

4997 SECTION 60. Section 73-39-20, Mississippi Code of 1972, is
4998 amended as follows:

4999 73-39-20. No action to revoke or suspend a license of a
5000 veterinarian or certificate of an animal technician shall be taken
5001 until the respondent has been furnished a statement of the charges
5002 against him and has been mailed a written notice by registered
5003 mail at least ten (10) days prior to said hearing of the time,
5004 date and place of said hearing. All such hearings shall be held

5005 in the City of Jackson, Hinds County, Mississippi. The respondent
5006 may be present at the hearing in person, or represented by
5007 counsel, or both. When a license or certificate is revoked or
5008 suspended, the secretary of the board, hereinafter referred to as
5009 "the secretary," shall certify the revocation or suspension to the
5010 clerk of the county or counties with whom the respondent shall
5011 have filed his license, or certified copy thereof. The board may,
5012 for good cause shown, reinstate any license or certificate so
5013 revoked or suspended and in case of reinstatement of the same, the
5014 secretary shall certify such reinstatement to said clerk. The
5015 procedure for the reinstatement of a license or certificate that
5016 is suspended for being out of compliance with an order for support
5017 or an order for visitation, as defined in Section 93-11-153, shall
5018 be governed by Section 93-11-157 or 93-11-163, as the case may be.

5019 An appeal from the action of the board in revoking or suspending
5020 a license or certificate may be taken to the chancery court of the
5021 county in which such veterinarian or animal technician is residing
5022 within the State of Mississippi or the county in which practicing,
5023 if he be a nonresident of this state, within thirty (30) days
5024 after action of the board. The appeal is perfected upon filing
5025 notice of appeal, together with bond in the sum of One Hundred
5026 Dollars (\$100.00), with two (2) resident sureties or one (1)
5027 corporate surety company authorized to do business in the State of
5028 Mississippi, conditioned that if the action of the board in
5029 revoking or suspending the license be affirmed by the chancery
5030 court, the appellant will pay the costs of the appeal. Such bonds
5031 shall be approved by the clerk of the chancery court to which such
5032 appeal is taken.

5033 Actions taken by the board in suspending a license or
5034 certificate when required by Section 93-11-157 or 93-11-163 are
5035 not actions from which an appeal may be taken under this section.

5036 Any appeal of a license or certificate suspension that is
5037 required by Section 93-11-157 or 93-11-163 shall be taken in
5038 accordance with the appeal procedure specified in Section

5039 93-11-157 or 93-11-163, as the case may be, rather than the
5040 procedure specified in this section.

5041 SECTION 61. Section 73-39-27, Mississippi Code of 1972, is
5042 amended as follows:

5043 73-39-27. The board, by an affirmative vote of three (3)
5044 members, at any time after suspension or revocation of a license
5045 for good and sufficient cause, may reissue a license to the person
5046 affected, conferring upon him all the rights and privileges
5047 pertaining to the practice of veterinary medicine. Any person to
5048 whom such license may be reissued shall pay all fees that would
5049 have been paid if he had maintained his license in good standing,
5050 plus a special reinstatement fee of Five Hundred Dollars
5051 (\$500.00). Any person affected, if aggrieved by the refusal of
5052 the board to reissue such license, may appeal to the chancery
5053 court of the county and judicial district in which he resides in
5054 the manner prescribed by law for all such appeals. The procedure
5055 for the reissuance of a license or certificate that is suspended
5056 for being out of compliance with an order for support or an order
5057 for visitation, as defined in Section 93-11-153, shall be governed
5058 by Section 93-11-157 or 93-11-163, as the case may be.

5059 SECTION 62. Section 73-41-7, Mississippi Code of 1972, is
5060 amended as follows:

5061 73-41-7. (1) The secretary may, pursuant to an adjudicatory
5062 hearing conducted as provided in subsection (3) of this section
5063 refuse to issue or renew a registration upon proof that the
5064 applicant or his representative:

5065 (a) Has made false or misleading statements of a
5066 material nature in his application for registration or renewal;

5067 (b) Has ever been convicted of fraud, embezzlement, a
5068 felonious theft or any other crime involving a misappropriation of
5069 funds, which would render him unfit to serve in a fiduciary
5070 capacity; or

5071 (c) Has engaged in conduct which violates or causes an
5072 athlete to violate any rule or regulation promulgated by the

5073 National Collegiate Athletic Association or the National
5074 Association of Intercollegiate Athletics governing athletes and
5075 their relationship with athlete agents.

5076 (2) The secretary may, pursuant to an adjudicatory hearing
5077 conducted as provided in subsection (3) of this section, suspend
5078 or revoke a registration for a violation of this chapter or any
5079 rule adopted pursuant to this chapter.

5080 (3) (a) The Secretary of State shall appoint at least one
5081 (1) hearing officer for the purpose of holding hearings, compiling
5082 evidence and rendering decisions under this section. The hearing
5083 officer shall fix the date for adjudicatory hearings and notify
5084 the athlete agent involved. Such hearing shall be held at a
5085 location to be designated by the hearing officer, not less than
5086 fifteen (15) nor more than thirty (30) days after the mailing of
5087 notice to the athlete agent involved. At the conclusion of the
5088 hearing, the hearing officer shall take appropriate action
5089 regarding the registration of the athlete agent involved.

