

By: Senator(s) Huggins, Little, Harvey,  
Thames, Smith, Burton

To: Public Health and  
Welfare

SENATE BILL NO. 2137

1 AN ACT TO REENACT SECTIONS 73-6-1 THROUGH 73-6-34,  
2 MISSISSIPPI CODE OF 1972, WHICH IS THE MISSISSIPPI CHIROPRACTIC  
3 PRACTICE ACT; TO AMEND SECTION 73-6-3, MISSISSIPPI CODE OF 1972,  
4 TO PROVIDE THAT MEMBERS OF THE STATE BOARD OF CHIROPRACTIC  
5 EXAMINERS FAILING TO ATTEND TWO CONSECUTIVE MEETINGS OF THE BOARD  
6 WITHOUT CAUSE SHALL BE SUBJECT TO REMOVAL FROM THE BOARD; TO AMEND  
7 SECTION 73-6-5, MISSISSIPPI CODE OF 1972, TO PRESCRIBE AN ANNUAL  
8 FEE FOR CHIROPRACTIC RADIOLOGICAL TECHNOLOGISTS AND LATE FEES FOR  
9 CHIROPRACTIC ASSISTANTS; TO AMEND SECTION 73-6-13, MISSISSIPPI  
10 CODE OF 1972, TO PRESCRIBE EDUCATIONAL QUALIFICATIONS FOR PERSONS  
11 APPLYING FOR A LICENSE TO PRACTICE CHIROPRACTIC AND TO PROVIDE  
12 THAT THE STATE BOARD MAY GRANT RECIPROCITY PRIVILEGES ON AN  
13 INDIVIDUAL BASIS; TO AMEND SECTION 73-6-15, MISSISSIPPI CODE OF  
14 1972, TO CLARIFY REFERENCES TO THE EXECUTIVE SECRETARY OF THE  
15 STATE BOARD; TO AMEND SECTION 73-6-17, MISSISSIPPI CODE OF 1972,  
16 TO CLARIFY CERTIFICATION OF CONTINUING EDUCATION COURSES FOR  
17 CHIROPRACTORS; TO AMEND SECTION 73-6-19, MISSISSIPPI CODE OF 1972,  
18 TO PROVIDE CERTAIN GROUNDS FOR DISCIPLINARY ACTION AGAINST  
19 LICENSEES, PROVIDE CERTAIN PROCEDURES FOR NOTICE AND HEARINGS,  
20 AUTHORIZE THE STATE BOARD TO REQUIRE PROBATION AND/OR A FINE FOR  
21 LICENSEES SUBJECT TO DISCIPLINARY ACTION, PROVIDE FOR SUPERSEDEAS  
22 OF FINAL STATE BOARD ACTION ON APPEAL, PROVIDE FOR HEARINGS ON  
23 APPEAL, AUTHORIZE FINES IN ADDITION TO ACTION REGARDING A LICENSE  
24 AND PROVIDE THAT FINES MAY BE ASSESSED PENDING AN APPEAL; TO AMEND  
25 SECTION 73-6-33, MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEALER  
26 ON THE MISSISSIPPI CHIROPRACTIC ACT; TO AMEND SECTION 73-6-34,  
27 MISSISSIPPI CODE OF 1972, TO CLARIFY PROVISIONS RELATING TO  
28 CHIROPRACTORS ENGAGING IN CLAIMS REVIEW, AND TO PROVIDE THAT SUCH  
29 CHIROPRACTORS MAY SERVE AS AN EXPERT WITNESS AS TO STANDARD OF  
30 CARE; AND FOR RELATED PURPOSES.

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

32 SECTION 1. Section 73-6-1, Mississippi Code of 1972, is  
33 reenacted as follows:

34 73-6-1. (1) The practice of chiropractic involves the  
35 analysis of any interference with normal nerve transmission and  
36 expression, and the procedure preparatory to and complementary to  
37 the correction thereof, by adjustment and/or manipulation of the  
38 articulations of the vertebral column and its immediate

39 articulations for the restoration and maintenance of health  
40 without the use of drugs or surgery.

41 (2) The chiropractic adjustment and/or manipulation of the  
42 articulations of the human body may include manual adjustments  
43 and/or manipulations and adjustments and/or manipulations by means  
44 of electrical and mechanical devices which produce traction or  
45 vibration. Chiropractors licensed under this chapter may also use  
46 in conjunction with adjustments and/or manipulations of the spinal  
47 structures electrical therapeutic modalities which induce heat or  
48 electrical current beneath the skin, including therapeutic  
49 ultrasound, galvanism, diathermy and electromuscular stimulation.

