

By: Representatives Howell, Smith (35th)

To: Education

HOUSE BILL NO. 841

1 AN ACT TO AMEND SECTIONS 37-3-2, 73-1-29, 73-2-16, 73-3-327,
 2 73-5-25, 73-6-19, 73-7-27, 73-9-61, 73-10-21, 73-11-57, 73-13-37,
 3 73-15-29, 73-19-23, 73-21-97, 73-23-59, 73-24-24, 73-25-29,
 4 73-26-5, 73-27-13, 73-30-21, 73-31-21, 73-33-11, 73-36-33,
 5 73-38-27, 73-39-19, 73-53-17, 73-54-29, 73-57-31, 73-63-43,
 6 73-65-13 AND 73-67-27, MISSISSIPPI CODE OF 1972, TO REQUIRE THE
 7 LICENSING AGENCIES OF CERTAIN PROFESSIONS AND OCCUPATIONS TO
 8 SUSPEND THE LICENSE OF ANY LICENSEE WHO DEFAULTS ON OR FAILS TO
 9 COMPLY WITH THE REQUIREMENTS OF A STATE EDUCATIONAL LOAN, SERVICE
 10 CONDITIONAL SCHOLARSHIP OR LOAN REPAYMENT PROGRAM OBLIGATION UNDER
 11 WHICH THE LICENSEE OBTAINED ANY OF THE EDUCATION NECESSARY TO
 12 QUALIFY FOR THE LICENSE; TO PROVIDE THAT THE PERSON'S LICENSE
 13 SHALL REMAIN SUSPENDED UNTIL HE OR SHE HAS MADE ARRANGEMENTS
 14 SATISFACTORY TO THE LICENSING AGENCY FOR REPAYING THE EDUCATIONAL
 15 LOAN OR MEETING THE OBLIGATIONS OF THE SCHOLARSHIP OR LOAN
 16 REPAYMENT PROGRAM; AND FOR RELATED PURPOSES.

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

18 **SECTION 1.** Section 37-3-2, Mississippi Code of 1972, is
 19 amended as follows:

20 37-3-2. (1) There is established within the State
 21 Department of Education the Commission on Teacher and
 22 Administrator Education, Certification and Licensure and
 23 Development. It shall be the purpose and duty of the commission
 24 to make recommendations to the State Board of Education regarding
 25 standards for the certification and licensure and continuing
 26 professional development of those who teach or perform tasks of an
 27 educational nature in the public schools of Mississippi.

28 (2) The commission shall be composed of fifteen (15)
 29 qualified members. The membership of the commission shall be
 30 composed of the following members to be appointed, three (3) from
 31 each congressional district: four (4) classroom teachers; three
 32 (3) school administrators; one (1) representative of schools of
 33 education of institutions of higher learning located within the
 34 state to be recommended by the Board of Trustees of State



35 Institutions of Higher Learning; one (1) representative from the
36 schools of education of independent institutions of higher
37 learning to be recommended by the Board of the Mississippi
38 Association of Independent Colleges; one (1) representative from
39 public community and junior colleges located within the state to
40 be recommended by the State Board for Community and Junior
41 Colleges; one (1) local school board member; and four (4) lay
42 persons. All appointments shall be made by the State Board of
43 Education after consultation with the State Superintendent of
44 Public Education. The first appointments by the State Board of
45 Education shall be made as follows: five (5) members shall be
46 appointed for a term of one (1) year; five (5) members shall be
47 appointed for a term of two (2) years; and five (5) members shall
48 be appointed for a term of three (3) years. Thereafter, all
49 members shall be appointed for a term of four (4) years.

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

56 (4) An appropriate staff member of the State Department of
57 Education shall be designated and assigned by the State
58 Superintendent of Public Education to serve as executive secretary
59 and coordinator for the commission. No less than two (2) other
60 appropriate staff members of the State Department of Education
61 shall be designated and assigned by the State Superintendent of
62 Public Education to serve on the staff of the commission.

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

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



67 (b) Recommend to the State Board of Education each year
68 approval or disapproval of each educator preparation program in
69 the state;

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

73 (d) Establish, subject to the approval of the State
74 Board of Education, standards for the renewal of teacher licenses
75 in all fields;

76 (e) Review and evaluate objective measures of teacher
77 performance, such as test scores, that may form part of the
78 licensure process, and to make recommendations for their use;

79 (f) Review all existing requirements for certification
80 and licensure;

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

83 (h) Prepare reports from time to time on current
84 practices and issues in the general area of teacher education and
85 certification and licensure;

86 (i) Hold hearings concerning standards for teachers'
87 and administrators' education and certification and licensure with
88 approval of the State Board of Education;

89 (j) Hire expert consultants with approval of the State
90 Board of Education;

91 (k) Set up ad hoc committees to advise on specific
92 areas; and

93 (l) Perform such other functions as may fall within
94 their general charge and that may be delegated to them by the
95 State Board of Education.

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



100 Persons who possess two (2) years of classroom experience as an
101 assistant teacher or who have taught for one (1) year in an
102 accredited public or private school shall be allowed to fulfill
103 student teaching requirements under the supervision of a qualified
104 participating teacher approved by an accredited college of
105 education. The local school district in which the assistant
106 teacher is employed shall compensate the assistant teachers at the
107 required salary level during the period of time the individual is
108 completing student teaching requirements. Applicants for a
109 standard license shall submit to the department:

- 110 (i) An application on a department form;
- 111 (ii) An official transcript of completion of a
112 teacher education program or a bachelor of science degree with
113 child development emphasis from a program accredited by the
114 American Association of Family and Consumer Sciences (AAFCS)
115 approved by the department or a nationally accredited program,
116 subject to the following: Licensure to teach in Mississippi
117 prekindergarten through kindergarten classrooms shall require
118 completion of a teacher education program or a bachelor of science
119 degree with child development emphasis from a program accredited
120 by the American Association of Family and Consumer Sciences
121 (AAFCS). Licensure to teach in Mississippi kindergarten, for
122 those applicants who have completed a teacher education program,
123 and in Grade 1 through Grade 4 shall require the completion of an
124 interdisciplinary program of studies. Licenses for Grades 4
125 through 8 shall require the completion of an interdisciplinary
126 program of studies with two (2) or more areas of concentration.
127 Licensure to teach in Mississippi Grades 7 through 12 shall
128 require a major in an academic field other than education, or a
129 combination of disciplines other than education. Students
130 preparing to teach a subject shall complete a major in the
131 respective subject discipline. All applicants for standard
132 licensure shall demonstrate that the person's college preparation



133 in those fields was in accordance with the standards set forth by
134 the National Council for Accreditation of Teacher Education
135 (NCATE) or the National Association of State Directors of Teacher
136 Education and Certification (NASDTEC) or, for those applicants who
137 have a bachelor of science degree with child development emphasis,
138 the American Association of Family and Consumer Sciences (AAFCS);

139 (iii) A copy of test scores evidencing
140 satisfactory completion of nationally administered examinations of
141 achievement, such as the Educational Testing Service's teacher
142 testing examinations; and

143 (iv) Any other document required by the State
144 Board of Education.

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

146 Applicants for a Standard License - Alternate Teaching Route shall
147 submit to the department:

148 (i) An application on a department form;

149 (ii) An official transcript evidencing a
150 bachelor's degree from an accredited institution of higher
151 learning;

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

155 (iv) An official transcript evidencing appropriate
156 credit hours or a copy of test scores evidencing successful
157 completion of tests as required by the State Board of Education;
158 and

159 (v) Any other document required by the State Board
160 of Education.

161 A Standard License - Approved Program Route and a Standard
162 License - Alternate Teaching Route shall be issued for a five-year
163 period, and may be renewed. Recognizing teaching as a profession,
164 a hiring preference shall be granted to persons holding a Standard



165 License - Approved Program Route or Standard License - Alternate
166 Teaching Route over persons holding any other license.

167 (c) **Special License - Expert Citizen.** In order to
168 allow a school district to offer specialized or technical courses,
169 the State Department of Education, in accordance with rules and
170 regulations established by the State Board of Education, may grant
171 a one-year expert citizen-teacher license to local business or
172 other professional personnel to teach in a public school or
173 nonpublic school accredited or approved by the state. The person
174 may begin teaching upon his employment by the local school board
175 and licensure by the Mississippi Department of Education. The
176 board shall adopt rules and regulations to administer the expert
177 citizen-teacher license. A special license - expert citizen may
178 be renewed in accordance with the established rules and
179 regulations of the State Department of Education.

180 (d) **Special License - Nonrenewable.** The State Board of
181 Education may establish rules and regulations to allow those
182 educators not meeting requirements in subsection (6)(a), (b) or
183 (c) to be licensed for a period of not more than three (3) years,
184 except by special approval of the State Board of Education.

185 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
186 person may teach for a maximum of three (3) periods per teaching
187 day in a public school or a nonpublic school accredited/approved
188 by the state. The person shall submit to the department a
189 transcript or record of his education and experience that
190 substantiates his preparation for the subject to be taught and
191 shall meet other qualifications specified by the commission and
192 approved by the State Board of Education. In no case shall any
193 local school board hire nonlicensed personnel as authorized under
194 this paragraph in excess of five percent (5%) of the total number
195 of licensed personnel in any single school.

196 (f) If any school district meets Level 4 or 5
197 accreditation standards, the State Board of Education, in its



198 discretion, may exempt the school district from any restrictions
199 in paragraph (e) relating to the employment of nonlicensed
200 teaching personnel.

201 (7) **Administrator License.** The State Board of Education may
202 establish rules and regulations and to administer the licensure
203 process of the school administrators in the State of Mississippi.
204 There will be four (4) categories of administrator licensure with
205 exceptions only through special approval of the State Board of
206 Education.

207 (a) **Administrator License - Nonpracticing.** Those
208 educators holding administrative endorsement but have no
209 administrative experience or not serving in an administrative
210 position on January 15, 1997.

211 (b) **Administrator License - Entry Level.** Those
212 educators holding administrative endorsement and having met the
213 department's qualifications to be eligible for employment in a
214 Mississippi school district. Administrator license - entry level
215 shall be issued for a five-year period and shall be nonrenewable.

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

219 (d) **Administrator License - Alternate Route.** The board
220 may establish an alternate route for licensing administrative
221 personnel. The alternate route for administrative licensure shall
222 be available for persons holding, but not limited to, a master of
223 business administration degree, a master of public administration
224 degree or a master of public planning and policy degree from an
225 accredited college or university, with five (5) years of
226 administrative or supervisory experience. Successful completion
227 of the requirements of alternate route licensure for
228 administrators shall qualify the person for a standard
229 administrator license.



230 Beginning with the 1997-1998 school year, individuals seeking
231 school administrator licensure under paragraph (b), (c) or (d)
232 shall successfully complete a training program and an assessment
233 process prescribed by the State Board of Education. Applicants
234 seeking school administrator licensure before June 30, 1997, and
235 completing all requirements for provisional or standard
236 administrator certification and who have never practiced, shall be
237 exempt from taking the Mississippi Assessment Battery Phase I.
238 Applicants seeking school administrator licensure during the
239 period beginning July 1, 1997, through June 30, 1998, shall
240 participate in the Mississippi Assessment Battery, and upon
241 request of the applicant, the department shall reimburse the
242 applicant for the cost of the assessment process required. After
243 June 30, 1998, all applicants for school administrator licensure
244 shall meet all requirements prescribed by the department under
245 paragraph (b), (c) or (d), and the cost of the assessment process
246 required shall be paid by the applicant.

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

251 (b) The department shall grant a nonrenewable special
252 license to any individual who possesses a credential that is less
253 than a standard license or certification from another state, or
254 who possesses a standard license from another state but has less
255 than two (2) years of full-time teaching or administration
256 experience. The special license shall be valid for the current
257 school year plus one (1) additional school year to expire on June
258 30 of the second year, not to exceed a total period of twenty-four
259 (24) months, during which time the applicant shall be required to
260 complete the requirements for a standard license in Mississippi.

261 (9) **Renewal and Reinstatement of Licenses.** The State Board
262 of Education may establish rules and regulations for the renewal



263 and reinstatement of educator and administrator licenses.
264 Effective May 15, 1997, the valid standard license held by an
265 educator shall be extended five (5) years beyond the expiration
266 date of the license in order to afford the educator adequate time
267 to fulfill new renewal requirements established under this
268 subsection. An educator completing a master of education,
269 educational specialist or doctor of education degree in May 1997
270 for the purpose of upgrading the educator's license to a higher
271 class shall be given this extension of five (5) years plus five
272 (5) additional years for completion of a higher degree.

273 (10) All controversies involving the issuance, revocation,
274 suspension or any change whatsoever in the licensure of an
275 educator required to hold a license shall be initially heard in a
276 hearing de novo, by the commission or by a subcommittee
277 established by the commission and composed of commission members
278 for the purpose of holding hearings. Any complaint seeking the
279 denial of issuance, revocation or suspension of a license shall be
280 by sworn affidavit filed with the Commission of Teacher and
281 Administrator Education, Certification and Licensure and
282 Development. The decision thereon by the commission or its
283 subcommittee shall be final, unless the aggrieved party shall
284 appeal to the State Board of Education, within ten (10) days, of
285 the decision of the committee or its subcommittee. An appeal to
286 the State Board of Education shall be on the record previously
287 made before the commission or its subcommittee unless otherwise
288 provided by rules and regulations adopted by the board. The State
289 Board of Education in its authority may reverse, or remand with
290 instructions, the decision of the committee or its subcommittee.
291 The decision of the State Board of Education shall be final.

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



295 (a) Lack of qualifications that are prescribed by law
296 or regulations adopted by the State Board of Education;

297 (b) The applicant has a physical, emotional or mental
298 disability that renders the applicant unfit to perform the duties
299 authorized by the license, as certified by a licensed psychologist
300 or psychiatrist;

301 (c) The applicant is actively addicted to or actively
302 dependent on alcohol or other habit-forming drugs or is a habitual
303 user of narcotics, barbiturates, amphetamines, hallucinogens, or
304 other drugs having similar effect, at the time of application for
305 a license;

306 (d) Revocation of an applicant's certificate or license
307 by another state;

308 (e) Fraud or deceit committed by the applicant in
309 securing or attempting to secure that certification and license;

310 (f) Failing or refusing to furnish reasonable evidence
311 of identification;

312 (g) The applicant has been convicted, has pled guilty
313 or entered a plea of nolo contendere to a felony, as defined by
314 federal or state law; or

315 (h) The applicant has been convicted, has pled guilty
316 or entered a plea of nolo contendere to a sex offense as defined
317 by federal or state law.

318 (12) The State Board of Education, acting on the
319 recommendation of the commission, may revoke or suspend any
320 teacher or administrator license for specified periods of time for
321 one or more of the following:

322 (a) Breach of contract or abandonment of employment may
323 result in the suspension of the license for one (1) school year as
324 provided in Section 37-9-57;

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



328 (c) Suspension or revocation of a certificate or
329 license by another state shall result in immediate suspension or
330 revocation and shall continue until records in the prior state
331 have been cleared;

332 (d) The license holder has been convicted, has pled
333 guilty or entered a plea of nolo contendere to a felony, as
334 defined by federal or state law;

335 (e) The license holder has been convicted, has pled
336 guilty or entered a plea of nolo contendere to a sex offense, as
337 defined by federal or state law; or

338 (f) The license holder knowingly and willfully
339 committing any of the acts affecting validity of mandatory uniform
340 test results as provided in Section 37-16-4(1).

341 (13) Notwithstanding any provision of this section:

342 (a) The State Board of Education, acting on the
343 recommendation of the commission, shall suspend the teacher or
344 administrator license of any person who defaults on or fails to
345 comply with the requirements of a state educational loan, service
346 conditional scholarship or loan repayment program obligation under
347 which the person obtained any of the education necessary to
348 qualify for a teacher or administrator license; and

349 (b) The person's teacher or administrator license shall
350 remain suspended until he or she has made arrangements
351 satisfactory to the State Board of Education for repaying the
352 educational loan or meeting the obligations of the scholarship or
353 loan repayment program.

354 (14) (a) Dismissal or suspension of a licensed employee by
355 a local school board under Section 37-9-59 may result in the
356 suspension or revocation of a license for a length of time that
357 shall be determined by the commission and based upon the severity
358 of the offense.



359 (b) Any offense committed or attempted in any other
360 state shall result in the same penalty as if committed or
361 attempted in this state.

362 (c) A person may voluntarily surrender a license. The
363 surrender of the license may result in the commission recommending
364 any of the above penalties without the necessity of a hearing.
365 However, any such license that has voluntarily been surrendered by
366 a licensed employee may be reinstated by a unanimous vote of all
367 members of the commission.

368 (15) A person whose license has been suspended on any
369 grounds except criminal grounds may petition for reinstatement of
370 the license after one (1) year from the date of suspension, or
371 after one-half (1/2) of the suspended time has lapsed, whichever
372 is greater. A license suspended on the criminal grounds may be
373 reinstated upon petition to the commission filed after expiration
374 of the sentence and parole or probationary period imposed upon
375 conviction. A revoked license may be reinstated upon satisfactory
376 showing of evidence of rehabilitation. The commission shall
377 require all who petition for reinstatement to furnish evidence
378 satisfactory to the commission of good character, good mental,
379 emotional and physical health and such other evidence as the
380 commission may deem necessary to establish the petitioner's
381 rehabilitation and fitness to perform the duties authorized by the
382 license.

383 (16) Reporting procedures and hearing procedures for dealing
384 with infractions under this section shall be promulgated by the
385 commission, subject to the approval of the State Board of
386 Education. The revocation or suspension of a license shall be
387 effected at the time indicated on the notice of suspension or
388 revocation. The commission shall immediately notify the
389 superintendent of the school district or school board where the
390 teacher or administrator is employed of any disciplinary action
391 and also notify the teacher or administrator of the revocation or



392 suspension and shall maintain records of action taken. The State
393 Board of Education may reverse or remand with instructions any
394 decision of the commission regarding a petition for reinstatement
395 of a license, and any such decision of the State Board of
396 Education shall be final.

397 (17) An appeal from the action of the State Board of
398 Education in denying an application, revoking or suspending a
399 license or otherwise disciplining any person under the provisions
400 of this section, shall be filed in the Chancery Court of the First
401 Judicial District of Hinds County on the record made, including a
402 verbatim transcript of the testimony at the hearing. The appeal
403 shall be filed within thirty (30) days after notification of the
404 action of the board is mailed or served and the proceedings in
405 chancery court shall be conducted as other matters coming before
406 the court. The appeal shall be perfected upon filing notice of
407 the appeal and by the prepayment of all costs, including the cost
408 of preparation of the record of the proceedings by the State Board
409 of Education, and the filing of a bond in the sum of Two Hundred
410 Dollars (\$200.00) conditioned that if the action of the board be
411 affirmed by the chancery court, the applicant or license holder
412 shall pay the costs of the appeal and the action of the chancery
413 court.

414 (18) All such programs, rules, regulations, standards and
415 criteria recommended or authorized by the commission shall become
416 effective upon approval by the State Board of Education as
417 designated by appropriate orders entered upon the minutes thereof.

418 (19) The granting of a license shall not be deemed a
419 property right nor a guarantee of employment in any public school
420 district. A license is a privilege indicating minimal eligibility
421 for teaching in the public schools of Mississippi. This section
422 shall in no way alter or abridge the authority of local school
423 districts to require greater qualifications or standards of



424 performance as a prerequisite of initial or continued employment
425 in those districts.

426 (20) In addition to the reasons specified in subsections
427 (12) and (14) of this section, the board may suspend the license
428 of any licensee for being out of compliance with an order for
429 support, as defined in Section 93-11-153. The procedure for
430 suspension of a license for being out of compliance with an order
431 for support, and the procedure for the reissuance or reinstatement
432 of a license suspended for that purpose, and the payment of any
433 fees for the reissuance or reinstatement of a license suspended
434 for that purpose, shall be governed by Section 93-11-157 or
435 93-11-163, as the case may be. Actions taken by the board in
436 suspending a license when required by Section 93-11-157 or
437 93-11-163 are not actions from which an appeal may be taken under
438 this section. Any appeal of a license suspension that is required
439 by Section 93-11-157 or 93-11-163 shall be taken in accordance
440 with the appeal procedure specified in Section 93-11-157 or
441 93-11-163, as the case may be, rather than the procedure specified
442 in this section. If there is any conflict between any provision
443 of Section 93-11-157 or 93-11-163 and any provision of this
444 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
445 case may be, shall control.

446 **SECTION 2.** Section 73-1-29, Mississippi Code of 1972, is
447 amended as follows:

448 73-1-29. (1) The board, upon satisfactory proof and in
449 accordance with this chapter and the regulations of the board, may
450 take the disciplinary actions provided for hereinafter against any
451 person for any of the following reasons:

452 (a) Violating any of the provisions of Sections 73-1-1
453 through 73-1-43 or the bylaws, rules, regulations or standards of
454 ethics or conduct duly adopted by the board pertaining to the
455 practice of architecture;



456 (b) Obtaining a certificate of registration by fraud,
457 deceit or misrepresentation;

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

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

464 (e) Practicing or offering to practice architecture on
465 an expired certificate or while under suspension or revocation of
466 certificate unless the suspension or revocation is abated through
467 probation, as provided for hereinafter;

468 (f) Practicing architecture under an assumed or
469 fictitious name;

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

473 (h) Willfully misleading or defrauding any person
474 employing him as an architect by any artifice or false statement;
475 or

476 (i) Having undisclosed financial or personal interests
477 that compromise his obligation to his client.

478 (2) Notwithstanding any provision of this chapter:

479 (a) The board shall suspend the certificate of
480 registration of any person who defaults on or fails to comply with
481 the requirements of a state educational loan, service conditional
482 scholarship or loan repayment program obligation under which the
483 person obtained any of the education necessary to qualify for a
484 certificate of registration under this chapter; and

485 (b) The person's certificate of registration shall
486 remain suspended until he or she has made arrangements
487 satisfactory to the board for repaying the educational loan or



488 meeting the obligations of the scholarship or loan repayment
489 program.

490 (3) Any person may prefer charges against any other person
491 for committing any of the acts set forth in subsection (1) or (2)
492 of this section. The charges need not be sworn to, may be made
493 upon actual knowledge or upon information and belief, and must be
494 filed with the board. If any person licensed under Sections
495 73-1-1 through 73-1-43 is expelled from membership in any
496 Mississippi or national professional architectural society or
497 association, the board shall thereafter cite the person to appear
498 at a hearing before the board to show cause why disciplinary
499 action should not be taken against that person.