5090 (b) Any athlete agent whose application for
5091 registration has been denied or not renewed, or whose registration
5092 has been revoked or suspended by the hearing officer, shall,
5093 within thirty (30) days after the date of such final decision,
5094 have the right of a de novo appeal to the Circuit Court of the
5095 First Judicial District of Hinds County, Mississippi. Either
5096 party shall have the right of appeal to the Supreme Court as
5097 provided by law from any decision of the circuit court. No
5098 athlete agent shall be allowed to deliver services to a
5099 Mississippi NCAA athlete while any such appeal is pending.

5100 (4) In addition to the reasons specified in subsections (1)
5101 and (2) of this section, the secretary shall be authorized to
5102 suspend the registration of any person for being out of compliance
5103 with an order for support or an order for visitation, as defined
5104 in Section 93-11-153. The procedure for suspension of a
5105 registration for being out of compliance with an order for support
5106 or an order for visitation, and the procedure for the reissuance

5107 or reinstatement of a registration suspended for that purpose, and
5108 the payment of any fees for the reissuance or reinstatement of a
5109 registration suspended for that purpose, shall be governed by
5110 Section 93-11-157 or 93-11-163, as the case may be. Actions taken
5111 by the secretary in suspending the registration of a person when
5112 required by Section 93-11-157 are not actions from which an appeal
5113 may be taken under this section. Any appeal of a registration
5114 suspension that is required by Section 93-11-157 or 93-11-163
5115 shall be taken in accordance with the appeal procedure specified
5116 in Section 93-11-157 or 93-11-163, as the case may be, rather than
5117 the procedure specified in this section. If there is any conflict
5118 between any provision of Section 93-11-157 or 93-11-163 and any
5119 provision of this chapter, the provisions of Section 93-11-157 or
5120 93-11-163, as the case may be, shall control.

5121 SECTION 63. Section 73-53-17, Mississippi Code of 1972, is
5122 amended as follows:

5123 73-53-17. (1) Licensees subject to this chapter shall
5124 conduct their activities, services and practice in accordance with
5125 this chapter and any rules promulgated pursuant hereto. Licensees
5126 may be subject to the exercise of the disciplinary sanctions
5127 enumerated in Section 73-53-23 if the board finds that a licensee
5128 is guilty of any of the following:

5129 (a) Negligence in the practice or performance of
5130 professional services or activities;

5131 (b) Engaging in dishonorable, unethical or
5132 unprofessional conduct of a character likely to deceive, defraud
5133 or harm the public in the course of professional services or
5134 activities;

5135 (c) Perpetrating or cooperating in fraud or material
5136 deception in obtaining or renewing a license or attempting the
5137 same;

5138 (d) Being convicted of any crime which has a
5139 substantial relationship to the licensee's activities and services
5140 or an essential element of which is misstatement, fraud or

5141 dishonesty;

5142 (e) Being convicted of any crime which is a felony
5143 under the laws of this state or of the United States;

5144 (f) Engaging in or permitting the performance of
5145 unacceptable services personally or by assistants working under
5146 the licensee's supervision due to the licensee's deliberate or
5147 grossly negligent act or acts or failure to act, regardless of
5148 whether actual damage or damages to the public is established;

5149 (g) Continued practice although the licensee has become
5150 unfit to practice social work due to: (i) failure to keep abreast
5151 of current professional theory or practice; or (ii) physical or
5152 mental disability; the entry of an order or judgment by a court of
5153 competent jurisdiction that a licensee is in need of mental
5154 treatment or is incompetent shall constitute mental disability; or
5155 (iii) addiction or severe dependency upon alcohol or other drugs
5156 which may endanger the public by impairing the licensee's ability
5157 to practice;

5158 (h) Having disciplinary action taken against the
5159 licensee's license in another state;

5160 (i) Making differential, detrimental treatment against
5161 any person because of race, color, creed, sex, religion or
5162 national origin;

5163 (j) Engaging in lewd conduct in connection with
5164 professional services or activities;

5165 (k) Engaging in false or misleading advertising;

5166 (l) Contracting, assisting or permitting unlicensed
5167 persons to perform services for which a license is required under
5168 this chapter;

5169 (m) Violation of any probation requirements placed on a
5170 licensee by the board;

5171 (n) Revealing confidential information except as may be
5172 required by law;

5173 (o) Failing to inform clients of the fact that the
5174 client no longer needs the services or professional assistance of

5175 the licensee;

5176 (p) Charging excessive or unreasonable fees or engaging
5177 in unreasonable collection practices.

5178 (2) The board may order a licensee to submit to a reasonable
5179 physical or mental examination if the licensee's physical or
5180 mental capacity to practice safely is at issue in a disciplinary
5181 proceeding.

5182 (3) Failure to comply with a board order to submit to a
5183 physical or mental examination shall render a licensee subject to
5184 the summary suspension procedures described in Section 73-53-23.