50 (3) Chiropractors licensed under this chapter may utilize  
51 those electric therapeutic modalities described in subsection (2)  
52 of this section only after the chiropractor has completed a course  
53 of study containing a minimum of one hundred twenty (120) hours of  
54 instruction in the proper utilization of those procedures in  
55 accordance with the guidelines set forth by the Council on  
56 Chiropractic Education, or its successor, and is qualified and so  
57 certified in that proper utilization.

58 (4) Chiropractors shall not prescribe or administer medicine  
59 to patients, perform surgery, practice obstetrics or osteopathy.  
60 Chiropractors shall be authorized to recommend, dispense or sell  
61 vitamins or food supplements.

62 (5) Chiropractors shall not use venipuncture, capillary  
63 puncture, acupuncture or any other technique which is invasive of  
64 the human body either by penetrating the skin or through any of  
65 the orifices of the body or through the use of colonics.

66 (6) A person professing to practice chiropractic for  
67 compensation must bring to the exercise of that person's  
68 profession a reasonable degree of care and skill. Any injury  
69 resulting from a want of such care and skill shall be a tort for  
70 which a recovery may be had. If a chiropractor performs upon a  
71 patient any act authorized to be performed under this chapter but

72 which act also constitutes a standard procedure of the practice of  
73 medicine including, but not limited to, the use of modalities such  
74 as those described in subsection (2) of this section and X-rays,  
75 under similar circumstances, the chiropractor shall be held to the  
76 same standard of care as would licensed doctors of medicine who  
77 are qualified to and who actually perform those acts under similar  
78 conditions and like circumstances.

79 (7) Chiropractors licensed under this chapter are authorized  
80 to refer patients to licensed physical therapists for treatment.

81 SECTION 2. Section 73-6-3, Mississippi Code of 1972, is  
82 reenacted and amended as follows:

83 73-6-3. There is hereby created a State Board of  
84 Chiropractic Examiners. This board shall consist of six (6)  
85 members; one (1) of whom shall be the executive officer of the  
86 State Board of Health or his designee, and one (1) from each  
87 congressional district as presently constituted, to be appointed  
88 by the Governor with the advice and consent of the Senate. Each  
89 member except the executive officer of the State Board of Health  
90 shall be a qualified elector of the State of Mississippi having  
91 been continuously engaged in the practice of chiropractic in  
92 Mississippi for at least five (5) years prior to appointment. No  
93 member shall be a stockholder in or member of the faculty or board  
94 of trustees of any school of chiropractic. Each member appointed  
95 to the board shall serve for five (5) years and until his  
96 successor is appointed and qualified; except the terms of the  
97 initial members appointed by the Governor shall expire one each  
98 for five (5) years or until their successors are appointed and  
99 qualified. Vacancies on the board, except for the executive  
100 officer of the State Board of Health or his designee, shall be  
101 filled by appointment of the Governor only for unexpired terms.  
102 Any member who shall not attend two (2) consecutive meetings of  
103 the board without cause shall be subject to removal by the  
104 Governor. The chairman of the board shall notify the Governor in

105 writing when any such member has failed to attend two (2)  
106 consecutive regular meetings without cause.

107 SECTION 3. Section 73-6-5, Mississippi Code of 1972, is  
108 reenacted and amended as follows:

109 73-6-5. (1) The State Board of Chiropractic Examiners shall  
110 select by election from its membership a chairman and vice  
111 chairman who shall hold their respective offices for a period of  
112 one (1) year. A majority of the members of the board may select  
113 an executive secretary; and may hire such other employees,  
114 including an attorney, needed to implement the provisions of this  
115 chapter. The board shall hold regular meetings for examination  
116 beginning on the second week of January and July of each year; and  
117 may hold additional meetings at such times and places as it deems  
118 necessary, but not to exceed twelve (12) times during its initial  
119 calendar year and not more than four (4) times during any  
120 subsequent calendar year. The July meeting shall be held in the  
121 City of Jackson. A majority of the board shall constitute a  
122 quorum, and the concurrence of a majority of the members of the  
123 board shall be required to grant or revoke a license. The board  
124 shall make such rules and regulations as is necessary to carry out  
125 the provisions of this chapter, and a copy of these rules and  
126 regulations as well as all changes thereto shall, upon passage, be  
127 sent to all practitioners licensed hereunder.

