

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 848

By Senator(s) Committee

28 Amend by striking all after the enacting clause and inserting
29 in lieu thereof the following:

30
31 SECTION 1. Section 73-9-3, Mississippi Code of 1972, is
32 amended as follows:

33 73-9-3. "Dentistry" is defined as the evaluation, diagnosis,
34 prevention and/or treatment (nonsurgical, surgical or related
35 procedures) of diseases, disorders and/or conditions of the oral
36 cavity, maxillofacial area and/or the adjacent and associated
37 structures and their impact on the human body; provided by a
38 dentist, within the scope of his education, training and
39 experience, in accordance with the ethics of the profession and
40 applicable law, provided that nothing herein shall be so construed
41 as to prevent:

42 1. The practice of his profession by a regularly
43 licensed and registered physician under the laws of this state
44 unless he practices dentistry as a specialty; or

45 2. The performance of mechanical work upon inanimate
46 objects by persons working in dental offices under their
47 supervision; or

48 3. The operation of a dental laboratory and taking work
49 by written work authorization from regularly licensed and
50 registered dentists as provided for elsewhere in this chapter; or

51 4. Dentists from outside the state from giving
52 educational clinics or demonstrations before a dental society,
53 convention or association; or

54 5. Licensed dentists from outside the state from being
55 called into Mississippi by licensed dentists of this state for
56 consultative or operative purposes when such consultative or
57 operative purposes have been authorized or approved by the Board
58 of Dental Examiners for specified periods of time or as provided
59 for by rules and regulations set forth by the board; or

60 6. Applicants for license to practice dentistry in this
61 state from working during examination by and under the supervision
62 and direction of the Board of Dental Examiners; or

63 7. The practice of dentistry or of dental hygiene by
64 students under the supervision of instructors in any dental
65 school, college, or dental department of any school, college, or
66 university, or school of dental hygiene recognized by the board,
67 but such activities shall not be carried on for profit; or

68 8. Dental or dental hygiene students enrolled in
69 accredited dental or dental hygiene schools from participating in
70 off-site training recognized and approved by the board; or

71 9. A regularly licensed and registered dentist from the
72 delegation of procedures to a regularly licensed and registered
73 hygienist or other competent dental auxiliary personnel * * *
74 while acting under the direct supervision * * * and full
75 responsibility of the dentist except as follows: Those procedures
76 which require the professional judgment and skill of a dentist
77 such as diagnosis, treatment planning, surgical procedures
78 involving hard or soft tissues, or any intra-oral procedure of an
79 irreversible nature which could result in injury to the patient.
80 Provided, however, the dentist shall delegate the removal of
81 calcareous deposits only to a regularly licensed and registered
82 dental hygienist as regulated by the State Board of Dental
83 Examiners.

84 All dentists and dental hygienists serving as
85 instructors, professors or residents, as provided for in

86 subsections 7 and 8 above, shall be required to be licensed by the
87 Mississippi State Board of Dental Examiners.

88 SECTION 2. Section 73-9-5, Mississippi Code of 1972, is
89 amended as follows:

90 73-9-5. (1) For the purpose of this chapter, a dental
91 hygienist shall be an individual who has completed an accredited
92 dental hygiene education program, passed the national dental
93 hygiene board and is licensed by the State Board of Dental
94 Examiners to provide, as an auxiliary to the dentist, preventive
95 care services including, but not limited to, scaling and
96 polishing. In fulfilling these services, dental hygienists
97 provide treatment that helps to prevent oral disease such as
98 dental caries and periodontal disease and for educating patients
99 in prevention of these and other dental problems.

100 (2) The work of dental hygienists and dental assistants
101 while working in the office of a regularly licensed and registered
102 dentist shall at all times be under the direct supervision * * *
103 of the dentist. Dental hygienists in the employ of the State
104 Board of Health or public school boards shall be limited to only
105 performing oral hygiene instruction and screening when under the
106 general supervision and direction of regularly licensed and
107 registered dentists. Dental hygienists recognized by the board of
108 dental examiners when making public demonstrations of dental
109 hygiene for educational purposes shall be under the general
110 supervision and direction of regularly licensed and registered
111 dentists.

112 (3) The board of dental examiners may prohibit any dental
113 hygienist or other auxiliary personnel from rendering service that
114 it feels is not in the best interest of the public welfare.

115 (4) No state board that licenses health care providers shall
116 promulgate or enforce any rule or regulation that affects the
117 practice of its licensees which does not apply equally to the
118 practice of all its licensees. This provision applies to all
119 rules and regulations made and effected by such boards both prior
120 to and subsequent to the effective date of this act.

121 SECTION 3. Section 73-9-7, Mississippi Code of 1972, is
122 amended as follows:

123 73-9-7. The duties of the Mississippi State Board of Dental
124 Examiners, or the board, * * * shall be to carry out the purposes
125 and provisions of the laws pertaining to the practice of dentistry
126 and dental hygiene * * *. The board shall consist of seven (7)
127 regularly licensed, registered and practicing dentists, each a
128 graduate of an accredited college of dentistry and each a
129 regularly licensed, registered and practicing dentist within the
130 State of Mississippi for a period of five (5) or more years next
131 preceding his appointment. No dentist shall be eligible for
132 appointment who is connected in any way with any school of
133 dentistry or the dental supply business.

134 In addition, the board shall include one (1) * * * member who
135 shall be a regularly licensed, registered dental hygienist with at
136 least five (5) years' practical experience. The dental hygienist
137 member shall be appointed by the Governor from the state at large
138 from a list of six (6) dental hygienists. Each of the dental
139 hygienists listed shall be the dental hygienist receiving the
140 highest number of votes in his or her individual district from a
141 poll conducted and compiled by the board. The poll shall consist
142 of a blank ballot with three (3) spaces for nomination provided to
143 all licensed dental hygienists in the state by district. The
144 dental hygienist member shall serve for a term of four (4) years
145 and may succeed himself or herself in office. Any vacancy in the
146 dental hygienist board membership shall be filled by the Governor
147 within sixty (60) days by appointment from the list of nominees
148 submitted for the existing term of office. During the course of
149 each calendar year, the board shall take like polls of all
150 licensed dental hygienists practicing in the state, and shall
151 prepare a new list of six (6) dental hygienists, such list to
152 consist of the dental hygienist receiving the highest number of
153 votes in each district, to be submitted to the Governor which
154 shall be used in the appointment of the dental hygienist member
155 from the state at large. The terms of the dental hygienist member

156 shall be computed from July 1, 1995.

157 Except as hereinafter provided, each member of the
158 board * * * shall hold office for the particular term of four (4)
159 years to which he is appointed as differentiated and set out in
160 this section and until his successor shall be duly appointed and
161 qualified. Any appointment made to fill a vacancy or to replace
162 an incumbent holding over shall terminate in accordance with the
163 designation of the particular term as set out below and until his
164 successor is duly appointed and qualified.