5185 (4) In addition to the reasons specified in subsection (1)
5186 of this section, the board shall be authorized to suspend the
5187 license of any licensee for being out of compliance with an order
5188 for support or an order for visitation, as defined in Section
5189 93-11-153. The procedure for suspension of a license for being
5190 out of compliance with an order for support or an order for
5191 visitation, and the procedure for the reissuance or reinstatement
5192 of a license suspended for that purpose, and the payment of any
5193 fees for the reissuance or reinstatement of a license suspended
5194 for that purpose, shall be governed by Section 93-11-157 or
5195 93-11-163, as the case may be. If there is any conflict between
5196 any provision of Section 93-11-157 or 93-11-163 and any provision
5197 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
5198 as the case may be, shall control.

5199 SECTION 64. Section 73-53-23, Mississippi Code of 1972, is
5200 amended as follows:

5201 73-53-23. (1) The board may impose any of the following
5202 sanctions, singly or in combination, when it finds that a licensee
5203 is guilty of any such offense:

- 5204 (a) Revocation of the license;
- 5205 (b) Suspension of the license, for any period of time;
- 5206 (c) Censure the licensee;
- 5207 (d) Issue a letter of reprimand to the licensee;
- 5208 (e) Impose a monetary penalty of not more than Two

5209 Hundred Dollars (\$200.00);

5210 (f) Place a licensee on probationary status and require
5211 the licensee to submit to any of the following: (i) report
5212 regularly to the board upon matters which are the basis of
5213 probation; (ii) continue to renew professional education until a
5214 satisfactory degree of skill has been attained in those areas
5215 which are basis of probation; or (iii) such other reasonable
5216 requirement or restrictions as are proper;

5217 (g) Refuse to renew a license; or

5218 (h) Revoke probation which has been granted and impose
5219 any other disciplinary action in this subsection when the
5220 requirements of probation have not been fulfilled or have been
5221 violated.

5222 (2) The board may summarily suspend a license under this
5223 chapter without a hearing simultaneously with the filing of a
5224 formal complaint and notice for a hearing provided under this
5225 section if the board finds that the continued practice in the
5226 profession would constitute an immediate danger to the public. If
5227 the board suspends summarily a license under the provisions of
5228 this subsection, a hearing must begin within twenty (20) days
5229 after such suspension begins, unless continued at the request of
5230 the licensee.

5231 (3) Disposition of any formal complaint may be made by
5232 consent order or stipulation between the board and the licensee.

5233 (4) The board may reinstate any licensee to good standing
5234 under this chapter if, after hearing, the board is satisfied that
5235 the applicant's renewed practice is in the public interest. The
5236 procedure for the reinstatement of a license that is suspended for
5237 being out of compliance with an order for support or an order for
5238 visitation, as defined in Section 93-11-153, shall be governed by
5239 Section 93-11-157 or 93-11-163, as the case may be.

5240 (5) The board shall seek to achieve consistency in the
5241 application of the foregoing sanctions, and significant departure
5242 from prior decisions involving similar conduct shall be explained

5243 by the board.

5244 SECTION 65. Section 73-55-19, Mississippi Code of 1972, is
5245 amended as follows:

5246 73-55-19. (1) Any person licensed under this chapter may
5247 have his license revoked or suspended for a fixed period to be
5248 determined by the board for any of the following causes:

5249 (a) Being convicted of an offense involving moral
5250 turpitude. The record of such conviction, or certified copy
5251 thereof from the clerk of the court where such conviction occurred
5252 or by the judge of that court, shall be sufficient evidence to
5253 warrant revocation or suspension.

5254 (b) By securing a license under this chapter through
5255 fraud or deceit.

5256 (c) For unethical conduct or for gross ignorance or
5257 inefficiency in the conduct of his practice.

5258 (d) For knowingly practicing while suffering with a
5259 contagious or infectious disease.

5260 (e) For the use of a false name or alias in the
5261 practice of his profession.

5262 (f) For violating any of the provisions of this
5263 chapter.

5264 (2) Any person, whose license is sought to be revoked or
5265 suspended under the provisions of this chapter, shall be given
5266 thirty (30) days' notice, in writing, enumerating the charges and
5267 specifying a date for public hearing thereon. The hearing shall
5268 be held in the county where the person's business is conducted.
5269 The board may issue subpoenas, compel the attendance and testimony
5270 of witnesses, and place them under oath, the same as any court of
5271 competent jurisdiction where the hearing takes place.

5272 (3) At all hearings the board may designate in writing one
5273 or more persons deemed competent by the board to conduct the
5274 hearing as trial examiner or trial committee, with the decision to
5275 be rendered in accordance with the provisions of subsection (4) of
5276 this section.

5277 (4) After a hearing has been completed the trial examiner or
5278 trial committee who conducted the hearing shall proceed to
5279 consider the case and, as soon as practicable, shall render a
5280 decision. In any case, the decision must be rendered within sixty
5281 (60) days after the hearing. The decision shall contain:

5282 (a) The findings of fact made by the trial examiner or
5283 trial committee;

5284 (b) Conclusions of law reached by the trial examiner or
5285 trial committee; and

5286 (c) The order based upon these findings of fact and
5287 conclusions of law.

5288 (5) From any revocation or suspension, the person charged
5289 may, within thirty (30) days thereof, appeal to the chancery court
5290 of the county where the hearing was held.

5291 (6) Notice of appeals shall be filed in the office of the
5292 clerk of the court, who shall issue a writ of certiorari directed
5293 to the board, commanding it within ten (10) days after service
5294 thereof to certify to such court its entire record in the matter
5295 in which the appeal has been taken. The appeal shall thereupon be
5296 heard in the due course by said court without a jury, and the
5297 court shall review the record and make its determination of the
5298 cause between the parties.