128 (2) The State Board of Chiropractic Examiners shall be  
129 authorized to certify to the State Department of Health those  
130 chiropractic assistants who are exempt from registration under  
131 Section 41-58-3(7)(d) as having completed continuing education  
132 requirements and charge a fee of not more than Fifty Dollars  
133 (\$50.00) annually to each individual whom the board certifies, as  
134 required under Section 41-58-5(4)(f). The board shall be  
135 authorized to establish educational qualifications and continuing  
136 education requirements for chiropractic assistants that  
137 participate in direct patient care. The board shall charge a fee

138 not to exceed Fifty Dollars (\$50.00) annually for this  
139 certification and annual renewal. Likewise, a late fee of One  
140 Hundred Dollars (\$100.00) shall be charged on all chiropractic  
141 assistance and chiropractic radiological technologist not renewing  
142 on or before July 1 of each year. Chiropractic radiological  
143 technologists are not exempt from these continuing education  
144 requirements.

145 SECTION 4. Section 73-6-7, Mississippi Code of 1972, is  
146 reenacted as follows:

147 73-6-7. Before entering upon the discharge of the duties of  
148 his office, the Executive Secretary of the State Board of  
149 Chiropractic Examiners shall present a bond, approved by the  
150 board, to the state in the sum of Ten Thousand Dollars  
151 (\$10,000.00), conditioned upon the faithful discharge of the  
152 duties of his office. The premium for such bond shall be paid  
153 from the funds paid into the State Treasury by the secretary of  
154 the board. Such bond, with the approval of the board and oath of  
155 office endorsed thereon, shall be deposited with the Secretary of  
156 State.

157 Each month, monies received by the secretary of the board  
158 shall be paid by him into the State Treasury and deposited in a  
159 fund to be known as the "State Board of Chiropractic Examiners  
160 Fund" for the use of the board in carrying out the provisions of  
161 this chapter. The board shall receive no appropriation from any  
162 state funds for its support, except from the special fund  
163 deposited into the State Treasury by the board.

164 SECTION 5. Section 73-6-9, Mississippi Code of 1972, is  
165 reenacted as follows:

166 73-6-9. Each member of the State Board of Chiropractic  
167 Examiners shall receive the per diem authorized under Section  
168 25-3-69, for each day actually discharging his official duties,  
169 and shall receive reimbursement for mileage and necessary expense  
170 incurred, as provided in Section 25-3-41. The executive secretary

171 shall receive an annual salary to be fixed by the board in  
172 addition to reimbursements for necessary expenses incurred in the  
173 discharge of his official duties.

174 The expenses of the board in carrying out the provisions of  
175 this chapter shall be paid upon requisitions signed by the  
176 chairman and secretary of the board and warrants signed by the  
177 State Auditor from the fund in the State Treasury for the use of  
178 the board. Said expenses shall not exceed the amount paid into  
179 the State Treasury under the provisions of this chapter.

180 SECTION 6. Section 73-6-11, Mississippi Code of 1972, is  
181 reenacted as follows:

182 73-6-11. The State Board of Chiropractic Examiners shall  
183 adopt an official seal and shall keep a record of its proceedings,  
184 persons licensed as chiropractors, and a record of licenses which  
185 have been revoked or suspended. The board shall keep on file all  
186 examination papers for a period of at least ninety (90) days after  
187 each examination. A transcript of an entry in such records,  
188 certified by the secretary under the seal of the board, shall be  
189 evidence of the facts therein stated. The board shall annually,  
190 on or before January 1, make a report to the Governor and  
191 Legislature of all its official acts during the preceding year,  
192 its receipts and disbursements, and a full and complete report of  
193 the conditions of chiropractic in this state.

