MISSISSIPPI LEGISLATURE

By: Representatives Howell, Smith (35th)  To: Education

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 841

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

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

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

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

(2) The commission shall be composed of fifteen (15)
qualified members. The membership of the commission shall be
composed of the following members to be appointed, three (3) from
each congressional district: four (4) classroom teachers; three
(3) school administrators; one (1) representative of schools of
education of institutions of higher learning located within the
state to be recommended by the Board of Trustees of State
Institutions of Higher Learning; one (1) representative from the schools of education of independent institutions of higher learning to be recommended by the Board of the Mississippi Association of Independent Colleges; one (1) representative from public community and junior colleges located within the state to be recommended by the State Board for Community and Junior Colleges; one (1) local school board member; and four (4) lay persons. All appointments shall be made by the State Board of Education after consultation with the State Superintendent of Public Education. The first appointments by the State Board of Education shall be made as follows: five (5) members shall be appointed for a term of one (1) year; five (5) members shall be appointed for a term of two (2) years; and five (5) members shall be appointed for a term of three (3) years. Thereafter, all members shall be appointed for a term of four (4) years.

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

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

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

(a) Set standards and criteria, subject to the approval of the State Board of Education, for all educator preparation programs in the state;
(b) Recommend to the State Board of Education each year approval or disapproval of each educator preparation program in the state;

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

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

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

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

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

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

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

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

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

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

6) (a) Standard License - Approved Program Route. An educator entering the school system of Mississippi for the first time and meeting all requirements as established by the State Board of Education shall be granted a standard five-year license.
Persons who possess two (2) years of classroom experience as an assistant teacher or who have taught for one (1) year in an accredited public or private school shall be allowed to fulfill student teaching requirements under the supervision of a qualified participating teacher approved by an accredited college of education. The local school district in which the assistant teacher is employed shall compensate the assistant teachers at the required salary level during the period of time the individual is completing student teaching requirements. Applicants for a standard license shall submit to the department:

(i) An application on a department form;
(ii) An official transcript of completion of a teacher education program or a bachelor of science degree with child development emphasis from a program accredited by the American Association of Family and Consumer Sciences (AAFCS) approved by the department or a nationally accredited program, subject to the following: Licensure to teach in Mississippi prekindergarten through kindergarten classrooms shall require completion of a teacher education program or a bachelor of science degree with child development emphasis from a program accredited by the American Association of Family and Consumer Sciences (AAFCS). Licensure to teach in Mississippi kindergarten, for those applicants who have completed a teacher education program, and in Grade 1 through Grade 4 shall require the completion of an interdisciplinary program of studies. Licenses for Grades 4 through 8 shall require the completion of an interdisciplinary program of studies with two (2) or more areas of concentration. Licensure to teach in Mississippi Grades 7 through 12 shall require a major in an academic field other than education, or a combination of disciplines other than education. Students preparing to teach a subject shall complete a major in the respective subject discipline. All applicants for standard licensure shall demonstrate that the person's college preparation
in those fields was in accordance with the standards set forth by
the National Council for Accreditation of Teacher Education
(NCATE) or the National Association of State Directors of Teacher
Education and Certification (NASDTEC) or, for those applicants who
have a bachelor of science degree with child development emphasis,
the American Association of Family and Consumer Sciences (AAFCS);

(iii) A copy of test scores evidencing
satisfactory completion of nationally administered examinations of
achievement, such as the Educational Testing Service's teacher
testing examinations; and
(iv) Any other document required by the State
Board of Education.

(b) **Standard License - Alternate Teaching Route.**
Applicants for a Standard License - Alternate Teaching Route shall
submit to the department:

(i) An application on a department form;
(ii) An official transcript evidencing a
    bachelor's degree from an accredited institution of higher
    learning;
(iii) A copy of test scores evidencing
    satisfactory completion of an examination of achievement specified
    by the commission and approved by the State Board of Education;
(iv) An official transcript evidencing appropriate
    credit hours or a copy of test scores evidencing successful
    completion of tests as required by the State Board of Education;
    and
(v) Any other document required by the State Board
    of Education.

A Standard License - Approved Program Route and a Standard
License - Alternate Teaching Route shall be issued for a five-year
period, and may be renewed. Recognizing teaching as a profession,
License - Approved Program Route or Standard License - Alternate

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

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

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

(f) If any school district meets Level 4 or 5 accreditation standards, the State Board of Education, in its
discretion, may exempt the school district from any restrictions in paragraph (e) relating to the employment of nonlicensed teaching personnel.

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

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

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

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

(d) Administrator License - Alternate Route. The board may establish an alternate route for licensing administrative personnel. The alternate route for administrative licensure shall be available for persons holding, but not limited to, a master of business administration degree, a master of public administration degree or a master of public planning and policy degree from an accredited college or university, with five (5) years of administrative or supervisory experience. Successful completion of the requirements of alternate route licensure for administrators shall qualify the person for a standard administrator license.
Beginning with the 1997-1998 school year, individuals seeking school administrator licensure under paragraph (b), (c) or (d) shall successfully complete a training program and an assessment process prescribed by the State Board of Education. Applicants seeking school administrator licensure before June 30, 1997, and completing all requirements for provisional or standard administrator certification and who have never practiced, shall be exempt from taking the Mississippi Assessment Battery Phase I. Applicants seeking school administrator licensure during the period beginning July 1, 1997, through June 30, 1998, shall participate in the Mississippi Assessment Battery, and upon request of the applicant, the department shall reimburse the applicant for the cost of the assessment process required. After June 30, 1998, all applicants for school administrator licensure shall meet all requirements prescribed by the department under paragraph (b), (c) or (d), and the cost of the assessment process required shall be paid by the applicant.

(8) **Reciprocity.**

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

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

(9) **Renewal and Reinstatement of Licenses.** The State Board of Education may establish rules and regulations for the renewal
and reinstatement of educator and administrator licenses.

Effective May 15, 1997, the valid standard license held by an educator shall be extended five (5) years beyond the expiration date of the license in order to afford the educator adequate time to fulfill new renewal requirements established under this subsection. An educator completing a master of education, educational specialist or doctor of education degree in May 1997 for the purpose of upgrading the educator’s license to a higher class shall be given this extension of five (5) years plus five (5) additional years for completion of a higher degree.

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

(11) The State Board of Education, acting through the commission, may deny an application for any teacher or administrator license for one or more of the following:
(a) Lack of qualifications that are prescribed by law or regulations adopted by the State Board of Education;

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

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

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

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

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

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

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

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

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

(b) Obtaining a license by fraudulent means shall result in immediate suspension and continued suspension for one (1) year after correction is made;
(c) Suspension or revocation of a certificate or license by another state shall result in immediate suspension or revocation and shall continue until records in the prior state have been cleared;

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

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

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

(13) Notwithstanding any provision of this section:

(a) The State Board of Education, acting on its own motion or, in the case of a default on a loan, on the recommendation of the state agency to which payments are due, shall suspend the teacher or administrator license of any person who defaults on or fails to comply with the requirements of a state educational loan, service conditional scholarship or loan repayment program obligation under which the person obtained any of the education necessary to qualify for a teacher or administrator license. However, before a state agency may recommend the suspension of a license due to the person's default on a loan, that agency must provide the license holder with notice of its intention to recommend the suspension of the person's license and an opportunity for the license holder to respond; and

(b) The person's teacher or administrator license will remain suspended until the person has: (i) made arrangements satisfactory to the State Board of Education for meeting the obligations of the loan, scholarship or loan repayment program; or (ii) in the case of a default, made arrangements satisfactory to
the state agency to which payments are due for the repayment of
the educational loan or scholarship.

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

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

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

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

(16) Reporting procedures and hearing procedures for dealing
with infractions under this section shall be promulgated by the
commission, subject to the approval of the State Board of Education. The revocation or suspension of a license shall be effected at the time indicated on the notice of suspension or revocation. The commission shall immediately notify the superintendent of the school district or school board where the teacher or administrator is employed of any disciplinary action and also notify the teacher or administrator of the revocation or suspension and shall maintain records of action taken. The State Board of Education may reverse or remand with instructions any decision of the commission regarding a petition for reinstatement of a license, and any such decision of the State Board of Education shall be final.

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

(18) All such programs, rules, regulations, standards and criteria recommended or authorized by the commission shall become effective upon approval by the State Board of Education as designated by appropriate orders entered upon the minutes thereof.
The granting of a license shall not be deemed a property right nor a guarantee of employment in any public school district. A license is a privilege indicating minimal eligibility for teaching in the public schools of Mississippi. This section shall in no way alter or abridge the authority of local school districts to require greater qualifications or standards of performance as a prerequisite of initial or continued employment in those districts.

In addition to the reasons specified in subsections (12) and (14) of this section, the board may suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. Actions taken by the board in suspending a license when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a license suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

SECTION 2. Section 73-1-29, Mississippi Code of 1972, is amended as follows:
73-1-29. (1) The board, upon satisfactory proof and in accordance with this chapter and the regulations of the board, may
take the disciplinary actions provided for hereinafter against any
person for any of the following reasons:

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

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

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

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

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

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

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

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

or

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

(2) Notwithstanding any provision of this chapter:

(a) The board, acting on its own motion or, in the case
of a default on a loan, on the recommendation of the state agency
to which payments are due, shall suspend the certificate of
registration of any person who defaults on or fails to comply with
the requirements of a state educational loan, service conditional
scholarship or loan repayment program obligation under which the
person obtained any of the education necessary to qualify for a
certificate of registration under this chapter. However, before a
state agency may recommend the suspension of a certificate of
registration due to the person's default on a loan, that agency
must provide the certificate holder with notice of its intention
to recommend the suspension of the person's certificate of
registration and an opportunity for the certificate holder to
respond; and

(b) The person's certificate of registration will
remain suspended until the person has: (i) made arrangements
satisfactory to the board for meeting the obligations of the loan,
scholarship or loan repayment program; or (ii) in the case of a
default, made arrangements satisfactory to the state agency to
which payments are due for the repayment of the educational loan
or scholarship.

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

The board shall investigate all charges filed with it and, upon finding reasonable cause to believe that the charges are not
frivolous, unfounded or filed in bad faith, may cause a hearing to
be held, at a time and place fixed by the board, regarding the
charges and may compel the accused by subpoena to appear before
the board to respond to the charges.
No disciplinary action may be taken until the accused has been furnished both a statement of the charges against him and notice of the time and place of the hearing thereof, which shall be personally served on the accused or mailed by registered or certified mail, return receipt requested, to the last known business or residence address of the accused not less than thirty (30) days before the date of the hearing.