165 Except for the original appointments, the term of each of the
166 seven (7) dentist appointees provided for herein shall be for a
167 period of four (4) years and shall terminate on and after June
168 30th of the year set out below for each appointive position:

169 Appointments one (1) and two (2) in 1964 and each fourth year
170 thereafter; appointment three (3) in 1965 and each fourth year
171 thereafter; appointment four (4) in 1966 and each fourth year
172 thereafter; and appointments five (5) and six (6) in 1967 and each
173 fourth year thereafter. Each subsequent appointment shall be made
174 in chronological order of respective expiration dates; provided,
175 however, that each appointee holding office at the time of passage
176 of this chapter shall continue to serve until the expiration date
177 of the period for which he was appointed, and appointment of such
178 incumbent's successors shall be made in order of the expiration
179 dates of their present commissions.

180 Upon July 1, 1982, the Governor shall appoint one (1) dentist
181 member of the board from the state at large, with the advice and
182 consent of the Senate.

183 Upon expiration of the term of office of any of the six (6)
184 members of the board who are appointed from districts, the
185 Governor shall appoint his successor from a list of names to be
186 submitted as set out herein. From and after July 1, 1991, all
187 appointments to the Mississippi State Board of Dental Examiners
188 shall be with the advice and consent of the Senate.

189 As soon after passage of this chapter as feasible, the board
190 shall poll all licensed dentists and dental hygienists in the

191 state by dental district as follows:

192 Dental District One: Alcorn, Benton, Calhoun, Chickasaw,
193 Choctaw, Clay, Itawamba, Lafayette, Lee, Lowndes, Marshall,
194 Monroe, Oktibbeha, Pontotoc, Prentiss, Tippah, Tishomingo, Union,
195 Webster;

196 Dental District Two: Bolivar, Carroll, Coahoma, DeSoto,
197 Grenada, Holmes, Humphreys, Issaquena, Leflore, Montgomery,
198 Panola, Quitman, Sharkey, Sunflower, Tallahatchie, Tate, Tunica,
199 Washington, Yalobusha, Yazoo;

200 Dental District Three: Attala, Clarke, Covington, Forrest,
201 Jasper, Jones, Kemper, Lamar, Lauderdale, Leake, Neshoba, Newton,
202 Noxubee, Perry, Scott, Smith, Wayne, Winston;

203 Dental District Four: Hinds, Madison, Rankin, Warren;

204 Dental District Five: George, Greene, Hancock, Harrison,
205 Jackson, Pearl River, Stone;

206 Dental District Six: Adams, Amite, Claiborne, Copiah,
207 Franklin, Jefferson Davis, Jefferson, Lawrence, Lincoln, Marion,
208 Pike, Simpson, Walthall, Wilkinson;

209 and request the submission from each such dental district of three
210 (3) nominations for appointment as members of the board. Thirty
211 (30) days after submitting such request, the board shall list all
212 nominations by district according to the number of votes each
213 received. The top three (3) names from each district shall then
214 be considered as a list of names to be submitted to the Governor
215 as referred to above each time a vacancy occurs in one (1) of the
216 six (6) positions appointed from districts or whenever the
217 Governor requests such submission. During the course of each
218 calendar year, the board shall take like polls of all licensed
219 dentists practicing in each dental district, and shall prepare new
220 lists therefrom to be submitted to the Governor which shall be
221 used in the appointment of the six (6) members appointed from
222 districts.

223 It is the purpose of this section that no more than one (1)
224 appointee of the six (6) members appointed from districts shall
225 serve from any district at any one (1) time; provided, however,

226 that the members serving on the effective date of this section
227 shall continue until their term of office has expired. All
228 subsequent appointments of the six (6) members appointed from
229 districts shall be made in accordance with the provisions of this
230 section, shall be designated by district, and shall be selected by
231 district in accordance with the appropriate list submitted
232 therefor. The names on the lists shall be given priority in
233 accordance with the votes for each nominee. In case of a tie,
234 such persons receiving tie votes shall have their names placed on
235 the list even though it results in more than three (3) names on
236 such list from that district.

237 The Secretary of State shall, at his discretion, at any time
238 there is sufficient cause, investigate the method and procedure of
239 taking such polls and establishing such lists, and the board shall
240 make available to him all records involved therein; and if the
241 Secretary of State should find cause therefor he may, upon
242 specifying such cause, declare the list invalid, whereupon the
243 board shall follow the procedure set out above to establish a new
244 list. If a vacancy exists and no list is available, the Board of
245 Dental Examiners is * * * to follow the above-described procedure
246 in establishing a new list for the appropriate dental district.

247 A vote for an individual dentist or dental hygienist in all
248 polls may be counted only once for each ballot no matter how many
249 times the name is listed on the ballot.

250 SECTION 4. Section 73-9-23, Mississippi Code of 1972, is
251 amended as follows:

252 73-9-23. (1) No person who desires to practice dentistry or
253 dental hygiene in the State of Mississippi shall be licensed until
254 that person has passed an examination by the board. Applicants
255 for examination shall apply in writing to the secretary of the
256 board for an examination at least thirty (30) days prior to the
257 examination and shall upon application pay a nonrefundable
258 fee * * * as elsewhere provided in this chapter.

259 (2) An applicant for licensure by examination * * * as a
260 dentist who is a graduate of a dental school accredited by the

261 Commission on Accreditation of Dental and Dental Auxiliary
262 Educational Programs of the American Dental Association (ADA),

263 shall:

264 (a) * * * Be of good moral character, be possessed of a
265 high school education, and have attained the age of twenty-one
266 (21) years; * * *

267 (b) Exhibit with the application a diploma or
268 certificate of graduation from the ADA accredited dental
269 school * * *; and

270 (c) Have successfully completed Parts I and II of the
271 National Board of Examinations of the Joint Commission on National
272 Dental Examinations, unless the applicant graduated from an
273 approved dental school prior to 1960.

274 (3) An applicant for licensure by examination as a dentist
275 who is a graduate of a non-ADA accredited foreign country dental
276 school shall:

277 (a) * * * Be of good moral character and have attained
278 the age of twenty-one (21) years;

279 (b) Be proficient in oral and written communications in
280 the English language;

281 (c) Have completed not less than six (6) academic years
282 of postsecondary study and graduated from a foreign dental school
283 which is recognized by the licensure authorities in that country;

284 (d) Have been licensed as a dentist or admitted to the
285 practice of dentistry in the foreign country in which the
286 applicant received foreign dental school training;

287 (e) Must present documentation of having completed at
288 least two (2) or more years of full-time post-doctoral general
289 dental education in a dental school accredited by the Commission
290 on Accreditation of Dental and Dental Auxiliary Educational
291 Programs of the American Dental Association, and has been
292 certified by the dean of the accredited dental school as having
293 achieved the same level of didactic and clinical competence as
294 expected of a graduate of the school; and

295 (f) Have successfully completed Parts I and II of the

296 National Board Examinations of the Joint Commission on National
297 Dental Examinations unless the applicant graduated from an
298 approved dental school prior to 1960.