500 The board shall investigate all charges filed with it and,
501 upon finding reasonable cause to believe that the charges are not
502 frivolous, unfounded or filed in bad faith, may cause a hearing to
503 be held, at a time and place fixed by the board, regarding the
504 charges and may compel the accused by subpoena to appear before
505 the board to respond to the charges.

506 No disciplinary action may be taken until the accused has
507 been furnished both a statement of the charges against him and
508 notice of the time and place of the hearing thereof, which shall
509 be personally served on the accused or mailed by registered or
510 certified mail, return receipt requested, to the last known
511 business or residence address of the accused not less than thirty
512 (30) days before the date of the hearing.

513 (4) At any hearing held under this section, the board, upon
514 application and approval of the chancery court, shall have the
515 power to subpoena witnesses and compel their attendance and may
516 also require the production of books, papers and other documents,
517 as provided in this chapter. The hearing shall be conducted
518 before the full board with the president of the board serving as
519 the presiding judge. Counsel for the board shall present all
520 evidence relating to the charges. All evidence shall be presented



521 under oath, which may be administered by any member of the board,
522 and thereafter the proceedings may, if necessary, be transcribed
523 in full by the court reporter and filed as part of the record in
524 the case. Copies of those transcriptions may be provided to any
525 party to the proceedings at a cost fixed by the board.

526 All witnesses who are subpoenaed and who appear in any
527 proceedings before the board shall receive the same fees and
528 mileage as allowed by law in judicial civil proceedings, and all
529 those fees shall be taxed as part of the costs in the case.

530 If in any proceeding before the board any witness fails or
531 refuses to attend upon subpoena issued by the board, refuses to
532 testify, or refuses to produce any books and papers the production
533 of which is called for by the subpoena, the attendance of the
534 witness and the giving of his testimony and the production of the
535 books and papers shall be enforced by any court of competent
536 jurisdiction of this state in the manner provided for the
537 enforcement of attendance and testimony of witnesses in civil
538 cases in the courts of this state.

539 The accused shall have the right to be present at the hearing
540 in person, by counsel or other representative, or both. The
541 accused shall have the right to present evidence and to examine
542 and cross-examine all witnesses. The board may continue or recess
543 the hearing as may be necessary.

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

551 If a majority of the board finds the accused guilty of the
552 charges filed, the board may:

553 (a) Issue a public or private reprimand;



554 (b) Suspend or revoke the certificate of the accused,
555 if the accused is a registrant; or

556 (c) In lieu of or in addition to the reprimand,
557 suspension or revocation, assess and levy upon the guilty party a
558 monetary penalty of not less than One Hundred Dollars (\$100.00)
559 nor more than Five Thousand Dollars (\$5,000.00) for each
560 violation.

561 (6) A monetary penalty assessed and levied under this
562 section shall be paid to the board upon the expiration of the
563 period allowed for appeal of the penalties under this section, or
564 may be paid sooner if the guilty party elects. Money collected by
565 the board under this section shall be deposited to the credit of
566 the special fund created in Section 73-1-43, Mississippi Code of
567 1972.

568 When payment of the monetary penalty assessed and levied by
569 the board is delinquent, the board shall have the power to
570 institute and maintain proceedings in its name for enforcement of
571 payment in the chancery court of the county of residence of the
572 guilty party. If the guilty party is a nonresident of the State
573 of Mississippi, the proceedings shall be in the Chancery Court of
574 the First Judicial District of Hinds County, Mississippi.

575 (7) When the board has taken a disciplinary action under
576 this section, the board may stay the action and place the guilty
577 party on probation for a period not to exceed one (1) year upon
578 condition that the guilty party shall not further violate either
579 the laws of the State of Mississippi pertaining to the practice of
580 architecture or the bylaws, rules and regulations, or standards of
581 conduct and ethics promulgated by the board.

582 (8) The board may assess and tax any part or all of the
583 costs of any disciplinary proceedings conducted under this section
584 against the accused if the accused is found guilty of the charges.

585 (9) The power and authority of the board to assess and levy
586 the monetary penalties provided for in this section shall not be



587 affected or diminished by any other proceeding, civil or criminal,
588 concerning the same violation or violations except as provided in
589 this section.

590 (10) The board, for sufficient cause, may reissue a revoked
591 certificate of registration by a majority vote of the board
592 members; but in no event shall a revoked certificate be issued
593 within two (2) years of the revocation. A new certificate of
594 registration required to replace a revoked, lost, mutilated or
595 destroyed certificate may be issued, subject to the rules of the
596 board, for a charge not to exceed Ten Dollars (\$10.00).

597 (11) In addition to the reasons specified in subsection (1)
598 of this section, the board may suspend the certificate of
599 registration of any person for being out of compliance with an
600 order for support, as defined in Section 93-11-153. The procedure
601 for suspension of a certificate for being out of compliance with
602 an order for support, and the procedure for the reissuance or
603 reinstatement of a certificate suspended for that purpose, and the
604 payment of any fees for the reissuance or reinstatement of a
605 certificate suspended for that purpose, shall be governed by
606 Section 93-11-157 or 93-11-163, as the case may be. If there is
607 any conflict between any provision of Section 93-11-157 or
608 93-11-163 and any provision of this chapter, the provisions of
609 Section 93-11-157 or 93-11-163, as the case may be, shall control.

610 **SECTION 3.** Section 73-2-16, Mississippi Code of 1972, is
611 amended as follows:

612 73-2-16. (1) The board shall also have the power to revoke,
613 suspend or annul the certificate or registration of a landscape
614 architect or reprimand, censure or otherwise discipline a
615 landscape architect.

616 (2) The board, upon satisfactory proof and in accordance
617 with the provisions of this chapter, may take the disciplinary
618 actions against any registered landscape architect for any of the
619 following reasons:



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

624 (b) Fraud, deceit or misrepresentation in obtaining a
625 certificate of registration;

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

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

632 (e) Practicing or offering to practice landscape
633 architecture on an expired license or while under suspension or
634 revocation of a license unless the suspension or revocation is
635 abated through probation;

636 (f) Practicing landscape architecture under an assumed
637 or fictitious name;

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

641 (h) Willfully misleading or defrauding any person
642 employing him as a landscape architect by any artifice or false
643 statement;

644 (i) Having undisclosed financial or personal interest
645 that compromises his obligation to his client;

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

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

648 (3) Notwithstanding any provision of this chapter:

649 (a) The board shall suspend the certificate of
650 registration of any person who defaults on or fails to comply with
651 the requirements of a state educational loan, service conditional
652 scholarship or loan repayment program obligation under which the



653 person obtained any of the education necessary to qualify for a
654 certificate of registration under this chapter; and

655 (b) The person's certificate of registration shall
656 remain suspended until he or she has made arrangements
657 satisfactory to the board for repaying the educational loan or
658 meeting the obligations of the scholarship or loan repayment
659 program.

660 (4) Any person may prefer charges against any other person
661 for committing any of the acts set forth in subsection (2) or (3)
662 of this section. The charges need not be sworn to, may be made
663 upon actual knowledge, or upon information and belief, and shall
664 be filed with the board. If any person licensed under Sections
665 73-2-1 through 73-2-21 is expelled from membership in any
666 Mississippi or national professional landscape architectural
667 society or association, the board shall thereafter cite the person
668 to appear at a hearing before the board and to show cause why
669 disciplinary action should not be taken against that person.

670 The board shall investigate all charges filed with it and,
671 upon finding reasonable cause to believe that the charges are not
672 frivolous, unfounded or filed in bad faith, may, in its
673 discretion, cause a hearing to be held, at a time and place fixed
674 by the board, regarding the charges and may compel the accused by
675 subpoena to appear before the board to respond to the charges.

676 No disciplinary action taken under this section may be taken
677 until the accused has been furnished both a statement of the
678 charges against him and notice of the time and place of the
679 hearing thereof, which shall be personally served on the accused
680 or mailed by registered or certified mail, return receipt
681 requested, to the last known business or residence address of the
682 accused not less than thirty (30) days before the date fixed for
683 the hearing.

684 (5) At any hearing held under the provisions of this
685 section, the board shall have the power to subpoena witnesses and



686 compel their attendance and require the production of any books,
687 papers or documents. The hearing shall be conducted before the
688 full board with the president of the board serving as the
689 presiding judge. Counsel for the board shall present all evidence
690 relating to the charges. All evidence shall be presented under
691 oath, which may be administered by any member of the board, and
692 thereafter the proceedings may, if necessary, be transcribed in
693 full by the court reporter and filed as part of the record in the
694 case. Copies of the transcription may be provided to any party to
695 the proceedings at a cost to be fixed by the board.

696 All witnesses who shall be subpoenaed and who shall appear in
697 any proceedings before the board shall receive the same fees and
698 mileage as allowed by law in judicial civil proceedings, and all
699 those fees shall be taxed as part of the costs of the case.

700 Where in any proceedings before the board any witness * * *
701 fails or refuses to attend upon subpoena issued by the
702 board, * * * refuses to testify or * * * refuses to produce any
703 books and papers, the production of which is called for by the
704 subpoena, the attendance of the witness and the giving of his
705 testimony and the production of the books and papers shall be
706 enforced by any court of competent jurisdiction of this state in
707 the manner provided for the enforcement of attendance and
708 testimony of witnesses in civil cases in the courts of this state.

709 The accused shall have the right to be present at the hearing
710 in person, by counsel or other representative, or both. The
711 accused shall have the right to present evidence and to examine
712 and cross-examine all witnesses. The board may continue or recess
713 the hearing as may be necessary.

714 (6) At the conclusion of the hearing, the board may either
715 decide the issue at that time or take the case under advisement
716 for further deliberation. The board shall render its decision not
717 more than forty-five (45) days after the close of the hearing, and
718 shall forward to the last known business or residence address of



719 the accused by certified or registered mail, return receipt
720 requested, a written statement of the decision of the board.

721 If a majority of the board finds the accused guilty of the
722 charges filed, the board may: (a) issue a public or private
723 reprimand; (b) suspend or revoke the license of the accused, if
724 the accused is a registrant; or (c) in lieu of or in addition to
725 the reprimand, suspension or revocation, assess and levy upon the
726 guilty party a monetary penalty of not less than One Hundred
727 Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00)
728 for each violation.

729 (7) A monetary penalty assessed and levied under this
730 section shall be paid to the board upon the expiration of the
731 period allowed for appeal of the penalties under this section, or
732 may be paid sooner if the guilty party elects. Money collected by
733 the board under this section shall be deposited to the credit of
734 the board's general operating fund.

735 When payment of a monetary penalty assessed and levied by the
736 board in accordance with this section is not paid when due, the
737 board shall have the power to institute and maintain proceedings
738 in its name for enforcement of payment in the chancery court of
739 the county and judicial district of the residence of the guilty
740 party and if the guilty party is a nonresident of the State of
741 Mississippi, the proceedings shall be in the Chancery Court of the
742 First Judicial District of Hinds County, Mississippi.

743 (8) When the board has taken a disciplinary action under
744 this section, the board may, in its discretion, stay the action
745 and place the guilty party on probation for a period not to exceed
746 one (1) year upon the condition that the guilty party shall not
747 further violate either the law of the State of Mississippi
748 pertaining to the practice of landscape architecture or the
749 bylaws, rules and regulations, or standards of conduct and ethics
750 promulgated by the board.



751 (9) The board, in its discretion, may assess and tax any
752 part or all of the costs of any disciplinary proceedings conducted
753 under this section against the accused, if the accused is found
754 guilty of the charges.

755 (10) The power and authority of the board to assess and levy
756 the monetary penalties provided for in this section shall not be
757 affected or diminished by any other proceeding, civil or criminal,
758 concerning the same violation or violations except as provided in
759 this section.

760 (11) The board, for sufficient cause, may reissue a revoked
761 license of registration whenever a majority of the board members
762 vote to do so but in no event shall a revoked license be issued
763 within two (2) years of the revocation. A new license of
764 registration required to replace a revoked, lost, mutilated or
765 destroyed license may be issued, subject to the rules of the
766 board, for a charge not to exceed Twenty-five Dollars (\$25.00).

767 (12) The board may direct the advisory committee to review
768 and investigate any charges brought against any landscape
769 architect under this chapter and to hold the hearings provided for
770 in this section and to make findings of fact and recommendations
771 to the board concerning the disposition of the charges.

772 (13) Nothing * * * contained in this section shall preclude
773 the board or advisory committee from initiating proceedings in any
774 case. The advisory committee shall furnish legal advice and
775 assistance to the board whenever that service is requested.

776 (14) In addition to the reasons specified in subsection (2)
777 of this section, the board may suspend the license of any licensee
778 for being out of compliance with an order for support, as defined
779 in Section 93-11-153 * * *. The procedure for suspension of a
780 license for being out of compliance with an order for support, and
781 the procedure for the reissuance or reinstatement of a license
782 suspended for that purpose, and the payment of any fees for the
783 reissuance or reinstatement of a license suspended for that



784 purpose, shall be governed by Section 93-11-157 or
785 93-11-163 * * *, as the case may be. If there is any conflict
786 between any provision of Section 93-11-157 or 93-11-163 * * * and
787 any provision of this chapter, the provisions of Section 93-11-157
788 or 93-11-163 * * *, as the case may be, shall control.

789 **SECTION 4.** Section 73-3-327, Mississippi Code of 1972, is
790 amended as follows:

791 73-3-327. (1) At the conclusion of the hearing the
792 complaint tribunal, upon the majority vote of the members of the
793 tribunal, shall render a written opinion incorporating a finding
794 of fact and a judgment thereon. The judgment of the complaint
795 tribunal may provide the following:

796 (a) Exonerate the accused attorney and dismiss the
797 complaint.

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

800 (c) Suspend the attorney from the practice of law for
801 any period of time.

802 (d) Permanently disbar the attorney.

803 (2) Notwithstanding any provision of this article:

804 (a) The Supreme Court shall suspend from the practice
805 of law any attorney who defaults on or fails to comply with the
806 requirements of a state educational loan, service conditional
807 scholarship or loan repayment program obligation under which the
808 attorney obtained any of the education necessary to qualify for a
809 license to practice law; and

810 (b) The attorney shall remain suspended from the
811 practice of law until he or she has made arrangements satisfactory
812 to the Supreme Court for repaying the educational loan or meeting
813 the obligations of the scholarship or loan repayment program.

814 (3) In cases in which the Clerk of the Supreme Court has
815 received notice from the division that the attorney is out of
816 compliance with an order for support, as defined in Section



817 93-11-153, the Supreme Court shall suspend the attorney from the
818 practice of law until such time as the attorney may be reinstated
819 to practice law because of the attorney's compliance with the
820 requirements of Section 93-11-157 or 93-11-163, as the case may
821 be.

822 **SECTION 5.** Section 73-5-25, Mississippi Code of 1972, is
823 amended as follows:

824 73-5-25. (1) The Board of Barber Examiners may refuse to
825 issue, or may suspend definitely or indefinitely, or revoke any
826 certificate of registration for any one or a combination of the
827 following causes:

828 (a) Conviction of a felony shown by a certified copy of
829 the judgment of court in which the conviction is had, unless upon
830 a full and unconditional pardon of the convict, and upon
831 satisfactory showing that the convict will in the future conduct
832 himself in a law-abiding way.

833 (b) Gross malpractice or gross incompetency.

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

836 (d) Advertising, practicing or attempting to practice
837 under a trade name or name other than one's own.

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

840 (f) Immoral or unprofessional conduct.

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

844 (2) Notwithstanding any provision of this chapter:

845 (a) The board shall suspend the certificate of
846 registration of any person who defaults on or fails to comply with
847 the requirements of a state educational loan, service conditional
848 scholarship or loan repayment program obligation under which the



849 person obtained any of the education necessary to qualify for a
850 certificate of registration under this chapter; and

851 (b) The person's certificate of registration shall
852 remain suspended until he or she has made arrangements
853 satisfactory to the board for repaying the educational loan or
854 meeting the obligations of the scholarship or loan repayment
855 program.

856 (3) In addition to the causes specified in subsection (1) of
857 this section, the board may suspend the certificate of
858 registration of any person for being out of compliance with an
859 order for support, as defined in Section 93-11-153. The procedure
860 for suspension of a certificate for being out of compliance with
861 an order for support, and the procedure for the reissuance or
862 reinstatement of a certificate suspended for that purpose, and the
863 payment of any fees for the reissuance or reinstatement of a
864 certificate suspended for that purpose shall be governed by
865 Section 93-11-157 or 93-11-163. If there is any conflict between
866 any provision of Section 93-11-157 or 93-11-163 and any provision
867 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
868 as the case may be, shall control.

869 **SECTION 6.** Section 73-6-19, Mississippi Code of 1972, is
870 amended as follows:

871 73-6-19. (1) The board shall refuse to grant a certificate
872 of licensure to any applicant or may cancel, revoke or suspend the
873 certificate upon the finding of any of the following facts
874 regarding the applicant or licensed practitioner:

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

877 (b) Violation of any of the provisions of this chapter
878 or any of the rules and regulations of the State Board of Health
879 under this chapter with regard to the operation and use of x-rays;

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



881 (d) Addiction to the use of alcohol, narcotic drugs, or
882 anything that would seriously interfere with the competent
883 performance of his professional duties;

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

887 (f) Unprofessional and unethical conduct;

888 (g) Contraction of a contagious disease that may be
889 carried for a prolonged period;

890 (h) Failure to report to the Mississippi Department of
891 Human Services or the county attorney any case in which there are
892 reasonable grounds to believe that a child has been abused by its
893 parent or person responsible for the child's welfare;

894 (i) Advising a patient to use drugs, prescribing or
895 providing drugs for a patient, or advising a patient not to use a
896 drug prescribed by a licensed physician or dentist;

897 (j) Professional incompetency in the practice of
898 chiropractic;

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

901 (l) Offering to accept or accepting payment for
902 services rendered by assignment from any third-party payor after
903 offering to accept or accepting whatever the third-party payor
904 covers as payment in full, if the effect of the offering or
905 acceptance is to eliminate or give the impression of eliminating
906 the need for payment by an insured of any required deductions
907 applicable in the policy of the insured;

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

912 (n) Failure to make payment on chiropractic student
913 loans; or



914 (o) Failure to follow record keeping requirements
915 prescribed in Section 73-6-18.

916 (2) Notwithstanding any provision of this chapter:

917 (a) The board shall suspend the license of any person
918 who defaults on or fails to comply with the requirements of a
919 state educational loan, service conditional scholarship or loan
920 repayment program obligation under which the person obtained any
921 of the education necessary to qualify for a license under this
922 chapter; and

923 (b) The person's license shall remain suspended until
924 he or she has made arrangements satisfactory to the board for
925 repaying the educational loan or meeting the obligations of the
926 scholarship or loan repayment program.

927 (3) Any holder of the certificate or any applicant therefor
928 against whom is preferred any of the designated charges shall be
929 furnished a copy of the complaint and shall receive a formal
930 hearing in Jackson, Mississippi, before the board, at which time
931 he may be represented by counsel and examine witnesses. The board
932 may administer oaths as may be necessary for the proper conduct of
933 any such hearing. In addition, the board may issue subpoenas for
934 the attendance of witnesses and the production of books and
935 papers. The process issued by the board shall extend to all parts
936 of the state. Where in any proceeding before the board any
937 witness * * * fails or refuses to attend upon subpoena issued by
938 the board, * * * refuses to testify, or * * * refuses to produce
939 any books and papers, the production of which is called for by the
940 subpoena, the attendance of the witness and the giving of his
941 testimony and the production of the books and papers shall be
942 enforced by any court of competent jurisdiction of this state in
943 the manner provided for the enforcement of attendance and
944 testimony of witnesses in civil cases in the courts of this state.

945 (4) In addition to any other investigators the board
946 employs, the board shall appoint one or more licensed



947 chiropractors to act for the board in investigating the conduct
948 relating to the competency of a chiropractor, whenever
949 disciplinary action is being considered for professional
950 incompetence and unprofessional conduct.

951 (5) Whenever the board finds any person unqualified to
952 practice chiropractic because of any of the grounds set forth in
953 subsection (1) of this section, after a hearing has been conducted
954 as prescribed by this section, the board may enter an order
955 imposing one or more of the following:

956 (a) Deny his application for a license or other
957 authorization to practice chiropractic;

958 (b) Administer a public or private reprimand;

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

961 (d) Revoke or cancel his license or other authorization
962 to practice chiropractic;

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

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

969 (g) Require him to practice under the direction of a
970 chiropractor designated by the board for a specified period of
971 time.

972 (6) Any person whose application for a license or whose
973 license to practice chiropractic has been cancelled, revoked or
974 suspended by the board within thirty (30) days from the date of
975 the final decision shall have the right of a de novo appeal to the
976 circuit court of his county of residence or the Circuit Court of
977 the First Judicial District of Hinds County, Mississippi. If
978 there is an appeal, the appeal may, in the discretion of and on
979 motion to the circuit court, act as a supersedeas. The circuit



980 court shall dispose of the appeal and enter its decision promptly.
981 The hearing on the appeal may, in the discretion of the circuit
982 judge, be tried in vacation. Either party shall have the right of
983 appeal to the Supreme Court as provided by law from any decision
984 of the circuit court.

985 (7) In a proceeding conducted under this section by the
986 board for the revocation, suspension or cancellation of a license
987 to practice chiropractic, after a hearing has been conducted as
988 prescribed by this section, the board shall have the power and
989 authority for the grounds stated in subsection (1) of this
990 section, with the exception of paragraph (c) thereof, to assess
991 and levy upon any person licensed to practice chiropractic in the
992 state a monetary penalty in lieu of the revocation, suspension or
993 cancellation, as follows:

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

997 (b) For the second and each subsequent violation, a
998 monetary penalty of not less than One Thousand Dollars (\$1,000.00)
999 nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for
1000 each violation.

1001 The power and authority of the board to assess and levy the
1002 monetary penalties under this section shall not be affected or
1003 diminished by any other proceeding, civil or criminal, concerning
1004 the same violation or violations. A licensee shall have the right
1005 of appeal from the assessment and levy of a monetary penalty as
1006 provided in this section to the circuit court under the same
1007 conditions as a right of appeal is provided for in this section
1008 for appeals from an adverse ruling, or order, or decision of the
1009 board. Any monetary penalty assessed and levied under this
1010 section shall not take effect until after the time for appeal has
1011 expired, and an appeal of the assessment and levy of such a
1012 monetary penalty shall act as a supersedeas.