At any hearing held under this section, the board, upon application and approval of the chancery court, shall have the power to subpoena witnesses and compel their attendance and may also require the production of books, papers and other documents, as provided in this chapter. The hearing shall be conducted before the full board with the president of the board serving as the presiding judge. Counsel for the board shall present all evidence relating to the charges. All evidence shall be presented under oath, which may be administered by any member of the board, and thereafter the proceedings may, if necessary, be transcribed in full by the court reporter and filed as part of the record in the case. Copies of those transcriptions may be provided to any party to the proceedings at a cost fixed by the board.

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

If in any proceeding before the board any witness fails or refuses to attend upon subpoena issued by the board, refuses to testify, or refuses to produce any books and papers the production of which is called for by the subpoena, the attendance of the witness and the giving of his testimony and the production of the books and papers shall be enforced by any court of competent jurisdiction of this state in the manner provided for the enforcement of attendance and testimony of witnesses in civil cases in the courts of this state.
The accused shall have the right to be present at the hearing in person, by counsel or other representative, or both. The accused shall have the right to present evidence and to examine and cross-examine all witnesses. The board may continue or recess the hearing as may be necessary.

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

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

(a) Issue a public or private reprimand;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Practicing landscape architecture under an assumed or fictitious name;
(g) Being convicted by any court of a felony, except
conviction of culpable negligent manslaughter, in which case the
record of conviction shall be conclusive evidence;
(h) Willfully misleading or defrauding any person
employing him as a landscape architect by any artifice or false
statement;

(i) Having undisclosed financial or personal interest
that compromises his obligation to his client;
(j) Obtaining a certificate by fraud or deceit; or
(k) Violating any of the provisions of this chapter.

(3) Notwithstanding any provision of this chapter:

(a) The board, acting on its own motion or, in the case
of a default on a loan, on the recommendation of the state agency
to which payments are due, shall suspend the certificate of
registration of any person who defaults on or fails to comply with
the requirements of a state educational loan, service conditional
scholarship or loan repayment program obligation under which the
person obtained any of the education necessary to qualify for a
certificate of registration under this chapter. However, before a
state agency may recommend the suspension of a certificate of
registration due to the person's default on a loan, that agency
must provide the certificate holder with notice of its intention
to recommend the suspension of the person's certificate of
registration and an opportunity for the certificate holder to
respond; and

(b) The person's certificate of registration will
remain suspended until the person has: (i) made arrangements
satisfactory to the board for meeting the obligations of the loan,
scholarship or loan repayment program; or (ii) in the case of a
default, made arrangements satisfactory to the state agency to
which payments are due for the repayment of the educational loan
or scholarship.
(4) Any person may prefer charges against any other person for committing any of the acts set forth in subsection (2) or (3) of this section. The charges need not be sworn to, may be made upon actual knowledge, or upon information and belief, and shall be filed with the board. If any person licensed under Sections 73-2-1 through 73-2-21 is expelled from membership in any Mississippi or national professional landscape architectural society or association, the board shall thereafter cite the person to appear at a hearing before the board and to show cause why disciplinary action should not be taken against that person.

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

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

(5) At any hearing held under the provisions of this section, the board shall have the power to subpoena witnesses and compel their attendance and require the production of any books, papers or documents. The hearing shall be conducted before the full board with the president of the board serving as the presiding judge. Counsel for the board shall present all evidence relating to the charges. All evidence shall be presented under oath, which may be administered by any member of the board, and thereafter the proceedings may, if necessary, be transcribed in
full by the court reporter and filed as part of the record in the
case. Copies of the transcription may be provided to any party to
the proceedings at a cost to be fixed by the board.

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

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

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

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

If a majority of the board finds the accused guilty of the
charges filed, the board may: (a) issue a public or private
reprimand; (b) suspend or revoke the license of the accused, if
the accused is a registrant; or (c) in lieu of or in addition to
the reprimand, suspension or revocation, assess and levy upon the

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guilty party a monetary penalty of not less than One Hundred Dollars ($100.00) nor more than Five Thousand Dollars ($5,000.00) for each violation.

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

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

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

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

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

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

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

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

(14) In addition to the reasons specified in subsection (2)
of this section, the board may suspend the license of any licensee
for being out of compliance with an order for support, as defined
in Section 93-11-153 **. The procedure for suspension of a
license for being out of compliance with an order for support, and
the procedure for the reissuance or reinstatement of a license
suspended for that purpose, and the payment of any fees for the
reissuance or reinstatement of a license suspended for that
purpose, shall be governed by Section 93-11-157 or
93-11-163 **, as the case may be. If there is any conflict
between any provision of Section 93-11-157 or 93-11-163 ** and
any provision of this chapter, the provisions of Section 93-11-157
or 93-11-163 **, as the case may be, shall control.

SECTION 4. Section 73-3-327, Mississippi Code of 1972, is
amended as follows:
73-3-327. (1) At the conclusion of the hearing the complaint tribunal, upon the majority vote of the members of the tribunal, shall render a written opinion incorporating a finding of fact and a judgment thereon. The judgment of the complaint tribunal may provide the following:

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

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

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

(d) Permanently disbar the attorney.

(2) Notwithstanding any provision of this article:

(a) The Supreme Court, acting on its own motion or, in the case of a default on a loan, on the recommendation of the state agency to which payments are due, shall suspend from the practice of law any attorney who defaults on or fails to comply with the requirements of a state educational loan, service conditional scholarship or loan repayment program obligation under which the attorney obtained any of the education necessary to qualify for a license to practice law. However, before a state agency may recommend the suspension of an attorney's license to practice law due to the attorney's default on a loan, that agency must provide the attorney with notice of its intention to recommend the suspension of the attorney's license and an opportunity for the attorney to respond; and

(b) The attorney will remain suspended from the practice of law until the attorney has: (i) made arrangements satisfactory to the Supreme Court for meeting the obligations of the loan, scholarship or loan repayment program; or (ii) in the case of a default, made arrangements satisfactory to the state agency to which payments are due for the repayment of the educational loan or scholarship.
In cases in which the Clerk of the Supreme Court has received notice from the division that the attorney is out of compliance with an order for support, as defined in Section 93-11-153, the Supreme Court shall suspend the attorney from the practice of law until such time as the attorney may be reinstated to practice law because of the attorney's compliance with the requirements of Section 93-11-157 or 93-11-163, as the case may be.

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

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

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

(b) Gross malpractice or gross incompetency.

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

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

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

(f) Immoral or unprofessional conduct.

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

(2) Notwithstanding any provision of this chapter:

(a) The board, acting on its own motion or, in the case of a default on a loan, on the recommendation of the state agency
to which payments are due, shall suspend the certificate of
registration of any person who defaults on or fails to comply with
the requirements of a state educational loan, service conditional
scholarship or loan repayment program obligation under which the
person obtained any of the education necessary to qualify for a
certificate of registration under this chapter. However, before a
state agency may recommend the suspension of a certificate of
registration due to the person's default on a loan, that agency
must provide the certificate holder with notice of its intention
to recommend the suspension of the person's certificate of
registration and an opportunity for the certificate holder to
respond; and
(b) The person's certificate of registration will
remain suspended until the person has: (i) made arrangements
satisfactory to the board for meeting the obligations of the loan,
scholarship or loan repayment program; or (ii) in the case of a
default, made arrangements satisfactory to the state agency to
which payments are due for the repayment of the educational loan
or scholarship.

(3) In addition to the causes specified in subsection (1) of
this section, the board may suspend the certificate of
registration of any person for being out of compliance with an
order for support, as defined in Section 93-11-153. The procedure
for suspension of a certificate for being out of compliance with
an order for support, and the procedure for the reissuance or
reinstatement of a certificate suspended for that purpose, and the
payment of any fees for the reissuance or reinstatement of a
certificate suspended for that purpose shall be governed by
Section 93-11-157 or 93-11-163. If there is any conflict between
any provision of Section 93-11-157 or 93-11-163 and any provision
of this chapter, the provisions of Section 93-11-157 or 93-11-163,
as the case may be, shall control.
SECTION 6. Section 73-6-19, Mississippi Code of 1972, is amended as follows:

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

(a) Failure to comply with the rules and regulations adopted by the State Board of Chiropractic Examiners;
(b) Violation of any of the provisions of this chapter or any of the rules and regulations of the State Board of Health under this chapter with regard to the operation and use of x-rays;
(c) Fraud or deceit in obtaining a license;
(d) Addiction to the use of alcohol, narcotic drugs, or anything that would seriously interfere with the competent performance of his professional duties;
(e) Conviction by a court of competent jurisdiction of a felony, other than manslaughter or any violation of the United States Revenue Code;
(f) Unprofessional and unethical conduct;
(g) Contraction of a contagious disease that may be carried for a prolonged period;
(h) Failure to report to the Mississippi Department of Human Services or the county attorney any case in which there are reasonable grounds to believe that a child has been abused by its parent or person responsible for the child’s welfare;
(i) Advising a patient to use drugs, prescribing or providing drugs for a patient, or advising a patient not to use a drug prescribed by a licensed physician or dentist;
(j) Professional incompetency in the practice of chiropractic;
(k) Having disciplinary action taken by his peers within any professional chiropractic association or society;
(l) Offering to accept or accepting payment for services rendered by assignment from any third-party payor after offering to accept or accepting whatever the third-party payor covers as payment in full, if the effect of the offering or acceptance is to eliminate or give the impression of eliminating the need for payment by an insured of any required deductions applicable in the policy of the insured;

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

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

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

(2) Notwithstanding any provision of this chapter:

(a) The board, acting on its own motion or, in the case of a default on a loan, on the recommendation of the state agency to which payments are due, shall suspend the license of any person who defaults on or fails to comply with the requirements of a state educational loan, service conditional scholarship or loan repayment program obligation under which the person obtained any of the education necessary to qualify for a license under this chapter. However, before a state agency may recommend the suspension of a license due to the person's default on a loan, that agency must provide the license holder with notice of its intention to recommend the suspension of the person's license and an opportunity for the license holder to respond; and

(b) The person's license will remain suspended until the person has: (i) made arrangements satisfactory to the board for meeting the obligations of the loan, scholarship or loan repayment program; or (ii) in the case of a default, made
[3] Any holder of the certificate or any applicant therefor against whom is preferred any of the designated charges shall be furnished a copy of the complaint and shall receive a formal hearing in Jackson, Mississippi, before the board, at which time he may be represented by counsel and examine witnesses. The board may administer oaths as may be necessary for the proper conduct of any such hearing. In addition, the board may issue subpoenas for the attendance of witnesses and the production of books and papers. The process issued by the board shall extend to all parts of the state. Where in any proceeding before the board any witness fails or refuses to attend upon subpoena issued by the board, refuses to testify, or refuses to produce any books and papers, the production of which is called for by the subpoena, the attendance of the witness and the giving of his testimony and the production of the books and papers shall be enforced by any court of competent jurisdiction of this state in the manner provided for the enforcement of attendance and testimony of witnesses in civil cases in the courts of this state.