194 SECTION 7. Section 73-6-13, Mississippi Code of 1972, is  
195 reenacted and amended as follows:

196 73-6-13. (1) Any adult citizen of the United States of good  
197 moral character who has (a) graduated from a school or college of  
198 chiropractic recognized by the State Board of Chiropractic  
199 Examiners, preceded by the successful completion of a bachelor's  
200 degree at an accredited institution of higher learning, however,  
201 individuals seeking to be examined on or before July 1, 2005, are  
202 only required to have two (2) academic years at an accredited  
203 institution of higher learning or accredited junior college, and

204 (b) successfully completed parts 1, 2, 3 and 4 and the physical  
205 modality section of the examination prepared by the National Board  
206 of Chiropractic Examiners, shall be entitled to take the  
207 examination for a license to practice chiropractic in Mississippi.  
208 The State Board of Chiropractic Examiners shall keep on file a  
209 list of schools or colleges of chiropractic which are so  
210 recognized. No chiropractic school shall be approved unless it is  
211 recognized and approved by the council of chiropractic education,  
212 offers an accredited course of study of not less than four (4)  
213 academic years of at least nine (9) months in length, and requires  
214 its graduates to receive not less than forty (40) clock hours of  
215 instruction in the operation of X-ray machinery and not less than  
216 forty (40) clock hours of instruction in X-ray interpretation and  
217 diagnosis.

218 (2) Except as otherwise provided in this section, the State  
219 Board of Health shall prescribe rules and regulations for the  
220 operation and use of X-ray machines.

221 (3) The examination to practice chiropractic used by the  
222 board shall consist of testing on the statutes and the rules and  
223 regulations regarding the practice of chiropractic in the State of  
224 Mississippi.

225 (4) Reciprocity privileges for a chiropractor from another  
226 state shall be granted at the board's option on an individual  
227 basis and by a majority vote of the State Board of Chiropractic  
228 Examiners to an adult citizen of the United States of good moral  
229 character who (a) is currently an active competent practitioner  
230 for at least eight (8) years and holds an active chiropractic  
231 license in another state with no disciplinary proceeding or  
232 unresolved complaint pending anywhere at the time a license is to  
233 be issued by this state, (b) demonstrates having obtained  
234 licensure as a chiropractor in another state under the same  
235 education requirements which were equivalent to the education  
236 requirements in this state to obtain a chiropractic license at the

237 time the applicant obtained the license in the other state, (c)  
238 satisfactorily passes the examination administered by the State  
239 Board of Chiropractic Examiners and the Special Purposes Exam for  
240 Chiropractic (SPEC) examination prepared by the National Board of  
241 Chiropractic Examiners, and (d) meets the requirements of Section  
242 73-6-1(3) pertaining to therapeutic modalities.

243 SECTION 8. Section 73-6-15, Mississippi Code of 1972, is  
244 reenacted and amended as follows:

245 73-6-15. Every applicant shall file with the executive  
246 secretary of the board an application, verified by oath, setting  
247 forth the facts which entitle the applicant to examination under  
248 the provisions of this chapter. The State Board of Chiropractic  
249 Examiners shall hold at least two (2) examinations each year. In  
250 case of failing to pass such examination, the applicant, after the  
251 expiration of six (6) months and within two (2) years, shall have  
252 the privilege of taking a second examination by the board with the  
253 payment of an additional fee equal to that charged the State Board  
254 of Chiropractors by the National Board of Chiropractic Examiners.  
255 An applicant who fails the examination twice shall not be  
256 permitted to retake the examination until completion of further  
257 course of study to be outlined by the board and payment of the fee  
258 for further examination. Every applicant who passed the  
259 examination and otherwise complies with the provisions of this  
260 chapter shall receive from the board, under its seal, a  
261 certificate of licensure which entitles him to practice  
262 chiropractic in this state; however, such certificate does not in  
263 any way qualify a chiropractor to make application to practice on  
264 the medical staff of any hospital licensed by the State Department  
265 of Health. Nothing in this chapter may prevent a chiropractor  
266 from making application to any hospital for chiropractic staff  
267 privileges or as an allied health provider as outlined under the  
268 Minimum Standards for the Operation of Hospitals. Such  
269 certificate shall be duly registered in a record book which shall

270 be properly kept by the executive secretary of the board and which  
271 shall be open to public inspection. A duly certified copy of said  
272 record shall be competent evidence in all courts of this state to  
273 establish licensure.

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

277 SECTION 9. Section 73-6-17, Mississippi Code of 1972, is  
278 reenacted and amended as follows:

279 73-6-17. The State Board of Chiropractic Examiners shall  
280 charge the following fees for application, examination and  
281 issuance of certificates: application, One Hundred Dollars  
282 (\$100.00); examination and issuance of certificate, Two Hundred  
283 Dollars (\$200.00) for all applicants; provided, however, that  
284 resident and nonresident applicants shall have first successfully  
285 completed parts 1, 2, 3 and 4 and the physical modality section of  
286 the examination prepared by the National Board of Chiropractic  
287 Examiners.