1013 (8) In addition to the grounds specified in subsection (1)
1014 of this section, the board may suspend the license of any licensee
1015 for being out of compliance with an order for support, as defined
1016 in Section 93-11-153. The procedure for suspension of a license
1017 for being out of compliance with an order for support, and the
1018 procedure for the reissuance or reinstatement of a license
1019 suspended for that purpose, and the payment of any fees for the
1020 reissuance or reinstatement of a license suspended for that
1021 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
1022 the case may be. Actions taken by the board in suspending a
1023 license when required by Section 93-11-157 or 93-11-163 are not
1024 actions from which an appeal may be taken under this section. Any
1025 appeal of a license suspension that is required by Section
1026 93-11-157 or 93-11-163 shall be taken in accordance with the
1027 appeal procedure specified in Section 93-11-157 or 93-11-163, as
1028 the case may be, rather than the procedure specified in this
1029 section. If there is any conflict between any provision of
1030 Section 93-11-157 or 93-11-163 and any provision of this chapter,
1031 the provisions of Section 93-11-157 or 93-11-163, as the case may
1032 be, shall control.

1033 **SECTION 7.** Section 73-7-27, Mississippi Code of 1972, is
1034 amended as follows:

1035 73-7-27. (1) Any complaint may be filed with the board by a
1036 member or agent of the board or by any person charging any
1037 licensee of the board with the commission of any of the offenses
1038 enumerated in subsection (2) or (3) of this section. The
1039 complaint shall be in writing, signed by the accuser or accusers,
1040 and verified under oath, and the complaints shall be investigated
1041 as set forth in Section 73-7-7. If, after the investigation, the
1042 board through its administrative review agents determines that
1043 there is not substantial justification to believe that the accused
1044 licensee has committed any of the offenses enumerated, it may
1045 dismiss the complaint or may prepare a formal complaint proceeding



1046 against the licensee as hereinafter provided. When used with
1047 reference to any complaint filed against a licensee herein, the
1048 term "not substantial justification" means a complaint that is
1049 frivolous, groundless in fact or law, or vexatious, as determined
1050 by unanimous vote of the board. If there is a dismissal, the
1051 person filing the accusation and the accused licensee shall be
1052 given written notice of the board's determination. If the board
1053 determines there is reasonable cause to believe the accused has
1054 committed any of those offenses, the secretary of the board shall
1055 give written notice of that determination to the accused licensee
1056 and set a day for a hearing as provided in subsection (3) of this
1057 section.

1058 (2) The board shall have the power to revoke, suspend or
1059 refuse to issue or renew any license or certificate provided for
1060 in this chapter, and to fine, place on probation and/or otherwise
1061 discipline a student or licensee or holder of a certificate, upon
1062 proof that the person:

1063 (a) Has not complied with or has violated any of the
1064 rules and regulations promulgated by the board;

1065 (b) Has not complied with or has violated any of the
1066 sections of this chapter;

1067 (c) Has committed fraud or dishonest conduct in the
1068 taking of the examination herein provided for;

1069 (d) Has been convicted of a felony;

1070 (e) Has committed grossly unprofessional or dishonest
1071 conduct;

1072 (f) Is addicted to the excessive use of intoxicating
1073 liquors or to the use of drugs to such an extent as to render him
1074 or her unfit to practice in any of the practices or occupations
1075 set forth in this chapter;

1076 (g) Has advertised by means of knowingly false or
1077 deceptive statements; * * *



1078 (h) Has failed to display the license or certificate
1079 issued to him or her as provided for in this chapter; or

1080 (i) Has been convicted of violating any of the
1081 provisions of this chapter.

1082 A conviction of violating any of the provisions of this
1083 chapter shall be grounds for automatic suspension of the license
1084 or certificate of the person.

1085 (3) Notwithstanding any provision of this chapter:

1086 (a) The board shall suspend the license of any person
1087 who defaults on or fails to comply with the requirements of a
1088 state educational loan, service conditional scholarship or loan
1089 repayment program obligation under which the person obtained any
1090 of the education necessary to qualify for a license under this
1091 chapter; and

1092 (b) The person's license shall remain suspended until
1093 he or she has made arrangements satisfactory to the board for
1094 repaying the educational loan or meeting the obligations of the
1095 scholarship or loan repayment program.

1096 (4) The board shall not revoke, suspend or refuse to issue
1097 or renew any license or certificate, or fine, place on probation
1098 or otherwise discipline any person in a disciplinary matter except
1099 after a hearing of which the applicant or licensee or holder of
1100 the certificate affected shall be given at least twenty (20) days'
1101 notice in writing, specifying the reason or reasons for denying
1102 the applicant a license or certificate of registration, or in the
1103 case of any other disciplinary action, the offense or offenses of
1104 which the licensee or holder of a certificate of registration is
1105 charged. The notice may be served by mailing a copy thereof by
1106 United States first class certified mail, postage prepaid, to the
1107 last known residence or business address of the applicant,
1108 licensee or holder of a certificate. The hearing on the charges
1109 shall be at such time and place as the board may prescribe.



1110 (5) At those hearings, all witnesses shall be sworn by a
1111 member of the board, and stenographic notes of the proceedings
1112 shall be taken. Any party to the proceedings desiring it shall be
1113 furnished with a copy of the stenographic notes upon payment to
1114 the board of such fees as it shall prescribe, not exceeding,
1115 however, the actual costs of transcription.

1116 (6) The board may issue subpoenas for the attendance of
1117 witnesses and the production of books and papers. The process
1118 issued by the board shall extend to all parts of the state and the
1119 process shall be served by any person designated by the board for
1120 that service. The person serving the process shall receive such
1121 compensation as may be allowed by the board, not to exceed the fee
1122 prescribed by law for similar services. All witnesses who shall
1123 be subpoenaed, and who shall appear in any proceedings before the
1124 board, shall receive the same fees and mileage as allowed by law.

1125 (7) Where in any proceeding before the board any
1126 witness * * * fails or refuses to attend upon subpoena issued by
1127 the board, * * * refuses to testify, or * * * refuses to produce
1128 any books and papers, the production of which is called for by the
1129 subpoena, the attendance of the witness and the giving of his
1130 testimony and the production of the books and papers shall be
1131 enforced by any court of competent jurisdiction of this state, in
1132 manner as are enforced the attendance and testimony of witnesses
1133 in civil cases in the courts of this state.

1134 (8) The board shall conduct the hearing in an orderly and
1135 continuous manner, granting continuances only when the ends of
1136 justice may be served. The board shall, within sixty (60) days
1137 after conclusion of the hearing, reduce its decision to writing
1138 and forward an attested true copy thereof to the last known
1139 residence or business address of the applicant, licensee or holder
1140 of a certificate, by way of United States first class certified
1141 mail, postage prepaid. The applicant, licensee, holder of a
1142 certificate, or person aggrieved shall have the right of appeal



1143 from an adverse ruling, or order, or decision of the board to the
1144 chancery court upon forwarding notice of appeal to the board
1145 within thirty (30) days after the decision of the board is mailed
1146 in the manner here contemplated. An appeal will not be allowed if
1147 notice of appeal, together with the appeal bond hereinafter
1148 required, is not * * * forwarded to the board within the
1149 thirty-day period. Appeal shall be to the chancery court of the
1150 county and judicial district of the residence of the appellant, or
1151 to the Chancery Court of the First Judicial District of Hinds
1152 County, Mississippi, at the election of the appellant. The notice
1153 of appeal shall elect venue, unless the appellant be a nonresident
1154 of the State of Mississippi, in which event the board shall
1155 certify all documents and evidence directly to the Chancery Court
1156 of the First Judicial District of Hinds County for further
1157 proceedings. The appeal shall thereupon be heard in due course by
1158 the court, which shall review the record and make its
1159 determination thereon.

1160 (9) The appellant shall, together with the notice of appeal,
1161 forward to and post with the board a satisfactory bond in the
1162 amount of Five Hundred Dollars (\$500.00) for the payment of any
1163 costs that may be adjudged against him.

1164 (10) If there is an appeal, the court shall dispose of the
1165 appeal and enter its decision promptly. The hearing on the appeal
1166 may, in the discretion of the chancellor, be tried in vacation.
1167 If there is an appeal, the appeal may, in the discretion of and on
1168 motion to the chancery court, act as a supersedeas. However, any
1169 fine imposed by the board under the provisions of this chapter
1170 shall not take effect until after the time for appeal has expired,
1171 and an appeal of the imposition of such a fine shall act as a
1172 supersedeas.

1173 (11) Any fine imposed by the board upon a licensee or holder
1174 of a certificate shall be in accordance with the following
1175 schedule:



1176 (a) For the first violation, a fine of not less than
1177 Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00)
1178 for each violation.

1179 (b) For the second and each subsequent violation, a
1180 fine of not less than One Hundred Dollars (\$100.00) nor more than
1181 Four Hundred Dollars (\$400.00) for each violation.

1182 The power and authority of the board to impose the fines
1183 under this section shall not be affected or diminished by any
1184 other proceeding, civil or criminal, concerning the same violation
1185 or violations.

1186 (12) In addition to the reasons specified in subsection (2)
1187 of this section, the board may suspend the license of any licensee
1188 for being out of compliance with an order for support, as defined
1189 in Section 93-11-153. The procedure for suspension of a license
1190 for being out of compliance with an order for support, and the
1191 procedure for the reissuance or reinstatement of a license
1192 suspended for that purpose, and the payment of any fees for the
1193 reissuance or reinstatement of a license suspended for that
1194 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
1195 the case may be. Actions taken by the board in suspending a
1196 license when required by Section 93-11-157 or 93-11-163 are not
1197 actions from which an appeal may be taken under this section. Any
1198 appeal of a license suspension that is required by Section
1199 93-11-157 or 93-11-163 shall be taken in accordance with the
1200 appeal procedure specified in Section 93-11-157 or 93-11-163, as
1201 the case may be, rather than the procedure specified in this
1202 section. If there is any conflict between any provision of
1203 Section 93-11-157 or 93-11-163 and any provision of this chapter,
1204 the provisions of Section 93-11-157 or 93-11-163, as the case may
1205 be, shall control.

1206 **SECTION 8.** Section 73-9-61, Mississippi Code of 1972, is
1207 amended as follows:



1208 73-9-61. (1) Upon satisfactory proof, and in accordance
1209 with statutory provisions elsewhere set out for those hearings and
1210 protecting the rights of accused as well as the public, the State
1211 Board of Dental Examiners may deny the issuance or renewal of a
1212 license or may revoke or suspend the license of any licensed
1213 dentist or dental hygienist practicing in the State of
1214 Mississippi, or take any other action in relation to the license
1215 as the board may deem proper under the circumstances, for any of
1216 the following reasons:

1217 (a) Misrepresentation in obtaining a license, or
1218 attempting to obtain, obtaining, attempting to renew or renewing a
1219 license or professional credential by making any material
1220 misrepresentation, including the signing in his professional
1221 capacity any certificate that is known to be false at the time he
1222 makes or signs the certificate.

1223 (b) Willful violation of any of the rules or
1224 regulations duly promulgated by the board, or of any of the rules
1225 or regulations duly promulgated by the appropriate dental
1226 licensure agency of another state or jurisdiction.

1227 (c) Being impaired in the ability to practice dentistry
1228 or dental hygiene with reasonable skill and safety to patients by
1229 reason of illness or use of alcohol, drugs, narcotics, chemicals,
1230 or any other type of material or as a result of any mental or
1231 physical condition.

1232 (d) Administering, dispensing or prescribing any
1233 prescriptive medication or drug outside the course of legitimate
1234 professional dental practice.

1235 (e) Being convicted or found guilty of or entering a
1236 plea of nolo contendere to, regardless of adjudication, a
1237 violation of any federal or state law regulating the possession,
1238 distribution or use of any narcotic drug or any drug considered a
1239 controlled substance under state or federal law, a certified copy
1240 of the conviction order or judgment rendered by the trial court



1241 being prima facie evidence thereof, notwithstanding the pendency
1242 of any appeal.

1243 (f) Practicing incompetently or negligently, regardless
1244 of whether there is actual harm to the patient.

1245 (g) Being convicted or found guilty of or entering a
1246 plea of nolo contendere to, regardless of adjudication, a crime in
1247 any jurisdiction that relates to the practice of dentistry or
1248 dental hygiene, a certified copy of the conviction order or
1249 judgment rendered by the trial court being prima facie evidence
1250 thereof, notwithstanding the pendency of any appeal.

1251 (h) Being convicted or found guilty of or entering a
1252 plea of nolo contendere to, regardless of adjudication, a felony
1253 in any jurisdiction, a certified copy of the conviction order or
1254 judgment rendered by the trial court being prima facie evidence
1255 thereof, notwithstanding the pendency of any appeal.

1256 (i) Delegating professional responsibilities to a
1257 person who is not qualified by training, experience or licensure
1258 to perform them.

1259 (j) The refusal of a licensing authority of another
1260 state or jurisdiction to issue or renew a license, permit or
1261 certificate to practice dentistry or dental hygiene in that
1262 jurisdiction or the revocation, suspension or other restriction
1263 imposed on a license, permit or certificate issued by that
1264 licensing authority which prevents or restricts practice in that
1265 jurisdiction, a certified copy of the disciplinary order or action
1266 taken by the other state or jurisdiction being prima facie
1267 evidence thereof, notwithstanding the pendency of any appeal.

1268 (k) Surrender of a license or authorization to practice
1269 dentistry or dental hygiene in another state or jurisdiction when
1270 the board has reasonable cause to believe that the surrender is
1271 made to avoid or in anticipation of a disciplinary action.



1272 (1) Any unprofessional conduct to be determined by the
1273 board on a case-by-case basis, which shall include but not be
1274 restricted to the following:

1275 (i) Committing any crime involving moral
1276 turpitude.

1277 (ii) Practicing deceit or other fraud upon the
1278 public.

1279 (iii) Practicing dentistry or dental hygiene under
1280 a false or assumed name.

1281 (iv) Advertising that is false, deceptive or
1282 misleading.

1283 (v) Announcing a specialized practice shall be
1284 considered advertising that tends to deceive or mislead the public
1285 unless the dentist announcing as a specialist conforms to other
1286 statutory provisions and the duly promulgated rules or regulations
1287 of the board pertaining to practice of dentistry in the State of
1288 Mississippi.

1289 (m) Failure to provide and maintain reasonable sanitary
1290 facilities and conditions or failure to follow board rules
1291 regarding infection control.

1292 (n) Committing any act that would constitute sexual
1293 misconduct upon a patient or upon ancillary staff. For purposes
1294 of this subsection, the term sexual misconduct means:

1295 (i) Use of the licensee-patient relationship to
1296 engage or attempt to engage the patient in sexual activity; or

1297 (ii) Conduct of a licensee that is intended to
1298 intimidate, coerce, influence or trick any person employed by or
1299 for the licensee in a dental practice or educational setting for
1300 the purpose of engaging in sexual activity or activity intended
1301 for the sexual gratification of the licensee.

1302 (o) Violation of a lawful order of the board previously
1303 entered in a disciplinary or licensure hearing; failure to



1304 cooperate with any lawful request or investigation by the board;
1305 or failure to comply with a lawfully issued subpoena of the board.

1306 (p) Willful, obstinate and continuing refusal to
1307 cooperate with the board in observing its rules and regulations in
1308 promptly paying all legal license or other fees required by law.

1309 (q) Practicing dentistry or dental hygiene while the
1310 person's license is suspended.

1311 (2) Notwithstanding any provision of this chapter:

1312 (a) The board shall suspend the license of any person
1313 who defaults on or fails to comply with the requirements of a
1314 state educational loan, service conditional scholarship or loan
1315 repayment program obligation under which the person obtained any
1316 of the education necessary to qualify for a license under this
1317 chapter; and

1318 (b) The person's license shall remain suspended until
1319 he or she has made arrangements satisfactory to the board for
1320 repaying the educational loan or meeting the obligations of the
1321 scholarship or loan repayment program.

1322 (3) In lieu of revocation of a license as provided for in
1323 subsection (1) of this section, the board may suspend the license
1324 of the offending dentist or dental hygienist, suspend the sedation
1325 permit of the offending dentist, or take any other action in
1326 relation to his license as the board may deem proper under the
1327 circumstances.

1328 (4) When a license to practice dentistry or dental hygiene
1329 is revoked or suspended by the board, the board may, in its
1330 discretion, stay the revocation or suspension and simultaneously
1331 place the licensee on probation upon the condition that the
1332 licensee shall not violate the laws of the State of Mississippi
1333 pertaining to the practice of dentistry or dental hygiene and
1334 shall not violate the rules and regulations of the board and shall
1335 not violate any terms in relation to his license as may be set by
1336 the board.



1337 (5) In a proceeding conducted under this section by the
1338 board for the denial, revocation or suspension of a license to
1339 practice dentistry or dental hygiene, the board shall have the
1340 power and authority for the grounds stated for the denial,
1341 revocation or suspension, and in addition thereto or in lieu of
1342 the denial, revocation or suspension may assess and levy upon any
1343 person licensed to practice dentistry or dental hygiene in the
1344 State of Mississippi, a monetary penalty, as follows:

1345 (a) For the first violation of any of subparagraph (a),
1346 (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of subsection
1347 (1) of this section, a monetary penalty of not less than Fifty
1348 Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).

1349 (b) For the second violation of any of subparagraph
1350 (a), (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of
1351 subsection (1) of this section, a monetary penalty of not less
1352 than One Hundred Dollars (\$100.00) nor more than One Thousand
1353 Dollars (\$1,000.00).

1354 (c) For the third and any subsequent violation of any
1355 of subparagraph (a), (b), (c), (d), (f), (i), (l), (m), (n), (o)
1356 or (q) of subsection (1) of this section, a monetary penalty of
1357 not less than Five Hundred Dollars (\$500.00) and not more than
1358 Five Thousand Dollars (\$5,000.00).

1359 (d) For any violation of any of subparagraphs (a)
1360 through (q) of subsection (1) of this section, those reasonable
1361 costs that are expended by the board in the investigation and
1362 conduct of a proceeding for licensure revocation or suspension,
1363 including but not limited to the cost of process service, court
1364 reporters, expert witnesses and investigators.

1365 (6) The power and authority of the board to assess and levy
1366 the monetary penalties under this section shall not be affected or
1367 diminished by any other proceeding, civil or criminal, concerning
1368 the same violation or violations except as provided in this
1369 section.



1370 (7) A licensee shall have the right of appeal from the
1371 assessment and levy of a monetary penalty as provided in this
1372 section under the same conditions as a right of appeal is provided
1373 elsewhere for appeals from an adverse ruling, order or decision of
1374 the board.

1375 (8) Any monetary penalty assessed and levied under this
1376 section shall not take effect until after the time for appeal has
1377 expired. If there is an appeal, the appeal shall act as a
1378 supersedeas.

1379 (9) A monetary penalty assessed and levied under this
1380 section shall be paid to the board by the licensee upon the
1381 expiration of the period allowed for appeal of the penalties under
1382 this section or may be paid sooner if the licensee elects. With
1383 the exception of subsection (5)(d) of this section, monetary
1384 penalties collected by the board under this section shall be
1385 deposited to the credit of the General Fund of the State Treasury.
1386 Any monies collected by the board under subsection (5)(d) of this
1387 section shall be deposited into the special fund operating account
1388 of the board.

1389 (10) When payment of a monetary penalty assessed and levied
1390 by the board against a licensee in accordance with this section is
1391 not paid by the licensee when due under this section, the board
1392 shall have power to institute and maintain proceedings in its name
1393 for enforcement of payment in the chancery court of the county and
1394 judicial district of residence of the licensee, and if the
1395 licensee is a nonresident of the State of Mississippi, the
1396 proceedings shall be in the Chancery Court of the First Judicial
1397 District of Hinds County, Mississippi.

1398 (11) In addition to the reasons specified in subsection (1)
1399 of this section, the board may suspend the license of any licensee
1400 for being out of compliance with an order for support, as defined
1401 in Section 93-11-153. The procedure for suspension of a license
1402 for being out of compliance with an order for support, and the



1403 procedure for the reissuance or reinstatement of a license
1404 suspended for that purpose, and the payment of any fees for the
1405 reissuance or reinstatement of a license suspended for that
1406 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
1407 the case may be. If there is any conflict between any provision
1408 of Section 93-11-157 or 93-11-163 and any provision of this
1409 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
1410 case may be, shall control.

1411 **SECTION 9.** Section 73-10-21, Mississippi Code of 1972, is
1412 amended as follows:

1413 73-10-21. (1) Rules, regulations and standards.

1414 (a) The board shall adopt, amend, promulgate and
1415 enforce such rules, regulations and standards governing dietitians
1416 as may be necessary to further the accomplishment of the purpose
1417 of the governing law, and in so doing shall utilize as the basis
1418 thereof the corresponding recommendations of the advisory council.
1419 The rules, regulations and minimum standards for licensing of
1420 dietitians may be amended by the board as deemed necessary. In so
1421 doing, the board shall utilize as the basis thereof the
1422 corresponding recommendations of the advisory council.

1423 (b) The board shall publish and disseminate to all
1424 licensees, in appropriate manner, the licensure standards
1425 prescribed by this chapter, any amendments thereto, and such rules
1426 and regulations as the board may adopt under the authority vested
1427 by Section 73-38-13, within sixty (60) days of their adoption.

1428 (2) The board shall adopt a code of ethics for dietitians
1429 using as the basis thereof the ADA "Code of Ethics for the
1430 Profession of Dietetics."

1431 (3) Issuance and renewal of licenses.

1432 (a) The board shall issue a license to any person who
1433 meets the requirements of this chapter upon payment of the license
1434 fee prescribed.



1435 (b) Upon the first renewal, licenses under this chapter
1436 shall be valid for two (2) calendar years and shall be subject to
1437 renewal and shall expire unless renewed in the manner prescribed
1438 by the rules and regulations of the board, upon the payment of a
1439 biennial renewal fee to be set at the discretion of the board, but
1440 not to exceed One Hundred Dollars (\$100.00), and the presentation
1441 of evidence satisfactory to the board that the licensee has met
1442 such continuing education requirements as the board may require.
1443 An applicant for license renewal shall demonstrate to the board
1444 evidence of satisfactory completion of the continuing education
1445 requirements established by the American Dietetic Association
1446 and/or other continuing education requirements as may be required
1447 by the board.

1448 (c) The board may provide for the late renewal of a
1449 license upon the payment of a late fee in accordance with its
1450 rules and regulations, but no such late renewal of a license may
1451 be granted more than one (1) year after its expiration.