[4] In addition to any other investigators the board employs, the board shall appoint one or more licensed chiropractors to act for the board in investigating the conduct relating to the competency of a chiropractor, whenever disciplinary action is being considered for professional incompetence and unprofessional conduct.

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

(a) Deny his application for a license or other authorization to practice chiropractic;
(b) Administer a public or private reprimand;
(c) Suspend, limit or restrict his license or other authorization to practice chiropractic for up to five (5) years;
(d) Revoke or cancel his license or other authorization to practice chiropractic;
(e) Require him to submit to care, counseling or treatment by physicians or chiropractors designated by the board, as a condition for initial, continued or renewal of licensure or other authorization to practice chiropractic;
(f) Require him to participate in a program of education prescribed by the board; or
(g) Require him to practice under the direction of a chiropractor designated by the board for a specified period of time.

[6] Any person whose application for a license or whose license to practice chiropractic has been cancelled, revoked or suspended by the board within thirty (30) days from the date of the final decision shall have the right of a de novo appeal to the circuit court of his county of residence or the Circuit Court of the First Judicial District of Hinds County, Mississippi. If there is an appeal, the appeal may, in the discretion of and on motion to the circuit court, act as a supersedeas. The circuit court shall dispose of the appeal and enter its decision promptly. The hearing on the appeal may, in the discretion of the circuit judge, be tried in vacation. Either party shall have the right of appeal to the Supreme Court as provided by law from any decision of the circuit court.

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

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

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

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

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

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

73-7-27. (1) Any complaint may be filed with the board by a member or agent of the board or by any person charging any licensee of the board with the commission of any of the offenses enumerated in subsection (2) or (3) of this section. The complaint shall be in writing, signed by the accuser or accusers, and verified under oath, and the complaints shall be investigated as set forth in Section 73-7-7. If, after the investigation, the board through its administrative review agents determines that there is not substantial justification to believe that the accused licensee has committed any of the offenses enumerated, it may dismiss the complaint or may prepare a formal complaint proceeding against the licensee as hereinafter provided. When used with reference to any complaint filed against a licensee herein, the term "not substantial justification" means a complaint that is frivolous, groundless in fact or law, or vexatious, as determined by unanimous vote of the board. If there is a dismissal, the person filing the accusation and the accused licensee shall be given written notice of the board's determination. If the board determines there is reasonable cause to believe the accused has committed any of those offenses, the secretary of the board shall give written notice of that determination to the accused licensee.
and set a day for a hearing as provided in subsection (3) of this section.

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

(a) Has not complied with or has violated any of the rules and regulations promulgated by the board;
(b) Has not complied with or has violated any of the sections of this chapter;
(c) Has committed fraud or dishonest conduct in the taking of the examination herein provided for;
(d) Has been convicted of a felony;
(e) Has committed grossly unprofessional or dishonest conduct;
(f) Is addicted to the excessive use of intoxicating liquors or to the use of drugs to such an extent as to render him or her unfit to practice in any of the practices or occupations set forth in this chapter;
(g) Has advertised by means of knowingly false or deceptive statements; * * *
(h) Has failed to display the license or certificate issued to him or her as provided for in this chapter; or
(i) Has been convicted of violating any of the provisions of this chapter.

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

(3) Notwithstanding any provision of this chapter:

(a) The board, acting on its own motion or, in the case of a default on a loan, on the recommendation of the state agency to which payments are due, shall suspend the license of any person...
who defaults on or fails to comply with the requirements of a
state educational loan, service conditional scholarship or loan
repayment program obligation under which the person obtained any
of the education necessary to qualify for a license under this
chapter. However, before a state agency may recommend the
suspension of a license due to the person's default on a loan,
that agency must provide the license holder with notice of its
intention to recommend the suspension of the person's license and
an opportunity for the license holder to respond; and
(b) The person's license will remain suspended until
the person has: (i) made arrangements satisfactory to the board
for meeting the obligations of the loan, scholarship or loan
repayment program; or (ii) in the case of a default, made
arrangements satisfactory to the state agency to which payments
are due for the repayment of the educational loan or scholarship.
(4) The board shall not revoke, suspend or refuse to issue
or renew any license or certificate, or fine, place on probation
or otherwise discipline any person in a disciplinary matter except
after a hearing of which the applicant or licensee or holder of
the certificate affected shall be given at least twenty (20) days'
otice in writing, specifying the reason or reasons for denying
the applicant a license or certificate of registration, or in the
case of any other disciplinary action, the offense or offenses of
which the licensee or holder of a certificate of registration is
charged. The notice may be served by mailing a copy thereof by
United States first class certified mail, postage prepaid, to the
last known residence or business address of the applicant,
licensee or holder of a certificate. The hearing on the charges
shall be at such time and place as the board may prescribe.
(5) At those hearings, all witnesses shall be sworn by a
member of the board, and stenographic notes of the proceedings
shall be taken. Any party to the proceedings desiring it shall be
furnished with a copy of the stenographic notes upon payment to
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the board of such fees as it shall prescribe, not exceeding, however, the actual costs of transcription.

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

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

(8) The board shall conduct the hearing in an orderly and continuous manner, granting continuances only when the ends of justice may be served. The board shall, within sixty (60) days after conclusion of the hearing, reduce its decision to writing and forward an attested true copy thereof to the last known residence or business address of the applicant, licensee or holder of a certificate, by way of United States first class certified mail, postage prepaid. The applicant, licensee, holder of a certificate, or person aggrieved shall have the right of appeal from an adverse ruling, or order, or decision of the board to the chancery court upon forwarding notice of appeal to the board within thirty (30) days after the decision of the board is mailed in the manner here contemplated. An appeal will not be allowed if
notice of appeal, together with the appeal bond hereinafter required, is not forwarded to the board within the thirty-day period. Appeal shall be to the chancery court of the county and judicial district of the residence of the appellant, or to the Chancery Court of the First Judicial District of Hinds County, Mississippi, at the election of the appellant. The notice of appeal shall elect venue, unless the appellant be a nonresident of the State of Mississippi, in which event the board shall certify all documents and evidence directly to the Chancery Court of the First Judicial District of Hinds County for further proceedings. The appeal shall thereupon be heard in due course by the court, which shall review the record and make its determination thereon.

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

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

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

(a) For the first violation, a fine of not less than Fifty Dollars ($50.00) nor more than One Hundred Dollars ($100.00) for each violation.
(b) For the second and each subsequent violation, a fine of not less than One Hundred Dollars ($100.00) nor more than Four Hundred Dollars ($400.00) for each violation. The power and authority of the board to impose the fines under this section shall not be affected or diminished by any other proceeding, civil or criminal, concerning the same violation or violations.

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

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

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

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

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

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

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

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

(f) Practicing incompetently or negligently, regardless
of whether there is actual harm to the patient.
(g) Being convicted or found guilty of or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction that relates to the practice of dentistry or dental hygiene, a certified copy of the conviction order or judgment rendered by the trial court being prima facie evidence thereof, notwithstanding the pendency of any appeal.

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

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

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

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

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

(i) Committing any crime involving moral turpitude.
(ii) Practicing deceit or other fraud upon the public.

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

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

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

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

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

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

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

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

(p) Willful, obstinate and continuing refusal to cooperate with the board in observing its rules and regulations in promptly paying all legal license or other fees required by law.
(q) Practicing dentistry or dental hygiene while the person's license is suspended.

(2) Notwithstanding any provision of this chapter:

(a) The board, acting on its own motion or, in the case of a default on a loan, on the recommendation of the state agency to which payments are due, shall suspend the license of any person who defaults on or fails to comply with the requirements of a state educational loan, service conditional scholarship or loan repayment program obligation under which the person obtained any of the education necessary to qualify for a license under this chapter. However, before a state agency may recommend the suspension of a license due to the person's default on a loan, that agency must provide the license holder with notice of its intention to recommend the suspension of the person's license and an opportunity for the license holder to respond; and

(b) The person's license will remain suspended until the person has: (i) made arrangements satisfactory to the board for meeting the obligations of the loan, scholarship or loan repayment program; or (ii) in the case of a default, made arrangements satisfactory to the state agency to which payments are due for the repayment of the educational loan or scholarship.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Issuance and renewal of licenses.
(a) The board shall issue a license to any person who meets the requirements of this chapter upon payment of the license fee prescribed.

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

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

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

(4) Denial or revocation of license.

(a) The board may deny or refuse to renew a license, or suspend or revoke a license, or issue orders to cease or desist from certain conduct, or issue warnings or reprimands where the
licensee or applicant for license has been convicted of unlawful
conduct or has demonstrated unprofessional conduct that has
endangered or is likely to endanger the health, welfare or safety
of the public. That conduct includes:

   (i) Obtaining a license by means of fraud,
   (ii) Being guilty of unprofessional conduct as
defined by the rules and established by the board or violating the
Code of Ethics of the American Dietetic Association;
   (iii) Being convicted of a crime in any court
other than a misdemeanor;
   (iv) Violating any lawful order, rule or
regulation rendered or adopted by the board; or
   (v) Violating any provision of this chapter.

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

(c) Notwithstanding any provision of this chapter:

   (i) The board, acting on its own motion or, in the
case of a default on a loan, on the recommendation of the state
agency to which payments are due, shall suspend the license of any
person who defaults on or fails to comply with the requirements of
a state educational loan, service conditional scholarship or loan
repayment program obligation under which the person obtained any
of the education necessary to qualify for a license under this
chapter. However, before a state agency may recommend the
suspension of a license due to the person's default on a loan,
that agency must provide the license holder with notice of its
intention to recommend the suspension of the person's license and
an opportunity for the license holder to respond; and

(ii) The person's license will remain suspended
until the person has: made arrangements satisfactory to the board
for meeting the obligations of the loan, scholarship or loan
repayment program; or, in the case of a default, made arrangements
satisfactory to the state agency to which payments are due for the
repayment of the educational loan or scholarship.