299 (4) An applicant for licensure by examination as a dental
300 hygienist who is a graduate of a dental hygiene school accredited
301 by the Commission on Accreditation of Dental and Dental Auxiliary
302 Educational Programs of the American Dental Association (ADA)
303 shall:

304 (a) * * * Be of good moral character, be possessed of a
305 high school education and have attained the age of eighteen (18)
306 years; and

307 (b) Exhibit with the application a diploma or
308 certificate of graduation from the ADA accredited dental hygiene
309 school * * *; and

310 (c) Have successfully completed the National Board
311 Dental Hygiene Examinations by the Joint Commission on National
312 Dental Examinations.

313 (5) An applicant for licensure by examination as a dental
314 hygienist who is a graduate of a non-ADA accredited foreign
315 country dental hygiene school shall:

316 (a) * * * Be of good moral character and have attained
317 the age of eighteen (18) years;

318 (b) Be proficient in oral and written communications in
319 the English language;

320 (c) Have completed not less than two (2) academic years
321 of postsecondary study and graduated from a foreign dental hygiene
322 school which is recognized by the licensure authorities in that
323 country;

324 (d) Have been licensed as a dental hygienist or
325 admitted to the practice of dental hygiene in the foreign country
326 in which the applicant received foreign dental hygiene school
327 training;

328 (e) Must present documentation of having completed at
329 least one or more years of full-time post-graduate clinical
330 education in a dental hygiene school accredited by the Commission

331 on Accreditation of Dental and Dental Auxiliary Educational
332 Programs of the American Dental Association, and has been
333 certified by the dean of the accredited dental hygiene school as
334 having achieved the same level of didactic and clinical competence
335 as expected of a graduate of the school; and

336 (f) Have successfully completed the National Board
337 Dental Hygiene Examinations by the Joint Commission on National
338 Dental Examinations.

339 (6) Applications shall be made in the form and content as
340 required in this section and as shall be prescribed by the board,
341 and each applicant shall submit upon request such proof as the
342 board may require as to age, character and qualifications.
343 Applications must be signed by two (2) * * * citizens of the state
344 of which the applicant is a resident, attesting under oath that
345 the applicant * * * is of good moral character. All applicants
346 for licensure shall submit an endorsement from all states in which
347 he or she is currently licensed or has ever been licensed to
348 practice dentistry or dental hygiene * * *. The board may
349 disallow the licensure examination to any applicant who has been
350 found guilty of any of the grounds for disciplinary action as
351 enumerated in Section 73-9-61.

352 (7) Examination shall be as elsewhere provided in this
353 chapter and the board may by its rules and regulations prescribe
354 reasonable professional standards for oral, written, clinical and
355 other examinations given to applicants * * *. Each applicant
356 shall appear before the board and be examined to determine his or
357 her learning and skill in dentistry or dental hygiene. If found
358 by the members of the board conducting the examination to possess
359 sufficient learning and skill therein and to be of good moral
360 character, the board shall, as early as practicable, grant to such
361 person a license to practice dentistry or dental hygiene, as the
362 case may be, which shall be signed by each member of the board who
363 attended the examination and approved the issuance of a license.

364 (8) The Board of Dental Examiners may, at its own
365 discretion, accept certification of a licensure applicant, either

366 dentist or dental hygienist, by the National Board of Dental
367 Examiners in lieu of the written examination. However, in all
368 such instances the board shall retain the right to administer such
369 further practical examinations and demonstrations as it deems
370 necessary.

371 (9) Each application or filing made under this section shall
372 include the social security number(s) of the applicant in
373 accordance with Section 93-11-64, Mississippi Code of 1972.

374 SECTION 5. Section 73-9-24, Mississippi Code of 1972, is
375 amended as follows:

376 73-9-24. (1) In addition to the method for obtaining a
377 license to practice dentistry or dental hygiene by way of
378 examination as provided by Section 73-9-23, Mississippi Code of
379 1972, the board, in its sole discretion, may grant a license to a
380 candidate who meets the following criteria:

381 (a) Submit proof of graduation from a dental school or
382 school of dental hygiene accredited by the Commission on
383 Accreditation of Dental and Dental Auxiliary Educational Programs
384 of the American Dental Association (ADA).

385 (b) Be engaged in the active practice of dentistry or
386 dental hygiene or in full-time dental education or dental hygiene
387 education for the past five (5) years;

388 (c) Currently hold a valid, unrestricted and unexpired
389 license in a state whose standards for licensure are determined by
390 the board as equivalent to Mississippi's standards, and which
391 state grants reciprocity or licensure by credentials to licensees
392 of the State of Mississippi;

393 (d) Provides an endorsement from all states in which he
394 is currently licensed or has ever been licensed to practice
395 dentistry or dental hygiene;

396 (e) Has not been the subject of pending or final
397 disciplinary action in any state in which the applicant has been
398 licensed;

399 (f) Is not the subject of a pending investigation in
400 any other state or jurisdiction;

401 (g) Has not failed at any time within the past five (5)
402 years, a licensure examination administered by another state or
403 jurisdiction;

404 (h) Has not failed at any time, a licensure examination
405 administered by the Mississippi State Board of Dental Examiners;

406 (i) Provides a written statement agreeing to appear for
407 interviews at the request of the board;

408 (j) Has successfully completed all parts of the
409 National Board of Examinations unless the applicant graduated from
410 an approved dental or dental hygiene school prior to 1960;

411 (k) Successfully passes a written jurisprudence
412 examination;

413 (l) Provides payment of a nonrefundable application fee
414 as provided in Section 73-9-43; and

415 (m) In addition, the State Board of Dental Examiners
416 may consider the following in accepting, rejecting or denying an
417 application for licensure by credentialing:

418 (i) Information from the National Practitioner
419 Data Bank and/or the American Association of Dental Examiners
420 Clearinghouse for Disciplinary Information.

421 (ii) Questioning under oath.

422 (iii) Results of peer review reports from
423 constituent societies and/or federal dental services.

424 (iv) Substance abuse testing or treatment.

425 (v) Background checks for criminal or fraudulent
426 activities.

427 (vi) Participation in Continuing Education.

428 (vii) A current certificate in cardiopulmonary
429 resuscitation.

430 (viii) Recent patient case reports and/or oral
431 defense of diagnosis and treatment plans.

432 (ix) No physical or psychological impairment that
433 would adversely affect the ability to deliver quality dental care.

434 (x) Agreement to initiate practice in the
435 credentialing jurisdiction within a reasonable period of time.

436 (xi) Proof of professional liability coverage and
437 that such coverage has not been refused, declined, canceled,
438 nonrenewed or modified.

