

By: Representative Howell

To: Education

HOUSE BILL NO. 813

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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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



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

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



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

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

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

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

146 Beginning January 1, 2003, an individual who possesses at least a
147 bachelor's degree from a nationally or regionally accredited
148 institution of higher learning, who has a passing score on the
149 Praxis I Basic Skills and Praxis II Specialty Area Test in the
150 requested area of endorsement may apply for the Teach Mississippi
151 Institute (TMI) program to teach students in Grades 7 through 12
152 if the individual meets the requirements of this paragraph (b).
153 The State Board of Education shall adopt rules requiring that
154 teacher preparation institutions which provide the Teach
155 Mississippi Institute (TMI) program for the preparation of
156 nontraditional teachers shall meet the standards and comply with
157 the provisions of this paragraph.

158 (i) The Teach Mississippi Institute (TMI) shall
159 include an intensive eight-week, nine-semester-hour summer
160 program, which shall include, but not be limited to, instruction
161 in education, effective teaching strategies, classroom management,
162 state curriculum requirements, planning and instruction,
163 instructional methods and pedagogy, using test results to improve
164 instruction, and a one (1) semester three-hour supervised
165 internship to be completed while the teacher is employed as a



166 full-time teacher intern in a local school district. The TMI
167 shall be implemented on a pilot program basis, with courses to be
168 offered at up to four (4) locations in the state, with one (1) TMI
169 site to be located in each of the three (3) Mississippi Supreme
170 Court districts.

171 (ii) The school sponsoring the teacher intern
172 shall enter into a written agreement with the institution
173 providing the Teach Mississippi Institute (TMI) program, under
174 terms and conditions as agreed upon by the contracting parties,
175 providing that the school district shall provide teacher interns
176 seeking a nontraditional provisional teaching license with a
177 one-year classroom teaching experience. The teacher intern shall
178 successfully complete the one (1) semester three-hour intensive
179 internship in the school district during the semester immediately
180 following successful completion of the TMI and prior to the end of
181 the one-year classroom teaching experience.

182 (iii) Upon completion of the nine-semester-hour
183 TMI, the individual shall submit his transcript to the commission
184 for provisional licensure of the intern teacher, and the intern
185 teacher shall be issued a provisional teaching license by the
186 commission, which will allow the individual to legally serve as a
187 teacher while the person completes a nontraditional teacher
188 preparation internship program.

189 (iv) During the semester of internship in the
190 school district, the teacher preparation institution shall monitor
191 the performance of the intern teacher. The school district that
192 employs the provisional teacher shall supervise the provisional
193 teacher during the teacher's intern year of employment under a
194 nontraditional provisional license, and shall, in consultation
195 with the teacher intern's mentor at the school district of
196 employment, submit to the commission a comprehensive evaluation of
197 the teacher's performance sixty (60) days prior to the expiration
198 of the nontraditional provisional license. If the comprehensive



199 evaluation establishes that the provisional teacher intern's
200 performance fails to meet the standards of the approved
201 nontraditional teacher preparation internship program, the
202 individual shall not be approved for a standard license.

203 (v) An individual issued a provisional teaching
204 license under this nontraditional route shall successfully
205 complete, at a minimum, a one-year beginning teacher mentoring and
206 induction program administered by the employing school district
207 with the assistance of the State Department of Education.

208 (vi) Upon successful completion of the TMI and the
209 internship provisional license period, applicants for a Standard
210 License-Nontraditional Route shall submit to the commission a
211 transcript of successful completion of the twelve (12) semester
212 hours required in the internship program, and the employing school
213 district shall submit to the commission a recommendation for
214 standard licensure of the intern. If the school district
215 recommends licensure, the applicant shall be issued a Standard
216 License-Nontraditional Route which shall be valid for a five-year
217 period and be renewable.

218 (vii) At the discretion of the teacher-preparation
219 institution, the individual shall be allowed to credit the twelve
220 (12) semester hours earned in the nontraditional teacher
221 internship program toward the graduate hours required for a Master
222 of Arts in Teacher (MAT) Degree.

223 (viii) The local school district in which the
224 nontraditional teacher intern or provisional licensee is employed
225 shall compensate such teacher interns at Step 1 of the required
226 salary level during the period of time such individual is
227 completing teacher internship requirements and shall compensate
228 such Standard License-Nontraditional Route teachers at Step 3 of
229 the required salary level when they complete license requirements.



230 Implementation of the TMI program provided for under this
231 paragraph (b) shall be contingent upon the availability of funds
232 appropriated specifically for such purpose by the Legislature.
233 Such implementation of the TMI program may not be deemed to
234 prohibit the State Board of Education from developing and
235 implementing additional alternative route teacher licensure
236 programs, as deemed appropriate by the board. The emergency
237 certification program in effect prior to July 1, 2002, shall
238 remain in effect.

239 The State Department of Education shall compile and report,
240 in consultation with the commission, information relating to
241 nontraditional teacher preparation internship programs, including
242 the number of programs available and geographic areas in which
243 they are available, the number of individuals who apply for and
244 possess a nontraditional conditional license, the subject areas in
245 which individuals who possess nontraditional conditional licenses
246 are teaching and where they are teaching, and shall submit its
247 findings and recommendations to the legislative committees on
248 education by December 1, 2004.

249 A Standard License - Approved Program Route shall be issued
250 for a five-year period, and may be renewed. Recognizing teaching
251 as a profession, a hiring preference shall be granted to persons
252 holding a Standard License - Approved Program Route or Standard
253 License - Nontraditional Teaching Route over persons holding any
254 other license.

255 (c) **Special License - Expert Citizen.** In order to
256 allow a school district to offer specialized or technical courses,
257 the State Department of Education, in accordance with rules and
258 regulations established by the State Board of Education, may grant
259 a one-year expert citizen-teacher license to local business or
260 other professional personnel to teach in a public school or
261 nonpublic school accredited or approved by the state. The person
262 may begin teaching upon his employment by the local school board



263 and licensure by the Mississippi Department of Education. The
264 board shall adopt rules and regulations to administer the expert
265 citizen-teacher license. A special license - expert citizen may
266 be renewed in accordance with the established rules and
267 regulations of the State Department of Education.

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

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

284 (f) **Special License - Transitional Bilingual Education.**
285 Beginning July 1, 2003, the commission shall grant special
286 licenses to teachers of transitional bilingual education who
287 possess such qualifications as are prescribed in this section.
288 Teachers of transitional bilingual education shall be compensated
289 by local school boards at not less than one (1) step on the
290 regular salary schedule applicable to permanent teachers licensed
291 under this section. The commission shall grant special licenses
292 to teachers of transitional bilingual education who present the
293 commission with satisfactory evidence that they (i) possess a
294 speaking and reading ability in a language, other than English, in
295 which bilingual education is offered and communicative skills in



296 English; (ii) are in good health and sound moral character; (iii)
297 possess a bachelor's degree or an associate's degree in teacher
298 education from an accredited institution of higher education; (iv)
299 meet such requirements as to courses of study, semester hours
300 therein, experience and training as may be required by the
301 commission; and (v) are legally present in the United States and
302 possess legal authorization for employment. A teacher of
303 transitional bilingual education serving under a special license
304 shall be under an exemption from standard licensure if he achieves
305 the requisite qualifications therefor. Two (2) years of service
306 by a teacher of transitional bilingual education under such an
307 exemption shall be credited to the teacher in acquiring a Standard
308 Educator License. Nothing in this paragraph shall be deemed to
309 prohibit a local school board from employing a teacher licensed in
310 an appropriate field as approved by the State Department of
311 Education to teach in a program in transitional bilingual
312 education.

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

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

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



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

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

336 (d) **Administrator License - Nontraditional Route.** The
337 board may establish a nontraditional route for licensing
338 administrative personnel. The nontraditional route for
339 administrative licensure shall be available for persons holding,
340 but not limited to, a master of business administration degree, a
341 master of public administration degree, a master of public
342 planning and policy degree or a doctor of jurisprudence degree
343 from an accredited college or university, with five (5) years of
344 administrative or supervisory experience. Successful completion
345 of the requirements of alternate route licensure for
346 administrators shall qualify the person for a standard
347 administrator license.

348 The State Department of Education shall compile and report,
349 in consultation with the commission, information relating to
350 nontraditional administrator preparation internship programs,
351 including the number of programs available and geographic areas in
352 which they are available, the number of individuals who apply for
353 and possess a nontraditional conditional license and where they
354 are employed, and shall submit its findings and recommendations to
355 the legislative committees on education by December 1, 2004.

356 Beginning with the 1997-1998 school year, individuals seeking
357 school administrator licensure under paragraph (b), (c) or (d)
358 shall successfully complete a training program and an assessment
359 process prescribed by the State Board of Education. Applicants
360 seeking school administrator licensure before June 30, 1997, and



361 completing all requirements for provisional or standard
362 administrator certification and who have never practiced, shall be
363 exempt from taking the Mississippi Assessment Battery Phase I.
364 Applicants seeking school administrator licensure during the
365 period beginning July 1, 1997, through June 30, 1998, shall
366 participate in the Mississippi Assessment Battery, and upon
367 request of the applicant, the department shall reimburse the
368 applicant for the cost of the assessment process required. After
369 June 30, 1998, all applicants for school administrator licensure
370 shall meet all requirements prescribed by the department under
371 paragraph (b), (c) or (d), and the cost of the assessment process
372 required shall be paid by the applicant.

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

377 (b) The department shall grant a nonrenewable special
378 license to any individual who possesses a credential that is less
379 than a standard license or certification from another state, or
380 who possesses a standard license from another state but has less
381 than two (2) years of full-time teaching or administration
382 experience. The special license shall be valid for the current
383 school year plus one (1) additional school year to expire on June
384 30 of the second year, not to exceed a total period of twenty-four
385 (24) months, during which time the applicant shall be required to
386 complete the requirements for a standard license in Mississippi.

387 (9) **Renewal and Reinstatement of Licenses.** The State Board
388 of Education may to establish rules and regulations for the
389 renewal and reinstatement of educator and administrator licenses.
390 Effective May 15, 1997, the valid standard license held by an
391 educator shall be extended five (5) years beyond the expiration
392 date of the license in order to afford the educator adequate time
393 to fulfill new renewal requirements established under this



394 subsection. An educator completing a master of education,
395 educational specialist or doctor of education degree in May 1997
396 for the purpose of upgrading the educator's license to a higher
397 class shall be given this extension of five (5) years plus five
398 (5) additional years for completion of a higher degree.

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

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

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

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



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

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

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

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

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

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

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

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

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

454 (c) Suspension or revocation of a certificate or
455 license by another state shall result in immediate suspension or
456 revocation and shall continue until records in the prior state
457 have been cleared;



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

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

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

467 (13) Notwithstanding any provision of this section:

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

480 license and an opportunity for the license holder to respond; and
481 (b) The person's teacher or administrator license will
482 remain suspended until the person has: (i) made arrangements
483 satisfactory to the State Board of Education for meeting the
484 obligations of the loan, scholarship or loan repayment program; or
485 (ii) in the case of a default, made arrangements satisfactory to
486 the state agency to which payments are due for the repayment of
487 the educational loan or scholarship.

488 (14) (a) Dismissal or suspension of a licensed employee by
489 a local school board under Section 37-9-59 may result in the
490 suspension or revocation of a license for a length of time that



491 shall be determined by the commission and based upon the severity
492 of the offense.

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

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

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

517 (16) Reporting procedures and hearing procedures for dealing
518 with infractions under this section shall be promulgated by the
519 commission, subject to the approval of the State Board of
520 Education. The revocation or suspension of a license shall be
521 effected at the time indicated on the notice of suspension or
522 revocation. The commission shall immediately notify the
523 superintendent of the school district or school board where the



524 teacher or administrator is employed of any disciplinary action
525 and also notify the teacher or administrator of the revocation or
526 suspension and shall maintain records of action taken. The State
527 Board of Education may reverse or remand with instructions any
528 decision of the commission regarding a petition for reinstatement
529 of a license, and any such decision of the State Board of
530 Education shall be final.

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

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

552 (19) The granting of a license shall not be deemed a
553 property right nor a guarantee of employment in any public school
554 district. A license is a privilege indicating minimal eligibility
555 for teaching in the public schools of Mississippi. This section
556 shall in no way alter or abridge the authority of local school



557 districts to require greater qualifications or standards of
558 performance as a prerequisite of initial or continued employment
559 in those districts.

560 (20) In addition to the reasons specified in subsections
561 (12) and (14) of this section, the board may suspend the license
562 of any licensee for being out of compliance with an order for
563 support, as defined in Section 93-11-153. The procedure for
564 suspension of a license for being out of compliance with an order
565 for support, and the procedure for the reissuance or reinstatement
566 of a license suspended for that purpose, and the payment of any
567 fees for the reissuance or reinstatement of a license suspended
568 for that purpose, shall be governed by Section 93-11-157 or
569 93-11-163, as the case may be. Actions taken by the board in
570 suspending a license when required by Section 93-11-157 or
571 93-11-163 are not actions from which an appeal may be taken under
572 this section. Any appeal of a license suspension that is required
573 by Section 93-11-157 or 93-11-163 shall be taken in accordance
574 with the appeal procedure specified in Section 93-11-157 or
575 93-11-163, as the case may be, rather than the procedure specified
576 in this section. If there is any conflict between any provision
577 of Section 93-11-157 or 93-11-163 and any provision of this
578 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
579 case may be, shall control.

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

582 73-1-29. (1) The board, upon satisfactory proof and in
583 accordance with this chapter and the regulations of the board, may
584 take the disciplinary actions provided for hereinafter against any
585 person for any of the following reasons:

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



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

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

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

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

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

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

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

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

612 (2) Notwithstanding any provision of this chapter:

613 (a) The board, acting on its own motion or, in the case
614 of a default on a loan, on the recommendation of the state agency
615 to which payments are due, shall suspend the certificate of
616 registration of any person who defaults on or fails to comply with
617 the requirements of a state educational loan, service conditional
618 scholarship or loan repayment program obligation under which the
619 person obtained any of the education necessary to qualify for a
620 certificate of registration under this chapter. However, before a
621 state agency may recommend the suspension of a certificate of
622 registration due to the person's default on a loan, that agency



623 must provide the certificate holder with notice of its intention
624 to recommend the suspension of the person's certificate of
625 registration and an opportunity for the certificate holder to
626 respond; and

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

634 (3) Any person may prefer charges against any other person
635 for committing any of the acts set forth in subsection (1) or (2)
636 of this section. The charges need not be sworn to, may be made
637 upon actual knowledge or upon information and belief, and must be
638 filed with the board. If any person licensed under Sections
639 73-1-1 through 73-1-43 is expelled from membership in any
640 Mississippi or national professional architectural society or
641 association, the board shall thereafter cite the person to appear
642 at a hearing before the board to show cause why disciplinary
643 action should not be taken against that person.

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

650 No disciplinary action may be taken until the accused has
651 been furnished both a statement of the charges against him and
652 notice of the time and place of the hearing thereof, which shall
653 be personally served on the accused or mailed by registered or
654 certified mail, return receipt requested, to the last known



655 business or residence address of the accused not less than thirty
656 (30) days before the date of the hearing.

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

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

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

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



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

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

697 (a) Issue a public or private reprimand;

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

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

705 (6) A monetary penalty assessed and levied under this
706 section shall be paid to the board upon the expiration of the
707 period allowed for appeal of the penalties under this section, or
708 may be paid sooner if the guilty party elects. Money collected by
709 the board under this section shall be deposited to the credit of
710 the special fund created in Section 73-1-43, Mississippi Code of
711 1972.

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

719 (7) When the board has taken a disciplinary action under
720 this section, the board may stay the action and place the guilty



721 party on probation for a period not to exceed one (1) year upon
722 condition that the guilty party shall not further violate either
723 the laws of the State of Mississippi pertaining to the practice of
724 architecture or the bylaws, rules and regulations, or standards of
725 conduct and ethics promulgated by the board.

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

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

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

741 (11) In addition to the reasons specified in subsection (1)
742 of this section, the board may suspend the certificate of
743 registration of any person for being out of compliance with an
744 order for support, as defined in Section 93-11-153. The procedure
745 for suspension of a certificate for being out of compliance with
746 an order for support, and the procedure for the reissuance or
747 reinstatement of a certificate suspended for that purpose, and the
748 payment of any fees for the reissuance or reinstatement of a
749 certificate suspended for that purpose, shall be governed by
750 Section 93-11-157 or 93-11-163, as the case may be. If there is
751 any conflict between any provision of Section 93-11-157 or
752 93-11-163 and any provision of this chapter, the provisions of
753 Section 93-11-157 or 93-11-163, as the case may be, shall control.



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

756 73-2-16. (1) The board shall also have the power to revoke,
757 suspend or annul the certificate or registration of a landscape
758 architect or reprimand, censure or otherwise discipline a
759 landscape architect.

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

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

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

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

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

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

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

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



785 (h) Willfully misleading or defrauding any person
786 employing him as a landscape architect by any artifice or false
787 statement;

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

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

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

792 (3) Notwithstanding any provision of this chapter:

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

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

814 (4) Any person may prefer charges against any other person
815 for committing any of the acts set forth in subsection (2) or (3)
816 of this section. The charges need not be sworn to, may be made
817 upon actual knowledge, or upon information and belief, and shall



818 be filed with the board. If any person licensed under Sections
819 73-2-1 through 73-2-21 is expelled from membership in any
820 Mississippi or national professional landscape architectural
821 society or association, the board shall thereafter cite the person
822 to appear at a hearing before the board and to show cause why
823 disciplinary action should not be taken against that person.

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

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

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



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

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

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

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

875 If a majority of the board finds the accused guilty of the
876 charges filed, the board may: (a) issue a public or private
877 reprimand; (b) suspend or revoke the license of the accused, if
878 the accused is a registrant; or (c) in lieu of or in addition to
879 the reprimand, suspension or revocation, assess and levy upon the
880 guilty party a monetary penalty of not less than One Hundred
881 Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00)
882 for each violation.



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

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

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

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

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

914 (11) The board, for sufficient cause, may reissue a revoked
915 license of registration whenever a majority of the board members



916 vote to do so but in no event shall a revoked license be issued
917 within two (2) years of the revocation. A new license of
918 registration required to replace a revoked, lost, mutilated or
919 destroyed license may be issued, subject to the rules of the
920 board, for a charge not to exceed Twenty-five Dollars (\$25.00).

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

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

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

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

945 73-3-327. (1) At the conclusion of the hearing the
946 complaint tribunal, upon the majority vote of the members of the
947 tribunal, shall render a written opinion incorporating a finding



948 of fact and a judgment thereon. The judgment of the complaint
949 tribunal may provide the following:

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

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

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

956 (d) Permanently disbar the attorney.

957 (2) Notwithstanding any provision of this article:

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

971 (b) The attorney will remain suspended from the
972 practice of law until the attorney has: (i) made arrangements
973 satisfactory to the Supreme Court for meeting the obligations of
974 the loan, scholarship or loan repayment program; or (ii) in the
975 case of a default, made arrangements satisfactory to the state
976 agency to which payments are due for the repayment of the
977 educational loan or scholarship.

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



981 93-11-153, the Supreme Court shall suspend the attorney from the
982 practice of law until such time as the attorney may be reinstated
983 to practice law because of the attorney's compliance with the
984 requirements of Section 93-11-157 or 93-11-163, as the case may
985 be.