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

(5) Establish fees.

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

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

(6) Collect funds.

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

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

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

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

(7) Receive and process complaints.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(j) Employment directly or indirectly of any apprentice, agent, assistant, employee, or other person, on a
part-time or full-time basis or on commission, for the purpose of

calling upon individuals or institutions by whose influence dead

human bodies may be turned over to a particular funeral

establishment;

(k) Unprofessional conduct that includes but is not

limited to:

(i) Retaining a dead human body for the payment of

a fee for the performance of services not authorized in writing;

(ii) Knowingly performing any act that in any way

assists an unlicensed person to practice funeral service or

funeral directing;

(iii) Being guilty of any dishonorable conduct

likely to deceive, defraud or harm the public;

(iv) Any act or omission in the practice of

funeral service or directing that constitutes dishonesty, fraud or

misrepresentation with the intent to benefit the licensee, another

person or funeral establishment, or with the intent to

substantially injure another person, licensee or funeral

establishment; or

(v) Any act or conduct, whether the same or of a

different character than specified above, that constitutes or

demonstrates bad faith, incompetency or untrustworthiness; or

dishonest, fraudulent or improper dealing; or any other violation

of the provisions of this chapter, the rules and regulations

established by the board or any rule or regulation promulgated by

the Federal Trade Commission relative to the practice of funeral

service or directing.

(2) Notwithstanding any provision of this chapter:

(a) The board, acting on its own motion or, in the case

of a default on a loan, on the recommendation of the state agency

to which payments are due, shall suspend the license of any person

who defaults on or fails to comply with the requirements of a

state educational loan, service conditional scholarship or loan
repayment program obligation under which the person obtained any
of the education necessary to qualify for a license under this
chapter. However, before a state agency may recommend the
suspension of a license due to the person's default on a loan,
that agency must provide the license holder with notice of its
intention to recommend the suspension of the person's license and
an opportunity for the license holder to respond; and

(b) The person's license will remain suspended until
the person has: (i) made arrangements satisfactory to the board
for meeting the obligations of the loan, scholarship or loan
repayment program; or (ii) in the case of a default, made
arrangements satisfactory to the state agency to which payments
are due for the repayment of the educational loan or scholarship.

(3) The board may, upon satisfactory proof that the
applicant or licensee has been guilty of any of the offenses • • •
enumerated in subsection (1) of this section, refuse to examine or
issue a license to the applicant, or may refuse to renew or revoke
or suspend the license of the licensee, or place on probation or
reprimand him, upon a majority vote of the board members, after a
hearing thereon. The board is • • • vested with full power and
authority to hold and conduct those hearings, compel the
attendance of witnesses and the production of books, records and
documents, issue subpoenas therefor, administer oaths, examine
witnesses, and do all things necessary to properly conduct those
hearings. The board may waive the necessity of a hearing if the
person accused of a violation admits that he has been guilty of
that offense. Any person who has been refused a license or whose
license has been revoked or suspended may, within thirty (30) days
after the decision of the board, file with the board a written
notice stating that he feels himself aggrieved by the decision and
appeals therefrom to the circuit court. Upon the filing of the
notice, the secretary of the board shall transmit to the clerk of
the circuit court the records and findings of the proceedings.
The circuit court shall hear and determine as to whether the action of the board was in accord or consistent with law, or was arbitrary, unwarranted or in abuse of discretion. An appeal from the circuit court judgment or decree may be reviewed by the Supreme Court as is provided by law for other appeals.

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

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

(b) For the second violation of any of the subparagraphs of subsection (1) of this section, a monetary penalty of not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00).

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

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

The power and authority of the board to assess and levy the monetary penalties under this section shall not be affected or diminished by any other proceeding, civil or criminal, concerning

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the same violation or violations except as provided in this section.

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

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

(8) A monetary penalty assessed and levied under this section shall be paid to the board by the licensee upon the expiration of the period allowed for appeal of the penalties under this section or may be paid sooner if the licensee elects. With the exception of subsection (4)(d) of this section, monetary penalties collected by the board under this section shall be deposited to the credit of the General Fund of the State Treasury. Any monies collected by the board under subsection (4)(d) of this section shall be deposited into the special fund operating account of the board.

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

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

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

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

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

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

(c) Gross negligence, malpractice or incompetency;
(d) Any professional misconduct, as defined by the board through bylaws, rules and regulations, and standards of conduct and ethics;

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

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

(2) Notwithstanding any provision of this chapter:

(a) The board, acting on its own motion or, in the case of a default on a loan, on the recommendation of the state agency to which payments are due, shall suspend the certificate of registration of any person who defaults on or fails to comply with the requirements of a state educational loan, service conditional scholarship or loan repayment program obligation under which the person obtained any of the education necessary to qualify for a certificate of registration under this chapter. However, before a state agency may recommend the suspension of a certificate of registration due to the person's default on a loan, that agency must provide the certificate holder with notice of its intention to recommend the suspension of the person's certificate of registration and an opportunity for the certificate holder to respond; and

(b) The person's certificate of registration will remain suspended until the person has: (i) made arrangements satisfactory to the board for meeting the obligations of the loan, scholarship or loan repayment program; or (ii) in the case of a default, made arrangements satisfactory to the state agency to which payments are due for the repayment of the educational loan or scholarship.
(3) Any person may prefer charges against any other person practicing engineering or surveying, including nonregistrants, for committing any of the acts set forth in subsection (1) or (2) of this section. The charges shall be sworn to, either upon actual knowledge or upon information and belief, and shall be filed with the board. If any person certified under Sections 73-13-1 through 73-13-45 is expelled from membership in any Mississippi professional engineering society or association, the board shall thereafter cite the person to appear at a hearing before the board and to show cause why disciplinary action should not be taken against him.

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

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

(4) At any hearing held under this section, the board shall have the power to subpoena witnesses and compel their attendance and may also require the production of books, papers, documents, etc., as provided elsewhere in this chapter. The board may designate or secure a hearing officer to conduct the hearing. All evidence shall be presented under oath, which may be administered by any member of the board, and thereafter the proceedings may, if necessary, be transcribed in full by the court reporter and filed as part of the record in the case. Copies of those transcriptions
may be provided to any party to the proceedings at a cost to be fixed by the board.

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

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

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

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

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

(a) Issue a public or private reprimand;
(b) Require the guilty party to complete a course, approved by the board, in ethics;
(c) Suspend or revoke the certificate of the accused, if the accused is a registrant; or
(d) In lieu of or in addition to the reprimand, course completion, suspension or revocation, assess and levy upon the guilty party a monetary penalty of not less than One Hundred Dollars ($100.00) nor more than Five Thousand Dollars ($5,000.00) for each violation.

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

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

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

(8) The board, in its discretion, may assess and tax any part or all of the costs of any disciplinary proceedings conducted under this section against either the accused, the charging party, or both, as it may elect.

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

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

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

All appeals perfected under this section shall act as a supersedeas, and shall be made to the chancery court solely upon the record made before the board during the disciplinary hearing. When the appeal has been properly perfected as provided in this section, the board shall cause the record of the proceedings conducted before it to be compiled, certified and filed with the chancery court. The briefing schedule shall be the same as for appeals to the Supreme Court. The chancery court shall be required to rule on the case within sixty (60) days of the close
of briefing. All procedures and penalties provided for in this
section shall apply to nonregistrants as well as registrants.

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

(13) Any board member whose objectivity in a disciplinary
proceeding is impaired shall either recuse himself from sitting as
a member of the board in a formal disciplinary hearing in that
proceeding or be disqualified therefrom. If a disciplinary
proceeding is brought against a member or former member of the
board, no member of the board who has served concurrently with the
respondent in the disciplinary proceeding shall sit as a member of
the board in a formal disciplinary hearing in that proceeding.
If, after recusal or disqualification of board members as provided
herein, there does not remain a quorum of the board to sit for a
disciplinary hearing, the board shall have the power to select, in
accordance with duly promulgated regulations of the board, substitute panel members from slates of candidates established by the Mississippi Engineering Society and the Mississippi Association of Professional Surveyors to the extent necessary to achieve the number of panel members equivalent to a quorum of the board. Substitute panel members must meet the qualifications of board members as provided in Section 73-13-7 and shall receive compensation as provided for board members in Section 73-13-9.

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

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

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

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

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

(d) Has had a license or privilege to practice as a registered nurse or a licensed practical nurse suspended or revoked in any jurisdiction, has voluntarily surrendered the license or privilege to practice in any jurisdiction, has been placed on probation as a registered nurse or licensed practical nurse in any jurisdiction or has been placed under a disciplinary
order(s) in any manner as a registered nurse or licensed practical nurse in any jurisdiction, (a certified copy of the order of suspension, revocation, probation or disciplinary action shall be prima facie evidence of the action);

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

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

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

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

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

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

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

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

(m) Has violated any provision of this chapter.

(2) Notwithstanding any provision of this chapter:
(a) The board, acting on its own motion or, in the case of a default on a loan, on the recommendation of the state agency to which payments are due, shall suspend the license of any person who defaults on or fails to comply with the requirements of a state educational loan, service conditional scholarship or loan repayment program obligation under which the person obtained any of the education necessary to qualify for a license under this chapter. However, before a state agency may recommend the suspension of a license due to the person's default on a loan, that agency must provide the license holder with notice of its intention to recommend the suspension of the person's license and an opportunity for the license holder to respond; and

(b) The person's license will remain suspended until the person has: (i) made arrangements satisfactory to the board for meeting the obligations of the loan, scholarship or loan repayment program; or (ii) in the case of a default, made arrangements satisfactory to the state agency to which payments are due for the repayment of the educational loan or scholarship.

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

(a) Denying application for a license or other authorization to practice nursing or practical nursing;
(b) Administering a reprimand;
(c) Suspending or restricting the license or other authorization to practice as a registered nurse or licensed practical nurse for up to two (2) years without review;
(d) Revoking the license or other authorization to practice nursing or practical nursing;
(e) Requiring the disciplinee to submit to care, counseling or treatment by persons and/or agencies approved or designated by the board as a condition for initial, continued or
renewed licensure or other authorization to practice nursing or practical nursing;

(f) Requiring the disciplinee to participate in a program of education prescribed by the board as a condition for initial, continued or renewed licensure or other authorization to practice;

(g) Requiring the disciplinee to practice under the supervision of a registered nurse for a specified period of time; or

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Being found mentally incompetent or insane by any court of competent jurisdiction.
(j) The use of any false, fraudulent, deceptive or misleading statement in any document connected with the practice of optometry.