1452 (d) A suspended license shall be subject to expiration
1453 and may be renewed as provided in this section, but that renewal
1454 shall not entitle the licensee, while the license remains
1455 suspended and until it is reinstated, to engage in the licensed
1456 activity, or in any other conduct or activity in violation of the
1457 order of judgment by which the license was suspended. If a
1458 license revoked on disciplinary grounds is reinstated, the
1459 licensee, as a condition of reinstatement, shall pay the renewal
1460 fee and any late fee that may be applicable.

1461 (4) Denial or revocation of license.

1462 (a) The board may deny or refuse to renew a license, or
1463 suspend or revoke a license, or issue orders to cease or desist
1464 from certain conduct, or issue warnings or reprimands where the
1465 licensee or applicant for license has been convicted of unlawful
1466 conduct or has demonstrated unprofessional conduct that has



1467 endangered or is likely to endanger the health, welfare or safety
1468 of the public. That conduct includes:

1469 (i) Obtaining a license by means of fraud,
1470 misrepresentation or concealment of material facts;

1471 (ii) Being guilty of unprofessional conduct as
1472 defined by the rules and established by the board or violating the
1473 Code of Ethics of the American Dietetic Association;

1474 (iii) Being convicted of a crime in any court
1475 other than a misdemeanor;

1476 (iv) Violating any lawful order, rule or
1477 regulation rendered or adopted by the board; or

1478 (v) Violating any provision of this chapter.

1479 (b) The denial, refusal to renew, suspension,
1480 revocation, order to cease and desist from designated conduct, or
1481 warning or reprimand may be ordered by the board in a decision
1482 made after a hearing in the manner provided by the rules and
1483 regulations adopted by the board. One (1) year from the date of
1484 the revocation of a license, application may be made to the board
1485 for reinstatement. The board shall have discretion to accept or
1486 reject an application for reinstatement and may, but shall not be
1487 required to, hold a hearing to consider the reinstatement.

1488 (c) Notwithstanding any provision of this chapter:

1489 (i) The board shall suspend the license of any
1490 person who defaults on or fails to comply with the requirements of
1491 a state educational loan, service conditional scholarship or loan
1492 repayment program obligation under which the person obtained any
1493 of the education necessary to qualify for a license under this
1494 chapter; and

1495 (ii) The person's license shall remain suspended
1496 until he or she has made arrangements satisfactory to the board
1497 for repaying the educational loan or meeting the obligations of
1498 the scholarship or loan repayment program.



1499 (d) In addition to the reasons specified in paragraph
1500 (a) of this subsection (4), the board may suspend the license of
1501 any licensee for being out of compliance with an order for
1502 support, as defined in Section 93-11-153. The procedure for
1503 suspension of a license for being out of compliance with an order
1504 for support, and the procedure for the reissuance or reinstatement
1505 of a license suspended for that purpose, and the payment of any
1506 fees for the reissuance or reinstatement of a license suspended
1507 for that purpose, shall be governed by Section 93-11-157 or
1508 93-11-163, as the case may be. If there is any conflict between
1509 any provision of Section 93-11-157 or 93-11-163 and any provision
1510 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
1511 as the case may be, shall control.

1512 (5) Establish fees.

1513 (a) A person licensed under this chapter shall pay to
1514 the board a fee, not to exceed One Hundred Dollars (\$100.00), to
1515 be set by the board for the issuance of a license.

1516 (b) Those fees shall be set in such an amount as to
1517 reimburse the state to the extent feasible for the cost of the
1518 services rendered.

1519 (6) Collect funds.

1520 (a) The administration of the provisions of this
1521 chapter shall be financed from income accruing from fees, licenses
1522 and other charges assessed and collected by the board in
1523 administering this chapter.

1524 (b) The board shall receive and account for all funds
1525 received and shall keep those funds in a separate fund.

1526 (c) Funds collected under the provisions of this
1527 chapter shall be used solely for the expenses of the advisory
1528 council and the board to administer the provisions of this
1529 chapter. Those funds shall be subject to audit by the State
1530 Auditor.



1531 (d) Members of the advisory council shall receive no
1532 compensation for services performed on the council, but may be
1533 reimbursed for necessary and actual expenses incurred in
1534 connection with attendance at meetings of the council or for
1535 authorized business of the council from funds made available for
1536 that purpose, as provided in Section 25-3-41.

1537 (7) Receive and process complaints.

1538 (a) The board shall have full authority to investigate
1539 and evaluate each and every applicant applying for a license to
1540 practice dietetics, with the advice of the advisory council.

1541 (b) The board shall have the authority to issue
1542 subpoenas, examine witnesses and administer oaths, and shall, at
1543 its discretion, investigate allegations or practices violating the
1544 provisions of this chapter, and in so doing shall have power to
1545 seek injunctive relief to prohibit any person from providing
1546 professional dietetic services as defined in Section 73-10-3(1)(j)
1547 without being licensed as provided herein.

1548 (8) A license certificate issued by the board is the
1549 property of the board and must be surrendered on demand.

1550 **SECTION 10.** Section 73-11-57, Mississippi Code of 1972, is
1551 amended as follows:

1552 73-11-57. (1) The board may refuse to examine or to issue
1553 or renew, or may suspend or revoke, any license, or may reprimand
1554 or place the holder thereof on a term of probation, after proper
1555 hearing, upon finding the holder of the license to be guilty of
1556 acts of commission or omission including the following:

1557 (a) The employment of fraud or deception in applying
1558 for a license or in passing the examination provided for in this
1559 chapter;

1560 (b) The erroneous issuance of a license to any person;

1561 (c) The conviction of a felony by any court in this
1562 state or any federal court or by the court of any other state or
1563 territory of the United States;



1564 (d) The practice of embalming under a false name or
1565 without a license for the practice of funeral service;

1566 (e) The impersonation of another funeral service or
1567 funeral directing licensee;

1568 (f) The permitting of a person other than a funeral
1569 service or funeral directing licensee to make arrangements for a
1570 funeral and/or form of disposition;

1571 (g) Violation of any provision of this chapter or any
1572 rule or regulation of the board;

1573 (h) Having had a license for the practice of funeral
1574 service or funeral directing suspended or revoked in any
1575 jurisdiction, having voluntarily surrendered his license in any
1576 jurisdiction, having been placed on probation in any jurisdiction,
1577 having been placed under disciplinary order(s) or other
1578 restriction in any manner for funeral directing and/or funeral
1579 service, or operating a funeral establishment (a certified copy of
1580 the order of suspension, revocation, probation or disciplinary
1581 action shall be prima facie evidence of that action);

1582 (i) Solicitation of dead human bodies by the licensee,
1583 his agents, assistants or employees, whether the solicitation
1584 occurs after death or when death is imminent; however, this shall
1585 not be deemed to prohibit general advertising;

1586 (j) Employment directly or indirectly of any
1587 apprentice, agent, assistant, employee, or other person, on a
1588 part-time or full-time basis or on commission, for the purpose of
1589 calling upon individuals or institutions by whose influence dead
1590 human bodies may be turned over to a particular funeral
1591 establishment;

1592 (k) Unprofessional conduct that includes but is not
1593 limited to:

1594 (i) Retaining a dead human body for the payment of
1595 a fee for the performance of services not authorized in writing;

1596 (ii) Knowingly performing any act that in any way



1597 assists an unlicensed person to practice funeral service or
1598 funeral directing;

1599 (iii) Being guilty of any dishonorable conduct
1600 likely to deceive, defraud or harm the public;

1601 (iv) Any act or omission in the practice of
1602 funeral service or directing that constitutes dishonesty, fraud or
1603 misrepresentation with the intent to benefit the licensee, another
1604 person or funeral establishment, or with the intent to
1605 substantially injure another person, licensee or funeral
1606 establishment; or

1607 (v) Any act or conduct, whether the same or of a
1608 different character than specified above, that constitutes or
1609 demonstrates bad faith, incompetency or untrustworthiness; or
1610 dishonest, fraudulent or improper dealing; or any other violation
1611 of the provisions of this chapter, the rules and regulations
1612 established by the board or any rule or regulation promulgated by
1613 the Federal Trade Commission relative to the practice of funeral
1614 service or directing.

1615 (2) Notwithstanding any provision of this chapter:

1616 (a) The board shall suspend the license of any person
1617 who defaults on or fails to comply with the requirements of a
1618 state educational loan, service conditional scholarship or loan
1619 repayment program obligation under which the person obtained any
1620 of the education necessary to qualify for a license under this
1621 chapter; and

1622 (b) The person's license shall remain suspended until
1623 he or she has made arrangements satisfactory to the board for
1624 repaying the educational loan or meeting the obligations of the
1625 scholarship or loan repayment program.

1626 (3) The board may, upon satisfactory proof that the
1627 applicant or licensee has been guilty of any of the offenses * * *
1628 enumerated in subsection (1) of this section, refuse to examine or
1629 issue a license to the applicant, or may refuse to renew or revoke



1630 or suspend the license of the licensee, or place on probation or
1631 reprimand him, upon a majority vote of the board members, after a
1632 hearing thereon. The board is * * * vested with full power and
1633 authority to hold and conduct those hearings, compel the
1634 attendance of witnesses and the production of books, records and
1635 documents, issue subpoenas therefor, administer oaths, examine
1636 witnesses, and do all things necessary to properly conduct those
1637 hearings. The board may waive the necessity of a hearing if the
1638 person accused of a violation admits that he has been guilty of
1639 that offense. Any person who has been refused a license or whose
1640 license has been revoked or suspended may, within thirty (30) days
1641 after the decision of the board, file with the board a written
1642 notice stating that he feels himself aggrieved by the decision and
1643 appeals therefrom to the circuit court. Upon the filing of the
1644 notice, the secretary of the board shall transmit to the clerk of
1645 the circuit court the records and findings of the proceedings.
1646 The circuit court shall hear and determine as to whether the
1647 action of the board was in accord or consistent with law, or was
1648 arbitrary, unwarranted or in abuse of discretion. An appeal from
1649 the circuit court judgment or decree may be reviewed by the
1650 Supreme Court as is provided by law for other appeals.

1651 (4) In a proceeding conducted under this section by the
1652 board for the revocation or suspension of a license, the board
1653 shall have the power and authority for the grounds stated for the
1654 revocation or suspension, and in addition thereto or in lieu of
1655 the revocation or suspension may assess and levy upon any person
1656 licensed under this chapter, a monetary penalty, as follows:

1657 (a) For the first violation of any of the subparagraphs
1658 of subsection (1) of this section, a monetary penalty of not less
1659 than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars
1660 (\$500.00).

1661 (b) For the second violation of any of the
1662 subparagraphs of subsection (1) of this section, a monetary



1663 penalty of not less than One Hundred Dollars (\$100.00) nor more
1664 than One Thousand Dollars (\$1,000.00).

1665 (c) For the third and any subsequent violation of any
1666 of the subparagraphs of subsection (1) of this section, a monetary
1667 penalty of not less than Five Hundred Dollars (\$500.00) and not
1668 more than Five Thousand Dollars (\$5,000.00).

1669 (d) For any violation of any of the subparagraphs of
1670 subsection (1) of this section, those reasonable costs that are
1671 expended by the board in the investigation and conduct of a
1672 proceeding for licensure revocation or suspension, including but
1673 not limited to the cost of process service, court reporters,
1674 expert witnesses and investigators.

1675 (5) The power and authority of the board to assess and levy
1676 the monetary penalties under this section shall not be affected or
1677 diminished by any other proceeding, civil or criminal, concerning
1678 the same violation or violations except as provided in this
1679 section.

1680 (6) A licensee shall have the right of appeal from the
1681 assessment and levy of a monetary penalty as provided in this
1682 section under the same conditions as a right of appeal is provided
1683 elsewhere for appeals from an adverse ruling, order or decision of
1684 the board.

1685 (7) Any monetary penalty assessed and levied under this
1686 section shall not take effect until after the time for appeal has
1687 expired. If there is an appeal, the appeal shall act as a
1688 supersedeas.

1689 (8) A monetary penalty assessed and levied under this
1690 section shall be paid to the board by the licensee upon the
1691 expiration of the period allowed for appeal of the penalties under
1692 this section or may be paid sooner if the licensee elects.
1693 With the exception of subsection (4)(d) of this section, monetary
1694 penalties collected by the board under this section shall be
1695 deposited to the credit of the General Fund of the State Treasury.



1696 Any monies collected by the board under subsection (4) (d) of this
1697 section shall be deposited into the special fund operating account
1698 of the board.

1699 (9) When payment of a monetary penalty assessed and levied
1700 by the board against a licensee in accordance with this section is
1701 not paid by the licensee when due under this section, the board
1702 shall have power to institute and maintain proceedings in its name
1703 for enforcement of payment in the chancery court of the county and
1704 judicial district of residence of the licensee, and if the
1705 licensee is a nonresident of the State of Mississippi, the
1706 proceedings shall be in the Chancery Court of the First Judicial
1707 District of Hinds County, Mississippi.

1708 (10) In addition to the reasons specified in subsection (1)
1709 of this section, the board may suspend the license of any licensee
1710 for being out of compliance with an order for support, as defined
1711 in Section 93-11-153. The procedure for suspension of a license
1712 for being out of compliance with an order for support, and the
1713 procedure for the reissuance or reinstatement of a license
1714 suspended for that purpose, and the payment of any fees for the
1715 reissuance or reinstatement of a license suspended for that
1716 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
1717 the case may be. Actions taken by the board in suspending a
1718 license when required by Section 93-11-157 or 93-11-163 are not
1719 actions from which an appeal may be taken under this section. Any
1720 appeal of a license suspension that is required by Section
1721 93-11-157 or 93-11-163 shall be taken in accordance with the
1722 appeal procedure specified in Section 93-11-157 or 93-11-163, as
1723 the case may be, rather than the procedure specified in this
1724 section. If there is any conflict between any provision of
1725 Section 93-11-157 or 93-11-163 and any provision of this chapter,
1726 the provisions of Section 93-11-157 or 93-11-163, as the case may
1727 be, shall control.



1728 **SECTION 11.** Section 73-13-37, Mississippi Code of 1972, is
1729 amended as follows:

1730 73-13-37. (1) The board, upon satisfactory proof and in
1731 accordance with the provisions of this chapter and the
1732 implementing regulations of the board pertaining thereto, may take
1733 the disciplinary actions provided for hereinafter against any
1734 person practicing engineering or surveying, including
1735 nonregistrants, for any of the following reasons:

1736 (a) Violating any of the provisions of Sections 73-13-1
1737 through 73-13-45 or the implementing bylaws, rules, regulations,
1738 or standards of ethics or conduct duly adopted and promulgated by
1739 the board pertaining to the practice of engineering;

1740 (b) Fraud, deceit or misrepresentation in obtaining a
1741 certificate of registration;

1742 (c) Gross negligence, malpractice or incompetency;

1743 (d) Any professional misconduct, as defined by the
1744 board through bylaws, rules and regulations, and standards of
1745 conduct and ethics;

1746 (e) Practicing or offering to practice engineering on
1747 an expired certificate or while under suspension or revocation of
1748 certificate unless the suspension or revocation is abated through
1749 probation, as provided for hereinafter; or

1750 (f) Addiction to or dependence on alcohol or other
1751 habit-forming drugs or being an habitual user of alcohol,
1752 narcotics, barbiturates, amphetamines, hallucinogens, or other
1753 drugs having similar effect.

1754 (2) Notwithstanding any provision of this chapter:

1755 (a) The board shall suspend the certificate of
1756 registration of any person who defaults on or fails to comply with
1757 the requirements of a state educational loan, service conditional
1758 scholarship or loan repayment program obligation under which the
1759 person obtained any of the education necessary to qualify for a
1760 certificate of registration under this chapter; and



1761 (b) The person's certificate of registration shall
1762 remain suspended until he or she has made arrangements
1763 satisfactory to the board for repaying the educational loan or
1764 meeting the obligations of the scholarship or loan repayment
1765 program.

1766 (3) Any person may prefer charges against any other person
1767 practicing engineering or surveying, including nonregistrants, for
1768 committing any of the acts set forth in subsection (1) or (2) of
1769 this section. The charges shall be sworn to, either upon actual
1770 knowledge or upon information and belief, and shall be filed with
1771 the board. If any person certified under Sections 73-13-1 through
1772 73-13-45 is expelled from membership in any Mississippi
1773 professional engineering society or association, the board shall
1774 thereafter cite the person to appear at a hearing before the board
1775 and to show cause why disciplinary action should not be taken
1776 against him.

1777 The board shall investigate all charges filed with it and,
1778 upon finding reasonable cause to believe that the charges are not
1779 frivolous, unfounded or filed in bad faith, may, in its
1780 discretion, cause a hearing to be held, at a time and place fixed
1781 by the board, regarding the charges and may compel the accused by
1782 subpoena to appear before the board to respond to the charges.

1783 No disciplinary action taken under this section, may be taken
1784 until the accused has been furnished both a statement of the
1785 charges against him and notice of the time and place of the
1786 hearing thereof, which shall be personally served on or mailed by
1787 registered or certified mail, return receipt requested, to the
1788 last-known business or residence address of the accused not less
1789 than thirty (30) days before the date fixed for the hearing.

1790 (4) At any hearing held under this section, the board shall
1791 have the power to subpoena witnesses and compel their attendance
1792 and may also require the production of books, papers, documents,
1793 etc., as provided elsewhere in this chapter. The board may



1794 designate or secure a hearing officer to conduct the hearing. All
1795 evidence shall be presented under oath, which may be administered
1796 by any member of the board, and thereafter the proceedings may, if
1797 necessary, be transcribed in full by the court reporter and filed
1798 as part of the record in the case. Copies of those transcriptions
1799 may be provided to any party to the proceedings at a cost to be
1800 fixed by the board.

1801 All witnesses who shall be subpoenaed and who shall appear in
1802 any proceedings before the board shall receive the same fees and
1803 mileage as allowed by law in judicial civil proceedings, and all
1804 such fees shall be taxed as part of the costs in the case.

1805 Where in any proceeding before the board any witness * * *
1806 fails or refuses to attend upon subpoena issued by the
1807 board, * * * refuses to testify or * * * refuses to produce any
1808 books and papers, the production of which is called for by the
1809 subpoena, the attendance of the witness and the giving of his
1810 testimony and the production of the books and papers shall be
1811 enforced by any court of competent jurisdiction of this state in
1812 the manner provided for the enforcement of attendance and
1813 testimony of witnesses in civil cases in the courts of this state.

1814 The accused shall have the right to be present at the hearing
1815 in person, by counsel or other representative, or both. The board
1816 may continue or recess the hearing as may be necessary.

1817 (5) At the conclusion of the hearing, the board may either
1818 decide the issue at that time or take the case under advisement
1819 for further deliberation. The board shall render its decision not
1820 more than ninety (90) days after the close of the hearing, and
1821 shall forward to the last-known business or residence address of
1822 the accused, by certified or registered mail, return receipt
1823 requested, a written statement of the decision of the board.

1824 If a majority of the board finds the accused guilty of the
1825 charges filed, the board may:

1826 (a) Issue a public or private reprimand;



1827 (b) Require the guilty party to complete a course,
1828 approved by the board, in ethics;

1829 (c) Suspend or revoke the certificate of the accused,
1830 if the accused is a registrant; or

1831 (d) In lieu of or in addition to the reprimand, course
1832 completion, suspension or revocation, assess and levy upon the
1833 guilty party a monetary penalty of not less than One Hundred
1834 Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00)
1835 for each violation.

1836 (6) A monetary penalty assessed and levied under this
1837 section shall be paid to the board upon the expiration of the
1838 period allowed for appeal of the penalties under this section, or
1839 may be paid sooner if the guilty party elects. Money collected by
1840 the board under this section shall be deposited to the credit of
1841 the board's special fund in the State Treasury.

1842 When payment of a monetary penalty assessed and levied by the
1843 board in accordance with this section is not paid when due, the
1844 board shall have the power to institute and maintain proceedings
1845 in its name for enforcement of payment in the chancery court of
1846 the county and judicial district of residence of the guilty party
1847 and if the guilty party is a nonresident of the State of
1848 Mississippi, the proceedings shall be in the Chancery Court of the
1849 First Judicial District of Hinds County, Mississippi.

1850 (7) When the board has taken a disciplinary action under
1851 this section, the board may, in its discretion, stay the action
1852 and place the guilty party on probation for a period not to exceed
1853 one (1) year upon the condition that the guilty party shall not
1854 further violate either the laws of the State of Mississippi
1855 pertaining to the practice of engineering or the bylaws, rules and
1856 regulations, or standards of conduct and ethics promulgated by the
1857 board.

1858 (8) The board, in its discretion, may assess and tax any
1859 part or all of the costs of any disciplinary proceedings conducted



1860 under this section against either the accused, the charging party,
1861 or both, as it may elect.

1862 (9) The power and authority of the board to assess and levy
1863 the monetary penalties provided for in this section shall not be
1864 affected or diminished by any other proceeding, civil or criminal,
1865 concerning the same violation or violations except as provided in
1866 this section.

1867 (10) The board, for sufficient cause, may reissue a revoked
1868 certificate of registration whenever a majority of the board
1869 members vote to do so.

1870 (11) Any person aggrieved by an action of the board denying
1871 or revoking his certificate of registration or re-registration as
1872 a professional engineer or his certificate of enrollment as an
1873 engineer intern, or who is aggrieved by the action of the board as
1874 a result of disciplinary proceedings conducted under this section
1875 may appeal therefrom to the chancery court of either the county in
1876 which the appellant resides or the Chancery Court of the First
1877 Judicial District of Hinds County, at the election of the
1878 appellant. If the appellant is a nonresident of this state, the
1879 appeal shall be made to the Chancery Court of the First Judicial
1880 District of Hinds County. The appeal shall be perfected before
1881 the board by the filing with the board of a notice of appeal to
1882 the chancery court. The court shall require a bond in an amount
1883 not to exceed One Thousand Dollars (\$1,000.00) conditioned to pay
1884 all costs that may be adjudged against the appellant. The notice
1885 of appeal shall be filed not later than thirty (30) days after the
1886 decision of the board is forwarded to the guilty party, as
1887 provided hereinabove.

1888 All appeals perfected under this section shall act as a
1889 supersedeas, and shall be made to the chancery court solely upon
1890 the record made before the board during the disciplinary hearing.
1891 When the appeal has been properly perfected as provided in this
1892 section, the board shall cause the record of the proceedings



1893 conducted before it to be compiled, certified and filed with the
1894 chancery court. The briefing schedule shall be the same as for
1895 appeals to the Supreme Court. The chancery court shall be
1896 required to rule on the case within sixty (60) days of the close
1897 of briefing. All procedures and penalties provided for in this
1898 section shall apply to nonregistrants as well as registrants.

