

By: Senator(s) Johnson (19th), Nunnelee

To: Public Health and Welfare

SENATE BILL NO. 2829

1 AN ACT TO AMEND SECTION 73-25-30, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE STATE BOARD OF MEDICAL LICENSURE TO ASSESS A
3 LICENSEE FOR REASONABLE COSTS INCURRED BY THE BOARD IN THE
4 INVESTIGATION AND CONDUCT OF A DISCIPLINARY ACTION; AND FOR
5 RELATED PURPOSES.

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

7 SECTION 1. Section 73-25-30, Mississippi Code of 1972, is
8 amended as follows:

9 73-25-30. (1) The Mississippi State Board of Medical
10 Licensure, in exercising its authority under the provisions of
11 Section 73-25-29, shall have the power to discipline the holder of
12 a license who has been found by the board * * * in violation of
13 that statute after notice and a hearing as provided by law, and
14 the licensee shall be disciplined as follows * * *:

15 (a) By placing him upon probation, the terms of which
16 may be set by the board, or

17 (b) By suspending his right to practice for a time
18 deemed proper by the board * * *, or

19 (c) By revoking his license, or

20 (d) By taking any other action in relation to his
21 license as the board * * * may deem proper under the
22 circumstances.

23 (2) Upon the execution of a disciplinary order by the board,
24 either following a hearing or in lieu of a hearing, the board, in
25 addition to the disciplinary powers specified in subsection (1) of
26 this section, may assess the licensee for those reasonable costs
27 that are expended by the board in the investigation and conduct of

28 a proceeding for licensure disciplinary action, including, but not
29 limited to, the cost of process service, court reports, witness
30 fees, expert witnesses, investigators, and other related expenses.
31 Money collected by the board under this section shall be
32 deposited to the credit of the special fund of the board to
33 reimburse the existing current year appropriated budget.

34 (3) An assessment of costs under this section shall be paid
35 to the board by the licensee, upon the expiration of the period
36 allowed for appeals under Section 73-25-27, or may be paid sooner
37 if the licensee elects. Costs assessed under this section shall
38 not exceed Five Thousand Dollars (\$5,000.00).

39 (4) When an assessment of costs by the board against a
40 licensee in accordance with this section is not paid by the
41 licensee when due under this section, the licensee shall be
42 prohibited from practicing medicine until the full amount is paid.
43 In addition, the board may institute and maintain proceedings in
44 its name for enforcement of payment in the Chancery Court of the
45 First Judicial District of Hinds County. When those proceedings
46 are instituted, the board shall certify the record of its
47 proceedings, together with all documents and evidence, to the
48 chancery court. The matter shall be heard in due course by the
49 court, which shall review the record and make its determination
50 thereon. The hearing on the matter, in the discretion of the
51 chancellor, may be tried in vacation.

52 SECTION 2. This act shall take effect and be in force from
53 and after July 1, 1999.