5299 (7) If there is an appeal, such appeal may, in the
5300 discretion of and on motion to the chancery court, act as a
5301 supersedeas. The chancery court shall dispose of the appeal and
5302 enter its decision promptly. The hearing on the appeal may, in
5303 the discretion of the chancellor, be tried in vacation.

5304 (8) Any person taking an appeal shall post a satisfactory
5305 bond in the amount of Two Hundred Dollars (\$200.00) for payment of
5306 any costs which may be adjudged against him.

5307 (9) In addition to the reasons specified in subsection (1)
5308 of this section, the board shall be authorized to suspend the
5309 license of any licensee for being out of compliance with an order
5310 for support or an order for visitation, as defined in Section

5311 93-11-153. The procedure for suspension of a license for being
5312 out of compliance with an order for support or an order for
5313 visitation, and the procedure for the reissuance or reinstatement
5314 of a license suspended for that purpose, and the payment of any
5315 fees for the reissuance or reinstatement of a license suspended
5316 for that purpose, shall be governed by Section 93-11-157 or
5317 93-11-163, as the case may be. Actions taken by the board in
5318 suspending a license when required by Section 93-11-157 or
5319 93-11-163 are not actions from which an appeal may be taken under
5320 this section. Any appeal of a license suspension that is required
5321 by Section 93-11-157 or 93-11-163 shall be taken in accordance
5322 with the appeal procedure specified in Section 93-11-157 or
5323 93-11-163, as the case may be, rather than the procedure specified
5324 in this section. If there is any conflict between any provision
5325 of Section 93-11-157 or 93-11-163 and any provision of this
5326 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
5327 case may be, shall control.

5328 SECTION 66. Section 73-57-31, Mississippi Code of 1972, is
5329 amended as follows:

5330 73-57-31. (1) The board may revoke, suspend or refuse to
5331 renew any license or permit, or place on probation, or otherwise
5332 reprimand a licensee or permit holder, or deny a license to an
5333 applicant if it finds that person:

5334 (a) Is guilty of fraud or deceit in procuring or
5335 attempting to procure a license or renewal of a license to
5336 practice respiratory care.

5337 (b) Is unfit or incompetent by reason of negligence,
5338 habits or other causes of incompetency.

5339 (c) Is habitually intemperate in the use of alcoholic
5340 beverages.

5341 (d) Is addicted to, or has improperly obtained,
5342 possessed, used or distributed habit-forming drugs or narcotics.

5343 (e) Is guilty of dishonest or unethical conduct.

5344 (f) Has practiced respiratory care after his license or

5345 permit has expired or has been suspended.

5346 (g) Has practiced respiratory care under cover of any
5347 permit or license illegally or fraudulently obtained or issued.

5348 (h) Has violated or aided or abetted others in
5349 violation of any provision of this chapter.

5350 (2) In addition to the reasons specified in subsection (1)
5351 of this section, the board shall be authorized to suspend the
5352 license or permit of any licensee or permit holder for being out
5353 of compliance with an order for support or an order for
5354 visitation, as defined in Section 93-11-153. The procedure for
5355 suspension of a license or permit for being out of compliance with
5356 an order for support or an order for visitation, and the procedure
5357 for the reissuance or reinstatement of a license or permit
5358 suspended for that purpose, and the payment of any fees for the
5359 reissuance or reinstatement of a license or permit suspended for
5360 that purpose, shall be governed by Section 93-11-157 or 93-11-163,
5361 as the case may be. If there is any conflict between any
5362 provision of Section 93-11-157 or 93-11-163 and any provision of
5363 this chapter, the provisions of Section 93-11-157 or 93-11-163, as
5364 the case may be, shall control.

5365 SECTION 67. Section 73-59-13, Mississippi Code of 1972, is
5366 amended as follows:

5367 73-59-13. (1) The board, upon satisfactory proof and in
5368 accordance with the provisions of this chapter and the regulations
5369 of the board pertaining thereto, is authorized to take the
5370 disciplinary actions provided for in this section against any
5371 person for any of the following reasons:

5372 (a) Violating any of the provisions of this chapter or
5373 the rules or regulations of the board pertaining to the work of
5374 residential building or residential improvement;

5375 (b) Fraud, deceit or misrepresentation in obtaining a
5376 license;

5377 (c) Gross negligence or misconduct;

5378 (d) Engaging in work of residential building or

5379 residential improvement on an expired license or while under
5380 suspension or revocation of license unless the suspension or
5381 revocation be abated in accordance with this chapter;

5382 (e) Loaning a license to an unlicensed person;

5383 (f) Failing to maintain workers' compensation
5384 insurance, if applicable; or

5385 (g) Failing to pay for goods or services for which the
5386 builder is contractually bound.

5387 (2) Any person, including members of the board, may prefer
5388 charges against any other person for committing any of the acts
5389 set forth in subsection (1) of this section. Such charges shall
5390 be sworn to, either upon actual knowledge or upon information and
5391 belief, and shall be filed with the board.