439 (xii) Any additional information or documentation
440 that the board may stipulate by rule or regulation as necessary to
441 qualify for a license by credentialing.

442 (2) The board shall be granted sufficient time to conduct a
443 complete inquiry into the applicant's qualifications for licensure
444 by credentials, and the board may adopt such rules and regulations
445 pertaining to time needed to conduct investigations and
446 responsibility of applicants to produce verifiable documentation.

447 (3) Any applicant failing to meet the criteria in subsection
448 (1) above shall not be eligible for a license based on
449 credentials. Upon meeting the criteria in subsection (1), the
450 Mississippi State Board of Dental Examiners may, in its
451 discretion, issue to the applicant a license to practice
452 dentistry, or dental hygiene, unless grounds for denial of
453 licensure exist as enumerated in Section 73-9-61. Evidence of
454 falsification in the application for licensure through
455 credentialing will result in revocation of such license.

456 (4) Any applicant applying for a specialty license by
457 credentials must stay within his board recognized specialty and
458 must practice only that specialty within the State of Mississippi.

459 A specialty license holder must hold a general dentistry license
460 prior to obtaining a specialty license.

461 SECTION 6. Section 73-9-25, Mississippi Code of 1972, is
462 amended as follows:

463 73-9-25. The regular meeting of the state board of dental
464 examiners shall be held annually at such place, date and time as
465 the board may determine in its discretion, for the purpose of
466 examining applicants for license to practice dentistry and dental
467 hygiene, and continue in session until all applicants for license
468 have been examined and their examinations have been approved or
469 disapproved. Said board may meet more often if necessary, in the
470 discretion of the board, at such times and places as it may deem

471 proper for the examination of applicants who may wish to practice
472 dentistry or dental hygiene in this state, to administer makeup
473 examinations, or for the purpose of enforcing the dental laws of
474 the state. * * *

475 As far as practicable, all examinations, except as to
476 character, shall be upon written questions. Examinations for
477 license to practice dentistry shall be upon the following
478 subjects: anatomy, anesthesiology, biochemistry, community health,
479 dental auxiliary utilization, dental materials science, diagnosis
480 and treatment planning, embryology, endodontics, ethics, growth
481 and development, history, hospital dental service, internal
482 medicine, jurisprudence, microbiology, occlusion, operative
483 dentistry, oral anatomy, oral and maxillofacial surgery,
484 orthodontics and dentofacial orthopedics, oral and maxillofacial
485 pathology, pediatric dentistry, pharmacology, physiology, practice
486 administration, preventive dentistry, prosthodontics-fixed and
487 removable, oral and maxillofacial radiology and roentgenology, as
488 they pertain to dentistry, together with a practical examination
489 in operative and mechanical dentistry. Examinations for license
490 to practice dental hygiene shall cover the subjects taught in the
491 recognized schools of dental hygiene together with such other
492 subjects and practical demonstrations as the board may require.

493 The state shall furnish necessary equipment for the required
494 practical examinations for dentists and dental hygienists, and
495 properly house and care for same.

496 SECTION 7. Section 73-9-43, Mississippi Code of 1972, is
497 amended as follows:

498 73-9-43. (1) The secretary shall collect in advance all
499 fees provided for in this chapter as established by the board, not
500 to exceed:

501 Application for dental license.....\$ 600.00
502 Application for dental license through credentials...2,500.00
503 Application for dental specialty license.....400.00

504 * * *

505 Application for dental institutional, teaching or provisional

506	license.....	<u>600.00</u>
507	<u>Application for dental hygiene license.....</u>	<u>400.00</u>
508	<u>Application for dental hygiene license through</u>	
509	<u>credentials.....</u>	<u>750.00</u>
510	<u>Application for dental hygiene institutional,</u>	
511	<u>teaching, or provisional license.....</u>	<u>400.00</u>
512	Application for general anesthesia permit.....	<u>400.00</u>
513	Application for I.V. sedation permit.....	<u>400.00</u>
514	Application for radiology permit.....	<u>100.00</u>
515	Annual <u>dental license renewal.....</u>	<u>300.00</u>
516	Annual <u>dental specialty license renewal.....</u>	<u>100.00</u>
517	* * *	
518	Annual <u>dental institutional, teaching or provisional</u>	
519	<u>license renewal.....</u>	<u>300.00</u>
520	<u>Annual dental hygiene license renewal.....</u>	<u>150.00</u>
521	<u>Annual dental hygiene institutional, teaching, or</u>	
522	<u>provisional license renewal.....</u>	<u>150.00</u>
523	Annual <u>general anesthesia * * * permit renewal.....</u>	<u>100.00</u>
524	<u>Annual IV sedation permit renewal.....</u>	<u>100.00</u>
525	Annual radiology permit <u>renewal.....</u>	<u>75.00</u>
526	<u>Penalty for delinquent renewal of dental licenses;</u>	
527	<u>dental specialty licenses; and dental institutional,</u>	
528	<u>teaching, and provisional licenses:</u>	
529	<u>First month (plus annual renewal fee).....</u>	<u>100.00</u>
530	<u>Second month (plus annual renewal fee).....</u>	<u>150.00</u>
531	<u>Third month (plus annual renewal fee).....</u>	<u>200.00</u>
532	<u>Penalty for delinquent renewal of dental hygiene</u>	
533	<u>licenses and dental hygiene institutional, teaching,</u>	
534	<u>and provisional licenses:</u>	
535	<u>First month (plus annual renewal fee).....</u>	<u>50.00</u>
536	<u>Second month (plus annual renewal fee).....</u>	<u>75.00</u>
537	<u>Third month (plus annual renewal fee).....</u>	<u>100.00</u>
538	<u>Penalty for delinquent renewal of radiology permits:</u>	
539	<u>First month (plus annual renewal fee).....</u>	<u>45.00</u>
540	<u>Second month (plus annual renewal fee).....</u>	<u>65.00</u>

541	<u>Third month (plus annual renewal fee).....</u>	<u>75.00</u>
542	<u>Penalty for non-notification of change of address.....</u>	<u>50.00</u>
543	<u>Penalty for duplicate renewal forms and</u>	
544	<u>certification cards.....</u>	<u>50.00</u>
545	Duplicate <u>or replacement</u> license <u>or permit</u>	40.00
546	<u>Certification of licensure status.....</u>	40.00
547	Certified copy of license <u>or permit</u>	40.00
548	Handling fee for nonsufficient funds <u>check</u>	50.00
549	<u>Requests for database information.....</u>	<u>300.00</u>
550	<u>Radiology examinations administered in board's</u>	
551	<u>Office.....</u>	<u>100.00</u>
552	<u>Dental and dental hygiene licensure examination</u>	
553	<u>manuals.....</u>	<u>50.00</u>
554	<u>Dental and dental hygiene licensure by</u>	
555	<u>credentials packets.....</u>	<u>50.00</u>
556	<u>Laws and/or regulations.....</u>	<u>50.00</u>
557	<u>Disciplinary action orders.....</u>	<u>25.00</u>
558	<u>Newsletters.....</u>	<u>20.00</u>

559 The payment of annual dentist registration fees shall be
560 optional with all dentists over the age of seventy (70) years.