1899 (12) In addition to the reasons specified in subsection (1)
1900 of this section, the board may suspend the certificate of
1901 registration of any person for being out of compliance with an
1902 order for support, as defined in Section 93-11-153. The procedure
1903 for suspension of a certificate for being out of compliance with
1904 an order for support, and the procedure for the reissuance or
1905 reinstatement of a certificate suspended for that purpose, and the
1906 payment of any fees for the reissuance or reinstatement of a
1907 certificate suspended for that purpose, shall be governed by
1908 Section 93-11-157 or 93-11-163, as the case may be. Actions taken
1909 by the board in suspending a certificate when required by Section
1910 93-11-157 or 93-11-163 are not actions from which an appeal may be
1911 taken under this section. Any appeal of a suspension of a
1912 certificate that is required by Section 93-11-157 or 93-11-163
1913 shall be taken in accordance with the appeal procedure specified
1914 in Section 93-11-157 or 93-11-163, as the case may be, rather than
1915 the procedure specified in this section. If there is any conflict
1916 between any provision of Section 93-11-157 or 93-11-163 and any
1917 provision of this chapter, the provisions of Section 93-11-157 or
1918 93-11-163, as the case may be, shall control.

1919 (13) Any board member whose objectivity in a disciplinary
1920 proceeding is impaired shall either recuse himself from sitting as
1921 a member of the board in a formal disciplinary hearing in that
1922 proceeding or be disqualified therefrom. If a disciplinary
1923 proceeding is brought against a member or former member of the
1924 board, no member of the board who has served concurrently with the
1925 respondent in the disciplinary proceeding shall sit as a member of



1926 the board in a formal disciplinary hearing in that proceeding.
1927 If, after recusal or disqualification of board members as provided
1928 herein, there does not remain a quorum of the board to sit for a
1929 disciplinary hearing, the board shall have the power to select, in
1930 accordance with duly promulgated regulations of the board,
1931 substitute panel members from slates of candidates established by
1932 the Mississippi Engineering Society and the Mississippi
1933 Association of Professional Surveyors to the extent necessary to
1934 achieve the number of panel members equivalent to a quorum of the
1935 board. Substitute panel members must meet the qualifications of
1936 board members as provided in Section 73-13-7 and shall receive
1937 compensation as provided for board members in Section 73-13-9.

1938 **SECTION 12.** Section 73-15-29, Mississippi Code of 1972, is
1939 amended as follows:

1940 73-15-29. (1) The board shall have power to revoke, suspend
1941 or refuse to renew any license issued by the board, or to revoke
1942 or suspend any privilege to practice, or to deny an application
1943 for a license, or to fine, place on probation and/or discipline a
1944 licensee, in any manner specified in this chapter, upon proof that
1945 the person:

1946 (a) Has committed fraud or deceit in securing or
1947 attempting to secure the license;

1948 (b) Has been convicted of felony, or a crime involving
1949 moral turpitude or has had accepted by a court a plea of nolo
1950 contendere to a felony or a crime involving moral turpitude (a
1951 certified copy of the judgment of the court of competent
1952 jurisdiction of the conviction or pleas shall be prima facie
1953 evidence of the conviction);

1954 (c) Has negligently or willfully acted in a manner
1955 inconsistent with the health or safety of the persons under the
1956 licensee's care;

1957 (d) Has had a license or privilege to practice as a
1958 registered nurse or a licensed practical nurse suspended or



1959 revoked in any jurisdiction, has voluntarily surrendered the
1960 license or privilege to practice in any jurisdiction, has been
1961 placed on probation as a registered nurse or licensed practical
1962 nurse in any jurisdiction or has been placed under a disciplinary
1963 order(s) in any manner as a registered nurse or licensed practical
1964 nurse in any jurisdiction, (a certified copy of the order of
1965 suspension, revocation, probation or disciplinary action shall be
1966 prima facie evidence of the action);

1967 (e) Has negligently or willfully practiced nursing in a
1968 manner that fails to meet generally accepted standards of that
1969 nursing practice;

1970 (f) Has negligently or willfully violated any order,
1971 rule or regulation of the board pertaining to nursing practice or
1972 licensure;

1973 (g) Has falsified or in a repeatedly negligent manner
1974 made incorrect entries or failed to make essential entries on
1975 records;

1976 (h) Is addicted to or dependent on alcohol or other
1977 habit-forming drugs or is a habitual user of narcotics,
1978 barbiturates, amphetamines, hallucinogens, or other drugs having
1979 similar effect, or has misappropriated any medication;

1980 (i) Has a physical, mental or emotional disability that
1981 renders the licensee unable to perform nursing services or duties
1982 with reasonable skill and safety;

1983 (j) Has engaged in any other conduct, whether of the
1984 same or of a different character from that specified in this
1985 chapter, that would constitute a crime as defined in Title 97 of
1986 the Mississippi Code of 1972, as now or hereafter amended, and
1987 that relates to the person's employment as a registered nurse or
1988 licensed practical nurse;

1989 (k) Engages in conduct likely to deceive, defraud or
1990 harm the public;



1991 (1) Engages in any unprofessional conduct as identified
1992 by the board in its rules; or

1993 (m) Has violated any provision of this chapter.

1994 (2) Notwithstanding any provision of this chapter:

1995 (a) The board shall suspend the license of any person
1996 who defaults on or fails to comply with the requirements of a
1997 state educational loan, service conditional scholarship or loan
1998 repayment program obligation under which the person obtained any
1999 of the education necessary to qualify for a license under this
2000 chapter; and

2001 (b) The person's license shall remain suspended until
2002 he or she has made arrangements satisfactory to the board for
2003 repaying the educational loan or meeting the obligation of the
2004 scholarship or loan repayment program.

2005 (3) When the board finds any person unqualified because of
2006 any of the grounds set forth in subsection (1) of this section, it
2007 may enter an order imposing one or more of the following
2008 penalties:

2009 (a) Denying application for a license or other
2010 authorization to practice nursing or practical nursing;

2011 (b) Administering a reprimand;

2012 (c) Suspending or restricting the license or other
2013 authorization to practice as a registered nurse or licensed
2014 practical nurse for up to two (2) years without review;

2015 (d) Revoking the license or other authorization to
2016 practice nursing or practical nursing;

2017 (e) Requiring the discipline to submit to care,
2018 counseling or treatment by persons and/or agencies approved or
2019 designated by the board as a condition for initial, continued or
2020 renewed licensure or other authorization to practice nursing or
2021 practical nursing;

2022 (f) Requiring the discipline to participate in a
2023 program of education prescribed by the board as a condition for



2024 initial, continued or renewed licensure or other authorization to
2025 practice;

2026 (g) Requiring the discipline to practice under the
2027 supervision of a registered nurse for a specified period of time;
2028 or

2029 (h) Imposing a fine not to exceed Five Hundred Dollars
2030 (\$500.00).

2031 (4) In addition to the grounds specified in subsection (1)
2032 of this section, the board may suspend the license or privilege to
2033 practice of any licensee for being out of compliance with an order
2034 for support, as defined in Section 93-11-153. The procedure for
2035 suspension of a license or privilege to practice for being out of
2036 compliance with an order for support, and the procedure for the
2037 reissuance or reinstatement of a license or privilege to practice
2038 suspended for that purpose, and the payment of any fees for the
2039 reissuance or reinstatement of a license or privilege to practice
2040 suspended for that purpose, shall be governed by Section 93-11-157
2041 or 93-11-163, as the case may be. If there is any conflict
2042 between any provision of Section 93-11-157 or 93-11-163 and any
2043 provision of this chapter, the provisions of Section 93-11-157 or
2044 93-11-163, as the case may be, shall control.

2045 **SECTION 13.** Section 73-19-23, Mississippi Code of 1972, is
2046 amended as follows:

2047 73-19-23. (1) The board shall refuse to grant a certificate
2048 of licensure to any applicant and may cancel, revoke or suspend
2049 the operation of any certificate by it granted for any or all of
2050 the following reasons, to wit: unprofessional and unethical
2051 conduct or the conviction of a crime involving moral turpitude,
2052 habitual intemperance in the use of ardent spirits, or stimulants,
2053 narcotics, or any other substance that impairs the intellect and
2054 judgment to such an extent as to incapacitate one for the
2055 performance of the duties of an optometrist. The certificate of



2056 licensure of any person can be revoked for violating any section
2057 of this chapter.

2058 (2) The board may take disciplinary action against a
2059 licensee for any unlawful acts, which shall include violations of
2060 regulations promulgated by the board, as well as the following
2061 acts:

2062 (a) Fraud or misrepresentation in applying for or
2063 procuring an optometric license or in connection with applying for
2064 or procuring periodic renewal of an optometric license.

2065 (b) Cheating on or attempting to subvert the optometric
2066 licensing examination(s).

2067 (c) The conviction of a felony in this state or any
2068 other jurisdiction, or the entry of guilty or nolo contendere plea
2069 to a felony charge.

2070 (d) The conviction of a felony as defined by federal
2071 law, or the entry of a guilty or nolo contendere plea to a felony
2072 charge.

2073 (e) Conduct likely to deceive, defraud or harm the
2074 public.

2075 (f) Making a false or misleading statement regarding
2076 his or her skill or the efficacy or value of the medicine, device,
2077 treatment or remedy prescribed by him or her or used at his or her
2078 direction in the treatment of any disease or other condition.

2079 (g) Willfully or negligently violating the
2080 confidentiality between doctor and patient, except as required by
2081 law.

2082 (h) Negligence or gross incompetence in the practice of
2083 optometry as determined by the board.

2084 (i) Being found mentally incompetent or insane by any
2085 court of competent jurisdiction.

2086 (j) The use of any false, fraudulent, deceptive or
2087 misleading statement in any document connected with the practice
2088 of optometry.



2089 (k) Aiding or abetting the practice of optometry by an
2090 unlicensed, incompetent or impaired person.

2091 (l) Commission of any act of sexual abuse, misconduct
2092 or exploitation related to the licensee's practice of optometry.

2093 (m) Being addicted or habituated to a drug or
2094 intoxicant.

2095 (n) Violating any state or federal law or regulation
2096 relating to a drug legally classified as a controlled substance.

2097 (o) Obtaining any fee by fraud, deceit or
2098 misrepresentation.

2099 (p) Disciplinary action of another state or
2100 jurisdiction against a licensee or other authorization to practice
2101 optometry based upon acts or conduct by the licensee similar to
2102 acts or conduct that would constitute grounds for action as
2103 defined in this chapter, a certified copy of the record of the
2104 action taken by the other state or jurisdiction being conclusive
2105 evidence thereof.

2106 (q) Failure to report to the board the relocation of
2107 his or her office in or out of the jurisdiction, or to furnish
2108 floor plans as required by regulation.

2109 (r) Violation of any provision(s) of the Optometry
2110 Practice Act or the rules and regulations of the board or of an
2111 action, stipulation or agreement of the board.

2112 (s) To advertise in a manner that tends to deceive,
2113 mislead or defraud the public.

2114 (t) The designation of any person licensed under this
2115 chapter, other than by the terms "optometrist," "Doctor of
2116 Optometry" or "O.D."

2117 (u) To knowingly submit or cause to be submitted any
2118 misleading, deceptive or fraudulent representation on a claim
2119 form, bill or statement.

2120 (v) To practice or attempt to practice optometry while
2121 his or her license is suspended.



2122 (3) Notwithstanding any provision of this chapter:

2123 (a) The board shall suspend the certificate of

2124 licensure of any person who defaults on or fails to comply with

2125 the requirements of a state educational loan, service conditional

2126 scholarship or loan repayment program obligation under which the

2127 person obtained any of the education necessary to qualify for a

2128 certificate of licensure under this chapter; and

2129 (b) The person's certificate of licensure shall remain

2130 suspended until he or she has made arrangements satisfactory to

2131 the board for repaying the educational loan or meeting the

2132 obligations of the scholarship or loan repayment program.

2133 (4) Any person who is holder of a certificate of licensure

2134 or who is an applicant for examination for a certificate of

2135 licensure, against whom is preferred any charges, shall be

2136 furnished by the board with a copy of the complaint and shall have

2137 a hearing in Jackson, Mississippi, before the board, at which

2138 hearing he may be represented by counsel. At the hearing

2139 witnesses may be examined for and against the accused respecting

2140 the * * * charges, and the hearing orders or appeals will be

2141 conducted according to the procedure now provided in Section

2142 73-25-27. The suspension of a certificate of licensure, by reason

2143 of the use of stimulants or narcotics may be removed when the

2144 holder thereof has been adjudged by the * * * board to be cured

2145 and capable of practicing optometry.

2146 (5) In addition to the reasons specified in subsections (1)

2147 and (2) of this section, the board may suspend the license of any

2148 licensee for being out of compliance with an order for support, as

2149 defined in Section 93-11-153. The procedure for suspension of a

2150 license for being out of compliance with an order for support, and

2151 the procedure for the reissuance or reinstatement of a license

2152 suspended for that purpose, and the payment of any fees for the

2153 reissuance or reinstatement of a license suspended for that

2154 purpose, shall be governed by Section 93-11-157 or 93-11-163, as



2155 the case may be. If there is any conflict between any provision
2156 of Section 93-11-157 or 93-11-163 and any provision of this
2157 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
2158 case may be, shall control.

2159 **SECTION 14.** Section 73-21-97, Mississippi Code of 1972, is
2160 amended as follows:

2161 73-21-97. (1) The board may refuse to issue or renew, or
2162 may suspend, reprimand, revoke or restrict the license,
2163 registration or permit of any person upon one or more of the
2164 following grounds:

2165 (a) Unprofessional conduct as defined by the rules and
2166 regulations of the board;

2167 (b) Incapacity of a nature that prevents a pharmacist
2168 from engaging in the practice of pharmacy with reasonable skill,
2169 confidence and safety to the public;

2170 (c) Being found guilty by a court of competent
2171 jurisdiction of one or more of the following:

2172 (i) A felony;

2173 (ii) Any act involving moral turpitude or gross
2174 immorality; or

2175 (iii) Violation of pharmacy or drug laws of this
2176 state or rules or regulations pertaining thereto, or of statutes,
2177 rules or regulations of any other state or the federal government;

2178 (d) Fraud or intentional misrepresentation by a
2179 licensee or permit holder in securing the issuance or renewal of a
2180 license or permit;

2181 (e) Engaging or aiding and abetting an individual to
2182 engage in the practice of pharmacy without a license;

2183 (f) Violation of any of the provisions of this chapter
2184 or rules or regulations adopted under this chapter;

2185 (g) Failure to comply with lawful orders of the board;

2186 (h) Negligently or willfully acting in a manner
2187 inconsistent with the health or safety of the public;



2188 (i) Addiction to or dependence on alcohol or controlled
2189 substances or the unauthorized use or possession of controlled
2190 substances;

2191 (j) Misappropriation of any prescription drug;

2192 (k) Being found guilty by the licensing agency in
2193 another state of violating the statutes, rules or regulations of
2194 that jurisdiction; or

2195 (l) The unlawful or unauthorized possession of a
2196 controlled substance.

2197 (2) In lieu of suspension, revocation or restriction of a
2198 license as provided for above, the board may warn or reprimand the
2199 offending pharmacist.

2200 (3) Notwithstanding any provision of this chapter:

2201 (a) The board shall suspend the pharmacist's license of
2202 any person who defaults on or fails to comply with the
2203 requirements of a state educational loan, service conditional
2204 scholarship or loan repayment program obligation under which the
2205 person obtained any of the education necessary to qualify for a
2206 pharmacist's license under this chapter; and

2207 (b) The person's pharmacist's license shall remain
2208 suspended until he or she has made arrangements satisfactory to
2209 the board for repaying the educational loan or meeting the
2210 obligations of the scholarship or loan repayment program.

2211 (4) In addition to the grounds specified in subsection (1)
2212 of this section, the board may suspend the license, registration
2213 or permit of any person for being out of compliance with an order
2214 for support, as defined in Section 93-11-153. The procedure for
2215 suspension of a license, registration or permit for being out of
2216 compliance with an order for support, and the procedure for the
2217 reissuance or reinstatement of a license, registration or permit
2218 suspended for that purpose, and the payment of any fees for the
2219 reissuance or reinstatement of a license, registration or permit
2220 suspended for that purpose, shall be governed by Section 93-11-157



2221 or 93-11-163, as the case may be. If there is any conflict
2222 between any provision of Section 93-11-157 or 93-11-163 and any
2223 provision of this chapter, the provisions of Section 93-11-157 or
2224 93-11-163, as the case may be, shall control.

2225 **SECTION 15.** Section 73-23-59, Mississippi Code of 1972, is
2226 amended as follows:

2227 73-23-59. (1) Licensees subject to this chapter shall
2228 conduct their activities, services and practice in accordance with
2229 this chapter and any rules promulgated pursuant hereto. Licensees
2230 may be subject to the exercise of the disciplinary sanction
2231 enumerated in Section 73-23-64 if the board finds that a licensee
2232 is guilty of any of the following:

2233 (a) Negligence in the practice or performance of
2234 professional services or activities;

2235 (b) Engaging in dishonorable, unethical or
2236 unprofessional conduct of a character likely to deceive, defraud
2237 or harm the public in the course of professional services or
2238 activities;

2239 (c) Perpetrating or cooperating in fraud or material
2240 deception in obtaining or renewing a license or attempting the
2241 same;

2242 (d) Being convicted of any crime that has a substantial
2243 relationship to the licensee's activities and services or an
2244 essential element of which is misstatement, fraud or dishonesty;

2245 (e) Being convicted of any crime that is a felony under
2246 the laws of this state or the United States;

2247 (f) Engaging in or permitting the performance of
2248 unacceptable services personally or by others working under the
2249 licensee's supervision due to the licensee's deliberate or
2250 negligent act or acts or failure to act, regardless of whether
2251 actual damage or damages to the public is established;



2252 (g) Continued practice although the licensee has become
2253 unfit to practice as a physical therapist or physical therapist
2254 assistant due to:

2255 (i) Failure to keep abreast of current
2256 professional theory or practice; * * *

2257 (ii) Physical or mental disability; the entry of
2258 an order or judgment by a court of competent jurisdiction that a
2259 licensee is in need of mental treatment or is incompetent shall
2260 constitute mental disability; or

2261 (iii) Addiction or severe dependency upon alcohol
2262 or other drugs that may endanger the public by impairing the
2263 licensee's ability to practice;

2264 (h) Having disciplinary action taken against the
2265 licensee's license in another state;

2266 (i) Making differential, detrimental treatment against
2267 any person because of race, color, creed, sex, religion or
2268 national origin;

2269 (j) Engaging in lewd conduct in connection with
2270 professional services or activities;

2271 (k) Engaging in false or misleading advertising;

2272 (l) Contracting, assisting or permitting unlicensed
2273 persons to perform services for which a license is required under
2274 this chapter;

2275 (m) Violation of any probation requirements placed on a
2276 license by the board;

2277 (n) Revealing confidential information except as may be
2278 required by law;

2279 (o) Failing to inform clients of the fact that the
2280 client no longer needs the services or professional assistance of
2281 the licensee;

2282 (p) Charging excessive or unreasonable fees or engaging
2283 in unreasonable collection practices;



2284 (q) For treating or attempting to treat ailments or
2285 other health conditions of human beings other than by physical
2286 therapy as authorized by this chapter;

2287 (r) For applying or offering to apply physical therapy,
2288 exclusive of initial evaluation or screening and exclusive of
2289 education or consultation for the prevention of physical and
2290 mental disability within the scope of physical therapy, other than
2291 upon the referral of a licensed physician, dentist, osteopath,
2292 podiatrist, chiropractor or nurse practitioner; or for acting as a
2293 physical therapist assistant other than under the direct, on-site
2294 supervision of a licensed physical therapist;

2295 (s) Violations of the current codes of conduct for
2296 physical therapists and physical therapy assistants adopted by the
2297 American Physical Therapy Association;

2298 (t) Violations of any rules or regulations promulgated
2299 under this chapter.

2300 (2) The board may order a licensee to submit to a reasonable
2301 physical or mental examination if the licensee's physical or
2302 mental capacity to practice safely is at issue in a disciplinary
2303 proceeding.

2304 (3) Failure to comply with a board order to submit to a
2305 physical or mental examination shall render a licensee subject to
2306 the summary suspension procedures described in Section 73-23-64.

2307 (4) Notwithstanding any provision of this chapter:

2308 (a) The board shall suspend the license of any person
2309 who defaults on or fails to comply with the requirements of a
2310 state educational loan, service conditional scholarship or loan
2311 repayment program obligation under which the person obtained any
2312 of the education necessary to qualify for a license under this
2313 chapter; and

2314 (b) The person's license shall remain suspended until
2315 he or she has made arrangements satisfactory to the board for



2316 repaying the educational loan or meeting the obligations of the
2317 scholarship or loan repayment program.

2318 (5) In addition to the reasons specified in subsection (1)
2319 of this section, the board may suspend the license of any licensee
2320 for being out of compliance with an order for support, as defined
2321 in Section 93-11-153. The procedure for suspension of a license
2322 for being out of compliance with an order for support, and the
2323 procedure for the reissuance or reinstatement of a license
2324 suspended for that purpose, and the payment of any fees for the
2325 reissuance or reinstatement of a license suspended for that
2326 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
2327 the case may be. If there is any conflict between any provision
2328 of Section 93-11-157 or 93-11-163 and any provision of this
2329 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
2330 case may be, shall control.