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

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

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

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

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

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

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

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

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

(t) The designation of any person licensed under this chapter, other than by the terms "optometrist," "Doctor of Optometry" or "O.D."
(u) To knowingly submit or cause to be submitted any misleading, deceptive or fraudulent representation on a claim form, bill or statement.

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

(3) Notwithstanding any provision of this chapter:

(a) The board, acting on its own motion or, in the case of a default on a loan, on the recommendation of the state agency to which payments are due, shall suspend the certificate of licensure of any person who defaults on or fails to comply with the requirements of a state educational loan, service conditional scholarship or loan repayment program obligation under which the person obtained any of the education necessary to qualify for a certificate of licensure under this chapter. However, before a state agency may recommend the suspension of a certificate of licensure due to the person's default on a loan, that agency must provide the certificate holder with notice of its intention to recommend the suspension of the person's certificate of licensure and an opportunity for the certificate holder to respond; and

(b) The person's certificate of licensure will remain suspended until the person has: (i) made arrangements satisfactory to the board for meeting the obligations of the loan, scholarship or loan repayment program; or (ii) in the case of a default, made arrangements satisfactory to the state agency to which payments are due for the repayment of the educational loan or scholarship.

(4) Any person who is holder of a certificate of licensure or who is an applicant for examination for a certificate of licensure, against whom is preferred any charges, shall be furnished by the board with a copy of the complaint and shall have a hearing in Jackson, Mississippi, before the board, at which hearing he may be represented by counsel. At the hearing...
witnesses may be examined for and against the accused respecting
the ** charges, and ** hearing orders or appeals will be
conducted according to the procedure now provided in Section
73-25-27. The suspension of a certificate of licensure, by reason
of the use of stimulants or narcotics may be removed when the
holder thereof has been adjudged by the ** board to be cured
and capable of practicing optometry.

(5) In addition to the reasons specified in subsections (1)
and (2) of this section, the board may suspend the license of any
licensee for being out of compliance with an order for support, as
defined in Section 93-11-153. The procedure for suspension of a
license for being out of compliance with an order for support, and
the procedure for the reissuance or reinstatement of a license
suspended for that purpose, and the payment of any fees for the
reissuance or reinstatement of a license suspended for that
purpose, shall be governed by Section 93-11-157 or 93-11-163, as
the case may be. If there is any conflict between any provision
of Section 93-11-157 or 93-11-163 and any provision of this
chapter, the provisions of Section 93-11-157 or 93-11-163, as the
case may be, shall control.

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

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

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

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

(c) Being found guilty by a court of competent
jurisdiction of one or more of the following:
(i) A felony;  
(ii) Any act involving moral turpitude or gross immorality; or  
(iii) Violation of pharmacy or drug laws of this state or rules or regulations pertaining thereto, or of statutes, rules or regulations of any other state or the federal government;  
(d) Fraud or intentional misrepresentation by a licensee or permit holder in securing the issuance or renewal of a license or permit;  
(e) Engaging or aiding and abetting an individual to engage in the practice of pharmacy without a license;  
(f) Violation of any of the provisions of this chapter or rules or regulations adopted under this chapter;  
(g) Failure to comply with lawful orders of the board;  
(h) Negligently or willfully acting in a manner inconsistent with the health or safety of the public;  
(i) Addiction to or dependence on alcohol or controlled substances or the unauthorized use or possession of controlled substances;  
(j) Misappropriation of any prescription drug;  
(k) Being found guilty by the licensing agency in another state of violating the statutes, rules or regulations of that jurisdiction; or  
(l) The unlawful or unauthorized possession of a controlled substance.  
(2) In lieu of suspension, revocation or restriction of a license as provided for above, the board may warn or reprimand the offending pharmacist.  
(3) Notwithstanding any provision of this chapter:  
(a) The board, acting on its own motion or, in the case of a default on a loan, on the recommendation of the state agency to which payments are due, shall suspend the pharmacist's license of any person who defaults on or fails to comply with the
requirements of a state educational loan, service conditional
scholarship or loan repayment program obligation under which the
person obtained any of the education necessary to qualify for a
pharmacist's license under this chapter. However, before a state
gency may recommend the suspension of a pharmacist's license due
to the person's default on a loan, that agency must provide the
license holder with notice of its intention to recommend the
suspension of the person's pharmacist's license and an opportunity
for the license holder to respond; and

(b) The person's pharmacist's license will remain
suspended until the person has: (i) made arrangements
satisfactory to the board for meeting the obligations of the loan,
scholarship or loan repayment program; or (ii) in the case of a
default, made arrangements satisfactory to the state agency to
which payments are due for the repayment of the educational loan
or scholarship.

(4) In addition to the grounds specified in subsection (1)
of this section, the board may suspend the license, registration
or permit of any person for being out of compliance with an order
for support, as defined in Section 93-11-153. The procedure for
suspension of a license, registration or permit for being out of
compliance with an order for support, and the procedure for the
reissuance or reinstatement of a license, registration or permit
suspended for that purpose, and the payment of any fees for the
reissuance or reinstatement of a license, registration or permit
suspended for that purpose, shall be governed by Section 93-11-157
or 93-11-163, as the case may be. If there is any conflict
between any provision of Section 93-11-157 or 93-11-163 and any
provision of this chapter, the provisions of Section 93-11-157 or
93-11-163, as the case may be, shall control.

SECTION 15. Section 73-23-59, Mississippi Code of 1972, is
amended as follows:
73-23-59. (1) Licensees subject to this chapter shall conduct their activities, services and practice in accordance with this chapter and any rules promulgated pursuant hereto. Licensees may be subject to the exercise of the disciplinary sanction enumerated in Section 73-23-64 if the board finds that a licensee is guilty of any of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

(k) Engaging in false or misleading advertising;

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

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

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

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

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

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

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

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

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

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

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

(4) Notwithstanding any provision of this chapter:

    (a) The board, acting on its own motion or, in the case of a default on a loan, on the recommendation of the state agency to which payments are due, shall suspend the license of any person who defaults on or fails to comply with the requirements of a state educational loan, service conditional scholarship or loan repayment program obligation under which the person obtained any of the education necessary to qualify for a license under this chapter. However, before a state agency may recommend the suspension of a license due to the person's default on a loan, that agency must provide the license holder with notice of its intention to recommend the suspension of the person's license and an opportunity for the license holder to respond; and

    (b) The person's license will remain suspended until the person has: (i) made arrangements satisfactory to the board for meeting the obligations of the loan, scholarship or loan repayment program; or (ii) in the case of a default, made
arrangements satisfactory to the state agency to which payments are due for the repayment of the educational loan or scholarship.

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

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

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

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

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

(c) Perpetrating or cooperating in fraud or material deception in obtaining or renewing a license or attempting the same;
(d) Being convicted of any crime that has a substantial relationship to the licensee's activities and services or an essential element of which is misstatement, fraud or dishonesty;

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

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

(g) Continued practice although the licensee has become unfit to practice as an occupational therapist or occupational therapist assistant due to:
   (i) Failure to keep abreast of current professional theory or practice; * * *
   (ii) Physical or mental disability; the entry of an order or judgment by a court of competent jurisdiction that a licensee is in need of mental treatment or is incompetent shall constitute mental disability; or
   (iii) Addition or severe dependency upon alcohol or other drugs that may endanger the public by impairing the licensee's ability to practice;

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

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

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

(k) Engaging in false or misleading advertising;

(l) Contracting, assisting or permitting unlicensed persons to perform services for which a license is required under this chapter;
(m) Violation of any probation requirements placed on a license by the board;
(n) Revealing confidential information except as may be required by law;
(o) Failing to inform clients of the fact that the client no longer needs the services or professional assistance of the licensee;
(p) Charging excessive or unreasonable fees or engaging in unreasonable collection practices;
(q) For treating or attempting to treat ailments or other health conditions of human beings other than by occupational therapy as authorized by this chapter;
(r) For practice or activities considered to be unprofessional conduct as defined by the rules and regulations;
(s) Violations of the current codes of conduct for occupational therapists and occupational therapy assistants adopted by the American Occupational Therapy Association;
(t) Violations of any rules or regulations promulgated under this chapter.

(2) Notwithstanding any provision of this chapter:
(a) The board, acting on its own motion or, in the case of a default on a loan, on the recommendation of the state agency to which payments are due, shall suspend the license of any person who defaults on or fails to comply with the requirements of a state educational loan, service conditional scholarship or loan repayment program obligation under which the person obtained any of the education necessary to qualify for a license under this chapter. However, before a state agency may recommend the suspension of a license due to the person's default on a loan, that agency must provide the license holder with notice of its intention to recommend the suspension of the person's license and an opportunity for the license holder to respond; and
(b) The person's license will remain suspended until the person has: (i) made arrangements satisfactory to the board for meeting the obligations of the loan, scholarship or loan repayment program; or (ii) in the case of a default, made arrangements satisfactory to the state agency to which payments are due for the repayment of the educational loan or scholarship.

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

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

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

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

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

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

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

(d) Conviction of violation of any federal or state law regulating the possession, distribution or use of any narcotic drug or any drug considered a controlled substance under state or federal law, a certified copy of the conviction order or judgment rendered by the trial court being prima facie evidence thereof, notwithstanding the pendency of any appeal.
(e) Procuring, or attempting to procure, or aiding in, an abortion that is not medically indicated.

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

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

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

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

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

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

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

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

(vi) Use of any false, fraudulent or forged statement or document, or the use of any fraudulent, deceitful, dishonest or immoral practice in connection with any of the licensing requirements, including the signing in his professional capacity any certificate that is known to be false at the time he makes or signs the certificate.
(vii) Failing to identify a physician's school of practice in all professional uses of his name by use of his earned degree or a description of his school of practice.

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

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

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

(l) Failure to furnish the board, its investigators or representatives information legally requested by the board.
(m) Violation of any provision(s) of the Medical Practice Act or the rules and regulations of the board or of any
order, stipulation or agreement with the board.

(2) Notwithstanding any provision of this chapter:

(a) The board, acting on its own motion or, in the case
of a default on a loan, on the recommendation of the state agency
to which payments are due, shall suspend the license of any person
who defaults on or fails to comply with the requirements of a
state educational loan, service conditional scholarship or loan
repayment program obligation under which the person obtained any
of the education necessary to qualify for a license under this
chapter. However, before a state agency may recommend the
suspension of a license due to the person's default on a loan,
that agency must provide the license holder with notice of its
intention to recommend the suspension of the person's license and
an opportunity for the license holder to respond; and

(b) The person's license will remain suspended until
the person has: (i) made arrangements satisfactory to the board
for meeting the obligations of the loan, scholarship or loan
repayment program; or (ii) in the case of a default, made
arrangements satisfactory to the state agency to which payments
are due for the repayment of the educational loan or scholarship.

