

By: Senator(s) Huggins

To: Public Health and Welfare; Appropriations

SENATE BILL NO. 2666

1 AN ACT TO AMEND SECTION 73-23-41, MISSISSIPPI CODE OF 1972,  
 2 TO CREATE THE STATE BOARD OF PHYSICAL THERAPY AND PRESCRIBE ITS  
 3 POWERS AND DUTIES; TO PROVIDE FOR THE APPOINTMENT OF THE BOARD; TO  
 4 AMEND SECTION 73-23-45, MISSISSIPPI CODE OF 1972, TO CREATE A  
 5 SPECIAL FUND IN THE STATE TREASURY TO BE KNOWN AS THE PHYSICAL  
 6 THERAPY FUND, FOR THE DEPOSIT OF ALL FEES AND OTHER MONIES  
 7 COLLECTED OR RECEIVED BY THE BOARD; TO AMEND SECTION 73-23-65,  
 8 MISSISSIPPI CODE OF 1972, TO ABOLISH THE PHYSICAL THERAPY ADVISORY  
 9 COUNCIL AND TO TRANSFER THE POWERS AND DUTIES OF THE STATE BOARD  
 10 OF HEALTH AND THE STATE DEPARTMENT OF HEALTH REGARDING THE  
 11 LICENSURE AND REGULATION OF THE PROFESSION OF PHYSICAL THERAPY TO  
 12 THE STATE BOARD OF PHYSICAL THERAPY; TO AMEND SECTIONS 73-23-33,  
 13 73-23-35, 73-23-43, 73-23-47, 73-23-49, 73-23-51, 73-23-53,  
 14 73-23-57, 73-23-61, 73-23-63 AND 73-23-64, MISSISSIPPI CODE OF  
 15 1972, TO CONFORM TO THE PRECEDING PROVISIONS; TO REPEAL SECTION  
 16 73-23-55, MISSISSIPPI CODE OF 1972, WHICH PROVIDED FOR THE  
 17 LICENSING OF PHYSICAL THERAPISTS WHO WERE LICENSED UNDER  
 18 PREVIOUSLY REPEALED STATUTES; AND FOR RELATED PURPOSES.

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

20 **SECTION 1.** Section 73-23-41, Mississippi Code of 1972, is  
 21 amended as follows:

22 73-23-41. (1) There is established a State Board of  
 23 Physical Therapy that shall consist of seven (7) members appointed  
 24 by the Governor, with the advice and consent of the Senate. At  
 25 least four (4) members shall be appointed from a list of five (5)  
 26 persons submitted by the Mississippi Physical Therapy Association,  
 27 all of whom must be residents of Mississippi and must have engaged  
 28 in the practice of physical therapy within the state for at least  
 29 four (4) years. Four (4) members shall be physical therapists,  
 30 one (1) member shall be a physical therapist assistant, one (1)  
 31 member shall be a physician, and one (1) member shall be a  
 32 consumer at large who is not associated with or financially  
 33 interested in the practice or business of physical therapy. The  
 34 initial members of the board shall be appointed for staggered  
 35 terms, as follows: Two (2) members shall be appointed for a term



36 that ends on June 30, 2003; two (2) members shall be appointed for  
37 terms that end on June 30, 2004; one (1) member shall be appointed  
38 for a term that ends on June 30, 2005; and two (2) members shall  
39 be appointed for terms that end on June 30, 2006. All subsequent  
40 appointments to the board shall be for terms of four (4) years  
41 from the expiration date of the previous term. No person shall be  
42 appointed for more than two (2) consecutive terms. By approval of  
43 the majority of the board, the service of a member may be extended  
44 at the completion of a four-year term until a new member is  
45 appointed or the current member is reappointed.

46 (2) The board shall annually elect a chairman, secretary and  
47 treasurer. The board shall provide for the timely orientation and  
48 training of new professional and public appointees to the board  
49 regarding board licensing and disciplinary procedures, this  
50 chapter and board rules, regulations, policies and procedures. A  
51 member may be removed by the board only for due cause. Failure to  
52 attend at least half of the board meetings in a fiscal year shall  
53 constitute cause. The board shall meet at least once each  
54 quarter, and those meetings shall be held in compliance with the  
55 Open Meetings Law (Section 25-41-1 et seq.). A majority of board  
56 members shall constitute a quorum for the transaction of business.  
57 The board shall keep an official record of its meetings.  
58 Vacancies on the board shall be filled by board member vote from a  
59 list of nominees submitted by the Mississippi Physical Therapy  
60 Association. Members of the board shall receive the per diem  
61 authorized under Section 25-3-69 for each day spent actually  
62 discharging their official duties, and shall receive reimbursement  
63 for mileage and necessary travel expenses incurred as provided in  
64 Section 25-3-41. A board member who acts within the scope of  
65 board duties, without malice and in the reasonable belief that the  
66 member's action is warranted by law is immune from civil  
67 liability.