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

988 73-5-25. (1) The Board of Barber Examiners may refuse to
989 issue, or may suspend definitely or indefinitely, or revoke any
990 certificate of registration for any one or a combination of the
991 following causes:

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

997 (b) Gross malpractice or gross incompetency.

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

1000 (d) Advertising, practicing or attempting to practice
1001 under a trade name or name other than one's own.

1002 (e) Habitual drunkenness or habitual addiction to the
1003 use of morphine, cocaine or habit forming drug.

1004 (f) Immoral or unprofessional conduct.

1005 (g) Violation of regulations that may be prescribed as
1006 provided for in Section 73-5-7 and the commission of any of the
1007 offenses set forth in Section 73-5-43.

1008 (2) Notwithstanding any provision of this chapter:

1009 (a) The board, acting on its own motion or, in the case
1010 of a default on a loan, on the recommendation of the state agency
1011 to which payments are due, shall suspend the certificate of
1012 registration of any person who defaults on or fails to comply with
1013 the requirements of a state educational loan, service conditional



1014 scholarship or loan repayment program obligation under which the
1015 person obtained any of the education necessary to qualify for a
1016 certificate of registration under this chapter. However, before a
1017 state agency may recommend the suspension of a certificate of
1018 registration due to the person's default on a loan, that agency
1019 must provide the certificate holder with notice of its intention
1020 to recommend the suspension of the person's certificate of
1021 registration and an opportunity for the certificate holder to
1022 respond; and

1023 (b) The person's certificate of registration will
1024 remain suspended until the person has: (i) made arrangements
1025 satisfactory to the board for meeting the obligations of the loan,
1026 scholarship or loan repayment program; or (ii) in the case of a
1027 default, made arrangements satisfactory to the state agency to
1028 which payments are due for the repayment of the educational loan
1029 or scholarship.

1030 (3) In addition to the causes specified in subsection (1) of
1031 this section, the board may suspend the certificate of
1032 registration of any person for being out of compliance with an
1033 order for support, as defined in Section 93-11-153. The procedure
1034 for suspension of a certificate for being out of compliance with
1035 an order for support, and the procedure for the reissuance or
1036 reinstatement of a certificate suspended for that purpose, and the
1037 payment of any fees for the reissuance or reinstatement of a
1038 certificate suspended for that purpose, shall be governed by
1039 Section 93-11-157 or 93-11-163. If there is any conflict between
1040 any provision of Section 93-11-157 or 93-11-163 and any provision
1041 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
1042 as the case may be, shall control.

1043 **SECTION 6.** Section 73-6-19, Mississippi Code of 1972, is
1044 amended as follows:

1045 73-6-19. (1) The board shall refuse to grant a certificate
1046 of licensure to any applicant or may cancel, revoke or suspend the



1047 certificate upon the finding of any of the following facts
1048 regarding the applicant or licensed practitioner:

1049 (a) Failure to comply with the rules and regulations
1050 adopted by the State Board of Chiropractic Examiners;

1051 (b) Violation of any of the provisions of this chapter
1052 or any of the rules and regulations of the State Board of Health
1053 under this chapter with regard to the operation and use of x-rays;

1054 (c) Fraud or deceit in obtaining a license;

1055 (d) Addiction to the use of alcohol, narcotic drugs, or
1056 anything that would seriously interfere with the competent
1057 performance of his professional duties;

1058 (e) Conviction by a court of competent jurisdiction of
1059 a felony, other than manslaughter or any violation of the United
1060 States Revenue Code;

1061 (f) Unprofessional and unethical conduct;

1062 (g) Contraction of a contagious disease that may be
1063 carried for a prolonged period;

1064 (h) Failure to report to the Mississippi Department of
1065 Human Services or the county attorney any case in which there are
1066 reasonable grounds to believe that a child has been abused by its
1067 parent or person responsible for the child's welfare;

1068 (i) Advising a patient to use drugs, prescribing or
1069 providing drugs for a patient, or advising a patient not to use a
1070 drug prescribed by a licensed physician or dentist;

1071 (j) Professional incompetency in the practice of
1072 chiropractic;

1073 (k) Having disciplinary action taken by his peers
1074 within any professional chiropractic association or society;

1075 (l) Offering to accept or accepting payment for
1076 services rendered by assignment from any third-party payor after
1077 offering to accept or accepting whatever the third-party payor
1078 covers as payment in full, if the effect of the offering or
1079 acceptance is to eliminate or give the impression of eliminating



1080 the need for payment by an insured of any required deductions
1081 applicable in the policy of the insured;

1082 (m) Associating his practice with any chiropractor who
1083 does not hold a valid chiropractic license in Mississippi, or
1084 teach chiropractic manipulation to nonqualified persons under
1085 Section 73-6-13;

1086 (n) Failure to make payment on chiropractic student
1087 loans; or

1088 (o) Failure to follow record keeping requirements
1089 prescribed in Section 73-6-18.

1090 (2) Notwithstanding any provision of this chapter:

1091 (a) The board, acting on its own motion or, in the case
1092 of a default on a loan, on the recommendation of the state agency
1093 to which payments are due, shall suspend the license of any person
1094 who defaults on or fails to comply with the requirements of a
1095 state educational loan, service conditional scholarship or loan
1096 repayment program obligation under which the person obtained any
1097 of the education necessary to qualify for a license under this
1098 chapter. However, before a state agency may recommend the
1099 suspension of a license due to the person's default on a loan,
1100 that agency must provide the license holder with notice of its
1101 intention to recommend the suspension of the person's license and
1102 an opportunity for the license holder to respond; and

1103 (b) The person's license will remain suspended until
1104 the person has: (i) made arrangements satisfactory to the board
1105 for meeting the obligations of the loan, scholarship or loan
1106 repayment program; or (ii) in the case of a default, made
1107 arrangements satisfactory to the state agency to which payments
1108 are due for the repayment of the educational loan or scholarship.

1109 (3) Any holder of the certificate or any applicant therefor
1110 against whom is preferred any of the designated charges shall be
1111 furnished a copy of the complaint and shall receive a formal
1112 hearing in Jackson, Mississippi, before the board, at which time



1113 he may be represented by counsel and examine witnesses. The board
1114 may administer oaths as may be necessary for the proper conduct of
1115 any such hearing. In addition, the board may issue subpoenas for
1116 the attendance of witnesses and the production of books and
1117 papers. The process issued by the board shall extend to all parts
1118 of the state. Where in any proceeding before the board any
1119 witness * * * failsg or refusesg to attend upon subpoena issued by
1120 the board, * * * refusesg to testify, or * * * refusesg to produce
1121 any books and papers, the production of which is called for by the
1122 subpoena, the attendance of the witness and the giving of his
1123 testimony and the production of the books and papers shall be
1124 enforced by any court of competent jurisdiction of this state in
1125 the manner provided for the enforcement of attendance and
1126 testimony of witnesses in civil cases in the courts of this state.

1127 (4) In addition to any other investigators the board
1128 employs, the board shall appoint one or more licensed
1129 chiropractors to act for the board in investigating the conduct
1130 relating to the competency of a chiropractor, whenever
1131 disciplinary action is being considered for professional
1132 incompetence and unprofessional conduct.

1133 (5) Whenever the board finds any person unqualified to
1134 practice chiropractic because of any of the grounds set forth in
1135 subsection (1) of this section, after a hearing has been conducted
1136 as prescribed by this section, the board may enter an order
1137 imposing one or more of the following:

- 1138 (a) Deny his application for a license or other
1139 authorization to practice chiropractic;
- 1140 (b) Administer a public or private reprimand;
- 1141 (c) Suspend, limit or restrict his license or other
1142 authorization to practice chiropractic for up to five (5) years;
- 1143 (d) Revoke or cancel his license or other authorization
1144 to practice chiropractic;



1145 (e) Require him to submit to care, counseling or
1146 treatment by physicians or chiropractors designated by the board,
1147 as a condition for initial, continued or renewal of licensure or
1148 other authorization to practice chiropractic;

1149 (f) Require him to participate in a program of
1150 education prescribed by the board; or

1151 (g) Require him to practice under the direction of a
1152 chiropractor designated by the board for a specified period of
1153 time.

1154 (6) Any person whose application for a license or whose
1155 license to practice chiropractic has been cancelled, revoked or
1156 suspended by the board within thirty (30) days from the date of
1157 the final decision shall have the right of a de novo appeal to the
1158 circuit court of his county of residence or the Circuit Court of
1159 the First Judicial District of Hinds County, Mississippi. If
1160 there is an appeal, the appeal may, in the discretion of and on
1161 motion to the circuit court, act as a supersedeas. The circuit
1162 court shall dispose of the appeal and enter its decision promptly.
1163 The hearing on the appeal may, in the discretion of the circuit
1164 judge, be tried in vacation. Either party shall have the right of
1165 appeal to the Supreme Court as provided by law from any decision
1166 of the circuit court.

1167 (7) In a proceeding conducted under this section by the
1168 board for the revocation, suspension or cancellation of a license
1169 to practice chiropractic, after a hearing has been conducted as
1170 prescribed by this section, the board shall have the power and
1171 authority for the grounds stated in subsection (1) of this
1172 section, with the exception of paragraph (c) thereof, to assess
1173 and levy upon any person licensed to practice chiropractic in the
1174 state a monetary penalty in lieu of the revocation, suspension or
1175 cancellation, as follows:



1176 (a) For the first violation, a monetary penalty of not
1177 less than Five Hundred Dollars (\$500.00) nor more than One
1178 Thousand Dollars (\$1,000.00) for each violation.

1179 (b) For the second and each subsequent violation, a
1180 monetary penalty of not less than One Thousand Dollars (\$1,000.00)
1181 nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for
1182 each violation.

1183 The power and authority of the board to assess and levy the
1184 monetary penalties under this section shall not be affected or
1185 diminished by any other proceeding, civil or criminal, concerning
1186 the same violation or violations. A licensee shall have the right
1187 of appeal from the assessment and levy of a monetary penalty as
1188 provided in this section to the circuit court under the same
1189 conditions as a right of appeal is provided for in this section
1190 for appeals from an adverse ruling, or order, or decision of the
1191 board. Any monetary penalty assessed and levied under this
1192 section shall not take effect until after the time for appeal has
1193 expired, and an appeal of the assessment and levy of such a
1194 monetary penalty shall act as a supersedeas.

1195 (8) In addition to the grounds specified in subsection (1)
1196 of this section, the board may suspend the license of any licensee
1197 for being out of compliance with an order for support, as defined
1198 in Section 93-11-153. The procedure for suspension of a license
1199 for being out of compliance with an order for support, and the
1200 procedure for the reissuance or reinstatement of a license
1201 suspended for that purpose, and the payment of any fees for the
1202 reissuance or reinstatement of a license suspended for that
1203 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
1204 the case may be. Actions taken by the board in suspending a
1205 license when required by Section 93-11-157 or 93-11-163 are not
1206 actions from which an appeal may be taken under this section. Any
1207 appeal of a license suspension that is required by Section
1208 93-11-157 or 93-11-163 shall be taken in accordance with the



1209 appeal procedure specified in Section 93-11-157 or 93-11-163, as
1210 the case may be, rather than the procedure specified in this
1211 section. If there is any conflict between any provision of
1212 Section 93-11-157 or 93-11-163 and any provision of this chapter,
1213 the provisions of Section 93-11-157 or 93-11-163, as the case may
1214 be, shall control.

1215 **SECTION 7.** Section 73-7-27, Mississippi Code of 1972, is
1216 amended as follows:

1217 73-7-27. (1) Any complaint may be filed with the board by a
1218 member or agent of the board or by any person charging any
1219 licensee of the board with the commission of any of the offenses
1220 enumerated in subsection (2) or (3) of this section. The
1221 complaint shall be in writing, signed by the accuser or accusers,
1222 and verified under oath, and the complaints shall be investigated
1223 as set forth in Section 73-7-7. If, after the investigation, the
1224 board through its administrative review agents determines that
1225 there is not substantial justification to believe that the accused
1226 licensee has committed any of the offenses enumerated, it may
1227 dismiss the complaint or may prepare a formal complaint proceeding
1228 against the licensee as hereinafter provided. When used with
1229 reference to any complaint filed against a licensee herein, the
1230 term "not substantial justification" means a complaint that is
1231 frivolous, groundless in fact or law, or vexatious, as determined
1232 by unanimous vote of the board. If there is a dismissal, the
1233 person filing the accusation and the accused licensee shall be
1234 given written notice of the board's determination. If the board
1235 determines there is reasonable cause to believe the accused has
1236 committed any of those offenses, the secretary of the board shall
1237 give written notice of that determination to the accused licensee
1238 and set a day for a hearing as provided in subsection (3) of this
1239 section.

1240 (2) The board shall have the power to revoke, suspend or
1241 refuse to issue or renew any license or certificate provided for



1242 in this chapter, and to fine, place on probation and/or otherwise
1243 discipline a student or licensee or holder of a certificate, upon
1244 proof that the person:

1245 (a) Has not complied with or has violated any of the
1246 rules and regulations promulgated by the board;

1247 (b) Has not complied with or has violated any of the
1248 sections of this chapter;

1249 (c) Has committed fraud or dishonest conduct in the
1250 taking of the examination herein provided for;

1251 (d) Has been convicted of a felony;

1252 (e) Has committed grossly unprofessional or dishonest
1253 conduct;

1254 (f) Is addicted to the excessive use of intoxicating
1255 liquors or to the use of drugs to such an extent as to render him
1256 or her unfit to practice in any of the practices or occupations
1257 set forth in this chapter;

1258 (g) Has advertised by means of knowingly false or
1259 deceptive statements; * * *

1260 (h) Has failed to display the license or certificate
1261 issued to him or her as provided for in this chapter; or

1262 (i) Has been convicted of violating any of the
1263 provisions of this chapter.

1264 A conviction of violating any of the provisions of this
1265 chapter shall be grounds for automatic suspension of the license
1266 or certificate of the person.

1267 (3) Notwithstanding any provision of this chapter:

1268 (a) The board, acting on its own motion or, in the case
1269 of a default on a loan, on the recommendation of the state agency
1270 to which payments are due, shall suspend the license of any person
1271 who defaults on or fails to comply with the requirements of a
1272 state educational loan, service conditional scholarship or loan
1273 repayment program obligation under which the person obtained any
1274 of the education necessary to qualify for a license under this



1275 chapter. However, before a state agency may recommend the
1276 suspension of a license due to the person's default on a loan,
1277 that agency must provide the license holder with notice of its
1278 intention to recommend the suspension of the person's license and
1279 an opportunity for the license holder to respond; and

1280 (b) The person's license will remain suspended until
1281 the person has: (i) made arrangements satisfactory to the board
1282 for meeting the obligations of the loan, scholarship or loan
1283 repayment program; or (ii) in the case of a default, made
1284 arrangements satisfactory to the state agency to which payments
1285 are due for the repayment of the educational loan or scholarship.

1286 (4) The board shall not revoke, suspend or refuse to issue
1287 or renew any license or certificate, or fine, place on probation
1288 or otherwise discipline any person in a disciplinary matter except
1289 after a hearing of which the applicant or licensee or holder of
1290 the certificate affected shall be given at least twenty (20) days'
1291 notice in writing, specifying the reason or reasons for denying
1292 the applicant a license or certificate of registration, or in the
1293 case of any other disciplinary action, the offense or offenses of
1294 which the licensee or holder of a certificate of registration is
1295 charged. The notice may be served by mailing a copy thereof by
1296 United States first class certified mail, postage prepaid, to the
1297 last known residence or business address of the applicant,
1298 licensee or holder of a certificate. The hearing on the charges
1299 shall be at such time and place as the board may prescribe.

1300 (5) At those hearings, all witnesses shall be sworn by a
1301 member of the board, and stenographic notes of the proceedings
1302 shall be taken. Any party to the proceedings desiring it shall be
1303 furnished with a copy of the stenographic notes upon payment to
1304 the board of such fees as it shall prescribe, not exceeding,
1305 however, the actual costs of transcription.

1306 (6) The board may issue subpoenas for the attendance of
1307 witnesses and the production of books and papers. The process



1308 issued by the board shall extend to all parts of the state and the
1309 process shall be served by any person designated by the board for
1310 that service. The person serving the process shall receive such
1311 compensation as may be allowed by the board, not to exceed the fee
1312 prescribed by law for similar services. All witnesses who shall
1313 be subpoenaed, and who shall appear in any proceedings before the
1314 board, shall receive the same fees and mileage as allowed by law.

1315 (7) Where in any proceeding before the board any
1316 witness * * * fails or refuses to attend upon subpoena issued by
1317 the board, * * * refuses to testify, or * * * refuses to produce
1318 any books and papers, the production of which is called for by the
1319 subpoena, the attendance of the witness and the giving of his
1320 testimony and the production of the books and papers shall be
1321 enforced by any court of competent jurisdiction of this state, in
1322 manner as are enforced the attendance and testimony of witnesses
1323 in civil cases in the courts of this state.

1324 (8) The board shall conduct the hearing in an orderly and
1325 continuous manner, granting continuances only when the ends of
1326 justice may be served. The board shall, within sixty (60) days
1327 after conclusion of the hearing, reduce its decision to writing
1328 and forward an attested true copy thereof to the last known
1329 residence or business address of the applicant, licensee or holder
1330 of a certificate, by way of United States first class certified
1331 mail, postage prepaid. The applicant, licensee, holder of a
1332 certificate, or person aggrieved shall have the right of appeal
1333 from an adverse ruling, or order, or decision of the board to the
1334 chancery court upon forwarding notice of appeal to the board
1335 within thirty (30) days after the decision of the board is mailed
1336 in the manner here contemplated. An appeal will not be allowed if
1337 notice of appeal, together with the appeal bond hereinafter
1338 required, is not * * * forwarded to the board within the
1339 thirty-day period. Appeal shall be to the chancery court of the
1340 county and judicial district of the residence of the appellant, or



1341 to the Chancery Court of the First Judicial District of Hinds
1342 County, Mississippi, at the election of the appellant. The notice
1343 of appeal shall elect venue, unless the appellant be a nonresident
1344 of the State of Mississippi, in which event the board shall
1345 certify all documents and evidence directly to the Chancery Court
1346 of the First Judicial District of Hinds County for further
1347 proceedings. The appeal shall thereupon be heard in due course by
1348 the court, which shall review the record and make its
1349 determination thereon.

1350 (9) The appellant shall, together with the notice of appeal,
1351 forward to and post with the board a satisfactory bond in the
1352 amount of Five Hundred Dollars (\$500.00) for the payment of any
1353 costs that may be adjudged against him.

1354 (10) If there is an appeal, the court shall dispose of the
1355 appeal and enter its decision promptly. The hearing on the appeal
1356 may, in the discretion of the chancellor, be tried in vacation.
1357 If there is an appeal, the appeal may, in the discretion of and on
1358 motion to the chancery court, act as a supersedeas. However, any
1359 fine imposed by the board under the provisions of this chapter
1360 shall not take effect until after the time for appeal has expired,
1361 and an appeal of the imposition of such a fine shall act as a
1362 supersedeas.

1363 (11) Any fine imposed by the board upon a licensee or holder
1364 of a certificate shall be in accordance with the following
1365 schedule:

1366 (a) For the first violation, a fine of not less than
1367 Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00)
1368 for each violation.

1369 (b) For the second and each subsequent violation, a
1370 fine of not less than One Hundred Dollars (\$100.00) nor more than
1371 Four Hundred Dollars (\$400.00) for each violation.

1372 The power and authority of the board to impose the fines
1373 under this section shall not be affected or diminished by any



1374 other proceeding, civil or criminal, concerning the same violation
1375 or violations.