5392 The board shall investigate all charges filed with it and,
5393 upon finding reasonable cause to believe that the charges are not
5394 frivolous, unfounded or filed in bad faith, may, in its
5395 discretion, cause a hearing to be held, at a time and place fixed
5396 by the board, regarding the charges and may compel the accused by
5397 subpoena to appear before the board to respond to such charges.

5398 No disciplinary action may be taken until the accused has
5399 been furnished both a statement of the charges against him and
5400 notice of the time and place of the hearing thereon, which shall
5401 be personally served on such accused or mailed by certified mail,
5402 return receipt requested, to the last known business or residence
5403 address of the accused not less than thirty (30) days prior to the
5404 date fixed for the hearing.

5405 (3) At any hearing held hereunder, the board shall have the
5406 power to subpoena witnesses and compel their attendance and may
5407 also require the production of books, papers, documents or other
5408 materials which may be pertinent to the proceedings. The board
5409 may designate or secure a hearing officer to conduct the hearing.
5410 All evidence shall be presented under oath, which may be
5411 administered by any member of the board, and thereafter the
5412 proceedings may, if necessary, be transcribed in full by a court

5413 reporter and filed as part of the record in the case. Copies of
5414 such transcriptions may be provided to any party to the
5415 proceedings at a price reflecting actual cost, to be fixed by the
5416 board.

5417 All witnesses who are subpoenaed and appear in any
5418 proceedings before the board shall receive the same fees and
5419 mileage as allowed by law to witnesses in county, circuit and
5420 chancery court pursuant to Section 25-7-47, Mississippi Code of
5421 1972, and all such fees shall be taxed as part of the costs in the
5422 case.

5423 When, in any proceeding before the board, any witness shall
5424 fail or refuse to attend upon subpoena issued by the board, shall
5425 refuse to testify, or shall refuse to produce any books and papers
5426 the production of which is called for by the subpoena, the
5427 attendance of such witness and the giving of his testimony and the
5428 production of the books and papers shall be enforced by any court
5429 of competent jurisdiction of this state in the manner provided for
5430 the enforcement of attendance and testimony of witnesses in civil
5431 cases in the courts of this state.

5432 The accused shall have the right to be present at the hearing
5433 in person, by counsel or other representative, or both. The board
5434 is authorized for proper cause to continue or recess the hearing
5435 as may be necessary.

5436 (4) At the conclusion of the hearing, the board may either
5437 decide the issue at that time or take the case under advisement
5438 for further deliberation. The board shall render its decision not
5439 more than ninety (90) days after the close of the hearing and
5440 shall forward to the last known business or residence address of
5441 the accused, by certified mail, return receipt requested, a
5442 written statement of the decision of the board.

5443 (5) If a majority of the board finds the accused guilty of
5444 the charges filed, the board may:

5445 (a) Issue a public or private reprimand;

5446 (b) Suspend or revoke the license of the accused; or

5447 (c) In lieu of or in addition to any reprimand,
5448 suspension or revocation, assess and levy upon the guilty party a
5449 monetary penalty of not less than One Hundred Dollars (\$100.00)
5450 nor more than Five Thousand Dollars (\$5,000.00) for each
5451 violation.

5452 (6) A monetary penalty assessed and levied under this
5453 section shall be paid to the board upon the expiration of the
5454 period allowed for appeal of such penalties under this section or
5455 may be paid sooner if the guilty party elects. Money collected by
5456 the board under this section shall be deposited to the credit of
5457 the State Board of Contractors' Fund.

5458 When payment of a monetary penalty assessed and levied by the
5459 board in accordance with this section is not paid when due, the
5460 board shall have the power to institute and maintain proceedings
5461 in its name for enforcement of payment in the chancery court of
5462 the county of residence of the delinquent party; however, if the
5463 delinquent party is a nonresident of the State of Mississippi,
5464 such proceedings shall be in the Chancery Court of the First
5465 Judicial District of Hinds County, Mississippi.

5466 (7) When the board has taken a disciplinary action under
5467 this section, the board may, in its discretion, stay such action
5468 and place the guilty party on probation for a period not to exceed
5469 one (1) year upon the condition that such party shall not further
5470 violate either the laws of the State of Mississippi pertaining to
5471 the practice of residential construction or residential remodeling
5472 or the bylaws, rules or regulations promulgated by the board.

5473 (8) The board shall not assess any of the costs of
5474 disciplinary proceedings conducted pursuant to this section
5475 against the prevailing party.

5476 (9) The power and authority of the board to assess and levy
5477 the monetary penalties provided for in this section shall not be
5478 affected or diminished by any other proceedings, civil or
5479 criminal, concerning the same violation or violations except as
5480 provided in this section.

5481 (10) The board, for sufficient cause, may reissue a revoked
5482 license whenever a majority of the board members vote to do so.

5483 (11) Any person aggrieved by any order or decision of the
5484 board may appeal within ten (10) days from the date of adjournment
5485 of the session at which the board rendered such order or decision,
5486 and may embody the facts, order and decision in a bill of
5487 exceptions which shall be signed by the person acting as chairman
5488 of the board. The board shall transmit the bill of exceptions to
5489 either the chancery court of the county of residence of the
5490 appellant, or the Chancery Court of the First Judicial District of
5491 Hinds County, at the election of the appellant, and the court or
5492 chancellor shall hear and determine the same either in termtime or
5493 in vacation, on the case as presented by the bill of exceptions,
5494 as an appellant court, and shall affirm or reverse the judgment.
5495 If the judgment be reversed, the chancery court or chancellor
5496 shall render such order or judgment as the board ought to have
5497 rendered, and certify the same to the board; and costs shall be
5498 awarded as in other cases. The board may employ counsel to defend
5499 such appeals, to be paid out of the funds in the State Board of
5500 Contractors' Fund.