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

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

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

(a) Qualifications for licensure for physician assistants;
(b) Scope of practice of physician assistants;
(c) Supervision of physician assistants;
(d) Identification of physician assistants;
(e) Grounds for disciplinary actions and discipline of physician assistants; and
(f) Setting and charging reasonable fees for licensure and license renewals for physician assistants.

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

(2) Notwithstanding any provision of this chapter:
(a) The board, acting on its own motion or, in the case of a default on a loan, on the recommendation of the state agency to which payments are due, shall suspend the license of any person who defaults on or fails to comply with the requirements of a state educational loan, service conditional scholarship or loan repayment program obligation under which the person obtained any of the education necessary to qualify for a license under this chapter. However, before a state agency may recommend the suspension of a license due to the person's default on a loan,
that agency must provide the license holder with notice of its intention to recommend the suspension of the person's license and an opportunity for the license holder to respond; and

(b) The person's license will remain suspended until the person has: (i) made arrangements satisfactory to the board for meeting the obligations of the loan, scholarship or loan repayment program; or (ii) in the case of a default, made arrangements satisfactory to the state agency to which payments are due for the repayment of the educational loan or scholarship.

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

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

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

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

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

(c) Administering, dispensing or prescribing any narcotic drug, or any other drug having addiction-forming or addiction-sustaining liability otherwise than in the course of legitimate professional practice.
(d) Conviction of violation of any federal or state law regulating the possession, distribution or use of any narcotic drug or any drug considered a controlled substance under state or federal law.

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

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

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

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

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

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

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

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

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

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

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

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

(2) Notwithstanding any provision of this chapter:

(a) The board, acting on its own motion or, in the case of a default on a loan, on the recommendation of the state agency to which payments are due, shall suspend the license of any person who defaults on or fails to comply with the requirements of a state educational loan, service conditional scholarship or loan repayment program obligation under which the person obtained any of the education necessary to qualify for a license under this chapter. However, before a state agency may recommend the suspension of a license due to the person's default on a loan, that agency must provide the license holder with notice of its intention to recommend the suspension of the person's license and an opportunity for the license holder to respond; and

(b) The person's license will remain suspended until the person has: (i) made arrangements satisfactory to the board for meeting the obligations of the loan, scholarship or loan repayment program; or (ii) in the case of a default, made arrangements satisfactory to the state agency to which payments are due for the repayment of the educational loan or scholarship.

(3) Upon the nonissuance, suspension or revocation of a license to practice podiatry, the board may, in its discretion and with the advice of the advisory committee, reissue a license after
a lapse of six (6) months. No advertising shall be permitted except regular professional cards.

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

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

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

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

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

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

(f) Intentionally violated any provision of this chapter;

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

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

(2) Notwithstanding any provision of this chapter:

(a) The board, acting on its own motion or, in the case of a default on a loan, on the recommendation of the state agency to which payments are due, shall suspend the license of any person who defaults on or fails to comply with the requirements of a state educational loan, service conditional scholarship or loan repayment program obligation under which the person obtained any of the education necessary to qualify for a license under this chapter. However, before a state agency may recommend the suspension of a license due to the person's default on a loan, that agency must provide the license holder with notice of its intention to recommend the suspension of the person's license and an opportunity for the license holder to respond; and

(b) The person's license will remain suspended until the person has: (i) made arrangements satisfactory to the board for meeting the obligations of the loan, scholarship or loan repayment program; or (ii) in the case of a default, made arrangements satisfactory to the state agency to which payments are due for the repayment of the educational loan or scholarship.

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

(4) A license certificate issued by the board is the property of the board and must be surrendered on demand.
The chancery court is vested with the jurisdiction and power to enjoin the unlawful practice of counseling and/or the false representation as a licensed counselor in a proceeding brought by the board or any members thereof or by any citizen of this state.

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

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

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

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

(b) Has been convicted of a felony or any offense involving moral turpitude, the record of conviction being conclusive evidence thereof; or
(c) Is using any narcotic or any alcoholic beverage to an extent or in a manner dangerous to any other person or the public, or to an extent that the use impairs his ability to perform the work of a professional psychologist with safety to the public; or

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

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

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

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

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

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

(2) Notwithstanding any provision of this chapter:

(a) The board, acting on its own motion or, in the case of a default on a loan, on the recommendation of the state agency to which payments are due, shall suspend the license of any person who defaults on or fails to comply with the requirements of a state educational loan, service conditional scholarship or loan repayment program obligation under which the person obtained any of the education necessary to qualify for a license under this chapter. However, before a state agency may recommend the
suspension of a license due to the person's default on a loan,
that agency must provide the license holder with notice of its
tention to recommend the suspension of the person's license and
an opportunity for the license holder to respond; and

(b) The person's license will remain suspended until
the person has: (i) made arrangements satisfactory to the board
for meeting the obligations of the loan, scholarship or loan
repayment program; or (ii) in the case of a default, made
arrangements satisfactory to the state agency to which payments
are due for the repayment of the educational loan or scholarship.

(3) Notice shall be effected by registered mail or personal
service setting forth the particular reasons for the proposed
action and fixing a date not less than thirty (30) days nor more
than sixty (60) days from the date of the mailing or the service,
at which time the applicant or licentiate shall be given an
opportunity for a prompt and fair hearing. For the purpose of the
hearing the board, acting by and through its executive secretary,
may subpoena persons and papers on its own behalf and on behalf of
the applicant or licentiate, may administer oaths and may take
testimony. That testimony, when properly transcribed, together
with the papers and exhibits, shall be admissible in evidence for
or against the applicant or licentiate. At the hearing applicant
or licentiate may appear by counsel and personally in his own
behalf. Any person sworn and examined by a witness in the hearing
shall not be held to answer criminally, nor shall any papers or
documents produced by the witness be competent evidence in any
criminal proceedings against the witness other than for perjury in
delivering his evidence. On the basis of any such hearing, or
upon default of applicant or licentiate, the board shall make a
determination specifying its findings of fact and conclusions of
law. A copy of that determination shall be sent by registered
mail or served personally upon the applicant or licentiate. The
decision of the board denying, revoking or suspending the license
shall become final thirty (30) days after so mailed or served unless within that period the licentiate appeals the decision to the chancery court, under the provisions hereof, and the proceedings in chancery shall be conducted as other matters coming before the court. All proceedings and evidence, together with exhibits, presented at the hearing before the board if there is an appeal shall be admissible in evidence in the court.

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

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

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

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

(8) In addition to the reasons specified in subsection (1)
of this section, the board may suspend the license of any licensee
for being out of compliance with an order for support, as defined
in Section 93-11-153. The procedure for suspension of a license
for being out of compliance with an order for support, and the
procedure for the reissuance or reinstatement of a license
suspended for that purpose, and the payment of any fees for the
reissuance or reinstatement of a license suspended for that
purpose, shall be governed by Section 93-11-157. Actions taken by
the board in suspending a license when required by Section
93-11-157 or 93-11-163 are not actions from which an appeal may be
taken under this section. Any appeal of a license suspension that
is required by Section 93-11-157 or 93-11-163 shall be taken in
accordance with the appeal procedure specified in Section
93-11-157 or 93-11-163, as the case may be, rather than the
procedure specified in this section. If there is any conflict
between any provision of Section 93-11-157 or 93-11-163 and any
provision of this chapter, the provisions of Section 93-11-157 or
93-11-163, as the case may be, shall control.

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

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

73-33-11. (1) The Mississippi State Board of Public
Accountancy may revoke, suspend or take other appropriate action
with respect to any license or permit issued under this chapter
for any unprofessional conduct by the licensee or permit holder,
or for other sufficient cause, provided written notice has been
sent by registered mail (with the addressee's receipt required) to
the holder thereof, twenty (20) days before any hearing thereon,
stating the cause for the contemplated action and appointing a day
and a place for a full hearing thereon by the board. * * * No
certificate or license may be cancelled or revoked until a hearing
has been given to the holder thereof according to law. * * *

After the hearing, the board may, in its discretion, suspend such
a certified public accountant from practice as a certified public
accountant in this state.

(2) The members of the board may sit as a trial board; * * *
administer oaths (or affirmations); * * * summon any witness
and * * * compel his attendance and/or his testimony, under oath
(or affirmation) before the board; * * * compel the production
before it, of any book, paper or document by the owner or
custodian thereof; and/or * * * compel any officer to produce,
at the hearing a copy of any public record (not privileged from
public inspection by law) in his official custody, certified to,
by him. The board shall elect one (1) of its members to serve as
clerk, to issue summons and other processes, and to certify copies
of its records or, the board may delegate those duties to the
executive director.

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

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

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

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

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

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

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

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

Notwithstanding any provision of this chapter:

(a) The board, acting on its own motion or, in the case of a default on a loan, on the recommendation of the state agency
to which payments are due, shall suspend the license of any person who defaults on or fails to comply with the requirements of a state educational loan, service conditional scholarship or loan repayment program obligation under which the person obtained any of the education necessary to qualify for a license under this chapter. However, before a state agency may recommend the suspension of a license due to the person's default on a loan, that agency must provide the license holder with notice of its intention to recommend the suspension of the person's license and an opportunity for the license holder to respond; and

(b) The person's license will remain suspended until the person has: (i) made arrangements satisfactory to the board for meeting the obligations of the loan, scholarship or loan repayment program; or (ii) in the case of a default, made arrangements satisfactory to the state agency to which payments are due for the repayment of the educational loan or scholarship.

(11) In addition to the reasons specified in subsection 1 of this section, the board may suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. Actions taken by the board in suspending a license when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a license suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. If there is any conflict between any provision of
Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

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

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

(a) Is found guilty by the board of fraud or gross negligence in the practice of professional forestry;
(b) Fails to comply with board rules and regulations;
(c) Is found guilty by the board of unprofessional or unethical conduct; or
(d) Has had his license suspended or revoked for cause in another jurisdiction.