1376 (12) In addition to the reasons specified in subsection (2)
1377 of this section, the board may suspend the license of any licensee
1378 for being out of compliance with an order for support, as defined
1379 in Section 93-11-153. The procedure for suspension of a license
1380 for being out of compliance with an order for support, and the
1381 procedure for the reissuance or reinstatement of a license
1382 suspended for that purpose, and the payment of any fees for the
1383 reissuance or reinstatement of a license suspended for that
1384 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
1385 the case may be. Actions taken by the board in suspending a
1386 license when required by Section 93-11-157 or 93-11-163 are not
1387 actions from which an appeal may be taken under this section. Any
1388 appeal of a license suspension that is required by Section
1389 93-11-157 or 93-11-163 shall be taken in accordance with the
1390 appeal procedure specified in Section 93-11-157 or 93-11-163, as
1391 the case may be, rather than the procedure specified in this
1392 section. If there is any conflict between any provision of
1393 Section 93-11-157 or 93-11-163 and any provision of this chapter,
1394 the provisions of Section 93-11-157 or 93-11-163, as the case may
1395 be, shall control.

1396 **SECTION 8.** Section 73-9-61, Mississippi Code of 1972, is
1397 amended as follows:

1398 73-9-61. (1) Upon satisfactory proof, and in accordance
1399 with statutory provisions elsewhere set out for those hearings and
1400 protecting the rights of the accused as well as the public, the
1401 State Board of Dental Examiners may deny the issuance or renewal
1402 of a license or may revoke or suspend the license of any licensed
1403 dentist or dental hygienist practicing in the State of
1404 Mississippi, or take any other action in relation to the license
1405 as the board may deem proper under the circumstances, for any of
1406 the following reasons:



1407 (a) Misrepresentation in obtaining a license, or
1408 attempting to obtain, obtaining, attempting to renew or renewing a
1409 license or professional credential by making any material
1410 misrepresentation, including the signing in his or her
1411 professional capacity any certificate that is known to be false at
1412 the time he or she makes or signs the certificate.

1413 (b) Willful violation of any of the rules or
1414 regulations duly promulgated by the board, or of any of the rules
1415 or regulations duly promulgated by the appropriate dental
1416 licensure agency of another state or jurisdiction.

1417 (c) Being impaired in the ability to practice dentistry
1418 or dental hygiene with reasonable skill and safety to patients by
1419 reason of illness or use of alcohol, drugs, narcotics, chemicals,
1420 or any other type of material or as a result of any mental or
1421 physical condition.

1422 (d) Administering, dispensing or prescribing any
1423 prescriptive medication or drug outside the course of legitimate
1424 professional dental practice.

1425 (e) Being convicted or found guilty of or entering a
1426 plea of nolo contendere to, regardless of adjudication, a
1427 violation of any federal or state law regulating the possession,
1428 distribution or use of any narcotic drug or any drug considered a
1429 controlled substance under state or federal law, a certified copy
1430 of the conviction order or judgment rendered by the trial court
1431 being prima facie evidence thereof, notwithstanding the pendency
1432 of any appeal.

1433 (f) Practicing incompetently or negligently, regardless
1434 of whether there is actual harm to the patient.

1435 (g) Being convicted or found guilty of or entering a
1436 plea of nolo contendere to, regardless of adjudication, a crime in
1437 any jurisdiction that relates to the practice of dentistry or
1438 dental hygiene, a certified copy of the conviction order or



1439 judgment rendered by the trial court being prima facie evidence
1440 thereof, notwithstanding the pendency of any appeal.

1441 (h) Being convicted or found guilty of or entering a
1442 plea of nolo contendere to, regardless of adjudication, a felony
1443 in any jurisdiction, a certified copy of the conviction order or
1444 judgment rendered by the trial court being prima facie evidence
1445 thereof, notwithstanding the pendency of any appeal.

1446 (i) Delegating professional responsibilities to a
1447 person who is not qualified by training, experience or licensure
1448 to perform them.

1449 (j) The refusal of a licensing authority of another
1450 state or jurisdiction to issue or renew a license, permit or
1451 certificate to practice dentistry or dental hygiene in that
1452 jurisdiction or the revocation, suspension or other restriction
1453 imposed on a license, permit or certificate issued by that
1454 licensing authority that prevents or restricts practice in that
1455 jurisdiction, a certified copy of the disciplinary order or action
1456 taken by the other state or jurisdiction being prima facie
1457 evidence thereof, notwithstanding the pendency of any appeal.

1458 (k) Surrender of a license or authorization to practice
1459 dentistry or dental hygiene in another state or jurisdiction when
1460 the board has reasonable cause to believe that the surrender is
1461 made to avoid or in anticipation of a disciplinary action.

1462 (l) Any unprofessional conduct to be determined by the
1463 board on a case-by-case basis, which shall include, but not be
1464 restricted to, the following:

1465 (i) Committing any crime involving moral
1466 turpitude.

1467 (ii) Practicing deceit or other fraud upon the
1468 public.

1469 (iii) Practicing dentistry or dental hygiene under
1470 a false or assumed name.



1471 (iv) Advertising that is false, deceptive or
1472 misleading.

1473 (v) Announcing a specialized practice shall be
1474 considered advertising that tends to deceive or mislead the public
1475 unless the dentist announcing as a specialist conforms to other
1476 statutory provisions and the duly promulgated rules or regulations
1477 of the board pertaining to practice of dentistry in the State of
1478 Mississippi.

1479 (m) Failure to provide and maintain reasonable sanitary
1480 facilities and conditions or failure to follow board rules
1481 regarding infection control.

1482 (n) Committing any act that would constitute sexual
1483 misconduct upon a patient or upon ancillary staff. For purposes
1484 of this subsection, the term sexual misconduct means:

1485 (i) Use of the licensee-patient relationship to
1486 engage or attempt to engage the patient in sexual activity; or

1487 (ii) Conduct of a licensee that is intended to
1488 intimidate, coerce, influence or trick any person employed by or
1489 for the licensee in a dental practice or educational setting for
1490 the purpose of engaging in sexual activity or activity intended
1491 for the sexual gratification of the licensee.

1492 (o) Violation of a lawful order of the board previously
1493 entered in a disciplinary or licensure hearing; failure to
1494 cooperate with any lawful request or investigation by the board;
1495 or failure to comply with a lawfully issued subpoena of the board.

1496 (p) Willful, obstinate and continuing refusal to
1497 cooperate with the board in observing its rules and regulations in
1498 promptly paying all legal license or other fees required by law.

1499 (q) Practicing dentistry or dental hygiene while the
1500 person's license is suspended.

1501 (2) Notwithstanding any provision of this chapter:

1502 (a) The board, acting on its own motion or, in the case
1503 of a default on a loan, on the recommendation of the state agency



1504 to which payments are due, shall suspend the license of any person
1505 who defaults on or fails to comply with the requirements of a
1506 state educational loan, service conditional scholarship or loan
1507 repayment program obligation under which the person obtained any
1508 of the education necessary to qualify for a license under this
1509 chapter. However, before a state agency may recommend the
1510 suspension of a license due to the person's default on a loan,
1511 that agency must provide the license holder with notice of its
1512 intention to recommend the suspension of the person's license and
1513 an opportunity for the license holder to respond; and

1514 (b) The person's license will remain suspended until
1515 the person has: (i) made arrangements satisfactory to the board
1516 for meeting the obligations of the loan, scholarship or loan
1517 repayment program; or (ii) in the case of a default, made
1518 arrangements satisfactory to the state agency to which payments
1519 are due for the repayment of the educational loan or scholarship.

1520 (3) In lieu of revocation of a license as provided for in
1521 subsection (1) of this section, the board may suspend the license
1522 of the offending dentist or dental hygienist, suspend the sedation
1523 permit of the offending dentist, or take any other action in
1524 relation to his or her license as the board may deem proper under
1525 the circumstances.

1526 (4) When a license to practice dentistry or dental hygiene
1527 is revoked or suspended by the board, the board may, in its
1528 discretion, stay the revocation or suspension and simultaneously
1529 place the licensee on probation upon the condition that the
1530 licensee shall not violate the laws of the State of Mississippi
1531 pertaining to the practice of dentistry or dental hygiene and
1532 shall not violate the rules and regulations of the board and shall
1533 not violate any terms in relation to his or her license as may be
1534 set by the board.

1535 (5) In a proceeding conducted under this section by the
1536 board for the denial, revocation or suspension of a license to



1537 practice dentistry or dental hygiene, the board shall have the
1538 power and authority for the grounds stated for that denial,
1539 revocation or suspension, and in addition thereto or in lieu of
1540 that denial, revocation or suspension may assess and levy upon any
1541 person licensed to practice dentistry or dental hygiene in the
1542 State of Mississippi, a monetary penalty, as follows:

1543 (a) For the first violation of any of subparagraph (a),
1544 (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of subsection
1545 (1) of this section, a monetary penalty of not less than Fifty
1546 Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).

1547 (b) For the second violation of any of subparagraph
1548 (a), (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of
1549 subsection (1) of this section, a monetary penalty of not less
1550 than One Hundred Dollars (\$100.00) nor more than One Thousand
1551 Dollars (\$1,000.00).

1552 (c) For the third and any subsequent violation of any
1553 of subparagraph (a), (b), (c), (d), (f), (i), (l), (m), (n), (o)
1554 or (q) of subsection (1) of this section, a monetary penalty of
1555 not less than Five Hundred Dollars (\$500.00) and not more than
1556 Five Thousand Dollars (\$5,000.00).

1557 (d) For any violation of any of subparagraphs (a)
1558 through (q) of subsection (1) of this section, those reasonable
1559 costs that are expended by the board in the investigation and
1560 conduct of a proceeding for licensure revocation or suspension,
1561 including, but not limited to, the cost of process service, court
1562 reporters, expert witnesses and investigators.

1563 (6) The power and authority of the board to assess and levy
1564 monetary penalties under this section shall not be affected or
1565 diminished by any other proceeding, civil or criminal, concerning
1566 the same violation or violations except as provided in this
1567 section.

1568 (7) A licensee shall have the right of appeal from the
1569 assessment and levy of a monetary penalty as provided in this



1570 section under the same conditions as a right of appeal is provided
1571 elsewhere for appeals from an adverse ruling, order or decision of
1572 the board.

1573 (8) Any monetary penalty assessed and levied under this
1574 section shall not take effect until after the time for appeal has
1575 expired. If there is an appeal, the appeal shall act as a
1576 supersedeas.

1577 (9) A monetary penalty assessed and levied under this
1578 section shall be paid to the board by the licensee upon the
1579 expiration of the period allowed for appeal of those penalties
1580 under this section or may be paid sooner if the licensee elects.
1581 With the exception of subsection (5)(d) of this section, monetary
1582 penalties collected by the board under this section shall be
1583 deposited to the credit of the General Fund of the State Treasury.
1584 Any monies collected by the board under subsection (5)(d) of this
1585 section shall be deposited into the special fund operating account
1586 of the board.

1587 (10) When payment of a monetary penalty assessed and levied
1588 by the board against a licensee in accordance with this section is
1589 not paid by the licensee when due under this section, the board
1590 shall have power to institute and maintain proceedings in its name
1591 for enforcement of payment in the chancery court of the county and
1592 judicial district of residence of the licensee, and if the
1593 licensee is a nonresident of the State of Mississippi, the
1594 proceedings shall be in the Chancery Court of the First Judicial
1595 District of Hinds County, Mississippi.

1596 (11) In addition to the reasons specified in subsection (1)
1597 of this section, the board may suspend the license of any licensee
1598 for being out of compliance with an order for support, as defined
1599 in Section 93-11-153. The procedure for suspension of a license
1600 for being out of compliance with an order for support, and the
1601 procedure for the reissuance or reinstatement of a license
1602 suspended for that purpose, and the payment of any fees for the



1603 reissuance or reinstatement of a license suspended for that
1604 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
1605 the case may be. If there is any conflict between any provision
1606 of Section 93-11-157 or 93-11-163 and any provision of this
1607 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
1608 case may be, shall control.

1609 (12) All grounds for disciplinary action, including
1610 imposition of fines and assessment of costs as enumerated above,
1611 shall also apply to any other license or permit issued by the
1612 board under this chapter or regulations duly adopted by the board.

1613 **SECTION 9.** Section 73-10-21, Mississippi Code of 1972, is
1614 amended as follows:

1615 73-10-21. (1) Rules, regulations and standards.

1616 (a) The board shall adopt, amend, promulgate and
1617 enforce such rules, regulations and standards governing dietitians
1618 as may be necessary to further the accomplishment of the purpose
1619 of the governing law, and in so doing shall utilize as the basis
1620 thereof the corresponding recommendations of the advisory council.
1621 The rules, regulations and minimum standards for licensing of
1622 dietitians may be amended by the board as deemed necessary. In so
1623 doing, the board shall utilize as the basis thereof the
1624 corresponding recommendations of the advisory council.

1625 (b) The board shall publish and disseminate to all
1626 licensees, in appropriate manner, the licensure standards
1627 prescribed by this chapter, any amendments thereto, and such rules
1628 and regulations as the board may adopt under the authority vested
1629 by Section 73-38-13, within sixty (60) days of their adoption.

1630 (2) The board shall adopt a code of ethics for dietitians
1631 using as the basis thereof the ADA "Code of Ethics for the
1632 Profession of Dietetics."

1633 (3) Issuance and renewal of licenses.



1634 (a) The board shall issue a license to any person who
1635 meets the requirements of this chapter upon payment of the license
1636 fee prescribed.

1637 (b) Upon the first renewal, licenses under this chapter
1638 shall be valid for two (2) calendar years and shall be subject to
1639 renewal and shall expire unless renewed in the manner prescribed
1640 by the rules and regulations of the board, upon the payment of a
1641 biennial renewal fee to be set at the discretion of the board, but
1642 not to exceed One Hundred Dollars (\$100.00), and the presentation
1643 of evidence satisfactory to the board that the licensee has met
1644 such continuing education requirements as the board may require.
1645 An applicant for license renewal shall demonstrate to the board
1646 evidence of satisfactory completion of the continuing education
1647 requirements established by the American Dietetic Association
1648 and/or other continuing education requirements as may be required
1649 by the board.

1650 (c) The board may provide for the late renewal of a
1651 license upon the payment of a late fee in accordance with its
1652 rules and regulations, but no such late renewal of a license may
1653 be granted more than one (1) year after its expiration.

1654 (d) A suspended license shall be subject to expiration
1655 and may be renewed as provided in this section, but that renewal
1656 shall not entitle the licensee, while the license remains
1657 suspended and until it is reinstated, to engage in the licensed
1658 activity, or in any other conduct or activity in violation of the
1659 order of judgment by which the license was suspended. If a
1660 license revoked on disciplinary grounds is reinstated, the
1661 licensee, as a condition of reinstatement, shall pay the renewal
1662 fee and any late fee that may be applicable.

1663 (4) Denial or revocation of license.

1664 (a) The board may deny or refuse to renew a license, or
1665 suspend or revoke a license, or issue orders to cease or desist
1666 from certain conduct, or issue warnings or reprimands where the



1667 licensee or applicant for license has been convicted of unlawful
1668 conduct or has demonstrated unprofessional conduct that has
1669 endangered or is likely to endanger the health, welfare or safety
1670 of the public. That conduct includes:

1671 (i) Obtaining a license by means of fraud,
1672 misrepresentation or concealment of material facts;

1673 (ii) Being guilty of unprofessional conduct as
1674 defined by the rules and established by the board or violating the
1675 Code of Ethics of the American Dietetic Association;

1676 (iii) Being convicted of a crime in any court
1677 other than a misdemeanor;

1678 (iv) Violating any lawful order, rule or
1679 regulation rendered or adopted by the board; or

1680 (v) Violating any provision of this chapter.

1681 (b) The denial, refusal to renew, suspension,
1682 revocation, order to cease and desist from designated conduct, or
1683 warning or reprimand may be ordered by the board in a decision
1684 made after a hearing in the manner provided by the rules and
1685 regulations adopted by the board. One (1) year from the date of
1686 the revocation of a license, application may be made to the board
1687 for reinstatement. The board shall have discretion to accept or
1688 reject an application for reinstatement and may, but shall not be
1689 required to, hold a hearing to consider the reinstatement.

1690 (c) Notwithstanding any provision of this chapter:

1691 (i) The board, acting on its own motion or, in the
1692 case of a default on a loan, on the recommendation of the state
1693 agency to which payments are due, shall suspend the license of any
1694 person who defaults on or fails to comply with the requirements of
1695 a state educational loan, service conditional scholarship or loan
1696 repayment program obligation under which the person obtained any
1697 of the education necessary to qualify for a license under this
1698 chapter. However, before a state agency may recommend the
1699 suspension of a license due to the person's default on a loan,



1700 that agency must provide the license holder with notice of its
1701 intention to recommend the suspension of the person's license and
1702 an opportunity for the license holder to respond; and

1703 (ii) The person's license will remain suspended
1704 until the person has: made arrangements satisfactory to the board
1705 for meeting the obligations of the loan, scholarship or loan
1706 repayment program; or, in the case of a default, made arrangements
1707 satisfactory to the state agency to which payments are due for the
1708 repayment of the educational loan or scholarship.

1709 (d) In addition to the reasons specified in paragraph
1710 (a) of this subsection (4), the board may be authorized to suspend
1711 the license of any licensee for being out of compliance with an
1712 order for support, as defined in Section 93-11-153. The procedure
1713 for suspension of a license for being out of compliance with an
1714 order for support, and the procedure for the reissuance or
1715 reinstatement of a license suspended for that purpose, and the
1716 payment of any fees for the reissuance or reinstatement of a
1717 license suspended for that purpose, shall be governed by Section
1718 93-11-157 or 93-11-163, as the case may be. If there is any
1719 conflict between any provision of Section 93-11-157 or 93-11-163
1720 and any provision of this chapter, the provisions of Section
1721 93-11-157 or 93-11-163, as the case may be, shall control.

1722 (5) Establish fees.

1723 (a) A person licensed under this chapter shall pay to
1724 the board a fee, not to exceed One Hundred Dollars (\$100.00), to
1725 be set by the board for the issuance of a license.

1726 (b) Those fees shall be set in such an amount as to
1727 reimburse the state to the extent feasible for the cost of the
1728 services rendered.

1729 (6) Collect funds.

1730 (a) The administration of the provisions of this
1731 chapter shall be financed from income accruing from fees, licenses



1732 and other charges assessed and collected by the board in
1733 administering this chapter.

1734 (b) The board shall receive and account for all funds
1735 received and shall keep those funds in a separate fund.

1736 (c) Funds collected under the provisions of this
1737 chapter shall be used solely for the expenses of the advisory
1738 council and the board to administer the provisions of this
1739 chapter. Those funds shall be subject to audit by the State
1740 Auditor.

1741 (d) Members of the advisory council shall receive no
1742 compensation for services performed on the council, but may be
1743 reimbursed for necessary and actual expenses incurred in
1744 connection with attendance at meetings of the council or for
1745 authorized business of the council from funds made available for
1746 that purpose, as provided in Section 25-3-41.

1747 (7) Receive and process complaints.

1748 (a) The board shall have full authority to investigate
1749 and evaluate each and every applicant applying for a license to
1750 practice dietetics, with the advice of the advisory council.

1751 (b) The board shall have the authority to issue
1752 subpoenas, examine witnesses and administer oaths, and shall, at
1753 its discretion, investigate allegations or practices violating the
1754 provisions of this chapter, and in so doing shall have power to
1755 seek injunctive relief to prohibit any person from providing
1756 professional dietetic services as defined in Section 73-10-3(1)(j)
1757 without being licensed as provided herein.