288 Every registered chiropractor in order to continue the  
289 practice of chiropractic shall pay annually to the executive  
290 secretary of the board a registration renewal fee of not more than  
291 Three Hundred Dollars (\$300.00) and, in addition to such renewal  
292 fee, shall be required to file with the executive secretary of the  
293 board a certificate, certified by the Council on Chiropractic  
294 Education (CCE) approved provider, approved by the Mississippi  
295 State Board of Chiropractic Examiners, verifying his attendance at  
296 a course of study approved by the board consisting of not less  
297 than twelve (12) hours of instruction in the latest developments  
298 in the practice of chiropractic of which at least three (3) hours  
299 shall be instruction in the subject of risk management. Provided,  
300 that any chiropractor who has reached the age of seventy-five (75)  
301 years and is not participating in an active practice shall not be  
302 required to pay said renewal fee or submit the twelve (12) hours

303 of continuing education. Any chiropractor who has received a  
304 certificate of licensure in this state under the provisions of  
305 Section 73-6-21 shall be in good standing in the state of his  
306 original licensure in order to renew his certificate in this  
307 state, and the board shall refuse to renew the certificate of any  
308 such chiropractor whose license has been suspended or revoked for  
309 cause in the state of his original licensure. In case of failure  
310 to pay the renewal fee, the board may revoke such certificate  
311 after giving thirty (30) days' notice to the holder who, within  
312 such period, may renew such certificate upon payment of the  
313 delinquent fee with a special processing charge of not more than  
314 Three Hundred Dollars (\$300.00). Lack of participation in active  
315 practice for a period of less than two (2) years, except when a  
316 doctor is in active military duty, shall not deprive the holder of  
317 the right to renew such certificate, without examination, upon the  
318 payment of all lapsed fees and proof of required continuing  
319 education hours.

320 SECTION 10. Section 73-6-18, Mississippi Code of 1972, is  
321 reenacted as follows:

322 73-6-18. These standards apply to all licensed chiropractors  
323 and chiropractic assistants. These standards also apply to those  
324 consultations and examinations advertised as a reduced fee or free  
325 (no charge) service:

326 (a) The chiropractor shall maintain records for  
327 patients which accurately, legibly and completely reflect the  
328 evaluation and treatment of the patient.

329 (b) All patient records shall include patient history,  
330 symptomatology, examination, diagnosis, prognosis and treatment.  
331 If abbreviations or symbols are used in daily recordkeeping, a key  
332 must be provided.

333 (c) In the event that the board takes disciplinary  
334 action against a chiropractor for any reason, these minimum  
335 recordkeeping standards will apply. It is understood that these

336 procedures are the accepted standard(s) and anything less than  
337 this shall be considered unprofessional conduct in the practice of  
338 chiropractic.

339 SECTION 11. Section 73-6-19, Mississippi Code of 1972, is  
340 reenacted and amended as follows:

341 73-6-19. (1) The board may refuse to grant a certificate of  
342 licensure to any applicant or may cancel, revoke or suspend the  
343 certificate upon the finding of any of the following facts  
344 regarding the applicant or licensed practitioner:

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

347 (b) Violation of any of the provisions of this chapter  
348 or any of the rules and regulations of the State Board of Health  
349 pursuant to this chapter with regard to the operation and use of  
350 X-rays;

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

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

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

358 (f) Unprofessional and unethical conduct;

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

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

365 (i) Advising a patient to use drugs, prescribing or  
366 providing drugs for a patient, or advising a patient not to use a  
367 drug prescribed by a licensed physician or dentist;

368 (j) Professional incompetency in the practice of  
369 chiropractic;

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

372 (l) Offering to accept or accepting payment for  
373 services rendered by assignment from any third-party payor after  
374 offering to accept or accepting whatever the third-party payor  
375 covers as payment in full, if the effect of the offering or  
376 acceptance is to eliminate or give the impression of eliminating  
377 the need for payment by an insured of any required deductions  
378 applicable in the policy of the insured;

379 (m) Associating his practice with any chiropractor who  
380 does not hold a valid chiropractic license in Mississippi, or  
381 teach chiropractic manipulation to nonqualified persons under  
382 Section 73-6-13;

383 (n) Failure to make payment on chiropractic student  
384 loans; \* \* \*

385 (o) Failure to follow recordkeeping requirements  
386 prescribed in Section 73-6-18; or

387 (p) Conviction of a crime of fraud as to insurance  
388 benefits or otherwise.