68           **SECTION 2.** Section 73-23-33, Mississippi Code of 1972, is  
69 amended as follows:

70           73-23-33. As used in this chapter unless the context or  
71 subject matter otherwise requires:

72           (a) "Physical therapy" or "physiotherapy," which terms  
73 are deemed identical and interchangeable, means the art and  
74 science of a health specialty concerned with the prevention of  
75 disability, and the physical rehabilitation for congenital or  
76 acquired physical or mental disabilities, resulting from or  
77 secondary to injury or disease. The "practice of physical  
78 therapy" means the practice of the health specialty and  
79 encompasses physical therapy evaluation, treatment planning,  
80 treatment administration, instruction and consultative services,  
81 including:

82           (i) Performing and interpreting tests and  
83 measurements as an aid to physical therapy treatment, for the  
84 purpose of correcting or alleviating any physical condition and to  
85 prevent the development of any physical or mental disability  
86 within the scope of physical therapy; and the performance of  
87 neuromuscular-skeletal tests and measurements as an aid in  
88 diagnosis, evaluation or determination of the existence of and the  
89 extent of any body malfunction;

90           (ii) Planning initial and subsequent treatment  
91 programs, on the basis of test findings; and

92           (iii) Administering treatment by therapeutic  
93 exercise, neurodevelopmental procedures, therapeutic massage,  
94 mechanical devices and therapeutic agents which employ the  
95 physical, chemical and other properties of air, water, heat, cold,  
96 electricity, sound and radiant energy for the purpose of  
97 correcting or alleviating any physical condition or preventing the  
98 development of any physical or mental disability. The use of  
99 roentgen rays and radium for any purpose, and the use of



100 electricity for surgical purposes including cauterization, are not  
101 part of physical therapy;

102 (b) "Physical therapist" means a person licensed in  
103 this state to practice physical therapy as defined in this  
104 chapter, and whose license is in good standing;

105 (c) "Physical therapist assistant" means a health care  
106 worker who assists a physical therapist in the provision of  
107 physical therapy under the direct, on-site supervision of the  
108 physical therapist. The physical therapist assistant may perform  
109 physical therapy procedures and related tasks that have been  
110 selected and delegated by the supervising physical therapist, but  
111 shall not perform the following physical therapy activities:  
112 interpretation of referrals; physical therapy initial evaluation  
113 and reevaluation; identification, determination or modification of  
114 plans of care (including goals and treatment programs); final  
115 discharge assessment/evaluation or establishment of the discharge  
116 plan; or therapeutic techniques beyond the skill and knowledge of  
117 the physical therapist assistant;

118 (d) "Referral" means the written or oral designation of  
119 physical therapy services by a doctor of medicine, dentistry,  
120 osteopathy, podiatry or chiropractic, or by a nurse practitioner,  
121 holding a license in good standing; and the instruction therefor  
122 may be as detailed or as general as the doctor or nurse  
123 practitioner in his or her sound discretion deems necessary in the  
124 particular case;

125 (e) "Board" means the State Board of Physical Therapy  
126 established in Section 73-23-41;

127 \* \* \*

128 (f) "Direct, on-site supervision" means face-to-face  
129 oversight by a licensed physical therapist at regular intervals,  
130 as prescribed in regulations adopted by the board, of the services  
131 provided to a patient by a licensed physical therapist assistant.



132           (g) "Direct supervision" means face-to-face oversight  
133 at regular intervals of a physical therapist issued a temporary  
134 license under Section 73-23-53(1) by a licensed physical  
135 therapist. Such direct supervision shall be in accordance with  
136 the regulations adopted by the board.