(2) Notwithstanding any provision of this chapter:

(a) The board, acting on its own motion or, in the case of a default on a loan, on the recommendation of the state agency to which payments are due, shall suspend the license of any person who defaults on or fails to comply with the requirements of a state educational loan, service conditional scholarship or loan repayment program obligation under which the person obtained any of the education necessary to qualify for a license under this chapter. However, before a state agency may recommend the suspension of a license due to the person's default on a loan, that agency must provide the license holder with notice of its intention to recommend the suspension of the person's license and an opportunity for the license holder to respond; and

(b) The person's license will remain suspended until the person has: (i) made arrangements satisfactory to the board for meeting the obligations of the loan, scholarship or loan repayment program; or (ii) in the case of a default, made
arrangements satisfactory to the state agency to which payments 
are due for the repayment of the educational loan or scholarship.

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

(4) Any applicant whose license is suspended or revoked by 
the board may apply for a review of the proceedings with reference 
to the suspension or revocation by appealing to the Chancery Court 
of the First Judicial District of Hinds County, Mississippi, 
provided a notice of appeal is filed by the applicant with the 
clerk of the court within sixty (60) days from entry of an order 
by the board suspending or revoking his license, provided the 
applicant files with the notice of appeal a bond to be approved by 
the court assuring the prompt payment of any and all costs of the 
appeal, the amount to be fixed by the court. Upon the filing of 
the notice of appeal and posting of the bond, the clerk of 
the court shall notify the secretary of the board thereof 
and the record of the proceedings involved shall be prepared by 
the secretary and forwarded to the court within a period of sixty 
(60) days from the notice by the clerk. The court shall thereupon 
review the proceedings on the record presented and may hear such 
additional testimony as to the court may appear material and 
dispose of the appeal in termtime or in vacation, and the court 
may sustain or dismiss the appeal, or modify or vacate the order 
complained of, but in case the order is modified or vacated, the 
court may also, in its discretion, remand the matter to the board 
for such further proceedings not inconsistent with the court's 
order as, in the opinion of the court, justice may require. The 
decision of the chancery court may be appealed as other cases to 
the Supreme Court.
The board may secure, by contract, the services of an investigator when deemed necessary by the board to properly consider any charge then before it. The board may, at its discretion, establish a program of routine inspections.

In addition to the reasons specified in subsection (1) of this section, the board may suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. Actions taken by the board in suspending a license when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a license suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

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

73-38-27. (1) The board may refuse to issue or renew a license, or may suspend or revoke a license where the licensee or applicant for license has been guilty of unprofessional conduct that has endangered or is likely to endanger the health, welfare or safety of the public. That unprofessional conduct may result from:
(a) Obtaining a license by means of fraud, misrepresentation or concealment of material facts;
(b) Being guilty of unprofessional conduct as defined by the rules established by the board;
(c) Being convicted of a felony in any court of the United States if the acts for which he is convicted are found by the board to have a direct bearing on whether he should be entrusted to serve the public in the capacity of a speech-language pathologist or audiologist;
(d) Violating any lawful order, rule or regulation rendered or adopted by the board;
(e) Violating any provisions of this chapter.

(2) Notwithstanding any provision of this chapter:
(a) The board, acting on its own motion or, in the case of a default on a loan, on the recommendation of the state agency to which payments are due, shall suspend the license of any person who defaults on or fails to comply with the requirements of a state educational loan, service conditional scholarship or loan repayment program obligation under which the person obtained any of the education necessary to qualify for a license under this chapter. However, before a state agency may recommend the suspension of a license due to the person's default on a loan, that agency must provide the license holder with notice of its intention to recommend the suspension of the person's license and an opportunity for the license holder to respond; and
(b) The person's license will remain suspended until the person has: (i) made arrangements satisfactory to the board for meeting the obligations of the loan, scholarship or loan repayment program; or (ii) in the case of a default, made arrangements satisfactory to the state agency to which payments are due for the repayment of the educational loan or scholarship.

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

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

(a) The time for appeal has elapsed;

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

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

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

(6) Notice of appeals shall be filed in the office of the clerk of the court, who shall issue a writ of certiorari directed to the board, commanding it within ten (10) days after service thereof to certify to the court its entire record in the matter in which the appeal has been taken. The appeal shall thereupon be heard in the due course by the court, and the court shall review the record and make its determination of the cause between the parties.
(7) Any order, rule or decision of the board shall not take effect until after the time of appeal in the court has expired. If an appeal is taken by a defendant, the appeal shall not act as a supersedeas, and the court shall enter its decision promptly.

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

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

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

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

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

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

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

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

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

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

(g) The refusal of licensing authority of another state to issue or renew a license, permit or certificate to practice veterinary medicine in that state or the revocation, suspension or other restriction imposed on a license, permit or certificate issued by that licensing authority which prevents or restricts practice in that state; further, any probationary status imposed by another state that had the offense occurred in this state would have been a violation of this chapter.
(h) The employment of fraud, misrepresentation or
deception in obtaining a license.

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

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

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

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

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

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

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

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

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

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

(s) Being guilty of any dishonorable or unethical
conduct likely to deceive, defraud or harm the public.
(t) Refusing to permit the board or any legal representative of the board to inspect the business premises of the licensee during regular business hours.

(u) Failure to complete requirement of continuing education.

(2) A certified copy of any judgment of conviction or finding of guilt by a court of competent jurisdiction or by a governmental board or agency authorized to issue licenses or permits, including the United States Department of Agriculture, Animal and Plant Health Inspection Service, the Mississippi Board of Animal Health and the Mississippi State Board of Health, of a veterinarian or animal technician of any of the matters listed in paragraph (a), (b), (c), (d), (e), (f) or (g) of subsection (1) shall be admissible in evidence in any hearing held by the board to discipline the veterinarian and shall constitute prima facie evidence of the commission of any such act.

(3) Notwithstanding any provision of this chapter:

(a) The board, acting on its own motion or, in the case of a default on a loan, on the recommendation of the state agency to which payments are due, shall suspend the veterinarian's license of any person who defaults on or fails to comply with the requirements of a state educational loan, service conditional scholarship or loan repayment program obligation under which the person obtained any of the education necessary to qualify for a veterinarian's license under this chapter. However, before a state agency may recommend the suspension of a veterinarian's license due to the person's default on a loan, that agency must provide the license holder with notice of its intention to recommend the suspension of the person's veterinarian's license and an opportunity for the license holder to respond; and

(b) The person's veterinarian's license will remain suspended until the person has: (i) made arrangements satisfactory to the board for meeting the obligations of the loan,
scholarship or loan repayment program; or (ii) in the case of a default, made arrangements satisfactory to the state agency to which payments are due for the repayment of the educational loan or scholarship.

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

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

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

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

(b) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public in the course of professional services or activities;
(c) Perpetrating or cooperating in fraud or material deception in obtaining or renewing a license or attempting the same;

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

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

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

(g) Continued practice although the licensee has become unfit to practice social work due to: (i) failure to keep abreast of current professional theory or practice; or (ii) physical or mental disability; the entry of an order or judgment by a court of competent jurisdiction that a licensee is in need of mental treatment or is incompetent shall constitute mental disability; or (iii) addiction or severe dependency upon alcohol or other drugs that may endanger the public by impairing the licensee's ability to practice;

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

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

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

(k) Engaging in false or misleading advertising;

(l) Contracting, assisting or permitting unlicensed persons to perform services for which a license is required under this chapter;
(m) Violation of any probation requirements placed on a licensee by the board;
(n) Revealing confidential information except as may be required by law;
(o) Failing to inform clients of the fact that the client no longer needs the services or professional assistance of the licensee;
(p) Charging excessive or unreasonable fees or engaging in unreasonable collection practices.

(2) Notwithstanding any provision of this chapter:

(a) The board, acting on its own motion or, in the case of a default on a loan, on the recommendation of the state agency to which payments are due, shall suspend the license of any person who defaults on or fails to comply with the requirements of a state educational loan, service conditional scholarship or loan repayment program obligation under which the person obtained any of the education necessary to qualify for a license under this chapter. However, before a state agency may recommend the suspension of a license due to the person's default on a loan, that agency must provide the license holder with notice of its intention to recommend the suspension of the person's license and an opportunity for the license holder to respond; and

(b) The person's license will remain suspended until the person has: (i) made arrangements satisfactory to the board for meeting the obligations of the loan, scholarship or loan repayment program; or (ii) in the case of a default, made arrangements satisfactory to the state agency to which payments are due for the repayment of the educational loan or scholarship.

(3) The board may order a licensee to submit to a reasonable physical or mental examination if the licensee's physical or mental capacity to practice safely is at issue in a disciplinary proceeding.
Failure to comply with a board order to submit to a physical or mental examination shall render a licensee subject to the summary suspension procedures described in Section 73-53-23.

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

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

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

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

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

(i) Habitual use of alcohol or drugs to an extent that affects professional competence;
(ii) Adjudication as being mentally incompetent by a court of competent jurisdiction;

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

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

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

(2) Notwithstanding any provision of this chapter:

(a) The board, acting on its own motion or, in the case of a default on a loan, on the recommendation of the state agency to which payments are due, shall suspend the license of any person who defaults on or fails to comply with the requirements of a state educational loan, service conditional scholarship or loan repayment program obligation under which the person obtained any of the education necessary to qualify for a license under this chapter. However, before a state agency may recommend the suspension of a license due to the person's default on a loan, that agency must provide the license holder with notice of its intention to recommend the suspension of the person's license and an opportunity for the license holder to respond; and

(b) The person's license will remain suspended until the person has: (i) made arrangements satisfactory to the board for meeting the obligations of the loan, scholarship or loan repayment program; or (ii) in the case of a default, made arrangements satisfactory to the state agency to which payments are due for the repayment of the educational loan or scholarship.

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

73-57-31. (1) The board may revoke, suspend or refuse to renew any license or permit, or place on probation, or otherwise
reprimand a licensee or permit holder, or deny a license to an applicant if it finds that person:

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

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

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

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

(e) Is guilty of dishonest or unethical conduct.

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

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

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

(2) Notwithstanding any provision of this chapter:

(a) The board, acting on its own motion or, in the case of a default on a loan, on the recommendation of the state agency to which payments are due, shall suspend the license of any person who defaults on or fails to comply with the requirements of a state educational loan, service conditional scholarship or loan repayment program obligation under which the person obtained any of the education necessary to qualify for a license under this chapter. However, before a state agency may recommend the suspension of a license due to the person's default on a loan, that agency must provide the license holder with notice of its intention to recommend the suspension of the person's license and an opportunity for the license holder to respond; and

(b) The person's license will remain suspended until the person has: (i) made arrangements satisfactory to the board.
for meeting the obligations of the loan, scholarship or loan
repayment program; or (ii) in the case of a default, made
arrangements satisfactory to the state agency to which payments
are due for the repayment of the educational loan or scholarship.