389 (2) Any holder of such certificate or any applicant therefor  
390 against whom is preferred any of the designated charges shall be  
391 furnished a copy of the complaint and given an opportunity to  
392 respond in writing. If the matter is not otherwise resolved, the  
393 licensee shall receive a formal hearing in Jackson, Mississippi,  
394 before the board, at which time he may be represented by counsel  
395 and examine witnesses. The board is authorized to administer  
396 oaths as may be necessary for the proper conduct of any such  
397 hearing. In addition, the board is authorized and empowered to  
398 issue subpoenas for the attendance of witnesses and the production  
399 of books and papers. The process issued by the board shall extend  
400 to all parts of the state. Where in any proceeding before the

401 board any witness shall fail or refuse to attend upon subpoena  
402 issued by the board, shall refuse to testify, or shall refuse to  
403 produce any books and papers, the production of which is called  
404 for by the subpoena, the attendance of such witness and the giving  
405 of his testimony and the production of the books and papers shall  
406 be enforced by any court of competent jurisdiction of this state  
407 in the manner provided for the enforcement of attendance and  
408 testimony of witnesses in civil cases in the courts of this state.

409 (3) In addition to any other investigators the board  
410 employs, the board may appoint one or more licensed chiropractors  
411 to act for the board when necessary in investigating the conduct  
412 relating to the competency of a chiropractor, whenever  
413 disciplinary action is being considered for professional  
414 incompetence and unprofessional conduct.

415 (4) Whenever the board finds any licensee or applicant in  
416 violation of any of the grounds set forth in subsection (1) of  
417 this section, after a proper due process hearing has been timely  
418 noticed and conducted as prescribed by this section, the board may  
419 enter an order imposing one or more of the following:

420 (a) Deny his application for a license or other  
421 authorization to practice chiropractic;

422 (b) Administer a public or private reprimand;

423 (c) Suspend, limit or restrict his license or other  
424 authorization to practice chiropractic for up to five (5) years;

425 (d) Revoke or cancel his license or other authorization  
426 to practice chiropractic;

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

431 (f) Require him to participate in a program of  
432 education prescribed by the board; \* \* \*

433 (g) Require him to practice under the direction of a  
434 chiropractor designated by the board for a specified period of  
435 time; or

436 (h) Require a probationary period and/or a fine.

437 (5) Any person whose application for a license has been  
438 denied or whose license to practice chiropractic has been  
439 cancelled, revoked or suspended by the board shall within thirty  
440 (30) days from the date of such final decision shall have the  
441 right of an on the record appeal to the circuit court of his  
442 county of residence or the Circuit Court of the First Judicial  
443 District of Hinds County, Mississippi. If there is an appeal,  
444 such appeal shall not \* \* \* act as a supersedeas. The circuit  
445 court shall dispose of the appeal and enter its decision  
446 promptly. \* \* \* Either party shall have the right of appeal to  
447 the Supreme Court as provided by law from any decision of the  
448 circuit court.

449 (6) In a proceeding conducted under this section by the  
450 board concerning an application, or for the revocation, suspension  
451 or cancellation of a license to practice chiropractic, or other  
452 matter, after a due process hearing has been conducted as  
453 prescribed by this section, the board shall have the power and  
454 authority for the grounds stated in subsection (1) of this  
455 section, with the exception of paragraph (c) thereof, to assess  
456 and levy upon any person licensed to practice chiropractic in the  
457 state a monetary penalty in addition to such revocation,  
458 suspension or cancellation, as follows:

459 (a) For the first violation, a monetary penalty of not  
460 less than Five Hundred Dollars (\$500.00) nor more than One  
461 Thousand Dollars (\$1,000.00) for each violation.