1758 (8) A license certificate issued by the board is the
1759 property of the board and must be surrendered on demand.

1760 **SECTION 10.** Section 73-11-57, Mississippi Code of 1972, is
1761 amended as follows:

1762 73-11-57. (1) The board may refuse to examine or to issue
1763 or renew, or may suspend or revoke, any license, or may reprimand
1764 or place the holder thereof on a term of probation, after proper



1765 hearing, upon finding the holder of the license to be guilty of
1766 acts of commission or omission including the following:

1767 (a) The employment of fraud or deception in applying
1768 for a license or in passing the examination provided for in this
1769 chapter;

1770 (b) The erroneous issuance of a license to any person;

1771 (c) The conviction of a felony by any court in this
1772 state or any federal court or by the court of any other state or
1773 territory of the United States;

1774 (d) The practice of embalming under a false name or
1775 without a license for the practice of funeral service;

1776 (e) The impersonation of another funeral service or
1777 funeral directing licensee;

1778 (f) The permitting of a person other than a funeral
1779 service or funeral directing licensee to make arrangements for a
1780 funeral and/or form of disposition;

1781 (g) Violation of any provision of this chapter or any
1782 rule or regulation of the board;

1783 (h) Having had a license for the practice of funeral
1784 service or funeral directing suspended or revoked in any
1785 jurisdiction, having voluntarily surrendered his license in any
1786 jurisdiction, having been placed on probation in any jurisdiction,
1787 having been placed under disciplinary order(s) or other
1788 restriction in any manner for funeral directing and/or funeral
1789 service, or operating a funeral establishment (a certified copy of
1790 the order of suspension, revocation, probation or disciplinary
1791 action shall be prima facie evidence of that action);

1792 (i) Solicitation of dead human bodies by the licensee,
1793 his agents, assistants or employees, whether the solicitation
1794 occurs after death or when death is imminent; if the person
1795 solicited has made known a desire not to receive the
1796 communication, or if the solicitation involves coercion, duress or
1797 harassment, or if the solicitation takes place at the residence of



1798 the client or prospective client, is uninvited by the client or
1799 prospective client and has not been previously agreed to by the
1800 client or prospective client; however, this shall not be deemed to
1801 prohibit general advertising;

1802 (j) Employment directly or indirectly of any
1803 apprentice, agent, assistant, employee, or other person, on a
1804 part-time or full-time basis or on commission, for the purpose of
1805 calling upon individuals or institutions by whose influence dead
1806 human bodies may be turned over to a particular funeral
1807 establishment;

1808 (k) Failure to make responses to communications or
1809 requests of the board within thirty (30) days;

1810 (l) Failure to comply with an order of the board within
1811 thirty (30) days;

1812 (m) Knowingly performing any act that in any way
1813 assists an unlicensed person to practice funeral service or
1814 funeral directing;

1815 (n) Making a false statement on death certificates; or

1816 (o) Unprofessional conduct that includes, but is not
1817 limited to:

1818 (i) Retaining a dead human body for the payment of
1819 a fee for the performance of services not authorized in writing;

1820 (ii) Knowingly performing any act that in any way
1821 assists an unlicensed person to practice funeral service or
1822 funeral directing;

1823 (iii) Being guilty of any dishonorable conduct
1824 likely to deceive, defraud or harm the public;

1825 (iv) Any act or omission in the practice of
1826 funeral service or directing that constitutes dishonesty, fraud or
1827 misrepresentation with the intent to benefit the licensee, another
1828 person or funeral establishment, or with the intent to
1829 substantially injure another person, licensee or funeral
1830 establishment; or



1831 (v) Any act or conduct, whether the same or of a
1832 different character than specified above, that constitutes or
1833 demonstrates bad faith, incompetency or untrustworthiness; or
1834 dishonest, fraudulent or improper dealing; or any other violation
1835 of the provisions of this chapter, the rules and regulations
1836 established by the board or any rule or regulation promulgated by
1837 the Federal Trade Commission relative to the practice of funeral
1838 service or funeral directing.

1839 (2) Notwithstanding any provision of this chapter:

1840 (a) The board, acting on its own motion or, in the case
1841 of a default on a loan, on the recommendation of the state agency
1842 to which payments are due, shall suspend the license of any person
1843 who defaults on or fails to comply with the requirements of a
1844 state educational loan, service conditional scholarship or loan
1845 repayment program obligation under which the person obtained any
1846 of the education necessary to qualify for a license under this
1847 chapter. However, before a state agency may recommend the
1848 suspension of a license due to the person's default on a loan,
1849 that agency must provide the license holder with notice of its
1850 intention to recommend the suspension of the person's license and
1851 an opportunity for the license holder to respond; and

1852 (b) The person's license will remain suspended until
1853 the person has: (i) made arrangements satisfactory to the board
1854 for meeting the obligations of the loan, scholarship or loan
1855 repayment program; or (ii) in the case of a default, made
1856 arrangements satisfactory to the state agency to which payments
1857 are due for the repayment of the educational loan or scholarship.

1858 (3) The board may, upon satisfactory proof that the
1859 applicant or licensee has been guilty of any of the offenses * * *
1860 enumerated in subsection (1) of this section, refuse to examine or
1861 issue a license to the applicant, or may refuse to renew or revoke
1862 or suspend the license of the licensee, or place on probation or
1863 reprimand him, upon a majority vote of the board members, after a



1864 hearing thereon. The board is * * * vested with full power and
1865 authority to hold and conduct those hearings, compel the
1866 attendance of witnesses and the production of books, records and
1867 documents, issue subpoenas therefor, administer oaths, examine
1868 witnesses, and do all things necessary to properly conduct those
1869 hearings. The board may waive the necessity of a hearing if the
1870 person accused of a violation admits that he has been guilty of
1871 that offense. Any person who has been refused a license or whose
1872 license has been revoked or suspended may, within thirty (30) days
1873 after the decision of the board, file with the board a written
1874 notice stating that he feels himself aggrieved by the decision and
1875 appeals therefrom to the circuit court. Upon the filing of the
1876 notice, the secretary of the board shall transmit to the clerk of
1877 the circuit court the records and findings of the proceedings.
1878 The circuit court shall hear and determine as to whether the
1879 action of the board was in accord or consistent with law, or was
1880 arbitrary, unwarranted or in abuse of discretion. An appeal from
1881 the circuit court judgment or decree may be reviewed by the
1882 Supreme Court as is provided by law for other appeals. An appeal
1883 of a decision or order of the board does not act as a supersedeas.

1884 (4) In a proceeding conducted under this section by the
1885 board for the revocation or suspension of a license, the board
1886 shall have the power and authority for the grounds stated for the
1887 revocation or suspension, and in addition thereto or in lieu of
1888 the revocation or suspension may assess and levy upon any person
1889 licensed under this chapter, a monetary penalty, as follows:

1890 (a) For the first violation of any of the subparagraphs
1891 of subsection (1) of this section, a monetary penalty of not less
1892 than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars
1893 (\$500.00).

1894 (b) For the second violation of any of the
1895 subparagraphs of subsection (1) of this section, a monetary



1896 penalty of not less than One Hundred Dollars (\$100.00) nor more
1897 than One Thousand Dollars (\$1,000.00).

1898 (c) For the third and any subsequent violation of any
1899 of the subparagraphs of subsection (1) of this section, a monetary
1900 penalty of not less than Five Hundred Dollars (\$500.00) and not
1901 more than Five Thousand Dollars (\$5,000.00).

1902 (d) For any violation of any of the subparagraphs of
1903 subsection (1) of this section, those reasonable costs that are
1904 expended by the board in the investigation and conduct of a
1905 proceeding for licensure revocation or suspension, including, but
1906 not limited to, the cost of process service, court reporters,
1907 expert witnesses and investigators.

1908 (5) The power and authority of the board to assess and levy
1909 the monetary penalties under this section shall not be affected or
1910 diminished by any other proceeding, civil or criminal, concerning
1911 the same violation or violations except as provided in this
1912 section.

1913 (6) A licensee shall have the right of appeal from the
1914 assessment and levy of a monetary penalty as provided in this
1915 section under the same conditions as a right of appeal is provided
1916 elsewhere for appeals from an adverse ruling, order or decision of
1917 the board.

1918 (7) Any monetary penalty assessed and levied under this
1919 section shall not take effect until after the time for appeal has
1920 expired.

1921 (8) A monetary penalty assessed and levied under this
1922 section shall be paid to the board by the licensee upon the
1923 expiration of the period allowed for appeal of the penalties under
1924 this section or may be paid sooner if the licensee elects.

1925 With the exception of subsection (4)(d) of this section, monetary
1926 penalties collected by the board under this section shall be
1927 deposited to the credit of the General Fund of the State Treasury.
1928 Any monies collected by the board under subsection (4)(d) of this



1929 section shall be deposited into the special fund operating account
1930 of the board.

1931 (9) When payment of a monetary penalty assessed and levied
1932 by the board against a licensee in accordance with this section is
1933 not paid by the licensee when due under this section, the board
1934 shall have power to institute and maintain proceedings in its name
1935 for enforcement of payment in the chancery court of the county and
1936 judicial district of residence of the licensee, and if the
1937 licensee is a nonresident of the State of Mississippi, the
1938 proceedings shall be in the Chancery Court of the First Judicial
1939 District of Hinds County, Mississippi.

1940 (10) In addition to the reasons specified in subsection (1)
1941 of this section, the board may to suspend the license of any
1942 licensee for being out of compliance with an order for support, as
1943 defined in Section 93-11-153. The procedure for suspension of a
1944 license for being out of compliance with an order for support, and
1945 the procedure for the reissuance or reinstatement of a license
1946 suspended for that purpose, and the payment of any fees for the
1947 reissuance or reinstatement of a license suspended for that
1948 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
1949 the case may be. Actions taken by the board in suspending a
1950 license when required by Section 93-11-157 or 93-11-163 are not
1951 actions from which an appeal may be taken under this section. Any
1952 appeal of a license suspension that is required by Section
1953 93-11-157 or 93-11-163 shall be taken in accordance with the
1954 appeal procedure specified in Section 93-11-157 or 93-11-163, as
1955 the case may be, rather than the procedure specified in this
1956 section. If there is any conflict between any provision of
1957 Section 93-11-157 or 93-11-163 and any provision of this chapter,
1958 the provisions of Section 93-11-157 or 93-11-163, as the case may
1959 be, shall control.

1960 **SECTION 11.** Section 73-13-37, Mississippi Code of 1972, is
1961 amended as follows:



1962 73-13-37. (1) The board, upon satisfactory proof and in
1963 accordance with the provisions of this chapter and the
1964 implementing regulations of the board pertaining thereto, may take
1965 the disciplinary actions provided for hereinafter against any
1966 person practicing engineering or surveying, including
1967 nonregistrants, for any of the following reasons:

1968 (a) Violating any of the provisions of Sections 73-13-1
1969 through 73-13-45 or the implementing bylaws, rules, regulations,
1970 or standards of ethics or conduct duly adopted and promulgated by
1971 the board pertaining to the practice of engineering;

1972 (b) Fraud, deceit or misrepresentation in obtaining a
1973 certificate of registration;

1974 (c) Gross negligence, malpractice or incompetency;

1975 (d) Any professional misconduct, as defined by the
1976 board through bylaws, rules and regulations, and standards of
1977 conduct and ethics;

1978 (e) Practicing or offering to practice engineering on
1979 an expired certificate or while under suspension or revocation of
1980 certificate unless the suspension or revocation is abated through
1981 probation, as provided for hereinafter; or

1982 (f) Addiction to or dependence on alcohol or other
1983 habit-forming drugs or being an habitual user of alcohol,
1984 narcotics, barbiturates, amphetamines, hallucinogens, or other
1985 drugs having similar effect.

1986 (2) Notwithstanding any provision of this chapter:

1987 (a) The board, acting on its own motion or, in the case
1988 of a default on a loan, on the recommendation of the state agency
1989 to which payments are due, shall suspend the certificate of
1990 registration of any person who defaults on or fails to comply with
1991 the requirements of a state educational loan, service conditional
1992 scholarship or loan repayment program obligation under which the
1993 person obtained any of the education necessary to qualify for a
1994 certificate of registration under this chapter. However, before a



1995 state agency may recommend the suspension of a certificate of
1996 registration due to the person's default on a loan, that agency
1997 must provide the certificate holder with notice of its intention
1998 to recommend the suspension of the person's certificate of
1999 registration and an opportunity for the certificate holder to
2000 respond; and

2001 (b) The person's certificate of registration will
2002 remain suspended until the person has: (i) made arrangements
2003 satisfactory to the board for meeting the obligations of the loan,
2004 scholarship or loan repayment program; or (ii) in the case of a
2005 default, made arrangements satisfactory to the state agency to
2006 which payments are due for the repayment of the educational loan
2007 or scholarship.

2008 (3) Any person may prefer charges against any other person
2009 practicing engineering or surveying, including nonregistrants, for
2010 committing any of the acts set forth in subsection (1) or (2) of
2011 this section. The charges shall be sworn to, either upon actual
2012 knowledge or upon information and belief, and shall be filed with
2013 the board. If any person certified under Sections 73-13-1 through
2014 73-13-45 is expelled from membership in any Mississippi
2015 professional engineering society or association, the board shall
2016 thereafter cite the person to appear at a hearing before the board
2017 and to show cause why disciplinary action should not be taken
2018 against him.

2019 The board shall investigate all charges filed with it and,
2020 upon finding reasonable cause to believe that the charges are not
2021 frivolous, unfounded or filed in bad faith, may, in its
2022 discretion, cause a hearing to be held, at a time and place fixed
2023 by the board, regarding the charges and may compel the accused by
2024 subpoena to appear before the board to respond to the charges.

2025 No disciplinary action taken under this section, may be taken
2026 until the accused has been furnished both a statement of the
2027 charges against him and notice of the time and place of the



2028 hearing thereof, which shall be personally served on or mailed by
2029 registered or certified mail, return receipt requested, to the
2030 last-known business or residence address of the accused not less
2031 than thirty (30) days before the date fixed for the hearing.

2032 (4) At any hearing held under this section, the board shall
2033 have the power to subpoena witnesses and compel their attendance
2034 and may also require the production of books, papers, documents,
2035 etc., as provided elsewhere in this chapter. The board may
2036 designate or secure a hearing officer to conduct the hearing. All
2037 evidence shall be presented under oath, which may be administered
2038 by any member of the board, and thereafter the proceedings may, if
2039 necessary, be transcribed in full by the court reporter and filed
2040 as part of the record in the case. Copies of those transcriptions
2041 may be provided to any party to the proceedings at a cost to be
2042 fixed by the board.

2043 All witnesses who shall be subpoenaed and who shall appear in
2044 any proceedings before the board shall receive the same fees and
2045 mileage as allowed by law in judicial civil proceedings, and all
2046 such fees shall be taxed as part of the costs in the case.

2047 Where in any proceeding before the board any witness * * *
2048 fails or refuses to attend upon subpoena issued by the
2049 board, * * * refuses to testify or * * * refuses to produce any
2050 books and papers, the production of which is called for by the
2051 subpoena, the attendance of the witness and the giving of his
2052 testimony and the production of the books and papers shall be
2053 enforced by any court of competent jurisdiction of this state in
2054 the manner provided for the enforcement of attendance and
2055 testimony of witnesses in civil cases in the courts of this state.

2056 The accused shall have the right to be present at the hearing
2057 in person, by counsel or other representative, or both. The board
2058 may continue or recess the hearing as may be necessary.

2059 (5) At the conclusion of the hearing, the board may either
2060 decide the issue at that time or take the case under advisement



2061 for further deliberation. The board shall render its decision not
2062 more than ninety (90) days after the close of the hearing, and
2063 shall forward to the last-known business or residence address of
2064 the accused, by certified or registered mail, return receipt
2065 requested, a written statement of the decision of the board.

2066 If a majority of the board finds the accused guilty of the
2067 charges filed, the board may:

2068 (a) Issue a public or private reprimand;

2069 (b) Require the guilty party to complete a course,
2070 approved by the board, in ethics;

2071 (c) Suspend or revoke the certificate of the accused,
2072 if the accused is a registrant; or

2073 (d) In lieu of or in addition to the reprimand, course
2074 completion, suspension or revocation, assess and levy upon the
2075 guilty party a monetary penalty of not less than One Hundred
2076 Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00)
2077 for each violation.

2078 (6) A monetary penalty assessed and levied under this
2079 section shall be paid to the board upon the expiration of the
2080 period allowed for appeal of the penalties under this section, or
2081 may be paid sooner if the guilty party elects. Money collected by
2082 the board under this section shall be deposited to the credit of
2083 the board's special fund in the State Treasury.

2084 When payment of a monetary penalty assessed and levied by the
2085 board in accordance with this section is not paid when due, the
2086 board shall have the power to institute and maintain proceedings
2087 in its name for enforcement of payment in the chancery court of
2088 the county and judicial district of residence of the guilty party
2089 and if the guilty party is a nonresident of the State of
2090 Mississippi, the proceedings shall be in the Chancery Court of the
2091 First Judicial District of Hinds County, Mississippi.

2092 (7) When the board has taken a disciplinary action under
2093 this section, the board may, in its discretion, stay the action



2094 and place the guilty party on probation for a period not to exceed
2095 one (1) year upon the condition that the guilty party shall not
2096 further violate either the laws of the State of Mississippi
2097 pertaining to the practice of engineering or the bylaws, rules and
2098 regulations, or standards of conduct and ethics promulgated by the
2099 board.

2100 (8) The board, in its discretion, may assess and tax any
2101 part or all of the costs of any disciplinary proceedings conducted
2102 under this section against either the accused, the charging party,
2103 or both, as it may elect.

2104 (9) The power and authority of the board to assess and levy
2105 the monetary penalties provided for in this section shall not be
2106 affected or diminished by any other proceeding, civil or criminal,
2107 concerning the same violation or violations except as provided in
2108 this section.

2109 (10) The board, for sufficient cause, may reissue a revoked
2110 certificate of registration whenever a majority of the board
2111 members vote to do so.

2112 (11) Any person aggrieved by an action of the board denying
2113 or revoking his certificate of registration or re-registration as
2114 a professional engineer or his certificate of enrollment as an
2115 engineer intern, or who is aggrieved by the action of the board as
2116 a result of disciplinary proceedings conducted under this section
2117 may appeal therefrom to the chancery court of either the county in
2118 which the appellant resides or the Chancery Court of the First
2119 Judicial District of Hinds County, at the election of the
2120 appellant. If the appellant is a nonresident of this state, the
2121 appeal shall be made to the Chancery Court of the First Judicial
2122 District of Hinds County. The appeal shall be perfected before
2123 the board by the filing with the board of a notice of appeal to
2124 the chancery court. The court shall require a bond in an amount
2125 not to exceed One Thousand Dollars (\$1,000.00) conditioned to pay
2126 all costs that may be adjudged against the appellant. The notice



2127 of appeal shall be filed not later than thirty (30) days after the
2128 decision of the board is forwarded to the guilty party, as
2129 provided hereinabove.

2130 All appeals perfected under this section shall act as a
2131 supersedeas, and shall be made to the chancery court solely upon
2132 the record made before the board during the disciplinary hearing.
2133 When the appeal has been properly perfected as provided in this
2134 section, the board shall cause the record of the proceedings
2135 conducted before it to be compiled, certified and filed with the
2136 chancery court. The briefing schedule shall be the same as for
2137 appeals to the Supreme Court. The chancery court shall be
2138 required to rule on the case within sixty (60) days of the close
2139 of briefing. All procedures and penalties provided for in this
2140 section shall apply to nonregistrants as well as registrants.