5501 The remedies provided under this chapter for any aggrieved
5502 applicant shall not be exclusive, but shall be cumulative of and
5503 supplemental to any other remedies which he may otherwise have in
5504 law or in equity, whether by injunction or otherwise.

5505 (12) Any political subdivision or agency of this state which
5506 receives a complaint against a residential builder or remodeler
5507 shall, in addition to exercising whatever authority such political
5508 subdivision or agency has been given over such complaint, forward
5509 the complaint to the board.

5510 (13) In addition to the reasons specified in subsection (1)
5511 of this section, the board shall be authorized to suspend the
5512 license of any licensee for being out of compliance with an order
5513 for support or an order for visitation, as defined in Section
5514 93-11-153. The procedure for suspension of a license for being

5515 out of compliance with an order for support or an order for
5516 visitation, and the procedure for the reissuance or reinstatement
5517 of a license suspended for that purpose, and the payment of any
5518 fees for the reissuance or reinstatement of a license suspended
5519 for that purpose, shall be governed by Section 93-11-157 or
5520 93-11-163, as the case may be. Actions taken by the board in
5521 suspending a license when required by Section 93-11-157 or
5522 93-11-163 are not actions from which an appeal may be taken under
5523 this section. Any appeal of a license suspension that is required
5524 by Section 93-11-157 or 93-11-163 shall be taken in accordance
5525 with the appeal procedure specified in Section 93-11-157 or
5526 93-11-163, as the case may be, rather than the procedure specified
5527 in this section. If there is any conflict between any provision
5528 of Section 93-11-157 or 93-11-163 and any provision of this
5529 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
5530 case may be, shall control.

5531 SECTION 68. Section 83-17-213, Mississippi Code of 1972, is
5532 amended as follows:

5533 83-17-213. In the event of death, disability, or insolvency
5534 of any licensed insurance agent, and if at any time there is in
5535 the agency of which such deceased, disabled, or insolvent agent
5536 was a member or owner no other licensed agent authorized to
5537 represent the insurance companies which the deceased, disabled, or
5538 insolvent agent represented, the commissioner shall issue to the
5539 executor, administrator, next of kin, or other person lawfully
5540 entitled to manage the business and affairs of such deceased,
5541 disabled, or insolvent agent a temporary license without
5542 examination or qualification in the manner hereinbefore provided.
5543 In event of contingencies other than death, disability, or
5544 insolvency, the commissioner may, upon showing of good cause,
5545 likewise issue a temporary license without examination as set out
5546 above. Such temporary license shall, upon payment therefor of pro
5547 rata of the annual license fee, be issued for a period of time not
5548 in excess of six (6) months, and shall state its expiration date.

5549 In the discretion of the commission, such temporary license may be
5550 extended for any reasonable period.

5551 The commissioner shall be authorized to suspend the license
5552 of any licensee for being out of compliance with an order for
5553 support or an order for visitation, as defined in Section
5554 93-11-153. The procedure for suspension of a license for being
5555 out of compliance with an order for support or an order for
5556 visitation, and the procedure for the reissuance or reinstatement
5557 of a license suspended for that purpose, and the payment of any
5558 fees for the reissuance or reinstatement of a license suspended
5559 for that purpose, shall be governed by Section 93-11-157 or
5560 93-11-163, as the case may be. Actions taken by the board in
5561 suspending a license when required by Section 93-11-157 or
5562 93-11-163 are not actions from which an appeal may be taken under
5563 this section. Any appeal of a license suspension that is required
5564 by Section 93-11-157 or 93-11-163 shall be taken in accordance
5565 with the appeal procedure specified in Section 93-11-157 or
5566 93-11-163, as the case may be, rather than the procedure specified
5567 in this section. If there is any conflict between any provision
5568 of Section 93-11-157 or 93-11-163 and any provision of this
5569 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
5570 case may be, shall control.

5571 SECTION 69. Section 83-17-215, Mississippi Code of 1972, is
5572 amended as follows:

5573 83-17-215. (1) The commissioner shall suspend the license
5574 issued to any agent during any period of time such agent does not
5575 hold a certificate of authority from at least one (1) insurance
5576 company or carrier authorized to do business in the State of
5577 Mississippi. Every licensed agent shall promptly notify the
5578 commissioner in writing of a change in his principal business
5579 address or his residence address. Every insurance company coming
5580 within the scope of this article shall, within a reasonable time,
5581 notify the commissioner in writing of any suspension or
5582 cancellation of the certificate of authority of an agent

5583 representing said company, and the commissioner shall immediately
5584 cancel or suspend the said certificate of authority of such agent
5585 to represent such company. The Commissioner of Insurance may
5586 impose a civil penalty of Fifty Dollars (\$50.00) on each company
5587 willfully failing to report such suspension or cancellation, which
5588 penalty shall be deposited into the State Treasury. In the event
5589 of suspension or cancellation of a certificate of authority, the
5590 Commissioner of Insurance, in his discretion, may keep such
5591 certificate of authority active for the purpose of permitting such
5592 agent to properly service insurance policies issued under such
5593 original certificate of authority to the expiration of such
5594 insurance policies; and the commissioner may reinstate
5595 certificates of authority upon the advice by an insurance company
5596 that a previous suspension has been eliminated.