561 (2) The board may enact and enforce for delinquency in
562 payment for any fees set out in this section a penalty in addition
563 to the fee of an amount up to but not in excess of the fee. An
564 additional fee of an amount equal to the first penalty may be
565 assessed for each thirty (30) days, or part thereof, of
566 delinquency. If any licensed and registered dentist or dental
567 hygienist should be delinquent in payment of registration fees for
568 a period as long as ninety (90) days, such person shall be
569 presumed to be no longer practicing and shall be stricken from the
570 rolls, and in order to practice his or her profession in this
571 state thereafter may, at the discretion of the board, be
572 considered as a new applicant and subject to examination and other
573 licensing requirements as an original applicant.

574 (3) The secretary shall faithfully account for all monies
575 received by the board. All fees and any other monies received by

576 the board, except monetary penalties collected under Section
577 73-9-61, shall be deposited in a special fund that is created in
578 the State Treasury and shall be used for the implementation and
579 administration of this chapter when appropriated by the
580 Legislature for such purpose. The monies in the special fund
581 shall be subject to all provisions of the state budget laws that
582 are applicable to special fund agencies, and disbursements from
583 the special fund shall be made by the State Treasurer only upon
584 warrants issued by the State Fiscal Officer upon requisitions
585 signed by the president, secretary or administrative officer of
586 the board. Any interest earned on this special fund shall be
587 credited by the State Treasurer to the fund and shall not be paid
588 into the State General Fund. Any unexpended monies remaining in
589 the special fund at the end of a fiscal year shall not lapse into
590 the State General Fund.

591 (4) It shall be the duty of the State Auditor to audit the
592 financial affairs of the board, the transactions involving the
593 special fund and the books of the secretary of the board at least
594 once a year in the same manner as for other special fund agencies,
595 and at any time requested to do so by a majority of the board
596 casting their vote for such audit and while in a lawfully called
597 meeting. The report of the State Auditor shall be incorporated in
598 the minute book of the board.

599 (5) All fees collected from applicants, duplicate licenses,
600 certificates of recommendation and certified copies of licenses
601 shall be distributed among the members of the board in such
602 proportion as to allow the secretary twice the remuneration each
603 of the other seven (7) members receive as their compensation for
604 examining applicants for licensure. Provided, however, that for
605 examining applicants for licensure the secretary shall receive no
606 more than Twenty-four Hundred Dollars (\$2400.00) per year and no
607 other member shall receive more than Twelve Hundred Dollars
608 (\$1200.00) per year. The receipt of said compensation shall not
609 entitle members of the board to receive or be eligible for any
610 state employee group insurance, retirement or other fringe

611 benefits. Provided further, that any fees or income other than
612 the maximum allowable for examining applicants for licensure as
613 set out above shall be accounted for and may be used as needed in
614 carrying out the provisions of this chapter.

615 (6) Fees collected from annual registration shall be used to
616 maintain an office adequately staffed insofar as funds are
617 available and provide other services as may be needed for carrying
618 out the powers and duties of the board within the provisions of
619 this chapter. Fees collected from annual registration shall also
620 be used to pay the per diem and defray the expense of members of
621 the board for attendance at meetings other than those for the
622 purpose of examining applicants for licenses. In addition, a
623 portion of the fee charged for annual dentist registration, annual
624 specialty registration, annual dental hygienist registration, and
625 annual institutional, teaching or provisional registration may be
626 used to support a program to aid impaired dentists and/or dental
627 hygienists. The payment of per diem and expense for attending
628 said board meetings shall be in addition to the compensation
629 permitted above for examining applicants for licensure, and the
630 per diem shall not exceed the amount provided in Section 25-3-69.

631 SECTION 8. Section 73-9-61, Mississippi Code of 1972, is
632 amended as follows:

633 73-9-61. (1) Upon satisfactory proof, and in accordance
634 with statutory provisions elsewhere set out for such hearings and
635 protecting the rights of accused as well as the public, the State
636 Board of Dental Examiners may deny the issuance or renewal of a
637 license or may revoke or suspend the license of any licensed
638 dentist or dental hygienist practicing in the State of
639 Mississippi, or take any other action in relation to said license
640 as the board may deem proper under the circumstances, for any of
641 the following reasons:

642 (a) Misrepresentation in obtaining a license, or
643 attempting to obtain, obtaining, attempting to renew or renewing a
644 license or professional credential by making any material
645 misrepresentation, including the signing in his professional

646 capacity any certificate that is known to be false at the time he
647 makes or signs such certificate.

648 (b) Willful violation of any of the rules or
649 regulations duly promulgated by the board, or of any of the rules
650 or regulations duly promulgated by the appropriate dental
651 licensure agency of another state or jurisdiction.

652 (c) Being impaired in the ability to practice dentistry
653 or dental hygiene with reasonable skill and safety to patients by
654 reason of illness or use of alcohol, drugs, narcotics, chemicals,
655 or any other type of material or as a result of any mental or
656 physical condition.

657 (d) Administering, dispensing or prescribing any
658 prescriptive medication or drug * * * outside the course of
659 legitimate professional dental practice.

660 (e) Being convicted or found guilty of or entering a
661 plea of nolo contendere to, regardless of adjudication, a
662 violation of any federal or state law regulating the possession,
663 distribution or use of any narcotic drug or any drug considered a
664 controlled substance under state or federal law, a certified copy
665 of the conviction order or judgment rendered by the trial court
666 being prima facie evidence thereof, notwithstanding the pendency
667 of any appeal.

668 (f) Practicing incompetently or negligently, regardless
669 of whether there is actual harm to the patient.

670 (g) Being convicted or found guilty of or entering a
671 plea of nolo contendere to, regardless of adjudication, a crime in
672 any jurisdiction which relates to the practice of dentistry or
673 dental hygiene, a certified copy of the conviction order or
674 judgment rendered by the trial court being prima facie evidence
675 thereof, notwithstanding the pendency of any appeal.

676 (h) Being convicted or found guilty of or entering a
677 plea of nolo contendere to, regardless of adjudication, a felony
678 in any jurisdiction, a certified copy of the conviction order or
679 judgment rendered by the trial court being prima facie evidence
680 thereof, notwithstanding the pendency of any appeal.

681 (i) Delegating professional responsibilities to a
682 person who is not qualified by training, experience or licensure
683 to perform them.