2141 (12) In addition to the reasons specified in subsection (1)
2142 of this section, the board may suspend the certificate of
2143 registration of any person for being out of compliance with an
2144 order for support, as defined in Section 93-11-153. The procedure
2145 for suspension of a certificate for being out of compliance with
2146 an order for support, and the procedure for the reissuance or
2147 reinstatement of a certificate suspended for that purpose, and the
2148 payment of any fees for the reissuance or reinstatement of a
2149 certificate suspended for that purpose, shall be governed by
2150 Section 93-11-157 or 93-11-163, as the case may be. Actions taken
2151 by the board in suspending a certificate when required by Section
2152 93-11-157 or 93-11-163 are not actions from which an appeal may be
2153 taken under this section. Any appeal of a suspension of a
2154 certificate that is required by Section 93-11-157 or 93-11-163
2155 shall be taken in accordance with the appeal procedure specified
2156 in Section 93-11-157 or 93-11-163, as the case may be, rather than
2157 the procedure specified in this section. If there is any conflict
2158 between any provision of Section 93-11-157 or 93-11-163 and any



2159 provision of this chapter, the provisions of Section 93-11-157 or
2160 93-11-163, as the case may be, shall control.

2161 (13) Any board member whose objectivity in a disciplinary
2162 proceeding is impaired shall either recuse himself from sitting as
2163 a member of the board in a formal disciplinary hearing in that
2164 proceeding or be disqualified therefrom. If a disciplinary
2165 proceeding is brought against a member or former member of the
2166 board, no member of the board who has served concurrently with the
2167 respondent in the disciplinary proceeding shall sit as a member of
2168 the board in a formal disciplinary hearing in that proceeding.
2169 If, after recusal or disqualification of board members as provided
2170 herein, there does not remain a quorum of the board to sit for a
2171 disciplinary hearing, the board shall have the power to select, in
2172 accordance with duly promulgated regulations of the board,
2173 substitute panel members from slates of candidates established by
2174 the Mississippi Engineering Society and the Mississippi
2175 Association of Professional Surveyors to the extent necessary to
2176 achieve the number of panel members equivalent to a quorum of the
2177 board. Substitute panel members must meet the qualifications of
2178 board members as provided in Section 73-13-7 and shall receive
2179 compensation as provided for board members in Section 73-13-9.

2180 **SECTION 12.** Section 73-15-29, Mississippi Code of 1972, is
2181 amended as follows:

2182 73-15-29. (1) The board shall have power to revoke, suspend
2183 or refuse to renew any license issued by the board, or to revoke
2184 or suspend any privilege to practice, or to deny an application
2185 for a license, or to fine, place on probation and/or discipline a
2186 licensee, in any manner specified in this chapter, upon proof that
2187 the person:

2188 (a) Has committed fraud or deceit in securing or
2189 attempting to secure the license;

2190 (b) Has been convicted of felony, or a crime involving
2191 moral turpitude or has had accepted by a court a plea of nolo



2192 contendere to a felony or a crime involving moral turpitude (a
2193 certified copy of the judgment of the court of competent
2194 jurisdiction of the conviction or pleas shall be prima facie
2195 evidence of the conviction);

2196 (c) Has negligently or willfully acted in a manner
2197 inconsistent with the health or safety of the persons under the
2198 licensee's care;

2199 (d) Has had a license or privilege to practice as a
2200 registered nurse or a licensed practical nurse suspended or
2201 revoked in any jurisdiction, has voluntarily surrendered the
2202 license or privilege to practice in any jurisdiction, has been
2203 placed on probation as a registered nurse or licensed practical
2204 nurse in any jurisdiction or has been placed under a disciplinary
2205 order(s) in any manner as a registered nurse or licensed practical
2206 nurse in any jurisdiction, (a certified copy of the order of
2207 suspension, revocation, probation or disciplinary action shall be
2208 prima facie evidence of the action);

2209 (e) Has negligently or willfully practiced nursing in a
2210 manner that fails to meet generally accepted standards of that
2211 nursing practice;

2212 (f) Has negligently or willfully violated any order,
2213 rule or regulation of the board pertaining to nursing practice or
2214 licensure;

2215 (g) Has falsified or in a repeatedly negligent manner
2216 made incorrect entries or failed to make essential entries on
2217 records;

2218 (h) Is addicted to or dependent on alcohol or other
2219 habit-forming drugs or is a habitual user of narcotics,
2220 barbiturates, amphetamines, hallucinogens, or other drugs having
2221 similar effect, or has misappropriated any medication;

2222 (i) Has a physical, mental or emotional disability that
2223 renders the licensee unable to perform nursing services or duties
2224 with reasonable skill and safety;



2225 (j) Has engaged in any other conduct, whether of the
2226 same or of a different character from that specified in this
2227 chapter, that would constitute a crime as defined in Title 97 of
2228 the Mississippi Code of 1972, as now or hereafter amended, and
2229 that relates to the person's employment as a registered nurse or
2230 licensed practical nurse;

2231 (k) Engages in conduct likely to deceive, defraud or
2232 harm the public;

2233 (l) Engages in any unprofessional conduct as identified
2234 by the board in its rules; or

2235 (m) Has violated any provision of this chapter.

2236 (2) Notwithstanding any provision of this chapter:

2237 (a) The board, acting on its own motion or, in the case
2238 of a default on a loan, on the recommendation of the state agency
2239 to which payments are due, shall suspend the license of any person
2240 who defaults on or fails to comply with the requirements of a
2241 state educational loan, service conditional scholarship or loan
2242 repayment program obligation under which the person obtained any
2243 of the education necessary to qualify for a license under this
2244 chapter. However, before a state agency may recommend the
2245 suspension of a license due to the person's default on a loan,
2246 that agency must provide the license holder with notice of its
2247 intention to recommend the suspension of the person's license and
2248 an opportunity for the license holder to respond; and

2249 (b) The person's license will remain suspended until
2250 the person has: (i) made arrangements satisfactory to the board
2251 for meeting the obligations of the loan, scholarship or loan
2252 repayment program; or (ii) in the case of a default, made
2253 arrangements satisfactory to the state agency to which payments
2254 are due for the repayment of the educational loan or scholarship.

2255 (3) When the board finds any person unqualified because of
2256 any of the grounds set forth in subsection (1) of this section, it



2257 may enter an order imposing one or more of the following
2258 penalties:

2259 (a) Denying application for a license or other
2260 authorization to practice nursing or practical nursing;

2261 (b) Administering a reprimand;

2262 (c) Suspending or restricting the license or other
2263 authorization to practice as a registered nurse or licensed
2264 practical nurse for up to two (2) years without review;

2265 (d) Revoking the license or other authorization to
2266 practice nursing or practical nursing;

2267 (e) Requiring the discipline to submit to care,
2268 counseling or treatment by persons and/or agencies approved or
2269 designated by the board as a condition for initial, continued or
2270 renewed licensure or other authorization to practice nursing or
2271 practical nursing;

2272 (f) Requiring the discipline to participate in a
2273 program of education prescribed by the board as a condition for
2274 initial, continued or renewed licensure or other authorization to
2275 practice;

2276 (g) Requiring the discipline to practice under the
2277 supervision of a registered nurse for a specified period of time;
2278 or

2279 (h) Imposing a fine not to exceed Five Hundred Dollars
2280 (\$500.00).

2281 (4) In addition to the grounds specified in subsection (1)
2282 of this section, the board may suspend the license or privilege to
2283 practice of any licensee for being out of compliance with an order
2284 for support, as defined in Section 93-11-153. The procedure for
2285 suspension of a license or privilege to practice for being out of
2286 compliance with an order for support, and the procedure for the
2287 reissuance or reinstatement of a license or privilege to practice
2288 suspended for that purpose, and the payment of any fees for the
2289 reissuance or reinstatement of a license or privilege to practice



2290 suspended for that purpose, shall be governed by Section 93-11-157
2291 or 93-11-163, as the case may be. If there is any conflict
2292 between any provision of Section 93-11-157 or 93-11-163 and any
2293 provision of this chapter, the provisions of Section 93-11-157 or
2294 93-11-163, as the case may be, shall control.

2295 **SECTION 13.** Section 73-19-23, Mississippi Code of 1972, is
2296 amended as follows:

2297 73-19-23. (1) The board shall refuse to grant a certificate
2298 of licensure to any applicant and may cancel, revoke or suspend
2299 the operation of any certificate by it granted for any or all of
2300 the following reasons, to wit: unprofessional and unethical
2301 conduct or the conviction of a crime involving moral turpitude,
2302 habitual intemperance in the use of ardent spirits, or stimulants,
2303 narcotics, or any other substance that impairs the intellect and
2304 judgment to such an extent as to incapacitate one for the
2305 performance of the duties of an optometrist. The certificate of
2306 licensure of any person can be revoked for violating any section
2307 of this chapter.

2308 (2) The board may take disciplinary action against a
2309 licensee for any unlawful acts, which shall include violations of
2310 regulations promulgated by the board, as well as the following
2311 acts:

2312 (a) Fraud or misrepresentation in applying for or
2313 procuring an optometric license or in connection with applying for
2314 or procuring periodic renewal of an optometric license.

2315 (b) Cheating on or attempting to subvert the optometric
2316 licensing examination(s).

2317 (c) The conviction of a felony in this state or any
2318 other jurisdiction, or the entry of guilty or nolo contendere plea
2319 to a felony charge.

2320 (d) The conviction of a felony as defined by federal
2321 law, or the entry of a guilty or nolo contendere plea to a felony
2322 charge.



- 2323 (e) Conduct likely to deceive, defraud or harm the
2324 public.
- 2325 (f) Making a false or misleading statement regarding
2326 his or her skill or the efficacy or value of the medicine, device,
2327 treatment or remedy prescribed by him or her or used at his or her
2328 direction in the treatment of any disease or other condition.
- 2329 (g) Willfully or negligently violating the
2330 confidentiality between doctor and patient, except as required by
2331 law.
- 2332 (h) Negligence or gross incompetence in the practice of
2333 optometry as determined by the board.
- 2334 (i) Being found mentally incompetent or insane by any
2335 court of competent jurisdiction.
- 2336 (j) The use of any false, fraudulent, deceptive or
2337 misleading statement in any document connected with the practice
2338 of optometry.
- 2339 (k) Aiding or abetting the practice of optometry by an
2340 unlicensed, incompetent or impaired person.
- 2341 (l) Commission of any act of sexual abuse, misconduct
2342 or exploitation related to the licensee's practice of optometry.
- 2343 (m) Being addicted or habituated to a drug or
2344 intoxicant.
- 2345 (n) Violating any state or federal law or regulation
2346 relating to a drug legally classified as a controlled substance.
- 2347 (o) Obtaining any fee by fraud, deceit or
2348 misrepresentation.
- 2349 (p) Disciplinary action of another state or
2350 jurisdiction against a licensee or other authorization to practice
2351 optometry based upon acts or conduct by the licensee similar to
2352 acts or conduct that would constitute grounds for action as
2353 defined in this chapter, a certified copy of the record of the
2354 action taken by the other state or jurisdiction being conclusive
2355 evidence thereof.



2356 (q) Failure to report to the board the relocation of
2357 his or her office in or out of the jurisdiction, or to furnish
2358 floor plans as required by regulation.

2359 (r) Violation of any provision(s) of the Optometry
2360 Practice Act or the rules and regulations of the board or of an
2361 action, stipulation or agreement of the board.

2362 (s) To advertise in a manner that tends to deceive,
2363 mislead or defraud the public.

2364 (t) The designation of any person licensed under this
2365 chapter, other than by the terms "optometrist," "Doctor of
2366 Optometry" or "O.D."

2367 (u) To knowingly submit or cause to be submitted any
2368 misleading, deceptive or fraudulent representation on a claim
2369 form, bill or statement.

2370 (v) To practice or attempt to practice optometry while
2371 his or her license is suspended.

2372 (3) Notwithstanding any provision of this chapter:

2373 (a) The board, acting on its own motion or, in the case
2374 of a default on a loan, on the recommendation of the state agency
2375 to which payments are due, shall suspend the certificate of
2376 licensure of any person who defaults on or fails to comply with
2377 the requirements of a state educational loan, service conditional
2378 scholarship or loan repayment program obligation under which the
2379 person obtained any of the education necessary to qualify for a
2380 certificate of licensure under this chapter. However, before a
2381 state agency may recommend the suspension of a certificate of
2382 licensure due to the person's default on a loan, that agency
2383 must provide the certificate holder with notice of its intention
2384 to recommend the suspension of the person's certificate of
2385 licensure and an opportunity for the certificate holder to
2386 respond; and

2387 (b) The person's certificate of licensure will remain
2388 suspended until the person has: (i) made arrangements



2389 satisfactory to the board for meeting the obligations of the loan,
2390 scholarship or loan repayment program; or (ii) in the case of a
2391 default, made arrangements satisfactory to the state agency to
2392 which payments are due for the repayment of the educational loan
2393 or scholarship.

2394 (4) Any person who is holder of a certificate of licensure
2395 or who is an applicant for examination for a certificate of
2396 licensure, against whom is preferred any charges, shall be
2397 furnished by the board with a copy of the complaint and shall have
2398 a hearing in Jackson, Mississippi, before the board, at which
2399 hearing he may be represented by counsel. At the hearing
2400 witnesses may be examined for and against the accused respecting
2401 the * * * charges, and the hearing orders or appeals will be
2402 conducted according to the procedure now provided in Section
2403 73-25-27. The suspension of a certificate of licensure, by reason
2404 of the use of stimulants or narcotics may be removed when the
2405 holder thereof has been adjudged by the * * * board to be cured
2406 and capable of practicing optometry.

2407 (5) In addition to the reasons specified in subsections (1)
2408 and (2) of this section, the board may suspend the license of any
2409 licensee for being out of compliance with an order for support, as
2410 defined in Section 93-11-153. The procedure for suspension of a
2411 license for being out of compliance with an order for support, and
2412 the procedure for the reissuance or reinstatement of a license
2413 suspended for that purpose, and the payment of any fees for the
2414 reissuance or reinstatement of a license suspended for that
2415 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
2416 the case may be. If there is any conflict between any provision
2417 of Section 93-11-157 or 93-11-163 and any provision of this
2418 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
2419 case may be, shall control.

2420 **SECTION 14.** Section 73-21-97, Mississippi Code of 1972, is
2421 amended as follows:



2422 73-21-97. (1) The board may refuse to issue or renew, or
2423 may suspend, reprimand, revoke or restrict the license,
2424 registration or permit of any person upon one or more of the
2425 following grounds:

2426 (a) Unprofessional conduct as defined by the rules and
2427 regulations of the board;

2428 (b) Incapacity of a nature that prevents a pharmacist
2429 from engaging in the practice of pharmacy with reasonable skill,
2430 confidence and safety to the public;

2431 (c) Being found guilty by a court of competent
2432 jurisdiction of one or more of the following:

2433 (i) A felony;

2434 (ii) Any act involving moral turpitude or gross
2435 immorality; or

2436 (iii) Violation of pharmacy or drug laws of this
2437 state or rules or regulations pertaining thereto, or of statutes,
2438 rules or regulations of any other state or the federal government;

2439 (d) Fraud or intentional misrepresentation by a
2440 licensee or permit holder in securing the issuance or renewal of a
2441 license or permit;

2442 (e) Engaging or aiding and abetting an individual to
2443 engage in the practice of pharmacy without a license;

2444 (f) Violation of any of the provisions of this chapter
2445 or rules or regulations adopted under this chapter;

2446 (g) Failure to comply with lawful orders of the board;

2447 (h) Negligently or willfully acting in a manner
2448 inconsistent with the health or safety of the public;

2449 (i) Addiction to or dependence on alcohol or controlled
2450 substances or the unauthorized use or possession of controlled
2451 substances;

2452 (j) Misappropriation of any prescription drug;



2453 (k) Being found guilty by the licensing agency in
2454 another state of violating the statutes, rules or regulations of
2455 that jurisdiction; or

2456 (1) The unlawful or unauthorized possession of a
2457 controlled substance.

2458 (2) In lieu of suspension, revocation or restriction of a
2459 license as provided for above, the board may warn or reprimand the
2460 offending pharmacist.

2461 (3) Notwithstanding any provision of this chapter:

2462 (a) The board, acting on its own motion or, in the case
2463 of a default on a loan, on the recommendation of the state agency
2464 to which payments are due, shall suspend the pharmacist's license
2465 of any person who defaults on or fails to comply with the
2466 requirements of a state educational loan, service conditional
2467 scholarship or loan repayment program obligation under which the
2468 person obtained any of the education necessary to qualify for a
2469 pharmacist's license under this chapter. However, before a state
2470 agency may recommend the suspension of a pharmacist's license due
2471 to the person's default on a loan, that agency must provide the
2472 license holder with notice of its intention to recommend the
2473 suspension of the person's pharmacist's license and an opportunity
2474 for the license holder to respond; and

2475 (b) The person's pharmacist's license will remain
2476 suspended until the person has: (i) made arrangements
2477 satisfactory to the board for meeting the obligations of the loan,
2478 scholarship or loan repayment program; or (ii) in the case of a
2479 default, made arrangements satisfactory to the state agency to
2480 which payments are due for the repayment of the educational loan
2481 or scholarship.

2482 (4) In addition to the grounds specified in subsection (1)
2483 of this section, the board may suspend the license, registration
2484 or permit of any person for being out of compliance with an order
2485 for support, as defined in Section 93-11-153. The procedure for



2486 suspension of a license, registration or permit for being out of
2487 compliance with an order for support, and the procedure for the
2488 reissuance or reinstatement of a license, registration or permit
2489 suspended for that purpose, and the payment of any fees for the
2490 reissuance or reinstatement of a license, registration or permit
2491 suspended for that purpose, shall be governed by Section 93-11-157
2492 or 93-11-163, as the case may be. If there is any conflict
2493 between any provision of Section 93-11-157 or 93-11-163 and any
2494 provision of this chapter, the provisions of Section 93-11-157 or
2495 93-11-163, as the case may be, shall control.