5597 (2) In addition to the reasons specified in subsection (1)
5598 of this section, the commissioner shall be authorized to suspend
5599 the license of any licensee for being out of compliance with an
5600 order for support or an order for visitation, as defined in
5601 Section 93-11-153. The procedure for suspension of a license for
5602 being out of compliance with an order for support or an order for
5603 visitation, and the procedure for the reissuance or reinstatement
5604 of a license suspended for that purpose, and the payment of any
5605 fees for the reissuance or reinstatement of a license suspended
5606 for that purpose, shall be governed by Section 93-11-157 or
5607 93-11-163, as the case may be. Actions taken by the board in
5608 suspending a license when required by Section 93-11-157 or
5609 93-11-163 are not actions from which an appeal may be taken under
5610 this section. Any appeal of a license suspension that is required
5611 by Section 93-11-157 or 93-11-163 shall be taken in accordance
5612 with the appeal procedure specified in Section 93-11-157 or
5613 93-11-163, as the case may be, rather than the procedure specified
5614 in this section. If there is any conflict between any provision
5615 of Section 93-11-157 or 93-11-163 and any provision of this
5616 chapter, the provisions of Section 93-11-157 or 93-11-163, as the

5617 case may be, shall control.

5618 SECTION 70. Section 83-17-221, Mississippi Code of 1972, is
5619 amended as follows:

5620 83-17-221. (1) The Commissioner of Insurance may at any
5621 time, after hearing held upon not less than ten (10) days' written
5622 notice by certified mail to any agent or solicitor specifying the
5623 matters to be considered at such hearing, suspend, revoke, cancel
5624 or refuse to renew the license or certificate of authority or
5625 certificate of appointment of such agent or solicitor if, upon
5626 such hearing, the commissioner finds: (a) that such license was
5627 obtained by fraud or misrepresentation; (b) that such agent or
5628 solicitor has violated any of the insurance laws of this state or
5629 rules or orders of the Commissioner of Insurance; (c) that such
5630 agent or solicitor has wrongfully withheld from any insurance
5631 company or assured any premium, refund premium, or dividend which
5632 such insurance company or assured is lawfully entitled to receive;
5633 (d) that such agent or solicitor is not qualified, fit or
5634 trustworthy to act as an agent or solicitor; (e) that such agent
5635 or solicitor has employed or used false advertising of any nature,
5636 particularly wherein said agent or solicitor employs or uses
5637 advertisement to represent that he is authorized to perform
5638 services relating to insurance other than that for which he has
5639 been specifically licensed by the State of Mississippi; (f) that
5640 such solicitor has not submitted satisfactory evidence that at
5641 least fifty percent (50%) of his total annual employment income is
5642 from the active engagement in the insurance business; (g) that
5643 such agent has failed to file an affidavit with satisfactory
5644 evidence to substantiate that not more than thirty-five percent
5645 (35%) of the business of said agent is "controlled business"; or
5646 (h) that such agent or solicitor for a commission, salary, fee or
5647 any other basis has suggested, recommended or arranged that
5648 contracts of insurance be placed in a company or group of
5649 companies not authorized to do business in Mississippi except that
5650 provided in Sections 83-21-17 through 83-21-29, Mississippi Code

5651 of 1972.

5652 (2) In addition to the reasons specified in subsection (1)
5653 of this section, the commissioner shall be authorized to suspend
5654 the license of any licensee for being out of compliance with an
5655 order for support or an order for visitation, as defined in
5656 Section 93-11-153. The procedure for suspension of a license for
5657 being out of compliance with an order for support or an order for
5658 visitation, and the procedure for the reissuance or reinstatement
5659 of a license suspended for that purpose, and the payment of any
5660 fees for the reissuance or reinstatement of a license suspended
5661 for that purpose, shall be governed by Section 93-11-157 or
5662 93-11-163, as the case may be. Actions taken by the board in
5663 suspending a license when required by Section 93-11-157 or
5664 93-11-163 are not actions from which an appeal may be taken under
5665 this section. Any appeal of a license suspension that is required
5666 by Section 93-11-157 or 93-11-163 shall be taken in accordance
5667 with the appeal procedure specified in Section 93-11-157 or
5668 93-11-163, as the case may be, rather than the procedure specified
5669 in this section. If there is any conflict between any provision
5670 of Section 93-11-157 or 93-11-163 and any provision of this
5671 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
5672 case may be, shall control.

5673 (3) In addition to, or in lieu of, the remedies provided in
5674 this section, the commissioner may, after a hearing in accordance
5675 with subsection (1), impose an administrative fine. Such
5676 administrative fine shall not exceed One Thousand Dollars
5677 (\$1,000.00) per violation and shall be deposited into the special
5678 fund in the State Treasury designated as the "Insurance Department
5679 Fund."