137           **SECTION 3.** Section 73-23-35, Mississippi Code of 1972, is  
138 amended as follows:

139           73-23-35. It shall be unlawful for any person, corporation  
140 or association to, in any manner, represent himself or itself as a  
141 physical therapist, a physical therapist assistant or someone who  
142 provides physical therapy services, or use in connection with his  
143 or its name the words or letters physiotherapist, registered  
144 physical therapist, R.P.T., licensed physical therapist assistant,  
145 L.P.T.A., or any other letters, words, abbreviations or insignia,  
146 indicating or implying that he or it is a physical therapist, a  
147 physical therapist assistant or provides physical therapy  
148 services, without a valid existing license as a physical therapist  
149 or as a physical therapist assistant, as the case may be, issued  
150 to him or it pursuant to this chapter. It shall be unlawful to  
151 employ an unlicensed physical therapist or physical therapist  
152 assistant to provide physical therapy services.

153           The board shall aid the state's attorneys of the various  
154 counties in the enforcement of the provisions of this chapter and  
155 the prosecution of any violations thereof. In addition to the  
156 criminal penalties provided by this chapter, the civil remedy of  
157 injunction shall be available to restrain and enjoin violations of  
158 any provisions of this chapter without proof of actual damages  
159 sustained by any person.

160           **SECTION 4.** Section 73-23-43, Mississippi Code of 1972, is  
161 amended as follows:

162           73-23-43. (1) The board shall have the following general  
163 powers and duties:



164 (a) To examine and determine the qualifications and  
165 fitness of applicants for licenses to practice physical therapy  
166 and licenses to act as physical therapist assistants in this state  
167 and prepare or approve and conduct all examinations of applicants  
168 for licensure;

169 (b) To issue, renew, deny, suspend or revoke licenses  
170 to practice physical therapy and licenses to act as physical  
171 therapist assistants in this state or otherwise discipline  
172 licensed physical therapists and physical therapist assistants;

173 (c) To investigate alleged or suspected violations of  
174 the provisions of this chapter or other laws of this state  
175 pertaining to physical therapy and any rules and regulations  
176 adopted by the board; for this purpose, any authorized agents of  
177 the board shall have the power and right to enter and make  
178 reasonable inspections of any place where physical therapy is  
179 practiced, and may inspect and/or copy any records pertaining to  
180 clients or the practice of physical therapy under this chapter;

181 (d) To establish reasonable fees for application for  
182 examination, certificates of licensure and renewal, and other  
183 services provided by the board;

184 (e) To adopt, amend or repeal any rules or regulations  
185 necessary to carry out the purposes of this chapter and the duties  
186 and responsibilities of the \* \* \* board, in accordance with  
187 Section 25-43-1 et seq.;

188 (f) To hire appropriate support personnel to carry out  
189 the provisions of this chapter.

190 The powers and duties enumerated above are granted for the  
191 purpose of enabling the board to safeguard the public health,  
192 safety and welfare against unqualified or incompetent  
193 practitioners of physical therapy and persons acting as physical  
194 therapist assistants, and are to be liberally construed to  
195 accomplish this objective;



196           (2) The board shall maintain a register listing the name of  
197 every physical therapist and physical therapist assistant licensed  
198 to practice in this state, his last known place of business and  
199 last known place of residence, and the date and number of his  
200 license. The board shall, at least once a year, compile a list of  
201 physical therapists and physical therapist assistants licensed to  
202 practice in this state and such a list shall be available to any  
203 person upon application to the board and the payment of such  
204 charges as may be fixed by it.

205           **SECTION 5.** Section 73-23-45, Mississippi Code of 1972, is  
206 amended as follows:

207           73-23-45. All fees and other monies collected or received by  
208 the board shall be paid into and credited to a special fund that  
209 is created in the State Treasury, which shall be known as the  
210 "Physical Therapy Fund." Any interest earned on the special fund  
211 shall be credited to the special fund and shall not be paid into  
212 the State General Fund. Any unexpended monies remaining in the  
213 special fund at the end of a fiscal year shall not lapse into the  
214 State General Fund. Monies in the special fund shall be expended,  
215 upon appropriation by the Legislature, exclusively for the  
216 purposes of implementing the provisions of this chapter.  
217 Disbursement of monies in the special fund shall be made only upon  
218 warrants issued by the State Fiscal Officer upon requisitions  
219 signed by the treasurer of the board. The financial records of  
220 the board shall be audited annually by the State Auditor.

221           **SECTION 6.** Section 73-23-47, Mississippi Code of 1972, is  
222 amended as follows:

223           73-23-47. Any person who desires to be licensed under this  
224 chapter and who: (a) is of good moral character; (b) has been  
225 graduated from a physical therapy or physical therapist assistant  
226 program, as the case may be, accredited by an agency recognized by  
227 the United States Department of Education, Office on Postsecondary  
228 Education; and (c) has paid an application fee not to exceed



229 double the price of the examination, no part of which shall be  
230 refunded, shall be examined for licensure by the board. The  
231 licensure examination for physical therapists and for physical  
232 therapist assistants shall be selected by the board and may also  
233 include an oral examination or practical examination or both at  
234 the discretion of the board.