2496 **SECTION 15.** Section 73-23-59, Mississippi Code of 1972, is
2497 amended as follows:

2498 73-23-59. (1) Licensees subject to this chapter shall
2499 conduct their activities, services and practice in accordance with
2500 this chapter and any rules promulgated pursuant hereto. Licensees
2501 may be subject to the exercise of the disciplinary sanction
2502 enumerated in Section 73-23-64 if the board finds that a licensee
2503 is guilty of any of the following:

2504 (a) Negligence in the practice or performance of
2505 professional services or activities;

2506 (b) Engaging in dishonorable, unethical or
2507 unprofessional conduct of a character likely to deceive, defraud
2508 or harm the public in the course of professional services or
2509 activities;

2510 (c) Perpetrating or cooperating in fraud or material
2511 deception in obtaining or renewing a license or attempting the
2512 same;

2513 (d) Being convicted of any crime that has a substantial
2514 relationship to the licensee's activities and services or an
2515 essential element of which is misstatement, fraud or dishonesty;

2516 (e) Being convicted of any crime that is a felony under
2517 the laws of this state or the United States;



2518 (f) Engaging in or permitting the performance of
2519 unacceptable services personally or by others working under the
2520 licensee's supervision due to the licensee's deliberate or
2521 negligent act or acts or failure to act, regardless of whether
2522 actual damage or damages to the public is established;

2523 (g) Continued practice although the licensee has become
2524 unfit to practice as a physical therapist or physical therapist
2525 assistant due to:

2526 (i) Failure to keep abreast of current
2527 professional theory or practice; * * *

2528 (ii) Physical or mental disability; the entry of
2529 an order or judgment by a court of competent jurisdiction that a
2530 licensee is in need of mental treatment or is incompetent shall
2531 constitute mental disability; or

2532 (iii) Addiction or severe dependency upon alcohol
2533 or other drugs that may endanger the public by impairing the
2534 licensee's ability to practice;

2535 (h) Having disciplinary action taken against the
2536 licensee's license in another state;

2537 (i) Making differential, detrimental treatment against
2538 any person because of race, color, creed, sex, religion or
2539 national origin;

2540 (j) Engaging in lewd conduct in connection with
2541 professional services or activities;

2542 (k) Engaging in false or misleading advertising;

2543 (l) Contracting, assisting or permitting unlicensed
2544 persons to perform services for which a license is required under
2545 this chapter;

2546 (m) Violation of any probation requirements placed on a
2547 license by the board;

2548 (n) Revealing confidential information except as may be
2549 required by law;



2550 (o) Failing to inform clients of the fact that the
2551 client no longer needs the services or professional assistance of
2552 the licensee;

2553 (p) Charging excessive or unreasonable fees or engaging
2554 in unreasonable collection practices;

2555 (q) For treating or attempting to treat ailments or
2556 other health conditions of human beings other than by physical
2557 therapy as authorized by this chapter;

2558 (r) For applying or offering to apply physical therapy,
2559 exclusive of initial evaluation or screening and exclusive of
2560 education or consultation for the prevention of physical and
2561 mental disability within the scope of physical therapy, other than
2562 upon the referral of a licensed physician, dentist, osteopath,
2563 podiatrist, chiropractor or nurse practitioner; or for acting as a
2564 physical therapist assistant other than under the direct, on-site
2565 supervision of a licensed physical therapist;

2566 (s) Violations of the current codes of conduct for
2567 physical therapists and physical therapy assistants adopted by the
2568 American Physical Therapy Association;

2569 (t) Violations of any rules or regulations promulgated
2570 under this chapter.

2571 (2) The board may order a licensee to submit to a reasonable
2572 physical or mental examination if the licensee's physical or
2573 mental capacity to practice safely is at issue in a disciplinary
2574 proceeding.

2575 (3) Failure to comply with a board order to submit to a
2576 physical or mental examination shall render a licensee subject to
2577 the summary suspension procedures described in Section 73-23-64.

2578 (4) Notwithstanding any provision of this chapter:

2579 (a) The board, acting on its own motion or, in the case
2580 of a default on a loan, on the recommendation of the state agency
2581 to which payments are due, shall suspend the license of any person
2582 who defaults on or fails to comply with the requirements of a



2583 state educational loan, service conditional scholarship or loan
2584 repayment program obligation under which the person obtained any
2585 of the education necessary to qualify for a license under this
2586 chapter. However, before a state agency may recommend the
2587 suspension of a license due to the person's default on a loan,
2588 that agency must provide the license holder with notice of its
2589 intention to recommend the suspension of the person's license and
2590 an opportunity for the license holder to respond; and

2591 (b) The person's license will remain suspended until
2592 the person has: (i) made arrangements satisfactory to the board
2593 for meeting the obligations of the loan, scholarship or loan
2594 repayment program; or (ii) in the case of a default, made
2595 arrangements satisfactory to the state agency to which payments
2596 are due for the repayment of the educational loan or scholarship.

2597 (5) In addition to the reasons specified in subsection (1)
2598 of this section, the board may suspend the license of any licensee
2599 for being out of compliance with an order for support, as defined
2600 in Section 93-11-153. The procedure for suspension of a license
2601 for being out of compliance with an order for support, and the
2602 procedure for the reissuance or reinstatement of a license
2603 suspended for that purpose, and the payment of any fees for the
2604 reissuance or reinstatement of a license suspended for that
2605 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
2606 the case may be. If there is any conflict between any provision
2607 of Section 93-11-157 or 93-11-163 and any provision of this
2608 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
2609 case may be, shall control.

2610 **SECTION 16.** Section 73-24-24, Mississippi Code of 1972, is
2611 amended as follows:

2612 73-24-24. (1) Licensees subject to this chapter shall
2613 conduct their activities, services and practice in accordance with
2614 this chapter and any rules promulgated pursuant hereto. Licenses
2615 may be subject to the exercise of the disciplinary sanction



2616 enumerated in Section 73-24-25 if the board finds that a licensee
2617 is guilty of any of the following:

2618 (a) Negligence in the practice or performance of
2619 professional services or activities;

2620 (b) Engaging in dishonorable, unethical or
2621 unprofessional conduct of a character likely to deceive, defraud
2622 or harm the public in the course of professional services or
2623 activities;

2624 (c) Perpetrating or cooperating in fraud or material
2625 deception in obtaining or renewing a license or attempting the
2626 same;

2627 (d) Being convicted of any crime that has a substantial
2628 relationship to the licensee's activities and services or an
2629 essential element of which is misstatement, fraud or dishonesty;

2630 (e) Being convicted of any crime that is a felony under
2631 the laws of this state or the United States;

2632 (f) Engaging in or permitting the performance of
2633 unacceptable services personally or by others working under the
2634 licensee's supervision due to the licensee's deliberate or
2635 negligent act or acts or failure to act, regardless of whether
2636 actual damage or damages to the public is established;

2637 (g) Continued practice although the licensee has become
2638 unfit to practice as an occupational therapist or occupational
2639 therapist assistant due to:

2640 (i) Failure to keep abreast of current
2641 professional theory or practice; * * *

2642 (ii) Physical or mental disability; the entry of
2643 an order or judgment by a court of competent jurisdiction that a
2644 licensee is in need of mental treatment or is incompetent shall
2645 constitute mental disability; or

2646 (iii) Addiction or severe dependency upon alcohol
2647 or other drugs that may endanger the public by impairing the
2648 licensee's ability to practice;



2649 (h) Having disciplinary action taken against the
2650 licensee's license in another state;

2651 (i) Making differential, detrimental treatment against
2652 any person because of race, color, creed, sex, religion or
2653 national origin;

2654 (j) Engaging in lewd conduct in connection with
2655 professional services or activities;

2656 (k) Engaging in false or misleading advertising;

2657 (l) Contracting, assisting or permitting unlicensed
2658 persons to perform services for which a license is required under
2659 this chapter;

2660 (m) Violation of any probation requirements placed on a
2661 license by the board;

2662 (n) Revealing confidential information except as may be
2663 required by law;

2664 (o) Failing to inform clients of the fact that the
2665 client no longer needs the services or professional assistance of
2666 the licensee;

2667 (p) Charging excessive or unreasonable fees or engaging
2668 in unreasonable collection practices;

2669 (q) For treating or attempting to treat ailments or
2670 other health conditions of human beings other than by occupational
2671 therapy as authorized by this chapter;

2672 (r) For practice or activities considered to be
2673 unprofessional conduct as defined by the rules and regulations;

2674 (s) Violations of the current codes of conduct for
2675 occupational therapists and occupational therapy assistants
2676 adopted by the American Occupational Therapy Association;

2677 (t) Violations of any rules or regulations promulgated
2678 under this chapter.

2679 (2) Notwithstanding any provision of this chapter:

2680 (a) The board, acting on its own motion or, in the case
2681 of a default on a loan, on the recommendation of the state agency



2682 to which payments are due, shall suspend the license of any person
2683 who defaults on or fails to comply with the requirements of a
2684 state educational loan, service conditional scholarship or loan
2685 repayment program obligation under which the person obtained any
2686 of the education necessary to qualify for a license under this
2687 chapter. However, before a state agency may recommend the
2688 suspension of a license due to the person's default on a loan,
2689 that agency must provide the license holder with notice of its
2690 intention to recommend the suspension of the person's license and
2691 an opportunity for the license holder to respond; and

2692 (b) The person's license will remain suspended until
2693 the person has: (i) made arrangements satisfactory to the board
2694 for meeting the obligations of the loan, scholarship or loan
2695 repayment program; or (ii) in the case of a default, made
2696 arrangements satisfactory to the state agency to which payments
2697 are due for the repayment of the educational loan or scholarship.

2698 (3) The board may order a licensee to submit to a reasonable
2699 physical or mental examination if the licensee's physical or
2700 mental capacity to practice safely is at issue in a disciplinary
2701 proceeding.

2702 (4) Failure to comply with a board order to submit to a
2703 physical or mental examination shall render a licensee subject to
2704 the summary suspension procedures described in Section 73-24-25.

2705 **SECTION 17.** Section 73-25-29, Mississippi Code of 1972, is
2706 amended as follows:

2707 73-25-29. (1) The grounds for the nonissuance, suspension,
2708 revocation or restriction of a license or the denial of
2709 reinstatement or renewal of a license are:

2710 (a) Habitual personal use of narcotic drugs, or any
2711 other drug having addiction-forming or addiction-sustaining
2712 liability.

2713 (b) Habitual use of intoxicating liquors, or any
2714 beverage, to an extent that affects professional competency.



2715 (c) Administering, dispensing or prescribing any
2716 narcotic drug, or any other drug having addiction-forming or
2717 addiction-sustaining liability otherwise than in the course of
2718 legitimate professional practice.

2719 (d) Conviction of violation of any federal or state law
2720 regulating the possession, distribution or use of any narcotic
2721 drug or any drug considered a controlled substance under state or
2722 federal law, a certified copy of the conviction order or judgment
2723 rendered by the trial court being prima facie evidence thereof,
2724 notwithstanding the pendency of any appeal.

2725 (e) Procuring, or attempting to procure, or aiding in,
2726 an abortion that is not medically indicated.

2727 (f) Conviction of a felony or misdemeanor involving
2728 moral turpitude, a certified copy of the conviction order or
2729 judgment rendered by the trial court being prima facie evidence
2730 thereof, notwithstanding the pendency of any appeal.

2731 (g) Obtaining or attempting to obtain a license by
2732 fraud or deception.

2733 (h) Unprofessional conduct, which includes, but is not
2734 limited to:

2735 (i) Practicing medicine under a false or assumed
2736 name or impersonating another practitioner, living or dead.

2737 (ii) Knowingly performing any act that in any way
2738 assists an unlicensed person to practice medicine.

2739 (iii) Making or willfully causing to be made any
2740 flamboyant claims concerning the licensee's professional
2741 excellence.

2742 (iv) Being guilty of any dishonorable or unethical
2743 conduct likely to deceive, defraud or harm the public.

2744 (v) Obtaining a fee as personal compensation or
2745 gain from a person on fraudulent representation a disease or
2746 injury condition generally considered incurable by competent
2747 medical authority in the light of current scientific knowledge and



2748 practice can be cured or offering, undertaking, attempting or
2749 agreeing to cure or treat the same by a secret method, which he
2750 refuses to divulge to the board upon request.

2751 (vi) Use of any false, fraudulent or forged
2752 statement or document, or the use of any fraudulent, deceitful,
2753 dishonest or immoral practice in connection with any of the
2754 licensing requirements, including the signing in his professional
2755 capacity any certificate that is known to be false at the time he
2756 makes or signs the certificate.

2757 (vii) Failing to identify a physician's school of
2758 practice in all professional uses of his name by use of his earned
2759 degree or a description of his school of practice.

2760 (i) The refusal of a licensing authority of another
2761 state or jurisdiction to issue or renew a license, permit or
2762 certificate to practice medicine in that jurisdiction or the
2763 revocation, suspension or other restriction imposed on a license,
2764 permit or certificate issued by that licensing authority which
2765 prevents or restricts practice in that jurisdiction, a certified
2766 copy of the disciplinary order or action taken by the other state
2767 or jurisdiction being prima facie evidence thereof,
2768 notwithstanding the pendency of any appeal.

2769 (j) Surrender of a license or authorization to practice
2770 medicine in another state or jurisdiction or surrender of
2771 membership on any medical staff or in any medical or professional
2772 association or society while under disciplinary investigation by
2773 any of those authorities or bodies for acts or conduct similar to
2774 acts or conduct that would constitute grounds for action as
2775 defined in this section.

2776 (k) Final sanctions imposed by the United States
2777 Department of Health and Human Services, Office of Inspector
2778 General or any successor federal agency or office, based upon a
2779 finding of incompetency, gross misconduct or failure to meet
2780 professionally recognized standards of health care; a certified



2781 copy of the notice of final sanction being prima facie evidence
2782 thereof. As used in this paragraph, the term "final sanction"
2783 means the written notice to a physician from the United States
2784 Department of Health and Human Services, Officer of Inspector
2785 General or any successor federal agency or office, that implements
2786 the exclusion.

2787 (l) Failure to furnish the board, its investigators or
2788 representatives information legally requested by the board.

2789 (m) Violation of any provision(s) of the Medical
2790 Practice Act or the rules and regulations of the board or of any
2791 order, stipulation or agreement with the board.

2792 (2) Notwithstanding any provision of this chapter:

2793 (a) The board, acting on its own motion or, in the case
2794 of a default on a loan, on the recommendation of the state agency
2795 to which payments are due, shall suspend the license of any person
2796 who defaults on or fails to comply with the requirements of a
2797 state educational loan, service conditional scholarship or loan
2798 repayment program obligation under which the person obtained any
2799 of the education necessary to qualify for a license under this
2800 chapter. However, before a state agency may recommend the
2801 suspension of a license due to the person's default on a loan,
2802 that agency must provide the license holder with notice of its
2803 intention to recommend the suspension of the person's license and
2804 an opportunity for the license holder to respond; and

2805 (b) The person's license will remain suspended until
2806 the person has: (i) made arrangements satisfactory to the board
2807 for meeting the obligations of the loan, scholarship or loan
2808 repayment program; or (ii) in the case of a default, made
2809 arrangements satisfactory to the state agency to which payments
2810 are due for the repayment of the educational loan or scholarship.

2811 (3) In addition to the grounds specified in subsection (1)
2812 of this section, the board may suspend the license of any licensee
2813 for being out of compliance with an order for support, as defined



2814 in Section 93-11-153. The procedure for suspension of a license
2815 for being out of compliance with an order for support, and the
2816 procedure for the reissuance or reinstatement of a license
2817 suspended for that purpose, and the payment of any fees for the
2818 reissuance or reinstatement of a license suspended for that
2819 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
2820 the case may be. If there is any conflict between any provision
2821 of Section 93-11-157 or 93-11-163 and any provision of this
2822 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
2823 case may be, shall control.

2824 **SECTION 18.** Section 73-26-5, Mississippi Code of 1972, is
2825 amended as follows:

2826 73-26-5. (1) The board shall promulgate and publish
2827 reasonable rules and regulations necessary to enable it to
2828 discharge its functions and to enforce the provisions of law
2829 regulating the practice of physician assistants. Those rules
2830 shall include, but are not limited to:

2831 (a) Qualifications for licensure for physician
2832 assistants;

2833 (b) Scope of practice of physician assistants;

2834 (c) Supervision of physician assistants;

2835 (d) Identification of physician assistants;

2836 (e) Grounds for disciplinary actions and discipline of
2837 physician assistants; and

2838 (f) Setting and charging reasonable fees for licensure
2839 and license renewals for physician assistants. However, nothing
2840 in this chapter or in rules adopted by the board shall authorize
2841 physician assistants to administer or monitor general inhaled
2842 anesthesia, epidural anesthesia, spinal anesthesia or monitored
2843 anesthesia as utilized in surgical procedures.

2844 (2) Notwithstanding any provision of this chapter:

2845 (a) The board, acting on its own motion or, in the case
2846 of a default on a loan, on the recommendation of the state agency



2847 to which payments are due, shall suspend the license of any person
2848 who defaults on or fails to comply with the requirements of a
2849 state educational loan, service conditional scholarship or loan
2850 repayment program obligation under which the person obtained any
2851 of the education necessary to qualify for a license under this
2852 chapter. However, before a state agency may recommend the
2853 suspension of a license due to the person's default on a loan,
2854 that agency must provide the license holder with notice of its
2855 intention to recommend the suspension of the person's license and
2856 an opportunity for the license holder to respond; and

2857 (b) The person's license will remain suspended until
2858 the person has: (i) made arrangements satisfactory to the board
2859 for meeting the obligations of the loan, scholarship or loan
2860 repayment program; or (ii) in the case of a default, made
2861 arrangements satisfactory to the state agency to which payments
2862 are due for the repayment of the educational loan or scholarship.

2863 (3) If the board appoints a task force or committee to
2864 address physician assistant regulation, at least one (1) member of
2865 the task force shall be a nurse practitioner who is a member of
2866 the Mississippi Board of Nursing or a nurse practitioner appointee
2867 selected by the board from a list of three (3) recommendations
2868 submitted by the Mississippi Nurses Association, and at least one
2869 (1) member shall be a physician assistant selected by the board
2870 from a list of three (3) recommendations submitted by the
2871 Mississippi Academy of Physician Assistants.

2872 **SECTION 19.** Section 73-27-13, Mississippi Code of 1972, is
2873 amended as follows:

2874 73-27-13. (1) The State Board of Medical Licensure may
2875 refuse to issue, suspend, revoke or otherwise restrict any license
2876 provided for in this chapter, with the advice of the advisory
2877 committee, based upon the following grounds:



2878 (a) Habitual personal use of narcotic drugs, or any
2879 other drug having addiction-forming or addiction-sustaining
2880 liability.

2881 (b) Habitual use of intoxicating liquors, or any
2882 beverage, to an extent that affects professional competency.

2883 (c) Administering, dispensing or prescribing any
2884 narcotic drug, or any other drug having addiction-forming or
2885 addiction-sustaining liability otherwise than in the course of
2886 legitimate professional practice.

2887 (d) Conviction of violation of any federal or state law
2888 regulating the possession, distribution or use of any narcotic
2889 drug or any drug considered a controlled substance under state or
2890 federal law.

2891 (e) Performing any medical diagnosis or treatment
2892 outside the scope of podiatry as defined in Section 73-27-1.

2893 (f) Conviction of a felony or misdemeanor involving
2894 moral turpitude.

2895 (g) Obtaining or attempting to obtain a license by
2896 fraud or deception.

2897 (h) Unprofessional conduct, which includes, but is not
2898 limited to:

2899 (i) Practicing medicine under a false or assumed
2900 name or impersonating another practitioner, living or dead.

2901 (ii) Knowingly performing any act that in any way
2902 assists an unlicensed person to practice podiatry.

2903 (iii) Making or willfully causing to be made any
2904 flamboyant claims concerning the licensee's professional
2905 excellence.

2906 (iv) Being guilty of any dishonorable or unethical
2907 conduct likely to deceive, defraud or harm the public.

2908 (v) Obtaining a fee as personal compensation or
2909 gain from a person on fraudulent representation a disease or
2910 injury condition generally considered incurable by competent



2911 medical authority in the light of current scientific knowledge and
2912 practice can be cured or offering, undertaking, attempting or
2913 agreeing to cure or treat the same by a secret method, which he
2914 refuses to divulge to the board upon request.

2915 (vi) Use of any false, fraudulent or forged
2916 statement or document, or the use of any fraudulent, deceitful,
2917 dishonest or immoral practice in connection with any of the
2918 licensing requirements, including the signing in his professional
2919 capacity any certificate that is known to be false at the time he
2920 makes or signs the certificate.