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

466           The power and authority of the board to assess and levy such  
467 monetary penalties under this section shall not be affected or  
468 diminished by any other proceeding, civil or criminal, concerning  
469 the same violation or violations. A licensee shall have the right  
470 of appeal from the assessment and levy of a monetary penalty as  
471 provided in this section to the circuit court under the same  
472 conditions as a right of appeal is provided for in this section  
473 for appeals from an adverse ruling, or order, or decision of the  
474 board. \* \* \*

475           (7) In addition to the grounds specified in subsection (1)  
476 of this section, the board shall be authorized to suspend the  
477 license of any licensee for being out of compliance with an order  
478 for support, as defined in Section 93-11-153. The procedure for  
479 suspension of a license for being out of compliance with an order  
480 for support, and the procedure for the reissuance or reinstatement  
481 of a license suspended for that purpose, and the payment of any  
482 fees for the reissuance or reinstatement of a license suspended  
483 for that purpose, shall be governed by Section 93-11-157 or  
484 93-11-163, as the case may be. Actions taken by the board in  
485 suspending a license when required by Section 93-11-157 or  
486 93-11-163 are not actions from which an appeal may be taken under  
487 this section. Any appeal of a license suspension that is required  
488 by Section 93-11-157 or 93-11-163 shall be taken in accordance  
489 with the appeal procedure specified in Section 93-11-157 or  
490 93-11-163, as the case may be, rather than the procedure specified  
491 in this section. If there is any conflict between any provision  
492 of Section 93-11-157 or 93-11-163 and any provision of this  
493 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
494 case may be, shall control.

495           SECTION 12. Section 73-6-23, Mississippi Code of 1972, is  
496 reenacted as follows:

497           73-6-23. Nothing in this chapter shall be construed as  
498 conferring upon the holder of such certificate the right to

499 practice medicine and surgery as a physician or osteopathic  
500 physician as defined by statute, to engage in the practice of  
501 physical therapy as defined by statute, to advise or prescribe the  
502 use of drugs by his patients, or to advise a patient not to use a  
503 drug prescribed by a licensed physician or dentist.

504 SECTION 13. Section 73-6-25, Mississippi Code of 1972, is  
505 reenacted as follows:

506 73-6-25. (1) The members of the chiropractic profession,  
507 licensed or unlicensed, are hereby prohibited from:

508 (a) Making use of any public statement of a character  
509 tending to mislead the public in regard to the health services of  
510 the chiropractic profession or of an individual chiropractor, or  
511 use of any other professional designation other than the term  
512 "chiropractor," "doctor of chiropractic" or "D.C.";

513 (b) Offering discounts or inducements to prospective  
514 patients by means of coupons or otherwise to perform professional  
515 services during any period of time for a lesser or more attractive  
516 price without providing a disclaimer to the public indicating the  
517 usual price for other services;

518 (c) Advertising or promising to guarantee any  
519 professional service or to perform any operation painlessly;

520 (d) Violating any of the provisions of this chapter or  
521 any of the rules and regulations of the State Board of Health  
522 pursuant to this chapter with regard to the operation and use of  
523 X-rays.

524 (2) Nothing herein shall be construed to prohibit a licensed  
525 practitioner of chiropractic from allowing or causing his name,  
526 address and telephone number to be inserted in the classified  
527 section of a telephone directory under a classification denoting  
528 said practitioner's profession. Nothing herein shall be construed  
529 to prohibit a licensed practitioner from mailing letters to his  
530 clients, but such letters shall otherwise be subject to the  
531 provisions of this section.

532 SECTION 14. Section 73-6-27, Mississippi Code of 1972, is  
533 reenacted as follows:

534 73-6-27. Any person who has graduated from a college  
535 approved by the International Chiropractors Association or  
536 American Chiropractic Association and who was engaged in the  
537 full-time practice of chiropractic in Mississippi prior to January  
538 1, 1970, or was engaged in the full-time practice of chiropractic  
539 in Mississippi for a period of eight (8) years prior to the date  
540 of passage of this chapter, shall be entitled to a license  
541 hereunder by making application to the State Board of Chiropractic  
542 Examiners without being required to take the examination of the  
543 State Board of Chiropractic Examiners, provided he applies for  
544 such license within ninety (90) days after the appointment of the  
545 initial board, submits reasonable evidence to the board  
546 establishing his eligibility for such exemption, and pays a  
547 Twenty-five Dollar (\$25.00) registration fee. All other persons  
548 practicing chiropractic within the State of Mississippi at the  
549 time of passage of this chapter shall be eligible to take the  
550 approved examination.