235 Each application or filing made under this section shall  
236 include the social security number(s) of the applicant in  
237 accordance with Section 93-11-64.

238 **SECTION 7.** Section 73-23-49, Mississippi Code of 1972, is  
239 amended as follows:

240 73-23-49. Any person who desires to be licensed as a  
241 physical therapist or as a physical therapist assistant shall  
242 apply to the board in writing on a form furnished by the board.  
243 He shall provide such documents as required by the application  
244 forms provided by the board. He shall pay the board at the time  
245 of filing an application fee fixed annually by the board but not  
246 to exceed Two Hundred Dollars (\$200.00), no part of which shall be  
247 refunded.

248 **SECTION 8.** Section 73-23-51, Mississippi Code of 1972, is  
249 amended as follows:

250 73-23-51. (1) The board may license as a physical therapist  
251 or as a physical therapist assistant, and furnish a certificate of  
252 licensure without examination to, any applicant who presents  
253 evidence, satisfactory to the board, of having passed an  
254 examination before a similar lawfully authorized examining agency  
255 or board in physical therapy of another state or the District of  
256 Columbia, if the standards for registration in physical therapy or  
257 for licensure as a physical therapist assistant in such other  
258 state or district are determined by the board to be as high as  
259 those of this state.

260 (2) Any person who has been trained as a physical therapist  
261 in a foreign country and desires to be licensed under this chapter





262 and who: (a) is of good moral character; (b) holds a diploma from  
263 an educational program for physical therapists approved by the  
264 board; (c) submits documentary evidence to the board that he has  
265 completed a course of professional instruction substantially  
266 equivalent to that obtained by an applicant for licensure; and (d)  
267 demonstrates satisfactory proof of proficiency in the English  
268 language, may make application on a form furnished by the board  
269 for examination as a foreign-trained physical therapist. At the  
270 time of making such application, the applicant shall pay the fee  
271 prescribed by the board, no portion of which shall be returned.

272 Any person who desires to be licensed under this subsection  
273 shall take an examination approved by the board and shall obtain a  
274 permanent license. If this requirement is not met, the license of  
275 the foreign-trained therapist may be revoked.

276 **SECTION 9.** Section 73-23-53, Mississippi Code of 1972, is  
277 amended as follows:

278 73-23-53. (1) A temporary license to practice as a physical  
279 therapist or physical therapist assistant may be granted to those  
280 persons meeting the requirements stated in Section 73-23-47 and  
281 who (a) have not taken the approved examination, or (b) have taken  
282 the approved examination but have not received the results of the  
283 examination. The temporary license shall be granted for a period  
284 not to exceed ninety (90) days. Any physical therapist granted a  
285 temporary license under the provisions of this subsection shall  
286 restrict his practice to the State of Mississippi and shall be  
287 under the direct supervision of a physical therapist licensed in  
288 Mississippi (physical therapy assistants shall be under the direct  
289 on-site supervision of a Mississippi licensed physical therapist).  
290 Documentation verifying the supervision shall be on file with the  
291 board before a temporary license is granted.

292 (2) A temporary license to practice physical therapy or to  
293 act as a physical therapist assistant may be granted to a physical  
294 therapist or a physical therapist assistant licensed in another



295 state who is moving into the state, provided the application for  
296 Mississippi licensure is pending and the current license is in  
297 good standing. This temporary license will be granted for a  
298 period not to exceed sixty (60) days.

299 (3) Any person granted a temporary license who is required  
300 to take the approved examination and fails to take the exam as  
301 required by the board or does not pass the required exam shall  
302 have the temporary license revoked and a license of any type shall  
303 not be issued until such person has passed an approved  
304 examination.

305 (4) Any person who has taken but not passed the required  
306 examination in this or another jurisdiction shall not be eligible  
307 for a license of any type until an approved examination is passed.

308 (5) Any person who has been trained as a physical therapist  
309 or physical therapist assistant in a foreign country and desires  
310 to be temporarily licensed under this subsection shall demonstrate  
311 proficiency in the English language and meet the other  
312 requirements of Section 73-23-51(2) before such temporary license  
313 shall be issued.