2331 **SECTION 16.** Section 73-24-24, Mississippi Code of 1972, is
2332 amended as follows:

2333 73-24-24. (1) Licensees subject to this chapter shall
2334 conduct their activities, services and practice in accordance with
2335 this chapter and any rules promulgated pursuant hereto. Licenses
2336 may be subject to the exercise of the disciplinary sanction
2337 enumerated in Section 73-24-25 if the board finds that a licensee
2338 is guilty of any of the following:

2339 (a) Negligence in the practice or performance of
2340 professional services or activities;

2341 (b) Engaging in dishonorable, unethical or
2342 unprofessional conduct of a character likely to deceive, defraud
2343 or harm the public in the course of professional services or
2344 activities;

2345 (c) Perpetrating or cooperating in fraud or material
2346 deception in obtaining or renewing a license or attempting the
2347 same;



2348 (d) Being convicted of any crime that has a substantial
2349 relationship to the licensee's activities and services or an
2350 essential element of which is misstatement, fraud or dishonesty;

2351 (e) Being convicted of any crime that is a felony under
2352 the laws of this state or the United States;

2353 (f) Engaging in or permitting the performance of
2354 unacceptable services personally or by others working under the
2355 licensee's supervision due to the licensee's deliberate or
2356 negligent act or acts or failure to act, regardless of whether
2357 actual damage or damages to the public is established;

2358 (g) Continued practice although the licensee has become
2359 unfit to practice as an occupational therapist or occupational
2360 therapist assistant due to:

2361 (i) Failure to keep abreast of current
2362 professional theory or practice; * * *

2363 (ii) Physical or mental disability; the entry of
2364 an order or judgment by a court of competent jurisdiction that a
2365 licensee is in need of mental treatment or is incompetent shall
2366 constitute mental disability; or

2367 (iii) Addition or severe dependency upon alcohol
2368 or other drugs that may endanger the public by impairing the
2369 licensee's ability to practice;

2370 (h) Having disciplinary action taken against the
2371 licensee's license in another state;

2372 (i) Making differential, detrimental treatment against
2373 any person because of race, color, creed, sex, religion or
2374 national origin;

2375 (j) Engaging in lewd conduct in connection with
2376 professional services or activities;

2377 (k) Engaging in false or misleading advertising;

2378 (l) Contracting, assisting or permitting unlicensed
2379 persons to perform services for which a license is required under
2380 this chapter;



2381 (m) Violation of any probation requirements placed on a
2382 license by the board;

2383 (n) Revealing confidential information except as may be
2384 required by law;

2385 (o) Failing to inform clients of the fact that the
2386 client no longer needs the services or professional assistance of
2387 the licensee;

2388 (p) Charging excessive or unreasonable fees or engaging
2389 in unreasonable collection practices;

2390 (q) For treating or attempting to treat ailments or
2391 other health conditions of human beings other than by occupational
2392 therapy as authorized by this chapter;

2393 (r) For practice or activities considered to be
2394 unprofessional conduct as defined by the rules and regulations;

2395 (s) Violations of the current codes of conduct for
2396 occupational therapists and occupational therapy assistants
2397 adopted by the American Occupational Therapy Association;

2398 (t) Violations of any rules or regulations promulgated
2399 under this chapter.

2400 (2) Notwithstanding any provision of this chapter:

2401 (a) The board shall suspend the license of any person
2402 who defaults on or fails to comply with the requirements of a
2403 state educational loan, service conditional scholarship or loan
2404 repayment program obligation under which the person obtained any
2405 of the education necessary to qualify for a license under this
2406 chapter; and

2407 (b) The person's license shall remain suspended until
2408 he or she has made arrangements satisfactory to the board for
2409 repaying the educational loan or meeting the obligations of the
2410 scholarship or loan repayment program.

2411 (3) The board may order a licensee to submit to a reasonable
2412 physical or mental examination if the licensee's physical or



2413 mental capacity to practice safely is at issue in a disciplinary
2414 proceeding.

2415 (4) Failure to comply with a board order to submit to a
2416 physical or mental examination shall render a licensee subject to
2417 the summary suspension procedures described in Section 73-24-25.

2418 **SECTION 17.** Section 73-25-29, Mississippi Code of 1972, is
2419 amended as follows:

2420 73-25-29. (1) The grounds for the nonissuance, suspension,
2421 revocation or restriction of a license or the denial of
2422 reinstatement or renewal of a license are:

2423 (a) Habitual personal use of narcotic drugs, or any
2424 other drug having addiction-forming or addiction-sustaining
2425 liability.

2426 (b) Habitual use of intoxicating liquors, or any
2427 beverage, to an extent that affects professional competency.

2428 (c) Administering, dispensing or prescribing any
2429 narcotic drug, or any other drug having addiction-forming or
2430 addiction-sustaining liability otherwise than in the course of
2431 legitimate professional practice.

2432 (d) Conviction of violation of any federal or state law
2433 regulating the possession, distribution or use of any narcotic
2434 drug or any drug considered a controlled substance under state or
2435 federal law, a certified copy of the conviction order or judgment
2436 rendered by the trial court being prima facie evidence thereof,
2437 notwithstanding the pendency of any appeal.

2438 (e) Procuring, or attempting to procure, or aiding in,
2439 an abortion that is not medically indicated.

2440 (f) Conviction of a felony or misdemeanor involving
2441 moral turpitude, a certified copy of the conviction order or
2442 judgment rendered by the trial court being prima facie evidence
2443 thereof, notwithstanding the pendency of any appeal.

2444 (g) Obtaining or attempting to obtain a license by
2445 fraud or deception.



2446 (h) Unprofessional conduct, which includes, but is not
2447 limited to:

2448 (i) Practicing medicine under a false or assumed
2449 name or impersonating another practitioner, living or dead.

2450 (ii) Knowingly performing any act that in any way
2451 assists an unlicensed person to practice medicine.

2452 (iii) Making or willfully causing to be made any
2453 flamboyant claims concerning the licensee's professional
2454 excellence.

2455 (iv) Being guilty of any dishonorable or unethical
2456 conduct likely to deceive, defraud or harm the public.

2457 (v) Obtaining a fee as personal compensation or
2458 gain from a person on fraudulent representation a disease or
2459 injury condition generally considered incurable by competent
2460 medical authority in the light of current scientific knowledge and
2461 practice can be cured or offering, undertaking, attempting or
2462 agreeing to cure or treat the same by a secret method, which he
2463 refuses to divulge to the board upon request.

2464 (vi) Use of any false, fraudulent or forged
2465 statement or document, or the use of any fraudulent, deceitful,
2466 dishonest or immoral practice in connection with any of the
2467 licensing requirements, including the signing in his professional
2468 capacity any certificate that is known to be false at the time he
2469 makes or signs the certificate.

2470 (vii) Failing to identify a physician's school of
2471 practice in all professional uses of his name by use of his earned
2472 degree or a description of his school of practice.

2473 (i) The refusal of a licensing authority of another
2474 state or jurisdiction to issue or renew a license, permit or
2475 certificate to practice medicine in that jurisdiction or the
2476 revocation, suspension or other restriction imposed on a license,
2477 permit or certificate issued by that licensing authority which
2478 prevents or restricts practice in that jurisdiction, a certified



2479 copy of the disciplinary order or action taken by the other state
2480 or jurisdiction being prima facie evidence thereof,
2481 notwithstanding the pendency of any appeal.

2482 (j) Surrender of a license or authorization to practice
2483 medicine in another state or jurisdiction or surrender of
2484 membership on any medical staff or in any medical or professional
2485 association or society while under disciplinary investigation by
2486 any of those authorities or bodies for acts or conduct similar to
2487 acts or conduct that would constitute grounds for action as
2488 defined in this section.

2489 (k) Final sanctions imposed by the United States
2490 Department of Health and Human Services, Office of Inspector
2491 General or any successor federal agency or office, based upon a
2492 finding of incompetency, gross misconduct or failure to meet
2493 professionally recognized standards of health care; a certified
2494 copy of the notice of final sanction being prima facie evidence
2495 thereof. As used in this paragraph, the term "final sanction"
2496 means the written notice to a physician from the United States
2497 Department of Health and Human Services, Officer of Inspector
2498 General or any successor federal agency or office, that implements
2499 the exclusion.

2500 (l) Failure to furnish the board, its investigators or
2501 representatives information legally requested by the board.

2502 (m) Violation of any provision(s) of the Medical
2503 Practice Act or the rules and regulations of the board or of any
2504 order, stipulation or agreement with the board.

2505 (2) Notwithstanding any provision of this chapter:

2506 (a) The board shall suspend the license of any person
2507 who defaults on or fails to comply with the requirements of a
2508 state educational loan, service conditional scholarship or loan
2509 repayment program obligation under which the person obtained any
2510 of the education necessary to qualify for a license under this
2511 chapter; and



2512 (b) The person's license shall remain suspended until
2513 he or she has made arrangements satisfactory to the board for
2514 repaying the educational loan or meeting the obligations of the
2515 scholarship or loan repayment program.

2516 (3) In addition to the grounds specified in subsection (1)
2517 of this section, the board may suspend the license of any licensee
2518 for being out of compliance with an order for support, as defined
2519 in Section 93-11-153. The procedure for suspension of a license
2520 for being out of compliance with an order for support, and the
2521 procedure for the reissuance or reinstatement of a license
2522 suspended for that purpose, and the payment of any fees for the
2523 reissuance or reinstatement of a license suspended for that
2524 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
2525 the case may be. If there is any conflict between any provision
2526 of Section 93-11-157 or 93-11-163 and any provision of this
2527 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
2528 case may be, shall control.

2529 **SECTION 18.** Section 73-26-5, Mississippi Code of 1972, is
2530 amended as follows:

2531 73-26-5. (1) The board shall promulgate and publish
2532 reasonable rules and regulations necessary to enable it to
2533 discharge its functions and to enforce the provisions of law
2534 regulating the practice of physician assistants. Those rules
2535 shall include, but are not limited to:

2536 (a) Qualifications for licensure for physician
2537 assistants;

2538 (b) Scope of practice of physician assistants;

2539 (c) Supervision of physician assistants;

2540 (d) Identification of physician assistants;

2541 (e) Grounds for disciplinary actions and discipline of
2542 physician assistants; and

2543 (f) Setting and charging reasonable fees for licensure
2544 and license renewals for physician assistants.



2545 However, nothing in this chapter or in rules adopted by the
2546 board shall authorize physician assistants to administer or
2547 monitor general inhaled anesthesia, epidural anesthesia, spinal
2548 anesthesia, or monitored anesthesia as utilized in surgical
2549 procedures.

2550 (2) Notwithstanding any provision of this chapter:

2551 (a) The board shall suspend the license of any person
2552 who defaults on or fails to comply with the requirements of a
2553 state educational loan, service conditional scholarship or loan
2554 repayment program obligation under which the person obtained any
2555 of the education necessary to qualify for a license under this
2556 chapter; and

2557 (b) The person's license shall remain suspended until
2558 he or she has made arrangements satisfactory to the board for
2559 repaying the educational loan or meeting the obligations of the
2560 scholarship or loan repayment program.

2561 (3) If the board appoints a task force or committee to
2562 address physician assistant regulation, at least one (1) member of
2563 the task force shall be a nurse practitioner who is a member of
2564 the Mississippi Board of Nursing or a nurse practitioner appointee
2565 selected by the board from a list of three (3) recommendations
2566 submitted by the Mississippi Nurses Association, and at least one
2567 (1) member shall be a physician assistant selected by the board
2568 from a list of three (3) recommendations submitted by the
2569 Mississippi Academy of Physician Assistants.

2570 **SECTION 19.** Section 73-27-13, Mississippi Code of 1972, is
2571 amended as follows:

2572 73-27-13. (1) The State Board of Medical Licensure may
2573 refuse to issue, suspend, revoke or otherwise restrict any license
2574 provided for in this chapter, with the advice of the advisory
2575 committee, based upon the following grounds:



2576 (a) Habitual personal use of narcotic drugs, or any
2577 other drug having addiction-forming or addiction-sustaining
2578 liability.

2579 (b) Habitual use of intoxicating liquors, or any
2580 beverage, to an extent that affects professional competency.

2581 (c) Administering, dispensing or prescribing any
2582 narcotic drug, or any other drug having addiction-forming or
2583 addiction-sustaining liability otherwise than in the course of
2584 legitimate professional practice.

2585 (d) Conviction of violation of any federal or state law
2586 regulating the possession, distribution or use of any narcotic
2587 drug or any drug considered a controlled substance under state or
2588 federal law.

2589 (e) Performing any medical diagnosis or treatment
2590 outside the scope of podiatry as defined in Section 73-27-1.

2591 (f) Conviction of a felony or misdemeanor involving
2592 moral turpitude.

2593 (g) Obtaining or attempting to obtain a license by
2594 fraud or deception.

2595 (h) Unprofessional conduct, which includes, but is not
2596 limited to:

2597 (i) Practicing medicine under a false or assumed
2598 name or impersonating another practitioner, living or dead.

2599 (ii) Knowingly performing any act that in any way
2600 assists an unlicensed person to practice podiatry.

2601 (iii) Making or willfully causing to be made any
2602 flamboyant claims concerning the licensee's professional
2603 excellence.

2604 (iv) Being guilty of any dishonorable or unethical
2605 conduct likely to deceive, defraud or harm the public.

2606 (v) Obtaining a fee as personal compensation or
2607 gain from a person on fraudulent representation a disease or
2608 injury condition generally considered incurable by competent



2609 medical authority in the light of current scientific knowledge and
2610 practice can be cured or offering, undertaking, attempting or
2611 agreeing to cure or treat the same by a secret method, which he
2612 refuses to divulge to the board upon request.

2613 (vi) Use of any false, fraudulent or forged
2614 statement or document, or the use of any fraudulent, deceitful,
2615 dishonest or immoral practice in connection with any of the
2616 licensing requirements, including the signing in his professional
2617 capacity any certificate that is known to be false at the time he
2618 makes or signs the certificate.

2619 (vii) Failing to identify a podiatrist's school of
2620 practice in all professional uses of his name by use of his earned
2621 degree or a description of his school of practice.

2622 (i) The refusal of a licensing authority of another
2623 state to issue or renew a license, permit or certificate to
2624 practice podiatry in that state or the revocation, suspension or
2625 other restriction imposed on a license, permit or certificate
2626 issued by that licensing authority which prevents or restricts
2627 practice in that state.

2628 (2) Notwithstanding any provision of this chapter:

2629 (a) The board shall suspend the license of any person
2630 who defaults on or fails to comply with the requirements of a
2631 state educational loan, service conditional scholarship or loan
2632 repayment program obligation under which the person obtained any
2633 of the education necessary to qualify for a license under this
2634 chapter; and

2635 (b) The person's license shall remain suspended until
2636 he or she has made arrangements satisfactory to the board for
2637 repaying the educational loan or meeting the obligations of the
2638 scholarship or loan repayment program.

2639 (3) Upon the nonissuance, suspension or revocation of a
2640 license to practice podiatry, the board may, in its discretion and
2641 with the advice of the advisory committee, reissue a license after



2642 a lapse of six (6) months. No advertising shall be permitted
2643 except regular professional cards.

2644 (4) In its investigation of whether the license of a
2645 podiatrist should be suspended, revoked or otherwise restricted,
2646 the board may inspect patient records in accordance with the
2647 provisions of Section 73-25-28.

2648 (5) In addition to the grounds specified in subsection (1)
2649 of this section, the board may suspend the license of any licensee
2650 for being out of compliance with an order for support, as defined
2651 in Section 93-11-153. The procedure for suspension of a license
2652 for being out of compliance with an order for support, and the
2653 procedure for the reissuance or reinstatement of a license
2654 suspended for that purpose, and the payment of any fees for the
2655 reissuance or reinstatement of a license suspended for that
2656 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
2657 the case may be. If there is any conflict between any provision
2658 of Section 93-11-157 or 93-11-163 and any provision of this
2659 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
2660 case may be, shall control.

2661 **SECTION 20.** Section 73-30-21, Mississippi Code of 1972, is
2662 amended as follows:

2663 73-30-21. (1) The board may, after notice and opportunity
2664 for a hearing, suspend, revoke or refuse to issue or renew a
2665 license or may reprimand the license holder, upon a determination
2666 by the board that the license holder or applicant for licensure
2667 has:

- 2668 (a) Been adjudged by any court to be mentally
2669 incompetent or have had a guardian of person appointed;
2670 (b) Been convicted of a felony;
2671 (c) Sworn falsely under oath or affirmation;
2672 (d) Obtained a license or certificate by fraud, deceit
2673 or other misrepresentation;



2674 (e) Engaged in the conduct of professional counseling
2675 in a grossly negligent or incompetent manner;

2676 (f) Intentionally violated any provision of this
2677 chapter;

2678 (g) Violated any rules or regulations of the board; or

2679 (h) Aided or assisted another in falsely obtaining a
2680 license under this chapter.

2681 (2) Notwithstanding any provision of this chapter:

2682 (a) The board shall suspend the license of any person
2683 who defaults on or fails to comply with the requirements of a
2684 state educational loan, service conditional scholarship or loan
2685 repayment program obligation under which the person obtained any
2686 of the education necessary to qualify for a license under this
2687 chapter; and

2688 (b) The person's license shall remain suspended until
2689 he or she has made arrangements satisfactory to the board for
2690 repaying the educational loan or meeting the obligations of the
2691 scholarship or loan repayment program.

2692 (3) No revoked license may be reinstated within twelve (12)
2693 months after the revocation. Reinstatement thereafter shall be
2694 upon such conditions as the board may prescribe, which may
2695 include, without being limited to, successful passing of the
2696 examination required by this chapter.

2697 (4) A license certificate issued by the board is the
2698 property of the board and must be surrendered on demand.

2699 (5) The chancery court is * * * vested with the jurisdiction
2700 and power to enjoin the unlawful practice of counseling and/or the
2701 false representation as a licensed counselor in a proceeding
2702 brought by the board or any members thereof or by any citizen of
2703 this state.

2704 (6) In addition to the reasons specified in subsection (1)
2705 of this section, the board may suspend the license of any licensee
2706 for being out of compliance with an order for support, as defined



2707 in Section 93-11-153. The procedure for suspension of a license
2708 for being out of compliance with an order for support, and the
2709 procedure for the reissuance or reinstatement of a license
2710 suspended for that purpose, and the payment of any fees for the
2711 reissuance or reinstatement of a license suspended for that
2712 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
2713 the case may be. If there is any conflict between any provision
2714 of Section 93-11-157 or 93-11-163 and any provision of this
2715 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
2716 case may be, shall control.

2717 **SECTION 21.** Section 73-31-21, Mississippi Code of 1972, is
2718 amended as follows:

2719 73-31-21. (1) The board, by an affirmative vote of at least
2720 four (4) of its seven (7) members, shall withhold, deny, revoke or
2721 suspend any license issued or applied for in accordance with the
2722 provisions of this chapter, or otherwise discipline a licensed
2723 psychologist, upon proof that the applicant or licensed
2724 psychologist:

2725 (a) Has violated the current code of ethics of the
2726 American Psychological Association or other codes of ethical
2727 standards adopted by the board; or

2728 (b) Has been convicted of a felony or any offense
2729 involving moral turpitude, the record of conviction being
2730 conclusive evidence thereof; or

2731 (c) Is using any narcotic or any alcoholic beverage to
2732 an extent or in a manner dangerous to any other person or the
2733 public, or to an extent that the use impairs his ability to
2734 perform the work of a professional psychologist with safety to the
2735 public; or

2736 (d) Has impersonated another person holding a
2737 psychologist license or allowed another person to use his license;
2738 or



2739 (e) Has used fraud or deception in applying for a
2740 license or in taking an examination provided for in this chapter;
2741 or

2742 (f) Has accepted commissions or rebates or other forms
2743 of remuneration for referring clients to other professional
2744 persons; or

2745 (g) Has allowed his name or license issued under this
2746 chapter to be used in connection with any person or persons who
2747 perform psychological services outside of the area of their
2748 training, experience or competence; or

2749 (h) Is legally adjudicated mentally incompetent, the
2750 record of the adjudication being conclusive evidence thereof; or

2751 (i) Has willfully or negligently violated any of the
2752 provisions of this chapter. The board may recover from any person
2753 disciplined under this chapter, the costs of investigation,
2754 prosecution, and adjudication of the disciplinary action.

2755 (2) Notwithstanding any provision of this chapter:

2756 (a) The board shall suspend the license of any person
2757 who defaults on or fails to comply with the requirements of a
2758 state educational loan, service conditional scholarship or loan
2759 repayment program obligation under which the person obtained any
2760 of the education necessary to qualify for a license under this
2761 chapter; and

2762 (b) The person's license shall remain suspended until
2763 he or she has made arrangements satisfactory to the board for
2764 repaying the educational loan or meeting the obligations of the
2765 scholarship or loan repayment program.

2766 (3) Notice shall be effected by registered mail or personal
2767 service setting forth the particular reasons for the proposed
2768 action and fixing a date not less than thirty (30) days nor more
2769 than sixty (60) days from the date of the mailing or the service,
2770 at which time the applicant or licentiate shall be given an
2771 opportunity for a prompt and fair hearing. For the purpose of the



2772 hearing the board, acting by and through its executive secretary,
2773 may subpoena persons and papers on its own behalf and on behalf of
2774 the applicant or licentiate, may administer oaths and may take
2775 testimony. That testimony, when properly transcribed, together
2776 with the papers and exhibits, shall be admissible in evidence for
2777 or against the applicant or licentiate. At the hearing applicant
2778 or licentiate may appear by counsel and personally in his own
2779 behalf. Any person sworn and examined by a witness in the hearing
2780 shall not be held to answer criminally, nor shall any papers or
2781 documents produced by the witness be competent evidence in any
2782 criminal proceedings against the witness other than for perjury in
2783 delivering his evidence. On the basis of any such hearing, or
2784 upon default of applicant or licentiate, the board shall make a
2785 determination specifying its findings of fact and conclusions of
2786 law. A copy of that determination shall be sent by registered
2787 mail or served personally upon the applicant or licentiate. The
2788 decision of the board denying, revoking or suspending the license
2789 shall become final thirty (30) days after so mailed or served
2790 unless within that period the licentiate appeals the decision to
2791 the chancery court, under the provisions hereof, and the
2792 proceedings in chancery shall be conducted as other matters coming
2793 before the court. All proceedings and evidence, together with
2794 exhibits, presented at the hearing before the board if there is an
2795 appeal shall be admissible in evidence in the court.

2796 (4) The board may subpoena persons and papers on its own
2797 behalf and on behalf of the respondent, may administer oaths and
2798 may compel the testimony of witnesses. It may issue commissions
2799 to take testimony, and testimony so taken and sworn to shall be
2800 admissible in evidence for and against the respondent. The board
2801 shall be entitled to the assistance of the chancery court or the
2802 chancellor in vacation, which, on petition by the board, shall
2803 issue ancillary subpoenas and petitions and may punish as for
2804 contempt of court if there is noncompliance therewith.



2805 (5) Every order and judgment of the board shall take effect
2806 immediately on its promulgation unless the board in the order or
2807 judgment fixes a probationary period for applicant or licentiate.
2808 The order and judgment shall continue in effect unless upon appeal
2809 the court by proper order or decree terminates it earlier. The
2810 board may make public its order and judgments in such manner and
2811 form as it deems proper. It shall, in event of the suspension or
2812 revocation of a license, direct the clerk of the circuit court of
2813 the county in which that license was recorded to cancel the
2814 record.