2921 (vii) Failing to identify a podiatrist's school of
2922 practice in all professional uses of his name by use of his earned
2923 degree or a description of his school of practice.

2924 (i) The refusal of a licensing authority of another
2925 state to issue or renew a license, permit or certificate to
2926 practice podiatry in that state or the revocation, suspension or
2927 other restriction imposed on a license, permit or certificate
2928 issued by that licensing authority which prevents or restricts
2929 practice in that state.

2930 (2) Notwithstanding any provision of this chapter:

2931 (a) The board, acting on its own motion or, in the case
2932 of a default on a loan, on the recommendation of the state agency
2933 to which payments are due, shall suspend the license of any person
2934 who defaults on or fails to comply with the requirements of a
2935 state educational loan, service conditional scholarship or loan
2936 repayment program obligation under which the person obtained any
2937 of the education necessary to qualify for a license under this
2938 chapter. However, before a state agency may recommend the
2939 suspension of a license due to the person's default on a loan,
2940 that agency must provide the license holder with notice of its
2941 intention to recommend the suspension of the person's license and
2942 an opportunity for the license holder to respond; and



2943 (b) The person's license will remain suspended until
2944 the person has: (i) made arrangements satisfactory to the board
2945 for meeting the obligations of the loan, scholarship or loan
2946 repayment program; or (ii) in the case of a default, made
2947 arrangements satisfactory to the state agency to which payments
2948 are due for the repayment of the educational loan or scholarship.

2949 (3) Upon the nonissuance, suspension or revocation of a
2950 license to practice podiatry, the board may, in its discretion and
2951 with the advice of the advisory committee, reissue a license after
2952 a lapse of six (6) months. No advertising shall be permitted
2953 except regular professional cards.

2954 (4) In its investigation of whether the license of a
2955 podiatrist should be suspended, revoked or otherwise restricted,
2956 the board may inspect patient records in accordance with the
2957 provisions of Section 73-25-28.

2958 (5) In addition to the grounds specified in subsection (1)
2959 of this section, the board may suspend the license of any licensee
2960 for being out of compliance with an order for support, as defined
2961 in Section 93-11-153. The procedure for suspension of a license
2962 for being out of compliance with an order for support, and the
2963 procedure for the reissuance or reinstatement of a license
2964 suspended for that purpose, and the payment of any fees for the
2965 reissuance or reinstatement of a license suspended for that
2966 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
2967 the case may be. If there is any conflict between any provision
2968 of Section 93-11-157 or 93-11-163 and any provision of this
2969 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
2970 case may be, shall control.

2971 **SECTION 20.** Section 73-30-21, Mississippi Code of 1972, is
2972 amended as follows:

2973 73-30-21. (1) The board may, after notice and opportunity
2974 for a hearing, suspend, revoke or refuse to issue or renew a
2975 license or may reprimand the license holder, upon a determination



2976 by the board that the license holder or applicant for licensure
2977 has:

- 2978 (a) Been adjudged by any court to be mentally
2979 incompetent or have had a guardian of person appointed;
- 2980 (b) Been convicted of a felony;
- 2981 (c) Sworn falsely under oath or affirmation;
- 2982 (d) Obtained a license or certificate by fraud, deceit
2983 or other misrepresentation;
- 2984 (e) Engaged in the conduct of professional counseling
2985 in a grossly negligent or incompetent manner;
- 2986 (f) Intentionally violated any provision of this
2987 chapter;
- 2988 (g) Violated any rules or regulations of the board; or
- 2989 (h) Aided or assisted another in falsely obtaining a
2990 license under this chapter.

2991 (2) Notwithstanding any provision of this chapter:

2992 (a) The board, acting on its own motion or, in the case
2993 of a default on a loan, on the recommendation of the state agency
2994 to which payments are due, shall suspend the license of any person
2995 who defaults on or fails to comply with the requirements of a
2996 state educational loan, service conditional scholarship or loan
2997 repayment program obligation under which the person obtained any
2998 of the education necessary to qualify for a license under this
2999 chapter. However, before a state agency may recommend the
3000 suspension of a license due to the person's default on a loan,
3001 that agency must provide the license holder with notice of its
3002 intention to recommend the suspension of the person's license and
3003 an opportunity for the license holder to respond; and

3004 (b) The person's license will remain suspended until
3005 the person has: (i) made arrangements satisfactory to the board
3006 for meeting the obligations of the loan, scholarship or loan
3007 repayment program; or (ii) in the case of a default, made



3008 arrangements satisfactory to the state agency to which payments
3009 are due for the repayment of the educational loan or scholarship.

3010 (3) No revoked license may be reinstated within twelve (12)
3011 months after the revocation. Reinstatement thereafter shall be
3012 upon such conditions as the board may prescribe, which may
3013 include, without being limited to, successful passing of the
3014 examination required by this chapter.

3015 (4) A license certificate issued by the board is the
3016 property of the board and must be surrendered on demand.

3017 (5) The chancery court is * * * vested with the jurisdiction
3018 and power to enjoin the unlawful practice of counseling and/or the
3019 false representation as a licensed counselor in a proceeding
3020 brought by the board or any members thereof or by any citizen of
3021 this state.

3022 (6) In addition to the reasons specified in subsection (1)
3023 of this section, the board may suspend the license of any licensee
3024 for being out of compliance with an order for support, as defined
3025 in Section 93-11-153. The procedure for suspension of a license
3026 for being out of compliance with an order for support, and the
3027 procedure for the reissuance or reinstatement of a license
3028 suspended for that purpose, and the payment of any fees for the
3029 reissuance or reinstatement of a license suspended for that
3030 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
3031 the case may be. If there is any conflict between any provision
3032 of Section 93-11-157 or 93-11-163 and any provision of this
3033 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
3034 case may be, shall control.

3035 **SECTION 21.** Section 73-31-21, Mississippi Code of 1972, is
3036 amended as follows:

3037 73-31-21. (1) The board, by an affirmative vote of at least
3038 four (4) of its seven (7) members, shall withhold, deny, revoke or
3039 suspend any license issued or applied for in accordance with the
3040 provisions of this chapter, or otherwise discipline a licensed



3041 psychologist, upon proof that the applicant or licensed
3042 psychologist:

3043 (a) Has violated the current code of ethics of the
3044 American Psychological Association or other codes of ethical
3045 standards adopted by the board; or

3046 (b) Has been convicted of a felony or any offense
3047 involving moral turpitude, the record of conviction being
3048 conclusive evidence thereof; or

3049 (c) Is using any narcotic or any alcoholic beverage to
3050 an extent or in a manner dangerous to any other person or the
3051 public, or to an extent that the use impairs his ability to
3052 perform the work of a professional psychologist with safety to the
3053 public; or

3054 (d) Has impersonated another person holding a
3055 psychologist license or allowed another person to use his license;
3056 or

3057 (e) Has used fraud or deception in applying for a
3058 license or in taking an examination provided for in this chapter;
3059 or

3060 (f) Has accepted commissions or rebates or other forms
3061 of remuneration for referring clients to other professional
3062 persons; or

3063 (g) Has allowed his name or license issued under this
3064 chapter to be used in connection with any person or persons who
3065 perform psychological services outside of the area of their
3066 training, experience or competence; or

3067 (h) Is legally adjudicated mentally incompetent, the
3068 record of the adjudication being conclusive evidence thereof; or

3069 (i) Has willfully or negligently violated any of the
3070 provisions of this chapter. The board may recover from any person
3071 disciplined under this chapter, the costs of investigation,
3072 prosecution, and adjudication of the disciplinary action.

3073 (2) Notwithstanding any provision of this chapter:



3074 (a) The board, acting on its own motion or, in the case
3075 of a default on a loan, on the recommendation of the state agency
3076 to which payments are due, shall suspend the license of any person
3077 who defaults on or fails to comply with the requirements of a
3078 state educational loan, service conditional scholarship or loan
3079 repayment program obligation under which the person obtained any
3080 of the education necessary to qualify for a license under this
3081 chapter. However, before a state agency may recommend the
3082 suspension of a license due to the person's default on a loan,
3083 that agency must provide the license holder with notice of its
3084 intention to recommend the suspension of the person's license and
3085 an opportunity for the license holder to respond; and

3086 (b) The person's license will remain suspended until
3087 the person has: (i) made arrangements satisfactory to the board
3088 for meeting the obligations of the loan, scholarship or loan
3089 repayment program; or (ii) in the case of a default, made
3090 arrangements satisfactory to the state agency to which payments
3091 are due for the repayment of the educational loan or scholarship.

3092 (3) Notice shall be effected by registered mail or personal
3093 service setting forth the particular reasons for the proposed
3094 action and fixing a date not less than thirty (30) days nor more
3095 than sixty (60) days from the date of the mailing or the service,
3096 at which time the applicant or licentiate shall be given an
3097 opportunity for a prompt and fair hearing. For the purpose of the
3098 hearing the board, acting by and through its executive secretary,
3099 may subpoena persons and papers on its own behalf and on behalf of
3100 the applicant or licentiate, may administer oaths and may take
3101 testimony. That testimony, when properly transcribed, together
3102 with the papers and exhibits, shall be admissible in evidence for
3103 or against the applicant or licentiate. At the hearing applicant
3104 or licentiate may appear by counsel and personally in his own
3105 behalf. Any person sworn and examined by a witness in the hearing
3106 shall not be held to answer criminally, nor shall any papers or



3107 documents produced by the witness be competent evidence in any
3108 criminal proceedings against the witness other than for perjury in
3109 delivering his evidence. On the basis of any such hearing, or
3110 upon default of applicant or licentiate, the board shall make a
3111 determination specifying its findings of fact and conclusions of
3112 law. A copy of that determination shall be sent by registered
3113 mail or served personally upon the applicant or licentiate. The
3114 decision of the board denying, revoking or suspending the license
3115 shall become final thirty (30) days after so mailed or served
3116 unless within that period the licentiate appeals the decision to
3117 the chancery court, under the provisions hereof, and the
3118 proceedings in chancery shall be conducted as other matters coming
3119 before the court. All proceedings and evidence, together with
3120 exhibits, presented at the hearing before the board if there is an
3121 appeal shall be admissible in evidence in the court.

3122 (4) The board may subpoena persons and papers on its own
3123 behalf and on behalf of the respondent, may administer oaths and
3124 may compel the testimony of witnesses. It may issue commissions
3125 to take testimony, and testimony so taken and sworn to shall be
3126 admissible in evidence for and against the respondent. The board
3127 shall be entitled to the assistance of the chancery court or the
3128 chancellor in vacation, which, on petition by the board, shall
3129 issue ancillary subpoenas and petitions and may punish as for
3130 contempt of court if there is noncompliance therewith.

3131 (5) Every order and judgment of the board shall take effect
3132 immediately on its promulgation unless the board in the order or
3133 judgment fixes a probationary period for applicant or licentiate.
3134 The order and judgment shall continue in effect unless upon appeal
3135 the court by proper order or decree terminates it earlier. The
3136 board may make public its order and judgments in such manner and
3137 form as it deems proper. It shall, in event of the suspension or
3138 revocation of a license, direct the clerk of the circuit court of



3139 the county in which that license was recorded to cancel the
3140 record.

3141 (6) Nothing in this section shall be construed as limiting
3142 or revoking the authority of any court or of any licensing or
3143 registering officer or board, other than the Mississippi Board of
3144 Psychology, to suspend, revoke and reinstate licenses and to
3145 cancel registrations under the provisions of Section 41-29-311.

3146 (7) Suspension by the board of the license of a psychologist
3147 shall be for a period not exceeding one (1) year. At the end of
3148 this period the board shall reevaluate the suspension, and shall
3149 either reinstate or revoke the license. A person whose license
3150 has been revoked under the provisions of this section may reapply
3151 for license after more than two (2) years have elapsed from the
3152 date the denial or revocation is legally effective.

3153 (8) In addition to the reasons specified in subsection (1)
3154 of this section, the board may be authorized to suspend the
3155 license of any licensee for being out of compliance with an order
3156 for support, as defined in Section 93-11-153. The procedure for
3157 suspension of a license for being out of compliance with an order
3158 for support, and the procedure for the reissuance or reinstatement
3159 of a license suspended for that purpose, and the payment of any
3160 fees for the reissuance or reinstatement of a license suspended
3161 for that purpose, shall be governed by Section 93-11-157. Actions
3162 taken by the board in suspending a license when required by
3163 Section 93-11-157 or 93-11-163 are not actions from which an
3164 appeal may be taken under this section. Any appeal of a license
3165 suspension that is required by Section 93-11-157 or 93-11-163
3166 shall be taken in accordance with the appeal procedure specified
3167 in Section 93-11-157 or 93-11-163, as the case may be, rather than
3168 the procedure specified in this section. If there is any conflict
3169 between any provision of Section 93-11-157 or 93-11-163 and any
3170 provision of this chapter, the provisions of Section 93-11-157 or
3171 93-11-163, as the case may be, shall control.



3172 (9) This section shall stand repealed from and after July 1,
3173 2011.

3174 **SECTION 22.** Section 73-33-11, Mississippi Code of 1972, is
3175 amended as follows:

3176 73-33-11. (1) The Mississippi State Board of Public
3177 Accountancy may revoke, suspend or take other appropriate action
3178 with respect to any license or permit issued under this chapter
3179 for any unprofessional conduct by the licensee or permit holder,
3180 or for other sufficient cause, provided written notice has been
3181 sent by registered mail (with the addressee's receipt required) to
3182 the holder thereof, twenty (20) days before any hearing thereon,
3183 stating the cause for the contemplated action and appointing a day
3184 and a place for a full hearing thereon by the board. * * * No
3185 certificate or license may be cancelled or revoked until a hearing
3186 has been given to the holder thereof according to law. * * *
3187 After the hearing, the board may, in its discretion, suspend such
3188 a certified public accountant from practice as a certified public
3189 accountant in this state.

3190 (2) The members of the board may sit as a trial board; * * *
3191 administer oaths (or affirmations); * * * summon any witness
3192 and * * * compel his attendance and/or his testimony, under oath
3193 (or affirmation) before the board; * * * compel the production
3194 before it, of any book, paper or document by the owner or
3195 custodian thereof; and/or * * * compel any officer to produce,
3196 at the hearing a copy of any public record (not privileged from
3197 public inspection by law) in his official custody, certified to,
3198 by him. The board shall elect one (1) of its members to serve as
3199 clerk, to issue summons and other processes, and to certify copies
3200 of its records or, the board may delegate those duties to the
3201 executive director.

3202 (3) The accused may appear in person and/or by counsel or,
3203 in the instance of a firm permit holder through its manager and/or
3204 counsel to defend the charges. If the accused does not appear or



3205 answer, judgment may be entered by default, provided the board
3206 finds that proper service was made on the accused.

3207 (4) The minutes of the board shall be recorded in an
3208 appropriate minute book permanently maintained by the board at its
3209 office.

3210 (5) In a proceeding conducted under this section by the
3211 board for disciplinary action against a licensee or permit holder,
3212 those reasonable costs that are expended by the board in the
3213 investigation and conduct of a proceeding for discipline
3214 including, but not limited to, the cost of service of process,
3215 court reporters, expert witnesses, investigators and legal fees
3216 may be imposed by the board on the accused, the charging party or
3217 both.

3218 Those costs shall be paid to the board upon the expiration of
3219 the period allowed for appeal of the penalties under this section,
3220 or may be paid sooner if the guilty party elects.

3221 (6) Money collected by the board under this section shall be
3222 deposited to the credit of the board's special fund in the State
3223 Treasury. When payment of a monetary penalty assessed by the
3224 board under this section is not paid when due, the board shall
3225 have the power to institute and maintain proceedings in its name
3226 for enforcement of payment in the Chancery Court of the First
3227 Judicial District of Hinds County, Mississippi, or in the Chancery
3228 Court of the county where the respondent resides.

3229 (7) In case of a decision adverse to the accused, appeal
3230 shall be made within thirty (30) days from the day on which
3231 decision is made to the circuit court of the First Judicial
3232 District of Hinds County, Mississippi, or in the circuit court of
3233 the county in which the accused resides. In the case of a
3234 nonresident licensee, the appeal shall be made to the First
3235 Judicial District of Hinds County, Mississippi. The order of the
3236 board shall not take effect until the expiration of the thirty
3237 (30) days.



3238 (8) In case of an appeal, bond for costs in the circuit
3239 court shall be given as in other cases; and the order of the board
3240 shall not take effect until the appeal has been finally disposed
3241 of by the court or courts.

3242 (9) The board may, at any time, reinstate a license or
3243 permit if it finds that the reinstatement is justified.

3244 (10) Notwithstanding any provision of this chapter:

3245 (a) The board, acting on its own motion or, in the case
3246 of a default on a loan, on the recommendation of the state agency
3247 to which payments are due, shall suspend the license of any person
3248 who defaults on or fails to comply with the requirements of a
3249 state educational loan, service conditional scholarship or loan
3250 repayment program obligation under which the person obtained any
3251 of the education necessary to qualify for a license under this
3252 chapter. However, before a state agency may recommend the
3253 suspension of a license due to the person's default on a loan,
3254 that agency must provide the license holder with notice of its
3255 intention to recommend the suspension of the person's license and
3256 an opportunity for the license holder to respond; and

3257 (b) The person's license will remain suspended until
3258 the person has: (i) made arrangements satisfactory to the board
3259 for meeting the obligations of the loan, scholarship or loan
3260 repayment program; or (ii) in the case of a default, made
3261 arrangements satisfactory to the state agency to which payments
3262 are due for the repayment of the educational loan or scholarship.

3263 (11) In addition to the reasons specified in subsection 1 of
3264 this section, the board may suspend the license of any licensee
3265 for being out of compliance with an order for support, as defined
3266 in Section 93-11-153. The procedure for suspension of a license
3267 for being out of compliance with an order for support, and the
3268 procedure for the reissuance or reinstatement of a license
3269 suspended for that purpose, and the payment of any fees for the
3270 reissuance or reinstatement of a license suspended for that



3271 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
3272 the case may be. Actions taken by the board in suspending a
3273 license when required by Section 93-11-157 or 93-11-163 are not
3274 actions from which an appeal may be taken under this section. Any
3275 appeal of a license suspension that is required by Section
3276 93-11-157 or 93-11-163 shall be taken in accordance with the
3277 appeal procedure specified in Section 93-11-157 or 93-11-163, as
3278 the case may be, rather than the procedure specified in this
3279 section. If there is any conflict between any provision of
3280 Section 93-11-157 or 93-11-163 and any provision of this chapter,
3281 the provisions of Section 93-11-157 or 93-11-163, as the case may
3282 be, shall control.

3283 **SECTION 23.** Section 73-36-33, Mississippi Code of 1972, is
3284 amended as follows:

3285 73-36-33. (1) The board shall have the power, after notice
3286 and hearing, to suspend or revoke the license of any registrant
3287 who:

3288 (a) Is found guilty by the board of fraud or gross
3289 negligence in the practice of professional forestry;

3290 (b) Fails to comply with board rules and regulations;

3291 (c) Is found guilty by the board of unprofessional or
3292 unethical conduct; or

3293 (d) Has had his license suspended or revoked for cause
3294 in another jurisdiction.