314 **SECTION 10.** Section 73-23-57, Mississippi Code of 1972, is  
315 amended as follows:

316 73-23-57. (1) Every licensed physical therapist and  
317 physical therapist assistant shall apply to the board for a  
318 renewal of licensure in a manner prescribed by the rules and  
319 regulations of the board, and pay the prescribed fee, not to  
320 exceed Seventy-five Dollars (\$75.00) per year, or One Hundred  
321 Fifty Dollars (\$150.00) every two (2) years. Licenses that are  
322 not so renewed shall automatically lapse.

323 (2) The manner in which lapsed licenses shall be revived or  
324 extended shall be established by the board.

325 **SECTION 11.** Section 73-23-61, Mississippi Code of 1972, is  
326 amended as follows:



327           73-23-61. (1) Each violation of Section 73-23-35 shall be  
328 punishable by a fine of not less than One Hundred Dollars  
329 (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by  
330 imprisonment for not less than ten (10) days nor more than sixty  
331 (60) days, or both such fine and imprisonment.

332           (2) Any person who shall knowingly make a material, false  
333 statement in his application for license under this chapter or in  
334 response to any inquiry by \* \* \* the board, shall be fined not  
335 less than One Hundred Dollars (\$100.00) nor more than Five Hundred  
336 Dollars (\$500.00) or imprisoned for not less than ten (10) days  
337 nor more than sixty (60) days, or both such fine and imprisonment.

338           **SECTION 12.** Section 73-23-63, Mississippi Code of 1972, is  
339 amended as follows:

340           73-23-63. (1) Any person whose application for a license is  
341 denied shall be entitled to a hearing before the board if he  
342 submits a written request to the board. Such hearing shall be  
343 conducted at the earliest possible date. \* \* \* The board shall  
344 fix a time and place for the hearing and shall cause a written  
345 copy of the reason for denial of the license, together with a  
346 notice of the time and place fixed for the hearing to be served on  
347 the applicant requesting the hearing \* \* \*. Service of and notice  
348 of the hearing may be given by certified mail to the last known  
349 address of the licensee or applicant. For purposes of the  
350 hearing, the board \* \* \* shall have the power to subpoena persons  
351 and compel the production of records, papers and other documents.

352           (2) (a) All complaints concerning a licensee's business or  
353 professional practice shall be received by the board. Each  
354 complaint received shall be logged, recording at a minimum the  
355 following information: (i) licensee's name; (ii) name of the  
356 complaining party, if known; (iii) date of complaint; (iv) brief  
357 statement of complaint; and (v) disposition.

358           (b) Following the investigative process, the board may  
359 file formal charges against the licensee. Such formal complaint



360 shall, at a minimum, inform the licensee of the facts which are  
361 the basis of the charge and which are specific enough to enable  
362 the licensee to defend against the charges.

363 (c) Each licensee whose conduct is the subject of a  
364 formal charge which seeks to impose disciplinary action against  
365 the licensee shall be served notice of the formal charge at least  
366 thirty (30) days before the date of the hearing, which hearing  
367 shall be presided over by the board or the board's designee.  
368 Service shall be considered to have been given if the notice was  
369 personally received by the licensee or if the notice was mailed  
370 certified, return receipt requested, to the licensee at the  
371 licensee's last known address as listed with the state agency.

372 (d) The notice of the formal charge shall consist at a  
373 minimum of the following information:

374 (i) The time, place and date of the hearing;

375 (ii) That the licensee shall appear personally at  
376 the hearing and may be represented by counsel;

377 (iii) That the licensee shall have the right to  
378 produce witnesses and evidence in the licensee's behalf and shall  
379 have the right to cross-examine adverse witnesses and evidence;

380 (iv) That the hearing could result in disciplinary  
381 action being taken against the licensee's license;

382 (v) That rules for the conduct of these hearings  
383 exist and it may be in the licensee's best interest to obtain a  
384 copy;

385 (vi) That the board or its designee shall preside  
386 at the hearing and following the conclusion of the hearing shall  
387 make findings of facts, conclusions of law and recommendations,  
388 separately stated, to the board as to what disciplinary action, if  
389 any, should be imposed on the licensee;

390 (vii) The board or its designee shall hear  
391 evidence produced in support of the formal charges and contrary



392 evidence produced by the licensee. At the conclusion of the  
393 hearing, the board shall issue an order; and

394 (viii) All proceedings pursuant to this section  
395 are matters of public record and shall be preserved pursuant to  
396 state law.

