

By: Ross

To: Public Health and
Welfare

SENATE BILL NO. 2781

1 AN ACT TO AMEND SECTION 73-25-29, MISSISSIPPI CODE OF 1972,
2 TO PROHIBIT A PHYSICIAN FROM CHARGING A PATIENT FOR ANY CLINICAL
3 LABORATORY SERVICES WHICH ARE NOT RENDERED BY THE LICENSEE, TO
4 PROVIDE CERTAIN DISCLOSURE REQUIREMENTS FOR SUCH CHARGES, TO
5 PROHIBIT A PHYSICIAN FROM CHARGING AN AMOUNT FOR A CLINICAL
6 LABORATORY SERVICE GREATER THAN THE AMOUNT CHARGED BY THE
7 PROVIDER, AND TO PROVIDE THAT SUCH PROHIBITED ACTION BY A
8 PHYSICIAN IS GROUNDS FOR DISCIPLINARY ACTION BY THE MISSISSIPPI
9 BOARD OF MEDICAL LICENSURE; AND FOR RELATED PURPOSES.

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

11 SECTION 1. Section 73-25-29, Mississippi Code of 1972, is
12 amended as follows:[RDD1]

13 73-25-29. The grounds for the nonissuance, suspension,
14 revocation or restriction of a license or the denial of
15 reinstatement or renewal of a license are:

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

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

21 (3) Administering, dispensing or prescribing any
22 narcotic drug, or any other drug having addiction-forming or
23 addiction-sustaining liability otherwise than in the course of
24 legitimate professional practice.

25 (4) Conviction of violation of any federal or state law
26 regulating the possession, distribution or use of any narcotic
27 drug or any drug considered a controlled substance under state or
28 federal law, a certified copy of the conviction order or judgment
29 rendered by the trial court being prima facie evidence thereof,

30 notwithstanding the pendency of any appeal.

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

33 (6) Conviction of a felony or misdemeanor involving
34 moral turpitude, a certified copy of the conviction order or
35 judgment rendered by the trial court being prima facie evidence
36 thereof, notwithstanding the pendency of any appeal.

37 (7) Obtaining or attempting to obtain a license by
38 fraud or deception.

39 (8) Unprofessional conduct, which includes, but is not
40 limited to:

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

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

45 (c) Making or willfully causing to be made any
46 flamboyant claims concerning the licensee's professional
47 excellence.

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

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

57 (f) Use of any false, fraudulent or forged
58 statement or document, or the use of any fraudulent, deceitful,
59 dishonest or immoral practice in connection with any of the
60 licensing requirements, including the signing in his professional
61 capacity any certificate that is known to be false at the time he
62 makes or signs such certificate.

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

66 (h) Charging any patient for any clinical

67 laboratory service not actually rendered by the licensee to the
68 patient unless the service is itemized in the charge, bill or
69 other solicitation of payment by identifying the name and address
70 of the provider of the clinical laboratory service and the amount
71 charged by such provider for the clinical laboratory service. The
72 physician shall not charge a fee for referral to a clinical
73 laboratory. This paragraph shall be satisfied if the required
74 disclosures are made to the third-party payor of the patient.

75 (i) Charging any patient or third-party payor an
76 amount for a clinical laboratory service not actually rendered by
77 the licensee to the patient that is greater than the amount
78 charged by the provider of the clinical laboratory service to the
79 licensee.

80 (9) The refusal of a licensing authority of another
81 state or jurisdiction to issue or renew a license, permit or
82 certificate to practice medicine in that jurisdiction or the
83 revocation, suspension or other restriction imposed on a license,
84 permit or certificate issued by such licensing authority which
85 prevents or restricts practice in that jurisdiction, a certified
86 copy of the disciplinary order or action taken by the other state
87 or jurisdiction being prima facie evidence thereof,
88 notwithstanding the pendency of any appeal.

89 (10) Surrender of a license or authorization to
90 practice medicine in another state or jurisdiction or surrender of
91 membership on any medical staff or in any medical or professional
92 association or society while under disciplinary investigation by
93 any of those authorities or bodies for acts or conduct similar to
94 acts or conduct which would constitute grounds for action as
95 defined in this section.

96 (11) Final sanctions imposed by the United States
97 Department of Health and Human Services, Office of Inspector
98 General or any successor federal agency or office, based upon a
99 finding of incompetency, gross misconduct or failure to meet

100 professionally recognized standards of health care; a certified
101 copy of the notice of final sanction being prima facie evidence
102 thereof. As used in this paragraph, the term "final sanction"
103 means the written notice to a physician from the United States
104 Department of Health and Human Services, Office of Inspector
105 General or any successor federal agency or office, which
106 implements the exclusion.

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

109 (13) Violation of any provision(s) of the Medical
110 Practice Act or the rules and regulations of the board or of any
111 order, stipulation or agreement with the board.

112 In addition to the grounds specified above, the board shall
113 be authorized to suspend the license of any licensee for being out
114 of compliance with an order for support, as defined in Section
115 93-11-153. The procedure for suspension of a license for being
116 out of compliance with an order for support, and the procedure for
117 the reissuance or reinstatement of a license suspended for that
118 purpose, and the payment of any fees for the reissuance or
119 reinstatement of a license suspended for that purpose, shall be
120 governed by Section 93-11-157 or 93-11-163, as the case may be.
121 If there is any conflict between any provision of Section
122 93-11-157 or 93-11-163 and any provision of this chapter, the
123 provisions of Section 93-11-157 or 93-11-163, as the case may be,
124 shall control.

125 SECTION 2. This act shall take effect and be in force from
126 and after July 1, 2000.