2815 (6) Nothing in this section shall be construed as limiting
2816 or revoking the authority of any court or of any licensing or
2817 registering officer or board, other than the Mississippi Board of
2818 Psychology, to suspend, revoke and reinstate licenses and to
2819 cancel registrations under the provisions of Section 41-29-311.

2820 (7) Suspension by the board of the license of a psychologist
2821 shall be for a period not exceeding one (1) year. At the end of
2822 this period the board shall reevaluate the suspension, and shall
2823 either reinstate or revoke the license. A person whose license
2824 has been revoked under the provisions of this section may reapply
2825 for license after more than two (2) years have elapsed from the
2826 date the denial or revocation is legally effective.

2827 (8) In addition to the reasons specified in subsection (1)
2828 of this section, the board may suspend the license of any licensee
2829 for being out of compliance with an order for support, as defined
2830 in Section 93-11-153. The procedure for suspension of a license
2831 for being out of compliance with an order for support, and the
2832 procedure for the reissuance or reinstatement of a license
2833 suspended for that purpose, and the payment of any fees for the
2834 reissuance or reinstatement of a license suspended for that
2835 purpose, shall be governed by Section 93-11-157. Actions taken by
2836 the board in suspending a license when required by Section
2837 93-11-157 or 93-11-163 are not actions from which an appeal may be



2838 taken under this section. Any appeal of a license suspension that
2839 is required by Section 93-11-157 or 93-11-163 shall be taken in
2840 accordance with the appeal procedure specified in Section
2841 93-11-157 or 93-11-163, as the case may be, rather than the
2842 procedure specified in this section. If there is any conflict
2843 between any provision of Section 93-11-157 or 93-11-163 and any
2844 provision of this chapter, the provisions of Section 93-11-157 or
2845 93-11-163, as the case may be, shall control.

2846 (9) This section shall stand repealed from and after July 1,
2847 2011.

2848 **SECTION 22.** Section 73-33-11, Mississippi Code of 1972, is
2849 amended as follows:

2850 73-33-11. (1) The Mississippi State Board of Public
2851 Accountancy may revoke, suspend or take other appropriate action
2852 with respect to any license or permit issued under this chapter
2853 for any unprofessional conduct by the licensee or permit holder,
2854 or for other sufficient cause, provided written notice has been
2855 sent by registered mail (with the addressee's receipt required) to
2856 the holder thereof, twenty (20) days before any hearing thereon,
2857 stating the cause for the contemplated action and appointing a day
2858 and a place for a full hearing thereon by the board. * * * No
2859 certificate or license may be cancelled or revoked until a hearing
2860 has been given to the holder thereof according to law. * * *
2861 After the hearing, the board may, in its discretion, suspend such
2862 a certified public accountant from practice as a certified public
2863 accountant in this state.

2864 (2) The members of the board may sit as a trial board; * * *
2865 administer oaths (or affirmations); * * * summon any witness
2866 and * * * compel his attendance and/or his testimony, under oath
2867 (or affirmation) before the board; * * * compel the production
2868 before it, of any book, paper or document by the owner or
2869 custodian thereof; and/or * * * compel any officer to produce,
2870 at the hearing a copy of any public record (not privileged from



2871 public inspection by law) in his official custody, certified to,
2872 by him. The board shall elect one (1) of its members to serve as
2873 clerk, to issue summons and other processes, and to certify copies
2874 of its records or, the board may delegate those duties to the
2875 executive director.

2876 (3) The accused may appear in person and/or by counsel or,
2877 in the instance of a firm permit holder through its manager and/or
2878 counsel to defend the charges. If the accused does not appear or
2879 answer, judgment may be entered by default, provided the board
2880 finds that proper service was made on the accused.

2881 (4) The minutes of the board shall be recorded in an
2882 appropriate minute book permanently maintained by the board at its
2883 office.

2884 (5) In a proceeding conducted under this section by the
2885 board for disciplinary action against a licensee or permit holder,
2886 those reasonable costs that are expended by the board in the
2887 investigation and conduct of a proceeding for discipline
2888 including, but not limited to, the cost of service of process,
2889 court reporters, expert witnesses, investigators and legal fees
2890 may be imposed by the board on the accused, the charging party or
2891 both.

2892 Those costs shall be paid to the board upon the expiration of
2893 the period allowed for appeal of the penalties under this section,
2894 or may be paid sooner if the guilty party elects.

2895 (6) Money collected by the board under this section shall be
2896 deposited to the credit of the board's special fund in the State
2897 Treasury. When payment of a monetary penalty assessed by the
2898 board under this section is not paid when due, the board shall
2899 have the power to institute and maintain proceedings in its name
2900 for enforcement of payment in the Chancery Court of the First
2901 Judicial District of Hinds County, Mississippi, or in the Chancery
2902 Court of the county where the respondent resides.



2903 (7) In case of a decision adverse to the accused, appeal
2904 shall be made within thirty (30) days from the day on which
2905 decision is made to the circuit court of the First Judicial
2906 District of Hinds County, Mississippi, or in the circuit court of
2907 the county in which the accused resides. In the case of a
2908 nonresident licensee, the appeal shall be made to the First
2909 Judicial District of Hinds County, Mississippi. The order of the
2910 board shall not take effect until the expiration of the thirty
2911 (30) days.

2912 (8) In case of an appeal, bond for costs in the circuit
2913 court shall be given as in other cases; and the order of the board
2914 shall not take effect until the appeal has been finally disposed
2915 of by the court or courts.

2916 (9) The board may, at any time, reinstate a license or
2917 permit if it finds that the reinstatement is justified.

2918 (10) Notwithstanding any provision of this chapter:

2919 (a) The board shall suspend the license of any person
2920 who defaults on or fails to comply with the requirements of a
2921 state educational loan, service conditional scholarship or loan
2922 repayment program obligation under which the person obtained any
2923 of the education necessary to qualify for a license under this
2924 chapter; and

2925 (b) The person's license shall remain suspended until
2926 he or she has made arrangements satisfactory to the board for
2927 repaying the educational loan or meeting the obligations of the
2928 scholarship or loan repayment program.

2929 (11) In addition to the reasons specified in subsection 1 of
2930 this section, the board may suspend the license of any licensee
2931 for being out of compliance with an order for support, as defined
2932 in Section 93-11-153. The procedure for suspension of a license
2933 for being out of compliance with an order for support, and the
2934 procedure for the reissuance or reinstatement of a license



2935 suspended for that purpose, and the payment of any fees for the
2936 reissuance or reinstatement of a license suspended for that
2937 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
2938 the case may be. Actions taken by the board in suspending a
2939 license when required by Section 93-11-157 or 93-11-163 are not
2940 actions from which an appeal may be taken under this section. Any
2941 appeal of a license suspension that is required by Section
2942 93-11-157 or 93-11-163 shall be taken in accordance with the
2943 appeal procedure specified in Section 93-11-157 or 93-11-163, as
2944 the case may be, rather than the procedure specified in this
2945 section. If there is any conflict between any provision of
2946 Section 93-11-157 or 93-11-163 and any provision of this chapter,
2947 the provisions of Section 93-11-157 or 93-11-163, as the case may
2948 be, shall control.

2949 **SECTION 23.** Section 73-36-33, Mississippi Code of 1972, is
2950 amended as follows:

2951 73-36-33. (1) The board shall have the power, after notice
2952 and hearing, to suspend or revoke the license of any registrant
2953 who:

2954 (a) Is found guilty by the board of fraud or gross
2955 negligence in the practice of professional forestry;

2956 (b) Fails to comply with board rules and regulations;

2957 (c) Is found guilty by the board of unprofessional or
2958 unethical conduct; or

2959 (d) Has had his license suspended or revoked for cause
2960 in another jurisdiction.

2961 (2) Notwithstanding any provision of this chapter:

2962 (a) The board shall suspend the license of any person
2963 who defaults on or fails to comply with the requirements of a
2964 state educational loan, service conditional scholarship or loan
2965 repayment program obligation under which the person obtained any
2966 of the education necessary to qualify for a license under this
2967 chapter; and



2968 (b) The person's license shall remain suspended until
2969 he or she has made arrangements satisfactory to the board for
2970 repaying the educational loan or meeting the obligations of the
2971 scholarship or loan repayment program.

2972 (3) Any person may prefer charges of fraud or gross
2973 negligence in connection with any forestry practice against any
2974 registrant. The charges shall be in writing, shall be sworn to by
2975 the person making them, and shall be filed with the secretary of
2976 the board. All charges shall be heard by the board under its
2977 rules and regulations without undue delay.

2978 (4) Any applicant whose license is suspended or revoked by
2979 the board may apply for a review of the proceedings with reference
2980 to the suspension or revocation by appealing to the Chancery Court
2981 of the First Judicial District of Hinds County, Mississippi,
2982 provided a notice of appeal is filed by the applicant with the
2983 clerk of the court within sixty (60) days from entry of an order
2984 by the board suspending or revoking his license, provided the
2985 applicant files with the notice of appeal a bond to be approved by
2986 the court assuring the prompt payment of any and all costs of the
2987 appeal, the amount to be fixed by the court. Upon the filing of
2988 the notice of appeal and posting of the bond, the clerk of
2989 the * * * court shall notify the secretary of the board thereof
2990 and the record of the proceedings involved shall be prepared by
2991 the secretary and forwarded to the court within a period of sixty
2992 (60) days from the notice by the clerk. The court shall thereupon
2993 review the proceedings on the record presented and may hear such
2994 additional testimony as to the court may appear material and
2995 dispose of the appeal in termtime or in vacation, and the court
2996 may sustain or dismiss the appeal, or modify or vacate the order
2997 complained of, but in case the order is modified or vacated, the
2998 court may also, in its discretion, remand the matter to the board
2999 for such further proceedings not inconsistent with the court's
3000 order as, in the opinion of the court, justice may require. The



3001 decision of the chancery court may be appealed as other cases to
3002 the Supreme Court.

3003 (5) The board may secure, by contract, the services of an
3004 investigator when deemed necessary by the board to properly
3005 consider any charge then before it. The board may, at its
3006 discretion, establish a program of routine inspections.

3007 (6) In addition to the reasons specified in subsection (1)
3008 of this section, the board may suspend the license of any licensee
3009 for being out of compliance with an order for support, as defined
3010 in Section 93-11-153. The procedure for suspension of a license
3011 for being out of compliance with an order for support, and the
3012 procedure for the reissuance or reinstatement of a license
3013 suspended for that purpose, and the payment of any fees for the
3014 reissuance or reinstatement of a license suspended for that
3015 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
3016 the case may be. Actions taken by the board in suspending a
3017 license when required by Section 93-11-157 or 93-11-163 are not
3018 actions from which an appeal may be taken under this section. Any
3019 appeal of a license suspension that is required by Section
3020 93-11-157 or 93-11-163 shall be taken in accordance with the
3021 appeal procedure specified in Section 93-11-157 or 93-11-163, as
3022 the case may be, rather than the procedure specified in this
3023 section. If there is any conflict between any provision of
3024 Section 93-11-157 or 93-11-163 and any provision of this chapter,
3025 the provisions of Section 93-11-157 or 93-11-163, as the case may
3026 be, shall control.

3027 **SECTION 24.** Section 73-38-27, Mississippi Code of 1972, is
3028 amended as follows:

3029 73-38-27. (1) The board may refuse to issue or renew a
3030 license, or may suspend or revoke a license where the licensee or
3031 applicant for license has been guilty of unprofessional conduct
3032 that has endangered or is likely to endanger the health, welfare



3033 or safety of the public. That unprofessional conduct may result
3034 from:

3035 (a) Obtaining a license by means of fraud,
3036 misrepresentation or concealment of material facts;

3037 (b) Being guilty of unprofessional conduct as defined
3038 by the rules established by the board;

3039 (c) Being convicted of a felony in any court of the
3040 United States if the acts for which he is convicted are found by
3041 the board to have a direct bearing on whether he should be
3042 entrusted to serve the public in the capacity of a speech-language
3043 pathologist or audiologist;

3044 (d) Violating any lawful order, rule or regulation
3045 rendered or adopted by the board;

3046 (e) Violating any provisions of this chapter.

3047 (2) Notwithstanding any provision of this chapter:

3048 (a) The board shall suspend the license of any person
3049 who defaults on or fails to comply with the requirements of a
3050 state educational loan, service conditional scholarship or loan
3051 repayment program obligation under which the person obtained any
3052 of the education necessary to qualify for a license under this
3053 chapter; and

3054 (b) The person's license shall remain suspended until
3055 he or she has made arrangements satisfactory to the board for
3056 repaying the educational loan or meeting the obligations of the
3057 scholarship or loan repayment program.

3058 (3) The board may deny an application for, or suspend,
3059 revoke or impose probationary conditions upon a license upon
3060 recommendations of the council made after a hearing as provided in
3061 this chapter. One (1) year from the date of revocation of a
3062 license under this section, application may be made to the board
3063 for reinstatement. The board shall have discretion to accept or
3064 reject an application for reinstatement and may require an
3065 examination for the reinstatement.



3066 (4) A plea or verdict of guilty, or a conviction following a
3067 plea of nolo contendere, made to a charge of a felony or of any
3068 offense involving moral turpitude is a conviction within the
3069 meaning of this section. After due notice and administrative
3070 hearing, the license of the person so convicted shall be suspended
3071 or revoked or the board shall decline to issue a license when:

3072 (a) The time for appeal has elapsed;

3073 (b) The judgment of conviction has been affirmed on
3074 appeal; or

3075 (c) An order granting probation has been made
3076 suspending the imposition of sentence, without regard to a
3077 subsequent order allowing the withdrawal of a guilty plea and the
3078 substitution therefor of a not guilty plea, or the setting aside
3079 of a guilty verdict, or the dismissal of the acquisition,
3080 information or indictment.

3081 (5) Within thirty (30) days after any order or act of the
3082 board, any person aggrieved thereby may appeal to the chancery
3083 court of the county where the person resides.

3084 (6) Notice of appeals shall be filed in the office of the
3085 clerk of the court, who shall issue a writ of certiorari directed
3086 to the board, commanding it within ten (10) days after service
3087 thereof to certify to the court its entire record in the matter in
3088 which the appeal has been taken. The appeal shall thereupon be
3089 heard in the due course by the court, and the court shall review
3090 the record and make its determination of the cause between the
3091 parties.

3092 (7) Any order, rule or decision of the board shall not take
3093 effect until after the time of appeal in the * * * court has
3094 expired. If an appeal is taken by a defendant, the appeal shall
3095 not act as a supersedeas, and the court shall enter its decision
3096 promptly.



3097 (8) Any person taking an appeal shall post a satisfactory
3098 bond in the amount of Two Hundred Dollars (\$200.00) for payment of
3099 any cost that may be adjudged against him.

3100 (9) In addition to the reasons specified in subsection (1)
3101 of this section, the board may suspend the license of any licensee
3102 for being out of compliance with an order for support, as defined
3103 in Section 93-11-153. The procedure for suspension of a license
3104 for being out of compliance with an order for support, and the
3105 procedure for the reissuance or reinstatement of a license
3106 suspended for that purpose, and the payment of any fees for the
3107 reissuance or reinstatement of a license suspended for that
3108 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
3109 the case may be. Actions taken by the board in suspending a
3110 license when required by Section 93-11-157 or 93-11-163 are not
3111 actions from which an appeal may be taken under this section. Any
3112 appeal of a license suspension that is required by Section
3113 93-11-15 or 93-11-163 shall be taken in accordance with the appeal
3114 procedure specified in Section 93-11-157 or 93-11-163, as the case
3115 may be, rather than the procedure specified in this section. If
3116 there is any conflict between any provision of Section 93-11-157
3117 or 93-11-163 and any provision of this chapter, the provisions of
3118 Section 93-11-157 or 93-11-163, as the case may be, shall control.

3119 **SECTION 25.** Section 73-39-19, Mississippi Code of 1972, is
3120 amended as follows:

3121 73-39-19. (1) After a hearing held as set out in this
3122 chapter, the board, on concurrence of three (3) members, shall
3123 have the right and power to revoke or suspend the license of a
3124 veterinarian, or the certificate of an animal technician and may
3125 place the veterinarian or technician on prohibition conditioned on
3126 future good conduct and compliance with this chapter, and may
3127 impose an administrative fine not to exceed One Thousand Dollars
3128 (\$1,000.00) for each such separate offense, for any of the
3129 following reasons:



3130 (a) Insanity or mental incompetence or an adjudication
3131 of insanity or mental incompetence by a court of competent
3132 jurisdiction.

3133 (b) Chronic inebriety or habitual use of drugs, or any
3134 adjudication by a court of competent jurisdiction that the
3135 veterinarian is an alcoholic or habitual user of drugs. Decrees
3136 of divorce shall not be construed as an adjudication that a
3137 veterinarian is an alcoholic or habitual user of drugs.

3138 (c) A final conviction of a felony or of an offense
3139 involving moral turpitude by a court of competent jurisdiction.

3140 (d) Fraud or dishonesty in the application or reporting
3141 of any test for disease in animals, including intentional
3142 misrepresentation on any forms filed with any governmental agency.

3143 (e) Failure to report or making a false report of any
3144 contagious or infectious disease required by state or federal law
3145 to be reported.

3146 (f) Dishonesty, intentional misrepresentation or gross
3147 negligence in the inspection of foodstuffs or the issuance of
3148 health or inspection certificates.

3149 (g) The refusal of licensing authority of another state
3150 to issue or renew a license, permit or certificate to practice
3151 veterinary medicine in that state or the revocation, suspension or
3152 other restriction imposed on a license, permit or certificate
3153 issued by that licensing authority which prevents or restricts
3154 practice in that state; further, any probationary status imposed
3155 by another state that had the offense occurred in this state would
3156 have been a violation of this chapter.

3157 (h) The employment of fraud, misrepresentation or
3158 deception in obtaining a license.

3159 (i) The use of advertising or solicitation that is
3160 false or misleading or is deemed unprofessional under rules or
3161 regulations adopted by the board.



3162 (j) Incompetence, gross negligence, cruelty or gross
3163 malpractice in the practice of veterinary medicine.

3164 (k) Employing any person practicing veterinary medicine
3165 unlawfully with the knowledge of the illegal practice by the
3166 employee.

3167 (l) Failure to keep veterinary premises and equipment
3168 in a clean and sanitary condition.

3169 (m) Cruelty to animals in the practice of veterinary
3170 medicine.

3171 (n) Unprofessional or unethical conduct as defined in
3172 regulations adopted by the board.

3173 (o) Administering, dispensing or prescribing any
3174 narcotic drug having addiction-forming, addiction-sustaining or
3175 habituating liability otherwise than in the course of legitimate
3176 professional practice.

3177 (p) Conviction of violation of any federal or state law
3178 regulating the possession, distribution or use of any narcotic
3179 drug or any drug considered a controlled substance under state or
3180 federal law.

3181 (q) Obtaining or procuring, or attempting to obtain or
3182 procure by misrepresentation, fraud, deception or subterfuge, any
3183 narcotic or drug classified as a controlled substance.

3184 (r) Making or causing to be made any false claims
3185 concerning the licensee's professional excellence.

3186 (s) Being guilty of any dishonorable or unethical
3187 conduct likely to deceive, defraud or harm the public.

3188 (t) Refusing to permit the board or any legal
3189 representative of the board to inspect the business premises of
3190 the licensee during regular business hours.

3191 (u) Failure to complete requirement of continuing
3192 education.

3193 (2) A certified copy of any judgment of conviction or
3194 finding of guilt by a court of competent jurisdiction or by a



3195 governmental board or agency authorized to issue licenses or
3196 permits, including the United States Department of Agriculture,
3197 Animal and Plant Health Inspection Service, the Mississippi Board
3198 of Animal Health and the Mississippi State Board of Health, of a
3199 veterinarian or animal technician of any of the matters listed in
3200 paragraph (a), (b), (c), (d), (e), (f) or (g) of subsection (1)
3201 shall be admissible in evidence in any hearing held by the board
3202 to discipline the veterinarian and shall constitute prima facie
3203 evidence of the commission of any such act.

3204 (3) Notwithstanding any provision of this chapter:

3205 (a) The board shall suspend the veterinarian's license
3206 of any person who defaults on or fails to comply with the
3207 requirements of a state educational loan, service conditional
3208 scholarship or loan repayment program obligation under which the
3209 person obtained any of the education necessary to qualify for a
3210 veterinarian's license under this chapter; and

3211 (b) The person's veterinarian's license shall remain
3212 suspended until he or she has made arrangements satisfactory to
3213 the board for repaying the educational loan or meeting the
3214 obligations of the scholarship or loan repayment program.

3215 (4) In addition to the reasons specified in subsection (1)
3216 of this section, the board may suspend the license or certificate
3217 of any licensee or certificate holder for being out of compliance
3218 with an order for support, as defined in Section 93-11-153. The
3219 procedure for suspension of a license or certificate for being out
3220 of compliance with an order for support, and the procedure for the
3221 reissuance or reinstatement of a license or certificate suspended
3222 for that purpose, and the payment of any fees for the reissuance
3223 or reinstatement of a license or certificate suspended for that
3224 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
3225 the case may be. If there is any conflict between any provision
3226 of Section 93-11-157 or 93-11-163 and any provision of this



3227 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
3228 case may be, shall control.