397 (3) In addition to other remedies provided by law or in  
398 equity, any applicant or licensee aggrieved by any action of the  
399 board may appeal the action of the board to the chancery court of  
400 the county of his residence, if he be a resident of this state, or  
401 the Chancery Court of the First Judicial District of Hinds County,  
402 Mississippi, if he be a nonresident of this state, and the court  
403 after a hearing may modify, affirm or reverse the judgment of the  
404 board or may remand the case to the board for further proceedings.  
405 An appeal shall be filed within thirty (30) days immediately  
406 following the mailing or delivery to the applicant or licensee of  
407 a copy of the order of judgment of the board, unless the court,  
408 for good cause shown, extends the time. Appeals may be had to the  
409 Supreme Court of the State of Mississippi as provided by law from  
410 any final judgment of the chancery court. If the board appeals  
411 from any judgment of the chancery court, no bond shall be required  
412 of it in order to perfect its appeal. Any appeal of a license  
413 suspension that is required by Section 93-11-157 or 93-11-163  
414 shall be taken in accordance with the appeal procedure specified  
415 in Section 93-11-157 or 93-11-163, as the case may be, rather than  
416 the procedure specified in this section.

417 **SECTION 13.** Section 73-23-64, Mississippi Code of 1972, is  
418 amended as follows:

419 73-23-64. (1) The board may impose any of the following  
420 sanctions, singly or in combination, when it finds that a licensee  
421 is guilty of any such offense:

- 422 (a) Revocation of the license;
- 423 (b) Suspension of the license, for any period of time;
- 424 (c) Censure the licensee;



425           (d) Impose a monetary penalty of not more than Two  
426 Hundred Dollars (\$200.00);

427           (e) Place a licensee on probationary status and require  
428 the licensee to submit to any of the following: (i) report  
429 regularly to the board, or its designee, upon matters which are  
430 the basis of probation; (ii) continue to renew professional  
431 education until a satisfactory degree of skill has been attained  
432 in those areas which are the basis of probation; or (iii) such  
433 other reasonable requirements or restrictions as are proper;

434           (f) Refuse to renew a license; or

435           (g) Revoke probation which has been granted and impose  
436 any other disciplinary action in this subsection when the  
437 requirements of probation have not been fulfilled or have been  
438 violated.

439           (2) The board may summarily suspend a license under this  
440 chapter without a hearing simultaneously with the filing of a  
441 formal complaint and notice for a hearing provided under this  
442 section if the board finds that the continued practice in the  
443 profession would constitute an immediate danger to the public. If  
444 the board suspends summarily a license under the provisions of  
445 this subsection, a hearing must begin within twenty (20) days  
446 after such suspension begins, unless continued at the request of  
447 the licensee.

448           (3) Disposition of any formal complaint may be made by  
449 consent order or stipulation between the board and the licensee.

450           (4) The board may reinstate any licensee to good standing  
451 under this chapter if, after hearing, the board is satisfied that  
452 the applicant's renewed practice is in the public interest. The  
453 procedure for the reimbursement of a license that is suspended for  
454 being out of compliance with an order for support, as defined in  
455 Section 93-11-153, shall be governed by Section 93-11-157 or  
456 93-11-163, as the case may be.

457           \* \* \*



458       (5) The board shall seek to achieve consistency in the  
459 application of the foregoing sanctions, and significant departure  
460 from prior decisions involving similar conduct shall be explained  
461 by the board.

462       **SECTION 14.** Section 73-23-65, Mississippi Code of 1972, is  
463 amended as follows:

464       73-23-65. The \* \* \* Physical Therapy Advisory Council is  
465 abolished. All of the powers and duties of the State Board of  
466 Health and the State Department of Health regarding the licensure  
467 and regulation of the profession of physical therapy in the State  
468 of Mississippi are transferred to the State Board of Physical  
469 Therapy. Any property, contractual rights and obligations and  
470 unexpended funds of the State Board of Health and the State  
471 Department of Health relating to the licensure and regulation of  
472 the profession of physical therapy in the State of Mississippi are  
473 transferred to \* \* \* the State Board of Physical Therapy.

474       **SECTION 15.** Section 73-23-55, Mississippi Code of 1972,  
475 which provided for the licensing of physical therapists who were  
476 licensed under previously repealed statutes, is repealed.

477       **SECTION 16.** This act shall take effect and be in force from  
478 and after July 1, 2002.