551 SECTION 15. Section 73-6-29, Mississippi Code of 1972, is  
552 reenacted as follows:

553 73-6-29. Anyone failing to comply with the provisions of  
554 this chapter shall be guilty of a misdemeanor and upon conviction  
555 thereof shall be punished by a fine of not less than Five Hundred  
556 Dollars (\$500.00) nor more than Two Thousand Five Hundred Dollars  
557 (\$2,500.00), and/or by imprisonment in the county jail for not  
558 less than thirty (30) days nor more than one (1) year.

559 All subsequent offenses shall be separate and distinct  
560 offenses, and punishable in like manner.

561 The State Board of Chiropractic Examiners or the district  
562 attorney or county attorney of the county in which the defendant  
563 may reside or the Attorney General of Mississippi may institute  
564 legal action as provided by law against any person violating the

565 provisions of this chapter, and the chancery court of the county  
566 in which any such violation occurred or in which any such person  
567 resides or practices shall have jurisdiction to grant injunctive  
568 relief against the continuation of any such violation.

569 SECTION 16. Section 73-6-31, Mississippi Code of 1972, is  
570 reenacted as follows:

571 73-6-31. No person shall engage in the practice of  
572 chiropractic from and after January 1, 1974, unless he has a valid  
573 license issued pursuant to this chapter.

574 SECTION 17. Section 73-6-33, Mississippi Code of 1972, is  
575 reenacted and amended as follows:

576 73-6-33. Sections 73-6-1 through 73-6-31, Mississippi Code  
577 of 1972, which create the State Board of Chiropractic Examiners  
578 and prescribe its duties and powers, shall stand repealed as of  
579 July 1, 2010.

580 SECTION 18. Section 73-6-34, Mississippi Code of 1972, is  
581 reenacted and amended as follows:

582 73-6-34. (1) "Claims review" and/or "independent  
583 examinations" are defined as services for third-party entities for  
584 the purpose of rendering a decision on chiropractic insurance  
585 claims.

586 (2) Nothing in this section shall prohibit an insurance  
587 company or its designees from taking adverse action based upon  
588 reviewing a claim if it is determined that the services rendered  
589 are not covered under the insurance plan's schedule of benefits or  
590 the services are subject to the insurance plan's exclusions and/or  
591 limitations. No determination adverse to a chiropractic patient  
592 or doctor of chiropractic shall be made on any question relating  
593 to the necessity or justification of any form of health care  
594 services without prior evaluation and concurrence in the adverse  
595 determination by a chiropractor licensed to practice in  
596 Mississippi and meeting the following criteria:

597           (a) Present proof of three hundred (300) hours of study  
598 in insurance claim review taken and received after July 1, 1994,  
599 by a course of study recognized by the Mississippi State  
600 Chiropractic Examining Board. Such proof is to be filed with the  
601 Executive Secretary of the Mississippi State Board of Chiropractic  
602 Examiners.

603           (b) Present proof to the Executive Secretary of the  
604 Mississippi State Board of Chiropractic Examiners ten (10) hours  
605 of continuing education each fiscal year in the instruction or  
606 developments in claims review, which must be approved by the  
607 Mississippi State Board of Chiropractic Examiners.

608           (c) Those chiropractors active in doing claims review  
609 five (5) years prior to the enactment of this law will be exempt  
610 from the three-hundred-hour educational requirements. Those  
611 chiropractors qualifying under paragraph (c) of this subsection  
612 must show proof of one hundred (100) hours of study in claims  
613 reviews or related subjects taken and received before July 1,  
614 1994, and meet all other requirements.

615           (d) The Mississippi State Board of Chiropractic  
616 Examiners shall issue a certificate to those chiropractors  
617 qualifying under this law, and may charge a fee of Twenty-five  
618 Dollars (\$25.00) to each individual whom the board certifies.

619           (e) Any chiropractor engaging in claims review as  
620 contemplated by this provision not complying with this section  
621 will be subject to disciplinary action by the Mississippi State  
622 Board of Chiropractic Examiners.

623           (f) This shall not prohibit a chiropractor serving as  
624 an expert witness as to standard of care in legal proceedings.

625           (3) No chiropractor shall engage in chiropractic claims  
626 review or independent examinations as contemplated herein on or  
627 after March 19, 1999, unless he has met all requirements in this  
628 section.

629 SECTION 19. This act shall take effect and be in force from  
630 and after June 30, 2001.