5680 SECTION 71. Section 83-18-3, Mississippi Code of 1972, is
5681 amended as follows:

5682 83-18-3. (1) No person shall act as or hold himself out to
5683 be an administrator in this state, other than an adjuster licensed
5684 in this state for the kinds of business for which he is acting as

5685 an adjuster, unless he shall hold a license as an administrator
5686 issued by the Mississippi Commissioner of Insurance. Failure to
5687 hold such a license shall subject the administrator to a fine of
5688 not less than One Hundred Dollars (\$100.00) nor more than Five
5689 Hundred Dollars (\$500.00). Such license shall be issued by the
5690 commissioner to an administrator unless the commissioner, after
5691 due notice and hearing, shall have determined that the
5692 administrator is not competent, trustworthy, financially
5693 responsible or of good personal and business reputation or has had
5694 a previous application for an insurance license denied for cause
5695 within five (5) years.

5696 (2) All applications shall be accompanied by a fee of Two
5697 Hundred Dollars (\$200.00). The license is renewable annually on
5698 the date of issue. A request for renewal must be accompanied by a
5699 renewal fee of One Hundred Dollars (\$100.00). Prior to the
5700 issuance or renewal of the license of any administrator, a
5701 fidelity bond in a form and amount as determined by the
5702 commissioner shall be obtained by the licensee.

5703 (3) After notice and hearing, the commissioner may revoke a
5704 license or fine an administrator not more than Five Hundred
5705 Dollars (\$500.00), or both, or the commissioner may suspend such
5706 license or fine such administrator not more than Five Hundred
5707 Dollars (\$500.00), or both, upon finding that either the
5708 administrator violated any of the requirements of this chapter or
5709 the administrator is not competent, trustworthy, financially
5710 responsible or of good personal and business reputation.

5711 (4) The Commissioner of Insurance may promulgate rules and
5712 regulations which are necessary to accomplish the purposes of this
5713 chapter.

5714 (5) In addition to the reasons specified in this section,
5715 the commissioner shall be authorized to suspend the license of any
5716 licensee for being out of compliance with an order for support or
5717 an order for visitation, as defined in Section 93-11-153. The
5718 procedure for suspension of a license for being out of compliance

5719 with an order for support or an order for visitation, and the
5720 procedure for the reissuance or reinstatement of a license
5721 suspended for that purpose, and the payment of any fees for the
5722 reissuance or reinstatement of a license suspended for that
5723 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
5724 the case may be. Actions taken by the board in suspending a
5725 license when required by Section 93-11-157 or 93-11-163 are not
5726 actions from which an appeal may be taken under this section. Any
5727 appeal of a license suspension that is required by Section
5728 93-11-157 or 93-11-163 shall be taken in accordance with the
5729 appeal procedure specified in Section 93-11-157 or 93-11-163, as
5730 the case may be, rather than the procedure specified in this
5731 section. If there is any conflict between any provision of
5732 Section 93-11-157 or 93-11-163 and any provision of this chapter,
5733 the provisions of Section 93-11-157 or 93-11-163, as the case may
5734 be, shall control.

5735 (6) Each application or filing made under this section shall
5736 include the Social Security number(s) of the applicant in
5737 accordance with Section 93-11-64, Mississippi Code of 1972.

5738 SECTION 72. Section 83-39-15, Mississippi Code of 1972, is
5739 amended as follows:

5740 83-39-15. (1) The department may deny, suspend, revoke or
5741 refuse to renew, as may be appropriate, the license of any person
5742 engaged in the business of professional bail agent, soliciting
5743 bail agent, or bail enforcement agent for any of the following
5744 reasons:

5745 (a) Any cause for which the issuance of the license
5746 would have been refused had it then existed and been known to the
5747 department.

5748 (b) Failure to post a qualification bond in the
5749 required amount with the department during the period the person
5750 is engaged in the business within this state or, if the bond has
5751 been posted, the forfeiture or cancellation of the bond.

5752 (c) Material misstatement, misrepresentation or fraud

5753 in obtaining the license.

5754 (d) Willful failure to comply with, or willful
5755 violation of, any provision of this chapter or of any proper
5756 order, rule or regulation of the department or any court of this
5757 state.

5758 (e) Conviction of felony or crime involving moral
5759 turpitude.

5760 (f) Default in payment to the court should any bond
5761 issued by such bail agent be forfeited by order of the court.

5762 (2) In addition to the grounds specified in subsection (1)
5763 of this section, the department shall be authorized to suspend the
5764 license, registration or permit of any person for being out of
5765 compliance with an order for support or an order for visitation,
5766 as defined in Section 93-11-153. The procedure for suspension of
5767 a license, registration or permit for being out of compliance with
5768 an order for support or an order for visitation, and the procedure
5769 for the reissuance or reinstatement of a license, registration or
5770 permit suspended for that purpose, and the payment of any fees for
5771 the reissuance or reinstatement of a license, registration or
5772 permit suspended for that purpose, shall be governed by Section
5773 93-11-157 or 93-11-163, as the case may be. If there is any
5774 conflict between any provision of Section 93-11-157 or 93-11-163
5775 and any provision of this chapter, the provisions of Section
5776 93-11-157 or 93-11-163, as the case may be, shall control.

5777 SECTION 73. This act shall take effect and be in force from
5778 and after July 1, 1999.