(3) In addition to the reasons specified in subsection (1)
of this section, the board may suspend the license or permit of
any licensee or permit holder for being out of compliance with an
order for support, as defined in Section 2 of this act. The
procedure for suspension of a license or permit for being out of
compliance with an order for support, and the procedure for the
reissuance or reinstatement of a license or permit suspended for
that purpose, and the payment of any fees for the reissuance or
reinstatement of a license or permit suspended for that purpose,
shall be governed by Section 93-11-157 or 93-11-163, as the case
may be. If there is any conflict between any provision of Section
93-11-157 or 93-11-163 and any provision of this chapter, the
provisions of Section 93-11-157 or 93-11-163, as the case may be,
shall control.

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

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

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

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

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

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

(e) Using the seal of another, or using or allowing use of one's seal on geologic work not performed by or under the supervision of the registered professional geologist, or otherwise aiding or abetting any person in the violation of this chapter; or

(f) Disciplinary action by any state agency, board of registration or similar licensing agency for geologists or any profession or occupation related to the practice of geology. The sanction imposed by the board shall not exceed in severity or duration the sanction upon which that action is based.

(2) Notwithstanding any provision of this chapter:

(a) The board, acting on its own motion or, in the case of a default on a loan, on the recommendation of the state agency to which payments are due, shall suspend the license of any person who defaults on or fails to comply with the requirements of a state educational loan, service conditional scholarship or loan repayment program obligation under which the person obtained any of the education necessary to qualify for a license under this chapter. However, before a state agency may recommend the suspension of a license due to the person's default on a loan, that agency must provide the license holder with notice of its intention to recommend the suspension of the person's license and an opportunity for the license holder to respond; and

(b) The person's license will remain suspended until the person has: (i) made arrangements satisfactory to the board for meeting the obligations of the loan, scholarship or loan repayment program; or (ii) in the case of a default, made arrangements satisfactory to the state agency to which payments are due for the repayment of the educational loan or scholarship.
Any person may bring a complaint alleging a violation of this chapter, any rule or regulation or written order of the board, any condition of registration or standards of professional conduct. Complaints shall be made in writing, sworn to by the person filing the complaint, and filed with the board. The board shall investigate all complaints and upon finding a basis for that complaint, shall notify the accused in writing specifying the provisions of this chapter, rule, regulation or order of the board or the condition or standard alleged to be violated and the facts alleged to constitute the violation. The notice shall require the accused to appear before the board at a time and place to answer the charges. The time of appearance shall be at least thirty (30) days from the date of service of the notice. Notice shall be made by service on the person or by registered or certified mail, return receipt requested, to last known business or residence address of the accused, as shown on the records of the board. Within fifteen (15) days following receipt of that notice, the accused shall file a written response, admitting, denying, or taking exception to the charges. In the absence of a response or if the charges are admitted or if no exception is taken, the board may take disciplinary action without holding a hearing. A disciplinary action may be settled by the board and the accused, either before or after a hearing has begun.

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

Any hearing under this section may be conducted by the board itself at a regular or special meeting of the board or by a hearing officer designated by the board. The hearing officer may conduct the hearings in the name of the board at any time and place as conditions and circumstances may warrant. The hearing officer or any member of the board may administer oaths or affirmations to witnesses appearing before the hearing officer or the board.
If any witness fails or refuses to attend upon subpoena issued by the board, refuses to testify or refuses to produce books, papers, reports, documents and similar material, the production of which is called for by a subpoena, the attendance of any witness and the giving of that person's testimony and the production of books, papers, reports, documents and similar material shall be enforced by any court of competent jurisdiction of this state in the manner provided for the enforcement of the attendance and testimony of witnesses in civil cases in the courts of this state.

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

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

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

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

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

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

(a) Deny the renewal of a certificate of registration or certificate of enrollment;
(b) Suspend the certificate of registration or certificate of enrollment of any registrant for a specified period of time, not to exceed three (3) years, or revoke the certificate of registration or certificate of enrollment of any registrant;
(c) Censure, reprimand or issue a public or private admonishment to an applicant, a registrant or any other person engaged in the practice of geology under this chapter;
(d) Impose limitations, conditions or restrictions upon the practice of an applicant, a registrant or upon any other person engaged in the practice of geology;
(e) Require the guilty party to complete a course, approved by the board, in ethics;
(f) Impose probation upon a registrant, requiring regular reporting to the board;
(g) Require restitution, in whole or in part, of the compensation or fees earned by a registrant or by any other person engaging in the practice of geology; or
(h) Assess and levy upon the guilty party a monetary penalty not to exceed Five Thousand Dollars ($5,000.00) for each violation.

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

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

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

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

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

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

(12) In addition to the reasons named in subsection (1) of this section, the board may suspend the certificate of registration or certificate of enrollment of any person for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a certificate for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a certificate suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a certificate suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. Actions taken by the board in suspending a certificate when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under Section 73-63-49. Any appeal of a suspension of a certificate that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in Section 73-63-49. If there is any conflict between Section 93-11-157 or 93-11-163 and this chapter, Section 93-11-157 or 93-11-163, as the case may be, shall control.

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

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

(a) Is found guilty of fraud, deceit, or misrepresentation in procuring or attempting to procure a license to practice art therapy;
(b) Is adjudicated mentally incompetent;
(c) Is found guilty of a felony or misdemeanor involving moral turpitude;
(d) Is found guilty of unprofessional or unethical conduct in this or any other jurisdiction;
(e) Has been using any controlled substance or alcoholic beverage to an extent or in a manner dangerous to the person, any other person, or the public, or to an extent that the use impairs the ability to perform as a licensed professional art therapist;
(f) Has violated any provision of this chapter; or
(g) Willfully or negligently divulges a professional confidence.
(2) A certified copy of the record of conviction shall be conclusive evidence of the conviction.
(3) Disciplinary proceedings may be initiated upon the receipt by the board of a sworn complaint by any person, including members of the board.
(4) Notwithstanding any provision of this chapter:
(a) The board, acting on its own motion or, in the case of a default on a loan, on the recommendation of the state agency to which payments are due, shall suspend the license of any person who defaults on or fails to comply with the requirements of a state educational loan, service conditional scholarship or loan repayment program obligation under which the person obtained any of the education necessary to qualify for a license under this chapter. However, before a state agency may recommend the suspension of a license due to the person's default on a loan, that agency must provide the license holder with notice of its intention to recommend the suspension of the person's license and an opportunity for the license holder to respond; and
(b) The person's license will remain suspended until the person has: (i) made arrangements satisfactory to the board for meeting the obligations of the loan, scholarship or loan repayment program; or (ii) in the case of a default, made
arrangements satisfactory to the state agency to which payments
are due for the repayment of the educational loan or scholarship.

SECTION 31. Section 73-67-27, Mississippi Code of 1972, is
amended as follows:

73-67-27. (1) The board may refuse to issue or renew or may
deny, suspend or revoke any certificate of registration held or
applied for under this chapter upon finding that the holder of a
certificate of registration or applicant:

(a) Is guilty of fraud, deceit or misrepresentation in
procuring or attempting to procure any certificate of registration
provided for in this chapter;

(b) Attempted to use as his own the certificate of
registration of another;

(c) Allowed the use of his certificate of registration
by another;

(d) Has been adjudicated as mentally incompetent by
regularly constituted authorities;

(e) Has been convicted of a crime, or has charges or
disciplinary action pending that directly relates to the practice
of massage therapy or to the ability to practice massage therapy.
Any plea of nolo contendere shall be considered a conviction for
the purposes of this section;

(f) Is guilty of unprofessional or unethical conduct as
defined by the code of ethics;

(g) Is guilty of false, misleading or deceptive
advertising, or is guilty of aiding or assisting in the
advertising of any unregistered or unpermitted person in the
practice of massage therapy;

(h) Is grossly negligent or incompetent in the practice
of massage therapy; or

(i) Has had rights, credentials, or one or more
license(s) to practice massage therapy revoked, suspended or
denied in any jurisdiction, territory or possession of the United
States or another country for acts of the licensee similar to acts described in this section. A certified copy of the record of the jurisdiction making such a revocation, suspension or denial shall be conclusive evidence thereof.

(2) Notwithstanding any provision of this chapter:

(a) The board, acting on its own motion or, in the case of a default on a loan, on the recommendation of the state agency to which payments are due, shall suspend the certificate of registration of any person who defaults on or fails to comply with the requirements of a state educational loan, service conditional scholarship or loan repayment program obligation under which the person obtained any of the education necessary to qualify for a certificate of registration under this chapter. However, before a state agency may recommend the suspension of a certificate of registration due to the person's default on a loan, that agency must provide the certificate holder with notice of its intention to recommend the suspension of the person's certificate of registration and an opportunity for the certificate holder to respond; and

(b) The person's certificate of registration will remain suspended until the person has: (i) made arrangements satisfactory to the board for meeting the obligations of the loan, scholarship or loan repayment program; or (ii) in the case of a default, made arrangements satisfactory to the state agency to which payments are due for the repayment of the educational loan or scholarship.

(3) Investigative proceedings may be implemented by a complaint by any person, including members of the board.

(4) (a) Any person(s) found guilty of prostitution using as any advertisement, claim or insignia of being an actual registered massage therapist or to be practicing massage therapy by using the word "massage" or any other description indicating the same, whether or not the person(s) have one or more such certificate of
registration for person(s) or establishment(s), shall be guilty of
a misdemeanor, and upon conviction, shall be punished by a fine of
not less than One Thousand Dollars ($1,000.00), nor more than Five
Thousand Dollars ($5,000.00), or imprisonment of up to six (6)
months, or both, per offense, per person.

(b) Any person who knowingly participates in receiving
illegal service(s) of any person found guilty as described in
paragraph (a) of this subsection, upon conviction, shall be
punished by a fine not exceeding Five Hundred Dollars ($500.00),
or imprisonment for up to one (1) month, or both. Persons
officially designated to investigate complaints are exempt.

(c) Any person who violates any provision of this
chapter, other than violation(s) of paragraph (a) of this
subsection, is guilty of a misdemeanor, and upon conviction, shall
be punished by a fine not exceeding Five Hundred Dollars
($500.00), or imprisonment for up to one (1) month in jail, or
both, per offense.

SECTION 32. This act shall take effect and be in force from
and after July 1, 2002.