684 (j) The refusal of a licensing authority of another
685 state or jurisdiction to issue or renew a license, permit or
686 certificate to practice dentistry or dental hygiene in that
687 jurisdiction or the revocation, suspension or other restriction
688 imposed on a license, permit or certificate issued by such
689 licensing authority which prevents or restricts practice in that
690 jurisdiction, a certified copy of the disciplinary order or action
691 taken by the other state or jurisdiction being prima facie
692 evidence thereof, notwithstanding the pendency of any appeal.

693 (k) Surrender of a license or authorization to practice
694 dentistry or dental hygiene in another state or jurisdiction when
695 the board has reasonable cause to believe that said surrender is
696 made to avoid or in anticipation of a disciplinary action.

697 (l) Any unprofessional conduct to be determined by the
698 board on a case-by-case basis, which shall include but not be
699 restricted to the following:

700 (i) Committing any crime involving moral
701 turpitude.

702 (ii) Practicing deceit or other fraud upon the
703 public.

704 (iii) Practicing dentistry or dental hygiene under
705 a false or assumed name.

706 (iv) Advertising that is false, deceptive or
707 misleading.

708 (v) Announcing a specialized practice shall be
709 considered advertising that tends to deceive or mislead the public
710 unless the dentist announcing as a specialist conforms to other
711 statutory provisions and the duly promulgated rules or regulations
712 of the board pertaining to practice of dentistry in the State of
713 Mississippi.

714 * * *

715 (m) Failure to provide and maintain reasonable sanitary

716 facilities and conditions or failure to follow board rules
717 regarding infection control.

718 (n) Committing any act which would constitute sexual
719 misconduct upon a patient or upon ancillary staff. For purposes
720 of this subsection, the term sexual misconduct means:

721 (i) Use of the licensee-patient relationship to
722 engage or attempt to engage the patient in sexual activity; or

723 (ii) Conduct of a licensee that is intended to
724 intimidate, coerce, influence or trick any person employed by or
725 for the licensee in a dental practice or educational setting for
726 the purpose of engaging in sexual activity or activity intended
727 for the sexual gratification of the licensee.

728 (o) Violation of a lawful order of the board previously
729 entered in a disciplinary or licensure hearing; failure to
730 cooperate with any lawful request or investigation by the board;
731 or failure to comply with a lawfully issued subpoena of the board.

732 (p) Willful, obstinate * * * and continuing refusal to
733 cooperate with the board in observing its rules and regulations in
734 promptly paying all legal license or other fees required by law.

735 (q) Practicing dentistry or dental hygiene while such
736 person's license is suspended.

737 (2) In lieu of revocation of a license as provided for
738 above, the board may suspend the license of the offending dentist
739 or dental hygienist, suspend the sedation permit of the offending
740 dentist, or take any other action in relation to his license as
741 the board may deem proper under the circumstances.

742 (3) When a license to practice dentistry or dental hygiene
743 is revoked or suspended by the board, the board may, in its
744 discretion, stay such revocation or suspension and simultaneously
745 place the licensee on probation upon the condition that such
746 licensee shall not violate the laws of the State of Mississippi
747 pertaining to the practice of dentistry or dental hygiene and
748 shall not violate the rules and regulations of the board and shall
749 not violate any terms in relation to his license as may be set by
750 the board.

751 (4) In a proceeding conducted under this section by the
752 board for the denial, revocation or suspension of a license to
753 practice dentistry or dental hygiene, the board shall have the
754 power and authority for the grounds stated for such denial,
755 revocation or suspension, and in addition thereto or in lieu of
756 such denial, revocation or suspension may assess and levy upon any
757 person licensed to practice dentistry or dental hygiene in the
758 State of Mississippi, a monetary penalty, as follows:

759 (a) For the first violation of any of subparagraph (a),
760 (b), (c), (d), * * * (f), (i), (l), (m), (n), (o) or (q) of
761 subsection (1) of this section, a monetary penalty of not less
762 than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars
763 (\$500.00).

764 (b) For the second violation of any of subparagraph
765 (a), (b), (c), (d), * * * (f), (i), (l), (m), (n), (o) or (q) of
766 subsection (1) of this section, a monetary penalty of not less
767 than One Hundred Dollars (\$100.00) nor more than One Thousand
768 Dollars (\$1,000.00).

769 (c) For the third and any subsequent violation of any
770 of subparagraph (a), (b), (c), (d), * * * (f), (i), (l), (m), (n),
771 (o) or (q) of subsection (1) of this section, a monetary penalty
772 of not less than Five Hundred Dollars (\$500.00) and not more than
773 Five Thousand Dollars (\$5,000.00).

774 (d) For any violation of any of subparagraphs (a)
775 through (q) of subsection (1) of this section, those reasonable
776 costs that are expended by the board in the investigation and
777 conduct of a proceeding for licensure revocation or suspension,
778 including but not limited to the cost of process service, court
779 reporters, expert witnesses and investigators.

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

785 (6) A licensee shall have the right of appeal from the

786 assessment and levy of a monetary penalty as provided in this
787 section under the same conditions as a right of appeal is provided
788 elsewhere for appeals from an adverse ruling, order or decision of
789 the board.

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

794 (8) A monetary penalty assessed and levied under this
795 section shall be paid to the board by the licensee upon the
796 expiration of the period allowed for appeal of such penalties
797 under this section or may be paid sooner if the licensee elects.
798 With the exception of subsection (4)(d) of this section, monetary
799 penalties collected by the board under this section shall be
800 deposited to the credit of the General Fund of the State Treasury.

801 Any monies collected by the board under subsection (4)(d) of this
802 section shall be deposited into the special fund operating account
803 of the board.

804 (9) When payment of a monetary penalty assessed and levied
805 by the board against a licensee in accordance with this section is
806 not paid by the licensee when due under this section, the board
807 shall have power to institute and maintain proceedings in its name
808 for enforcement of payment in the chancery court of the county and
809 judicial district of residence of the licensee, and if the
810 licensee be a nonresident of the State of Mississippi, such
811 proceedings shall be in the Chancery Court of the First Judicial
812 District of Hinds County, Mississippi.

813 (10) In addition to the reasons specified in subsection (1)
814 of this section, the board shall be authorized to suspend the
815 license of any licensee for being out of compliance with an order
816 for support, as defined in Section 93-11-153. The procedure for
817 suspension of a license for being out of compliance with an order
818 for support, and the procedure for the reissuance or reinstatement
819 of a license suspended for that purpose, and the payment of any
820 fees for the reissuance or reinstatement of a license suspended

821 for that purpose, shall be governed by Section 93-11-157 or
822 93-11-163, as the case may be. If there is any conflict between
823 any provision of Section 93-11-157 or 93-11-163 and any provision
824 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
825 as the case may be, shall control.