3229 **SECTION 26.** Section 73-53-17, Mississippi Code of 1972, is
3230 amended as follows:

3231 73-53-17. (1) Licensees subject to this chapter shall
3232 conduct their activities, services and practice in accordance with
3233 this chapter and any rules promulgated pursuant hereto. Licensees
3234 may be subject to the exercise of the disciplinary sanctions
3235 enumerated in Section 73-53-23 if the board finds that a licensee
3236 is guilty of any of the following:

3237 (a) Negligence in the practice or performance of
3238 professional services or activities;

3239 (b) Engaging in dishonorable, unethical or
3240 unprofessional conduct of a character likely to deceive, defraud
3241 or harm the public in the course of professional services or
3242 activities;

3243 (c) Perpetrating or cooperating in fraud or material
3244 deception in obtaining or renewing a license or attempting the
3245 same;

3246 (d) Being convicted of any crime that has a substantial
3247 relationship to the licensee's activities and services or an
3248 essential element of which is misstatement, fraud or dishonesty;

3249 (e) Being convicted of any crime that is a felony under
3250 the laws of this state or of the United States;

3251 (f) Engaging in or permitting the performance of
3252 unacceptable services personally or by assistants working under
3253 the licensee's supervision due to the licensee's deliberate or
3254 grossly negligent act or acts or failure to act, regardless of
3255 whether actual damage or damages to the public is established;

3256 (g) Continued practice although the licensee has become
3257 unfit to practice social work due to: (i) failure to keep abreast
3258 of current professional theory or practice; or (ii) physical or
3259 mental disability; the entry of an order or judgment by a court of



3260 competent jurisdiction that a licensee is in need of mental
3261 treatment or is incompetent shall constitute mental disability; or
3262 (iii) addiction or severe dependency upon alcohol or other drugs
3263 that may endanger the public by impairing the licensee's ability
3264 to practice;

3265 (h) Having disciplinary action taken against the
3266 licensee's license in another state;

3267 (i) Making differential, detrimental treatment against
3268 any person because of race, color, creed, sex, religion or
3269 national origin;

3270 (j) Engaging in lewd conduct in connection with
3271 professional services or activities;

3272 (k) Engaging in false or misleading advertising;

3273 (l) Contracting, assisting or permitting unlicensed
3274 persons to perform services for which a license is required under
3275 this chapter;

3276 (m) Violation of any probation requirements placed on a
3277 licensee by the board;

3278 (n) Revealing confidential information except as may be
3279 required by law;

3280 (o) Failing to inform clients of the fact that the
3281 client no longer needs the services or professional assistance of
3282 the licensee;

3283 (p) Charging excessive or unreasonable fees or engaging
3284 in unreasonable collection practices.

3285 (2) Notwithstanding any provision of this chapter:

3286 (a) The board shall suspend the license of any person
3287 who defaults on or fails to comply with the requirements of a
3288 state educational loan, service conditional scholarship or loan
3289 repayment program obligation under which the person obtained any
3290 of the education necessary to qualify for a license under this
3291 chapter; and



3292 (b) The person's license shall remain suspended until
3293 he or she has made arrangements satisfactory to the board for
3294 repaying the educational loan or meeting the obligations of the
3295 scholarship or loan repayment program.

3296 (3) The board may order a licensee to submit to a reasonable
3297 physical or mental examination if the licensee's physical or
3298 mental capacity to practice safely is at issue in a disciplinary
3299 proceeding.

3300 (4) Failure to comply with a board order to submit to a
3301 physical or mental examination shall render a licensee subject to
3302 the summary suspension procedures described in Section 73-53-23.

3303 (5) In addition to the reasons specified in subsection (1)
3304 of this section, the board may suspend the license of any licensee
3305 for being out of compliance with an order for support, as defined
3306 in Section 2 of this act. The procedure for suspension of a
3307 license for being out of compliance with an order for support, and
3308 the procedure for the reissuance or reinstatement of a license
3309 suspended for that purpose, and the payment of any fees for the
3310 reissuance or reinstatement of a license suspended for that
3311 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
3312 the case may be. If there is any conflict between any provision
3313 of Section 93-11-157 or 93-11-163 and any provision of this
3314 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
3315 case may be, shall control.

3316 **SECTION 27.** Section 73-54-29, Mississippi Code of 1972, is
3317 amended as follows:

3318 73-54-29. (1) Licensees subject to this chapter shall
3319 conduct their activities, services and practice in accordance with
3320 this chapter and any rules promulgated pursuant under this
3321 chapter. Licensees may be subject to the exercise of the
3322 disciplinary sanctions enumerated in Section 73-53-23 if the board
3323 finds that a licensee is guilty of any of the actions listed in
3324 Section 73-53-17(1) or is guilty of any of the following:



3325 (a) Violation of any provision of this chapter or any
3326 rules or regulations of the board adopted under the provisions of
3327 this chapter.

3328 (b) Other just and sufficient cause that renders a
3329 person unfit to practice marriage and family therapy as determined
3330 by the board but not limited to:

3331 (i) Habitual use of alcohol or drugs to an extent
3332 that affects professional competence;

3333 (ii) Adjudication as being mentally incompetent by
3334 a court of competent jurisdiction;

3335 (iii) Practicing in a manner detrimental to the
3336 public health and welfare;

3337 (iv) Revocation of a license or certification by a
3338 licensing agency or by a certifying professional organization; or

3339 (v) Any other violation of this chapter or the
3340 code of ethical standards of the American Association of Marriage
3341 and Family Therapy or other ethical standards adopted by the board
3342 under the provisions of this chapter.

3343 (2) Notwithstanding any provision of this chapter:

3344 (a) The board shall suspend the license of any person
3345 who defaults on or fails to comply with the requirements of a
3346 state educational loan, service conditional scholarship or loan
3347 repayment program obligation under which the person obtained any
3348 of the education necessary to qualify for a license under this
3349 chapter; and

3350 (b) The person's license shall remain suspended until
3351 he or she has made arrangements satisfactory to the board for
3352 repaying the educational loan or meeting the obligations of the
3353 scholarship or loan repayment program.

3354 **SECTION 28.** Section 73-57-31, Mississippi Code of 1972, is
3355 amended as follows:

3356 73-57-31. (1) The board may revoke, suspend or refuse to
3357 renew any license or permit, or place on probation, or otherwise



3358 reprimand a licensee or permit holder, or deny a license to an
3359 applicant if it finds that person:

3360 (a) Is guilty of fraud or deceit in procuring or
3361 attempting to procure a license or renewal of a license to
3362 practice respiratory care.

3363 (b) Is unfit or incompetent by reason of negligence,
3364 habits or other causes of incompetency.

3365 (c) Is habitually intemperate in the use of alcoholic
3366 beverages.

3367 (d) Is addicted to, or has improperly obtained,
3368 possessed, used or distributed habit-forming drugs or narcotics.

3369 (e) Is guilty of dishonest or unethical conduct.

3370 (f) Has practiced respiratory care after his license or
3371 permit has expired or has been suspended.

3372 (g) Has practiced respiratory care under cover of any
3373 permit or license illegally or fraudulently obtained or issued.

3374 (h) Has violated or aided or abetted others in
3375 violation of any provision of this chapter.

3376 (2) Notwithstanding any provision of this chapter:

3377 (a) The board shall suspend the license of any person
3378 who defaults on or fails to comply with the requirements of a
3379 state educational loan, service conditional scholarship or loan
3380 repayment program obligation under which the person obtained any
3381 of the education necessary to qualify for a license under this
3382 chapter; and

3383 (b) The person's license shall remain suspended until
3384 he or she has made arrangements satisfactory to the board for
3385 repaying the educational loan or meeting the obligations of the
3386 scholarship or loan repayment program.

3387 (3) In addition to the reasons specified in subsection (1)
3388 of this section, the board may suspend the license or permit of
3389 any licensee or permit holder for being out of compliance with an
3390 order for support, as defined in Section 2 of this act. The



3391 procedure for suspension of a license or permit for being out of
3392 compliance with an order for support, and the procedure for the
3393 reissuance or reinstatement of a license or permit suspended for
3394 that purpose, and the payment of any fees for the reissuance or
3395 reinstatement of a license or permit suspended for that purpose,
3396 shall be governed by Section 93-11-157 or 93-11-163, as the case
3397 may be. If there is any conflict between any provision of Section
3398 93-11-157 or 93-11-163 and any provision of this chapter, the
3399 provisions of Section 93-11-157 or 93-11-163, as the case may be,
3400 shall control.

3401 **SECTION 29.** Section 73-63-43, Mississippi Code of 1972, is
3402 amended as follows:

3403 73-63-43. (1) The board, upon satisfactory proof and in
3404 accordance with this chapter and rules and regulations of the
3405 board, may take the disciplinary actions provided under this
3406 chapter against any person for the following reasons:

3407 (a) Violation of this chapter, any rule or regulation
3408 or written order of the board, any condition of registration or
3409 standards of professional conduct;

3410 (b) Fraud, deceit or misrepresentation in obtaining a
3411 certificate of registration as a registered professional geologist
3412 or certificate of enrollment as a geologist-in-training;

3413 (c) Gross negligence, malpractice, incompetency,
3414 misconduct, or repeated incidents of simple negligence in or
3415 related to the practice of geology;

3416 (d) Practicing or offering to practice geology, or
3417 holding oneself out as being registered or qualified to practice
3418 geology, by an individual who is not registered under this
3419 chapter, or by any other person not employing a registered
3420 professional geologist as required by this chapter;

3421 (e) Using the seal of another, or using or allowing use
3422 of one's seal on geologic work not performed by or under the



3423 supervision of the registered professional geologist, or otherwise
3424 aiding or abetting any person in the violation of this chapter; or
3425 (f) Disciplinary action by any state agency, board of
3426 registration or similar licensing agency for geologists or any
3427 profession or occupation related to the practice of geology. The
3428 sanction imposed by the board shall not exceed in severity or
3429 duration the sanction upon which that action is based.

3430 (2) Notwithstanding any provision of this chapter:

3431 (a) The board shall suspend the license of any person
3432 who defaults on or fails to comply with the requirements of a
3433 state educational loan, service conditional scholarship or loan
3434 repayment program obligation under which the person obtained any
3435 of the education necessary to qualify for a license under this
3436 chapter; and

3437 (b) The person's license shall remain suspended until
3438 he or she has made arrangements satisfactory to the board for
3439 repaying the educational loan or meeting the obligations of the
3440 scholarship or loan repayment program.

3441 (3) Any person may bring a complaint alleging a violation of
3442 this chapter, any rule or regulation or written order of the
3443 board, any condition of registration or standards of professional
3444 conduct. Complaints shall be made in writing, sworn to by the
3445 person filing the complaint, and filed with the board. The board
3446 shall investigate all complaints and upon finding a basis for that
3447 complaint, shall notify the accused in writing specifying the
3448 provisions of this chapter, rule, regulation or order of the board
3449 or the condition or standard alleged to be violated and the facts
3450 alleged to constitute the violation. The notice shall require the
3451 accused to appear before the board at a time and place to answer
3452 the charges. The time of appearance shall be at least thirty (30)
3453 days from the date of service of the notice. Notice shall be made
3454 by service on the person or by registered or certified mail,
3455 return receipt requested, to last known business or residence



3456 address of the accused, as shown on the records of the board.
3457 Within fifteen (15) days following receipt of that notice, the
3458 accused shall file a written response, admitting, denying, or
3459 taking exception to the charges. In the absence of a response or
3460 if the charges are admitted or if no exception is taken, the board
3461 may take disciplinary action without holding a hearing. A
3462 disciplinary action may be settled by the board and the accused,
3463 either before or after a hearing has begun.

3464 A person who reports or provides information to the board in
3465 good faith is not subject to an action for civil damages.

3466 (4) Any hearing under this section may be conducted by the
3467 board itself at a regular or special meeting of the board or by a
3468 hearing officer designated by the board. The hearing officer may
3469 conduct the hearings in the name of the board at any time and
3470 place as conditions and circumstances may warrant. The hearing
3471 officer or any member of the board may administer oaths or
3472 affirmations to witnesses appearing before the hearing officer or
3473 the board.

3474 If any witness fails or refuses to attend upon subpoena
3475 issued by the board, refuses to testify or refuses to produce
3476 books, papers, reports, documents and similar material, the
3477 production of which is called for by a subpoena, the attendance of
3478 any witness and the giving of that person's testimony and the
3479 production of books, papers, reports, documents and similar
3480 material shall be enforced by any court of competent jurisdiction
3481 of this state in the manner provided for the enforcement of the
3482 attendance and testimony of witnesses in civil cases in the courts
3483 of this state.

3484 All hearings before the board shall be recorded either by a
3485 court reporter or by tape or mechanical recorders and subject to
3486 transcription upon order of the board or any interested person.
3487 If the request for transcription originates with an interested
3488 person, that person shall pay the cost of transcription.



3489 The accused shall have the right to be present at the hearing
3490 in person, by counsel or other representative, or both. The board
3491 may continue or recess the hearing as may be necessary.

3492 (5) If a hearing officer conducts the hearing on behalf of
3493 the board, the hearing officer shall upon completion have the
3494 record of that hearing prepared. The record shall be submitted to
3495 the board along with that hearing officer's findings of fact and
3496 recommended decision. Upon receipt and review of the record of
3497 the hearing and the hearing officer's findings of fact and
3498 recommended decision, the board shall render its final decision as
3499 provided in subsection (6) of this section.

3500 Any person ordered to appear for an alleged violation may
3501 request a hearing before a majority of the board. A verbatim
3502 record of any previous hearings on that matter shall be filed with
3503 the board, together with findings of fact and conclusions of law
3504 made by the board based on the record.

3505 (6) At the conclusion of the hearing, the board may either
3506 decide the issue at that time or take the case under advisement
3507 for further deliberation. The board shall render its decision not
3508 more than ninety (90) days after the close of the hearing, and
3509 shall forward to the last known business or residence address of
3510 the accused, by certified or registered mail, return receipt
3511 requested, a written statement of the decision of the board.

3512 If a majority of the board finds the accused guilty of the
3513 charges filed, the board may take any combination of the following
3514 actions:

3515 (a) Deny the renewal of a certificate of registration
3516 or certificate of enrollment;

3517 (b) Suspend the certificate of registration or
3518 certificate of enrollment of any registrant for a specified period
3519 of time, not to exceed three (3) years, or revoke the certificate
3520 of registration or certificate of enrollment of any registrant;



3521 (c) Censure, reprimand or issue a public or private
3522 admonishment to an applicant, a registrant or any other person
3523 engaged in the practice of geology under this chapter;

3524 (d) Impose limitations, conditions or restrictions upon
3525 the practice of an applicant, a registrant or upon any other
3526 person engaged in the practice of geology;

3527 (e) Require the guilty party to complete a course,
3528 approved by the board, in ethics;

3529 (f) Impose probation upon a registrant, requiring
3530 regular reporting to the board;

3531 (g) Require restitution, in whole or in part, of the
3532 compensation or fees earned by a registrant or by any other person
3533 engaging in the practice of geology; or

3534 (h) Assess and levy upon the guilty party a monetary
3535 penalty not to exceed Five Thousand Dollars (\$5,000.00) for each
3536 violation.

3537 (7) Any monetary penalty assessed and levied under this
3538 section shall be paid to the board upon the expiration of the
3539 period allowed for appeal of that penalty, or may be paid sooner
3540 if the guilty party elects. Money collected by the board under
3541 this section shall be deposited to the credit of the registered
3542 professional geologists fund.

3543 When payment of a monetary penalty assessed and levied by the
3544 board in accordance with this section is not paid when due, the
3545 board may begin and maintain proceedings in its name for
3546 enforcement of payment in the chancery court of the county and
3547 judicial district of residence of the guilty party and if the
3548 guilty party is a nonresident of the State of Mississippi, the
3549 proceedings shall be in the Chancery Court of the First Judicial
3550 District of Hinds County, Mississippi.

3551 (8) The board may assess and impose the costs of any
3552 disciplinary proceedings conducted under this section against
3553 either the accused, the charging party, or both, as it may elect.



3554 (9) The authority of the board to assess and levy the
3555 monetary penalties under this section shall not be affected or
3556 diminished by any other proceeding, civil or criminal, concerning
3557 the same violation or violations, unless provided in this section.

3558 (10) If the board determines there is an imminent danger to
3559 the public welfare, the board may issue an order for the immediate
3560 suspension of a certificate of registration or a certificate of
3561 enrollment. The registrant may request a hearing on the matter
3562 within fifteen (15) days after receipt of the order of suspension.
3563 The board shall file charges as provided in this section within
3564 thirty (30) days after the issuance of an order, or the suspension
3565 shall be of no further force and effect. If charges are filed,
3566 the order of suspension shall remain in effect until disposition
3567 of all charges.

3568 (11) The board, for sufficient cause, may reissue a revoked
3569 certificate of registration or certificate of enrollment, upon
3570 written application to the board by the applicant. The
3571 application shall be made not less than three (3) years after the
3572 revocation. The board may impose reasonable conditions or
3573 limitations in connection with any reissuance.

3574 (12) In addition to the reasons named in subsection (1) of
3575 this section, the board may suspend the certificate of
3576 registration or certificate of enrollment of any person for being
3577 out of compliance with an order for support, as defined in Section
3578 93-11-153. The procedure for suspension of a certificate for
3579 being out of compliance with an order for support, and the
3580 procedure for the reissuance or reinstatement of a certificate
3581 suspended for that purpose, and the payment of any fees for the
3582 reissuance or reinstatement of a certificate suspended for that
3583 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
3584 the case may be. Actions taken by the board in suspending a
3585 certificate when required by Section 93-11-157 or 93-11-163 are
3586 not actions from which an appeal may be taken under Section



3587 73-63-49. Any appeal of a suspension of a certificate that is
3588 required by Section 93-11-157 or 93-11-163 shall be taken in
3589 accordance with the appeal procedure specified in Section
3590 93-11-157 or 93-11-163, as the case may be, rather than the
3591 procedure specified in Section 73-63-49. If there is any conflict
3592 between Section 93-11-157 or 93-11-163 and this chapter, Section
3593 93-11-157 or 93-11-163, as the case may be, shall control.

3594 **SECTION 30.** Section 73-65-13, Mississippi Code of 1972, is
3595 amended as follows:

3596 73-65-13. (1) The board may deny any application, or
3597 suspend or revoke any license held or applied for under the
3598 provisions of Section 73-65-7 if the person:

3599 (a) Is found guilty of fraud, deceit, or
3600 misrepresentation in procuring or attempting to procure a license
3601 to practice art therapy;

3602 (b) Is adjudicated mentally incompetent;

3603 (c) Is found guilty of a felony or misdemeanor
3604 involving moral turpitude;

3605 (d) Is found guilty of unprofessional or unethical
3606 conduct in this or any other jurisdiction;

3607 (e) Has been using any controlled substance or
3608 alcoholic beverage to an extent or in a manner dangerous to the
3609 person, any other person, or the public, or to an extent that the
3610 use impairs the ability to perform as a licensed professional art
3611 therapist;

3612 (f) Has violated any provision of this chapter; or

3613 (g) Willfully or negligently divulges a professional
3614 confidence.

3615 (2) A certified copy of the record of conviction shall be
3616 conclusive evidence of the conviction.

3617 (3) Disciplinary proceedings may be initiated upon the
3618 receipt by the board of a sworn complaint by any person, including
3619 members of the board.



3620 (4) Notwithstanding any provision of this chapter:

3621 (a) The board shall suspend the license of any person
3622 who defaults on or fails to comply with the requirements of a
3623 state educational loan, service conditional scholarship or loan
3624 repayment program obligation under which the person obtained any
3625 of the education necessary to qualify for a license under this
3626 chapter; and

3627 (b) The person's license shall remain suspended until
3628 he or she has made arrangements satisfactory to the board for
3629 repaying the educational loan or meeting the obligations of the
3630 scholarship or loan repayment program.

3631 **SECTION 31.** Section 73-67-27, Mississippi Code of 1972, is
3632 amended as follows:

3633 73-67-27. (1) The board may refuse to issue or renew or may
3634 deny, suspend or revoke any certificate of registration held or
3635 applied for under this chapter upon finding that the holder of a
3636 certificate of registration or applicant:

3637 (a) Is guilty of fraud, deceit or misrepresentation in
3638 procuring or attempting to procure any certificate of registration
3639 provided for in this chapter;

3640 (b) Attempted to use as his own the certificate of
3641 registration of another;

3642 (c) Allowed the use of his certificate of registration
3643 by another;

3644 (d) Has been adjudicated as mentally incompetent by
3645 regularly constituted authorities;

3646 (e) Has been convicted of a crime, or has charges or
3647 disciplinary action pending that directly relates to the practice
3648 of massage therapy or to the ability to practice massage therapy.
3649 Any plea of nolo contendere shall be considered a conviction for
3650 the purposes of this section;

3651 (f) Is guilty of unprofessional or unethical conduct as
3652 defined by the code of ethics;



3653 (g) Is guilty of false, misleading or deceptive
3654 advertising, or is guilty of aiding or assisting in the
3655 advertising of any unregistered or unpermitted person in the
3656 practice of massage therapy;

3657 (h) Is grossly negligent or incompetent in the practice
3658 of massage therapy; or

3659 (i) Has had rights, credentials, or one or more
3660 license(s) to practice massage therapy revoked, suspended or
3661 denied in any jurisdiction, territory or possession of the United
3662 States or another country for acts of the licensee similar to acts
3663 described in this section. A certified copy of the record of the
3664 jurisdiction making such a revocation, suspension or denial shall
3665 be conclusive evidence thereof.

3666 (2) Notwithstanding any provision of this chapter:

3667 (a) The board shall suspend the certificate of
3668 registration of any person who defaults on or fails to comply with
3669 the requirements of a state educational loan, service conditional
3670 scholarship or loan repayment program obligation under which the
3671 person obtained any of the education necessary to qualify for a
3672 certificate of registration under this chapter; and

3673 (b) The person's certificate of registration shall
3674 remain suspended until he or she has made arrangements
3675 satisfactory to the board for repaying the educational loan or
3676 meeting the obligations of the scholarship or loan repayment
3677 program.

3678 (3) Investigative proceedings may be implemented by a
3679 complaint by any person, including members of the board.

3680 (4) (a) Any person(s) found guilty of prostitution using as
3681 any advertisement, claim or insignia of being an actual registered
3682 massage therapist or to be practicing massage therapy by using the
3683 word "massage" or any other description indicating the same,
3684 whether or not the person(s) have one or more such certificate of
3685 registration for person(s) or establishment(s), shall be guilty of



3686 a misdemeanor, and upon conviction, shall be punished by a fine of
3687 not less than One Thousand Dollars (\$1,000.00), nor more than Five
3688 Thousand Dollars (\$5,000.00), or imprisonment of up to six (6)
3689 months, or both, per offense, per person.

3690 (b) Any person who knowingly participates in receiving
3691 illegal service(s) of any person found guilty as described in
3692 paragraph (a) of this subsection, upon conviction, shall be
3693 punished by a fine not exceeding Five Hundred Dollars (\$500.00),
3694 or imprisonment for up to one (1) month, or both. Persons
3695 officially designated to investigate complaints are exempt.

3696 (c) Any person who violates any provision of this
3697 chapter, other than violation(s) of paragraph (a) of this
3698 subsection, is guilty of a misdemeanor, and upon conviction, shall
3699 be punished by a fine not exceeding Five Hundred Dollars
3700 (\$500.00), or imprisonment for up to one (1) month in jail, or
3701 both, per offense.

3702 **SECTION 32.** This act shall take effect and be in force from
3703 and after July 1, 2002.