826 SECTION 9. Section 73-9-63, Mississippi Code of 1972, is
827 amended as follows:

828 73-9-63. A complaint may be filed with the secretary or
829 executive director of the board, * * * by any person charging a
830 licensed dentist or dental hygienist with the commission of any of
831 the offenses enumerated in the preceding section. Such complaint
832 shall be in writing and signed by the accuser, or accusers. If
833 upon review of the complaint, the board determines that there is
834 not substantial justification to believe that the accused dentist
835 or dental hygienist has committed any of the offenses enumerated
836 in the preceding section, it may dismiss the complaint * * *. In
837 the event of a dismissal, the person filing the complaint and the
838 accused dentist or dental hygienist shall be given written notice
839 of the board's determination. If the board determines there is
840 reasonable cause to believe the accused has committed said
841 offenses, and a hearing should be held to determine the validity
842 of the complaint, the executive director of the board shall set a
843 day for a hearing, and shall transmit to the accused a true copy
844 of all papers filed with him, relating to such complaint, and
845 shall notify the accused that on the day fixed for hearing he may
846 appear and show cause if any why his or her license to practice
847 dentistry or dental hygiene in the state should not be revoked or
848 have other disciplinary action taken against it. The board may,
849 by regulation, establish an investigative panel consisting of at
850 least two (2) people, one (1) of whom shall be a board member, to
851 review complaints to determine the existence of probable cause and
852 whether such complaints should proceed to formal hearing.

853 Nothing in this section shall prevent the board from
854 determining that it should investigate a licensee without a signed
855 complaint provided that a prior determination is made that

856 probable cause exists that a violation of this chapter may have
857 occurred.

858 For the purpose of such hearings or investigation of
859 complaints, the board * * * is hereby empowered to require the
860 attendance of witnesses, reimburse witnesses for necessary
861 expenses and mileage incurred * * *, subpoena documents and
862 records, employ and compensate expert witnesses, administer oaths,
863 and hear testimony, either oral or documentary, for and against
864 the accused. * * * Hearings shall be conducted by a majority of
865 the members of the board. A record of the hearing shall be made
866 which shall consist * * * of all testimony received and all
867 documents and other material introduced. If after such hearing
868 the board shall be satisfied that the accused has been guilty of
869 the offense charged in the accusation, it shall thereupon, without
870 further notice, order such disciplinary action as it deems proper.

871 SECTION 10. Sections 10 through 18 of this act shall be
872 known as the "Mississippi Disabled Dentist Law."

873 SECTION 11. The license of any dentist or dental hygienist
874 in this state shall be subject to restriction, suspension or
875 revocation, as hereinafter provided, in case of inability of the
876 licensee to practice dentistry or dental hygiene with reasonable
877 skill or safety to patients by reason of one or more of the
878 following:

- 879 (a) Mental illness;
880 (b) Physical illness, including, but not limited to,
881 deterioration through the aging process, or loss of motor skill;
882 (c) Excessive use or abuse of drugs, including alcohol.

883 SECTION 12. (1) If the State Board of Dental Examiners has
884 reasonable cause to believe that a dentist or dental hygienist
885 licensed to practice dentistry or dental hygiene in this state is
886 unable to practice with reasonable skill and safety to patients
887 because of a condition described in Section 11, such board of
888 dental examiners shall cause an examination of such dentist or
889 dental hygienist to be made as described in subsection (2) of this
890 section and shall, following such examination, take appropriate

891 action within the provisions of Sections 10 through 18.

892 (2) Examination of a dentist or dental hygienist under this
893 section shall be conducted by an examining committee designated by
894 the board. Such examining committee shall be composed of at least
895 two (2) practicing dentists, three (3) practicing physicians, and
896 shall include at least one (1) psychiatrist if a question of
897 mental illness is involved.

898 SECTION 13. (1) The examining committee assigned to examine
899 a dentist or dental hygienist pursuant to referral by the board
900 under Section 12 shall conduct an examination of such dentist or
901 dental hygienist for the purpose of determining his fitness to
902 practice dentistry or dental hygiene with reasonable skill and
903 safety to patients, either on a restricted or unrestricted basis,
904 and shall report its findings and recommendations to the board.
905 The committee shall order the dentist or dental hygienist to
906 appear before the committee for examination and give him ten (10)
907 days' notice of the time and place of the examination, together
908 with a statement of the cause for such examination. Such notice
909 shall be served upon the dentist or dental hygienist either
910 personally or by registered or certified mail with return receipt
911 requested.

912 (2) If the examining committee, in its discretion, should
913 deem an independent mental or physical examination of the dentist
914 or dental hygienist necessary to its determination of the fitness
915 of the dentist or dental hygienist to practice, the committee
916 shall order the dentist or dental hygienist to submit to such
917 examination. Any person licensed to practice dentistry or dental
918 hygiene in this state shall be deemed to have waived all
919 objections to the admissibility of the examining committee's
920 report in any proceedings before the board under Sections 10
921 through 18 on the grounds of privileged communication. Any
922 dentist or dental hygienist ordered to an examination before the
923 committee under this subsection shall be entitled to an
924 independent mental or physical examination if he makes a request
925 therefor.

926 (3) Any dentist or dental hygienist who submits to a
927 diagnostic mental or physical examination as ordered by the
928 examining committee shall have a right to designate another
929 physician to be present at the examination and make an independent
930 report to the board.

931 (4) Failure of a dentist or dental hygienist to comply with
932 a committee order under subsection (1) to appear before it for
933 examination or to submit to mental or physical examination under
934 subsection (2) shall be reported by the committee to the board,
935 and unless due to circumstances beyond the control of the dentist
936 or dental hygienist, shall be grounds for suspension by the board
937 of his license to practice dentistry or dental hygiene in this
938 state until such time as such dentist or dental hygienist has
939 complied with the order of the committee.

940 (5) The examining committee may inspect patient records in
941 accordance with the rules and regulations duly promulgated by the
942 board of dental examiners.

943 SECTION 14. A dentist or dental hygienist may request in
944 writing to the board a restriction of his license to practice
945 dentistry or dental hygiene. The board may grant such request for
946 restriction and shall have authority, if it deems appropriate, to
947 attach conditions to the licensure of the dentist or dental
948 hygienist to practice dentistry or dental hygiene within specified
949 limitations, and waive the commencement of any proceeding under
950 Section 16. Removal of a voluntary restriction on licensure to
951 practice dentistry or dental hygiene shall be subject to the
952 procedure for reinstatement of license in Section 17.

953 SECTION 15. (1) The examining committee shall report to the
954 board its findings on the examination of the dentist or dental
955 hygienist under Section 13, the determination of the committee as
956 to the fitness of the dentist or dental hygienist to engage in the
957 practice of dentistry or dental hygiene with reasonable skill and
958 safety to patients, either on a restricted or unrestricted basis,
959 and any management that the committee may recommend. Such
960 recommendation by the committee shall be advisory only and shall

961 not be binding on the board.

962 (2) The board may accept or reject the recommendation of the
963 examining committee to permit a dentist or dental hygienist to
964 continue to practice with or without any restriction on his
965 license to practice dentistry or dental hygiene, or may refer the
966 matter back to the examining committee for further examination and
967 report thereon.

968 (3) In the absence of a voluntary agreement by a dentist or
969 dental hygienist under Section 14 for restriction of the licensure
970 of such dentist or dental hygienist to practice dentistry or
971 dental hygiene, any dentist or dental hygienist shall be entitled
972 to a hearing in formal proceedings before the board and a
973 determination on the evidence as to whether or not restriction,
974 suspension or revocation of licensure shall be imposed.

975 SECTION 16. (1) The board may proceed against a dentist or
976 dental hygienist under Sections 10 through 18 by serving upon such
977 dentist or dental hygienist at least fifteen (15) days' notice of
978 a time and place fixed for a hearing, together with copies of the
979 examining committee's report and diagnosis. Such notice and
980 reports shall be served upon the dentist or dental hygienist
981 either personally or by registered or certified mail with return
982 receipt requested.

983 (2) At said hearing the dentist or dental hygienist shall
984 have the right to be present, to be represented by counsel, to
985 produce witnesses or evidence in his behalf, to cross-examine
986 witnesses, and to have subpoenas issued by the board.

987 (3) At the conclusion of the hearing, the board shall make a
988 determination of the merits and may issue an order imposing one or
989 more of the following:

990 (a) Make a recommendation that the dentist or dental
991 hygienist submit to the care, counseling or treatment by
992 physicians acceptable to the board.

993 (b) Suspend or restrict the license to practice
994 dentistry or dental hygiene for the duration of his impairment.

995 (c) Revoke the license of the dentist or dental

996 hygienist.

997 (4) The board may temporarily suspend the license of any
998 dentist or dental hygienist without a hearing, simultaneously with
999 the institution of proceedings for a hearing under this section,
1000 if it finds that the evidence in support of the examining
1001 committee's determination is clear, competent and unequivocal and
1002 that his continuation in practice would constitute an imminent
1003 danger to public health and safety.

1004 (5) Neither the record of the proceedings nor any order
1005 entered against a dentist or dental hygienist may be used against
1006 him in any other legal proceedings except upon judicial review as
1007 provided herein.

1008 SECTION 17. (1) A dentist or dental hygienist whose
1009 licensure has been restricted, suspended or revoked under Sections
1010 10 through 16, voluntarily or by action of the board, shall have a
1011 right, at reasonable intervals, to petition for reinstatement of
1012 his license and to demonstrate that he can resume the competent
1013 practice of dentistry or dental hygiene with reasonable skill and
1014 safety to patients. Such petition shall be made in writing and on
1015 a form prescribed by the board. Action of the board on such
1016 petition shall be initiated by referral to and examination by the
1017 examining committee pursuant to the provisions of Sections 12 and
1018 13. The board may, upon written recommendation of the examining
1019 committee, restore the licensure of the dentist or dental
1020 hygienist on a general or limited basis or institute a proceeding
1021 pursuant to Section 16 for the determination of the fitness of the
1022 dentist or dental hygienist to resume his practice.

1023 (2) All orders of the board entered under Section 16(3) and
1024 (4) shall be subject to judicial review by appeal to the chancery
1025 court of the county of the residence of the dentist or dental
1026 hygienist involved against whom the order is rendered, within
1027 thirty (30) days following the date of entry of the order, said
1028 appeal to be taken and perfected in the same manner as provided in
1029 Section 73-9-65.

1030 SECTION 18. There shall be no liability on the part of and

1031 no action for damages against:

1032 (a) Any member of the examining committee or the board
1033 for any action undertaken or performed by such member within the
1034 scope of the functions of such committee or the board under
1035 Sections 10 through 17 when acting without malice and in the
1036 reasonable belief that the action taken by him is warranted; or

1037 (b) Any person providing information to the committee
1038 or to the board without malice in the reasonable belief that such
1039 information is accurate.

1040 SECTION 19. This act shall take effect and be in force from
1041 and after July 1, 2000.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT RELATING TO THE MISSISSIPPI DENTAL PRACTICE ACT; TO
2 AMEND SECTION 73-9-3, MISSISSIPPI CODE OF 1972, TO CLARIFY THE
3 DEFINITION OF THE PRACTICE OF DENTISTRY; TO AMEND SECTION 73-9-5,
4 MISSISSIPPI CODE OF 1972, TO FURTHER DEFINE THE PRACTICE OF DENTAL
5 HYGIENE; TO AMEND SECTION 73-9-7, MISSISSIPPI CODE OF 1972, TO
6 PROVIDE THAT THE ANNUAL BALLOTING PROCESS FOR LICENSED DENTAL
7 HYGIENISTS IS CONSISTENT WITH THAT FOR LICENSED DENTISTS; TO AMEND
8 SECTION 73-9-23, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR CERTAIN
9 REQUIREMENTS FOR A DENTAL OR DENTAL HYGIENE LICENSE BY EXAMINATION
10 WHEN APPLICANTS ARE GRADUATES FROM UNACCREDITED SCHOOLS; TO AMEND
11 SECTION 73-9-24, MISSISSIPPI CODE OF 1972, TO DEFINE THE CRITERIA
12 FOR AN APPLICANT TO QUALIFY FOR A DENTAL OR DENTAL HYGIENE LICENSE
13 BASED ON CREDENTIALS; TO AMEND SECTION 73-9-25, MISSISSIPPI CODE
14 OF 1972, TO CLARIFY AUTHORITY OF THE MISSISSIPPI STATE BOARD OF
15 DENTAL EXAMINERS TO SET THE DATE AND TIME TO ADMINISTER LICENSE
16 EXAMINATIONS; TO AMEND SECTION 73-9-43, MISSISSIPPI CODE OF 1972,
17 TO INCREASE THE ANNUAL LICENSE RENEWAL FEE FOR DENTISTS AND TO
18 PROVIDE THAT A PORTION OF THOSE FEES MAY BE USED TO SUPPORT A
19 PROGRAM TO AID IMPAIRED LICENSEES; TO AMEND SECTION 73-9-61,
20 MISSISSIPPI CODE OF 1972, TO CLARIFY THE GROUNDS UPON WHICH A
21 DENTAL OR DENTAL HYGIENE LICENSE MAY BE DENIED, REVOKED, SUSPENDED
22 OR OTHER DISCIPLINARY ACTION TAKEN; TO AMEND SECTION 73-9-63,
23 MISSISSIPPI CODE OF 1972, TO CLARIFY THE PROCEDURES USED WHEN
24 INITIATING DISCIPLINARY ACTION BEFORE THE DENTAL BOARD AND TO
25 GRANT CERTAIN SUBPOENA POWERS; TO CODIFY THE MISSISSIPPI DISABLED
26 DENTIST LAW; AND FOR RELATED PURPOSES.