3295 (2) Notwithstanding any provision of this chapter:

3296 (a) The board, acting on its own motion or, in the case
3297 of a default on a loan, on the recommendation of the state agency
3298 to which payments are due, shall suspend the license of any person
3299 who defaults on or fails to comply with the requirements of a
3300 state educational loan, service conditional scholarship or loan
3301 repayment program obligation under which the person obtained any
3302 of the education necessary to qualify for a license under this
3303 chapter. However, before a state agency may recommend the



3304 suspension of a license due to the person's default on a loan,
3305 that agency must provide the license holder with notice of its
3306 intention to recommend the suspension of the person's license and
3307 an opportunity for the license holder to respond; and

3308 (b) The person's license will remain suspended until
3309 the person has: (i) made arrangements satisfactory to the board
3310 for meeting the obligations of the loan, scholarship or loan
3311 repayment program; or (ii) in the case of a default, made
3312 arrangements satisfactory to the state agency to which payments
3313 are due for the repayment of the educational loan or scholarship.

3314 (3) Any person may prefer charges of fraud or gross
3315 negligence in connection with any forestry practice against any
3316 registrant. The charges shall be in writing, shall be sworn to by
3317 the person making them, and shall be filed with the secretary of
3318 the board. All charges shall be heard by the board under its
3319 rules and regulations without undue delay.

3320 (4) Any applicant whose license is suspended or revoked by
3321 the board may apply for a review of the proceedings with reference
3322 to the suspension or revocation by appealing to the Chancery Court
3323 of the First Judicial District of Hinds County, Mississippi,
3324 provided a notice of appeal is filed by the applicant with the
3325 clerk of the court within sixty (60) days from entry of an order
3326 by the board suspending or revoking his license, provided the
3327 applicant files with the notice of appeal a bond to be approved by
3328 the court assuring the prompt payment of any and all costs of the
3329 appeal, the amount to be fixed by the court. Upon the filing of
3330 the notice of appeal and posting of the bond, the clerk of
3331 the * * * court shall notify the secretary of the board thereof
3332 and the record of the proceedings involved shall be prepared by
3333 the secretary and forwarded to the court within a period of sixty
3334 (60) days from the notice by the clerk. The court shall thereupon
3335 review the proceedings on the record presented and may hear such
3336 additional testimony as to the court may appear material and



3337 dispose of the appeal in termttime or in vacation, and the court
3338 may sustain or dismiss the appeal, or modify or vacate the order
3339 complained of, but in case the order is modified or vacated, the
3340 court may also, in its discretion, remand the matter to the board
3341 for such further proceedings not inconsistent with the court's
3342 order as, in the opinion of the court, justice may require. The
3343 decision of the chancery court may be appealed as other cases to
3344 the Supreme Court.

3345 (5) The board may secure, by contract, the services of an
3346 investigator when deemed necessary by the board to properly
3347 consider any charge then before it. The board may, at its
3348 discretion, establish a program of routine inspections.

3349 (6) In addition to the reasons specified in subsection (1)
3350 of this section, the board may suspend the license of any licensee
3351 for being out of compliance with an order for support, as defined
3352 in Section 93-11-153. The procedure for suspension of a license
3353 for being out of compliance with an order for support, and the
3354 procedure for the reissuance or reinstatement of a license
3355 suspended for that purpose, and the payment of any fees for the
3356 reissuance or reinstatement of a license suspended for that
3357 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
3358 the case may be. Actions taken by the board in suspending a
3359 license when required by Section 93-11-157 or 93-11-163 are not
3360 actions from which an appeal may be taken under this section. Any
3361 appeal of a license suspension that is required by Section
3362 93-11-157 or 93-11-163 shall be taken in accordance with the
3363 appeal procedure specified in Section 93-11-157 or 93-11-163, as
3364 the case may be, rather than the procedure specified in this
3365 section. If there is any conflict between any provision of
3366 Section 93-11-157 or 93-11-163 and any provision of this chapter,
3367 the provisions of Section 93-11-157 or 93-11-163, as the case may
3368 be, shall control.



3369 **SECTION 24.** Section 73-38-27, Mississippi Code of 1972, is
3370 amended as follows:

3371 73-38-27. (1) The board may refuse to issue or renew a
3372 license, or may suspend or revoke a license where the licensee or
3373 applicant for license has been guilty of unprofessional conduct
3374 that has endangered or is likely to endanger the health, welfare
3375 or safety of the public. That unprofessional conduct may result
3376 from:

3377 (a) Negligence in the practice or performance of
3378 professional services or activities;

3379 (b) Engaging in dishonorable, unethical or
3380 unprofessional conduct of a character likely to deceive, defraud
3381 or harm the public in the course of professional services or
3382 activities;

3383 (c) Perpetrating or cooperating in fraud or material
3384 deception in obtaining or renewing a license or attempting the
3385 same;

3386 (d) Being convicted of any crime which has a
3387 substantial relationship to the licensee's activities and services
3388 or an essential element of which is misstatement, fraud or
3389 dishonesty;

3390 (e) Being convicted of any crime which is a felony
3391 under the laws of this state or the United States;

3392 (f) Engaging in or permitting the performance of
3393 unacceptable services personally or by others working under the
3394 licensee's supervision due to the licensee's deliberate or
3395 negligent act or acts or failure to act, regardless of whether
3396 actual damage or damages to the public is established;

3397 (g) Continued practice although the licensee has become
3398 unfit to practice as a speech-language pathologist or audiologist
3399 due to: (i) failure to keep abreast of current professional
3400 theory or practice; or (ii) physical or mental disability; the
3401 entry of an order or judgment by a court of competent jurisdiction



3402 that a licensee is in need of mental treatment or is incompetent
3403 shall constitute mental disability; or (iii) addiction or severe
3404 dependency upon alcohol or other drugs which may endanger the
3405 public by impairing the licensee's ability to practice;

3406 (h) Having disciplinary action taken against the
3407 licensee's license in another state;

3408 (i) Making differential, detrimental treatment against
3409 any person because of race, color, creed, sex, religion or
3410 national origin;

3411 (j) Engaging in lewd conduct in connection with
3412 professional services or activities;

3413 (k) Engaging in false or misleading advertising;

3414 (l) Contracting, assisting or permitting unlicensed
3415 persons to perform services for which a license is required under
3416 this chapter;

3417 (m) Violation of any probation requirements placed on a
3418 license by the board;

3419 (n) Revealing confidential information except as may be
3420 required by law;

3421 (o) Failing to inform clients of the fact that the
3422 client no longer needs the services or professional assistance of
3423 the licensee;

3424 (p) Charging excessive or unreasonable fees or engaging
3425 in unreasonable collection practices;

3426 (q) For treating or attempting to treat ailments or
3427 other health conditions of human beings other than by speech or
3428 audiology therapy as authorized by this chapter;

3429 (r) For applying or offering to apply speech or
3430 audiology therapy, exclusive of initial evaluation or screening
3431 and exclusive of education or consultation for the prevention of
3432 physical and mental disability within the scope of speech or
3433 audiology therapy, or for acting as a speech-language pathologist
3434 or audiologist, or speech-language pathologist or audiologist aide



3435 other than under the direct, on-site supervision of a licensed
3436 speech-language pathologist or audiologist;

3437 (s) Violations of the current codes of conduct for
3438 speech-language pathologists or audiologists, and speech-language
3439 pathologist or audiologist assistants adopted by the American
3440 Speech-Language-Hearing Association;

3441 (t) Violations of any rules or regulations promulgated
3442 pursuant to this chapter.

3443 (2) Notwithstanding any provision of this chapter:

3444 (a) The board, acting on its own motion or, in the case
3445 of a default on a loan, on the recommendation of the state agency
3446 to which payments are due, shall suspend the license of any person
3447 who defaults on or fails to comply with the requirements of a
3448 state educational loan, service conditional scholarship or loan
3449 repayment program obligation under which the person obtained any
3450 of the education necessary to qualify for a license under this
3451 chapter. However, before a state agency may recommend the
3452 suspension of a license due to the person's default on a loan,
3453 that agency must provide the license holder with notice of its
3454 intention to recommend the suspension of the person's license and
3455 an opportunity for the license holder to respond; and

3456 (b) The person's license will remain suspended until
3457 the person has: (i) made arrangements satisfactory to the board
3458 for meeting the obligations of the loan, scholarship or loan
3459 repayment program; or (ii) in the case of a default, made
3460 arrangements satisfactory to the state agency to which payments
3461 are due for the repayment of the educational loan or scholarship.

3462 (3) The board may order a licensee to submit to a reasonable
3463 physical or mental examination if the licensee's physical or
3464 mental capacity to practice safely is at issue in a disciplinary
3465 proceeding.

3466 (4) In addition to the reasons specified in subsection (1)
3467 of this section, the board shall be authorized to suspend the



3468 license of any licensee for being out of compliance with an order
3469 for support, as defined in Section 93-11-153. The procedure for
3470 suspension of a license for being out of compliance with an order
3471 for support, and the procedure for the reissuance or reinstatement
3472 of a license suspended for that purpose, and the payment of any
3473 fees for the reissuance or reinstatement of a license suspended
3474 for that purpose, shall be governed by Section 93-11-157 or
3475 93-11-163, as the case may be. If there is any conflict between
3476 any provision of Section 93-11-157 or 93-11-163 and any provision
3477 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
3478 as the case may be, shall control.

3479 **SECTION 25.** Section 73-39-19, Mississippi Code of 1972, is
3480 amended as follows:

3481 73-39-19. (1) After a hearing held as set out in this
3482 chapter, the board, on concurrence of three (3) members, shall
3483 have the right and power to revoke or suspend the license of a
3484 veterinarian, or the certificate of an animal technician and may
3485 place the veterinarian or technician on prohibition conditioned on
3486 future good conduct and compliance with this chapter, and may
3487 impose an administrative fine not to exceed One Thousand Dollars
3488 (\$1,000.00) for each such separate offense, for any of the
3489 following reasons:

3490 (a) Insanity or mental incompetence or an adjudication
3491 of insanity or mental incompetence by a court of competent
3492 jurisdiction.

3493 (b) Chronic inebriety or habitual use of drugs, or any
3494 adjudication by a court of competent jurisdiction that the
3495 veterinarian is an alcoholic or habitual user of drugs. Decrees
3496 of divorce shall not be construed as an adjudication that a
3497 veterinarian is an alcoholic or habitual user of drugs.

3498 (c) A final conviction of a felony or of an offense
3499 involving moral turpitude by a court of competent jurisdiction.



3500 (d) Fraud or dishonesty in the application or reporting
3501 of any test for disease in animals, including intentional
3502 misrepresentation on any forms filed with any governmental agency.

3503 (e) Failure to report or making a false report of any
3504 contagious or infectious disease required by state or federal law
3505 to be reported.

3506 (f) Dishonesty, intentional misrepresentation or gross
3507 negligence in the inspection of foodstuffs or the issuance of
3508 health or inspection certificates.

3509 (g) The refusal of licensing authority of another state
3510 to issue or renew a license, permit or certificate to practice
3511 veterinary medicine in that state or the revocation, suspension or
3512 other restriction imposed on a license, permit or certificate
3513 issued by that licensing authority which prevents or restricts
3514 practice in that state; further, any probationary status imposed
3515 by another state that had the offense occurred in this state would
3516 have been a violation of this chapter.

3517 (h) The employment of fraud, misrepresentation or
3518 deception in obtaining a license.

3519 (i) The use of advertising or solicitation that is
3520 false or misleading or is deemed unprofessional under rules or
3521 regulations adopted by the board.

3522 (j) Incompetence, gross negligence, cruelty or gross
3523 malpractice in the practice of veterinary medicine.

3524 (k) Employing any person practicing veterinary medicine
3525 unlawfully with the knowledge of the illegal practice by the
3526 employee.

3527 (l) Failure to keep veterinary premises and equipment
3528 in a clean and sanitary condition.

3529 (m) Cruelty to animals in the practice of veterinary
3530 medicine.

3531 (n) Unprofessional or unethical conduct as defined in
3532 regulations adopted by the board.



3533 (o) Administering, dispensing or prescribing any
3534 narcotic drug having addiction-forming, addiction-sustaining or
3535 habituating liability otherwise than in the course of legitimate
3536 professional practice.

3537 (p) Conviction of violation of any federal or state law
3538 regulating the possession, distribution or use of any narcotic
3539 drug or any drug considered a controlled substance under state or
3540 federal law.

3541 (q) Obtaining or procuring, or attempting to obtain or
3542 procure by misrepresentation, fraud, deception or subterfuge, any
3543 narcotic or drug classified as a controlled substance.

3544 (r) Making or causing to be made any false claims
3545 concerning the licensee's professional excellence.

3546 (s) Being guilty of any dishonorable or unethical
3547 conduct likely to deceive, defraud or harm the public.

3548 (t) Refusing to permit the board or any legal
3549 representative of the board to inspect the business premises of
3550 the licensee during regular business hours.

3551 (u) Failure to complete requirement of continuing
3552 education.

3553 (2) A certified copy of any judgment of conviction or
3554 finding of guilt by a court of competent jurisdiction or by a
3555 governmental board or agency authorized to issue licenses or
3556 permits, including the United States Department of Agriculture,
3557 Animal and Plant Health Inspection Service, the Mississippi Board
3558 of Animal Health and the Mississippi State Board of Health, of a
3559 veterinarian or animal technician of any of the matters listed in
3560 paragraph (a), (b), (c), (d), (e), (f) or (g) of subsection (1)
3561 shall be admissible in evidence in any hearing held by the board
3562 to discipline the veterinarian and shall constitute prima facie
3563 evidence of the commission of any such act.

3564 (3) Notwithstanding any provision of this chapter:



3565 (a) The board, acting on its own motion or, in the case
3566 of a default on a loan, on the recommendation of the state agency
3567 to which payments are due, shall suspend the veterinarian's
3568 license of any person who defaults on or fails to comply with the
3569 requirements of a state educational loan, service conditional
3570 scholarship or loan repayment program obligation under which the
3571 person obtained any of the education necessary to qualify for a
3572 veterinarian's license under this chapter. However, before a
3573 state agency may recommend the suspension of a veterinarian's
3574 license due to the person's default on a loan, that agency must
3575 provide the license holder with notice of its intention to
3576 recommend the suspension of the person's veterinarian's license
3577 and an opportunity for the license holder to respond; and

3578 (b) The person's veterinarian's license will remain
3579 suspended until the person has: (i) made arrangements
3580 satisfactory to the board for meeting the obligations of the loan,
3581 scholarship or loan repayment program; or (ii) in the case of a
3582 default, made arrangements satisfactory to the state agency to
3583 which payments are due for the repayment of the educational loan
3584 or scholarship.

3585 (4) In addition to the reasons specified in subsection (1)
3586 of this section, the board may suspend the license or certificate
3587 of any licensee or certificate holder for being out of compliance
3588 with an order for support, as defined in Section 93-11-153. The
3589 procedure for suspension of a license or certificate for being out
3590 of compliance with an order for support, and the procedure for the
3591 reissuance or reinstatement of a license or certificate suspended
3592 for that purpose, and the payment of any fees for the reissuance
3593 or reinstatement of a license or certificate suspended for that
3594 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
3595 the case may be. If there is any conflict between any provision
3596 of Section 93-11-157 or 93-11-163 and any provision of this



3597 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
3598 case may be, shall control.

3599 **SECTION 26.** Section 73-53-17, Mississippi Code of 1972, is
3600 amended as follows:

3601 73-53-17. (1) Licensees subject to this chapter shall
3602 conduct their activities, services and practice in accordance with
3603 this chapter and any rules promulgated pursuant hereto. Licensees
3604 may be subject to the exercise of the disciplinary sanctions
3605 enumerated in Section 73-53-23 if the board finds that a licensee
3606 is guilty of any of the following:

3607 (a) Negligence in the practice or performance of
3608 professional services or activities;

3609 (b) Engaging in dishonorable, unethical or
3610 unprofessional conduct of a character likely to deceive, defraud
3611 or harm the public in the course of professional services or
3612 activities;

3613 (c) Perpetrating or cooperating in fraud or material
3614 deception in obtaining or renewing a license or attempting the
3615 same;

3616 (d) Being convicted of any crime that has a substantial
3617 relationship to the licensee's activities and services or an
3618 essential element of which is misstatement, fraud or dishonesty;

3619 (e) Being convicted of any crime that is a felony under
3620 the laws of this state or of the United States;

3621 (f) Engaging in or permitting the performance of
3622 unacceptable services personally or by assistants working under
3623 the licensee's supervision due to the licensee's deliberate or
3624 grossly negligent act or acts or failure to act, regardless of
3625 whether actual damage or damages to the public is established;

3626 (g) Continued practice although the licensee has become
3627 unfit to practice social work due to: (i) failure to keep abreast
3628 of current professional theory or practice; or (ii) physical or
3629 mental disability; the entry of an order or judgment by a court of



3630 competent jurisdiction that a licensee is in need of mental
3631 treatment or is incompetent shall constitute mental disability; or
3632 (iii) addiction or severe dependency upon alcohol or other drugs
3633 that may endanger the public by impairing the licensee's ability
3634 to practice;

3635 (h) Having disciplinary action taken against the
3636 licensee's license in another state;

3637 (i) Making differential, detrimental treatment against
3638 any person because of race, color, creed, sex, religion or
3639 national origin;

3640 (j) Engaging in lewd conduct in connection with
3641 professional services or activities;

3642 (k) Engaging in false or misleading advertising;

3643 (l) Contracting, assisting or permitting unlicensed
3644 persons to perform services for which a license is required under
3645 this chapter;

3646 (m) Violation of any probation requirements placed on a
3647 licensee by the board;

3648 (n) Revealing confidential information except as may be
3649 required by law;

3650 (o) Failing to inform clients of the fact that the
3651 client no longer needs the services or professional assistance of
3652 the licensee;

3653 (p) Charging excessive or unreasonable fees or engaging
3654 in unreasonable collection practices.

3655 (2) Notwithstanding any provision of this chapter:

3656 (a) The board, acting on its own motion or, in the case
3657 of a default on a loan, on the recommendation of the state agency
3658 to which payments are due, shall suspend the license of any person
3659 who defaults on or fails to comply with the requirements of a
3660 state educational loan, service conditional scholarship or loan
3661 repayment program obligation under which the person obtained any
3662 of the education necessary to qualify for a license under this



3663 chapter. However, before a state agency may recommend the
3664 suspension of a license due to the person's default on a loan,
3665 that agency must provide the license holder with notice of its
3666 intention to recommend the suspension of the person's license and
3667 an opportunity for the license holder to respond; and

3668 (b) The person's license will remain suspended until
3669 the person has: (i) made arrangements satisfactory to the board
3670 for meeting the obligations of the loan, scholarship or loan
3671 repayment program; or (ii) in the case of a default, made
3672 arrangements satisfactory to the state agency to which payments
3673 are due for the repayment of the educational loan or scholarship.

3674 (3) The board may order a licensee to submit to a reasonable
3675 physical or mental examination if the licensee's physical or
3676 mental capacity to practice safely is at issue in a disciplinary
3677 proceeding.

3678 (4) Failure to comply with a board order to submit to a
3679 physical or mental examination shall render a licensee subject to
3680 the summary suspension procedures described in Section 73-53-23.

3681 (5) In addition to the reasons specified in subsection (1)
3682 of this section, the board may suspend the license of any licensee
3683 for being out of compliance with an order for support, as defined
3684 in Section 2 of this act. The procedure for suspension of a
3685 license for being out of compliance with an order for support, and
3686 the procedure for the reissuance or reinstatement of a license
3687 suspended for that purpose, and the payment of any fees for the
3688 reissuance or reinstatement of a license suspended for that
3689 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
3690 the case may be. If there is any conflict between any provision
3691 of Section 93-11-157 or 93-11-163 and any provision of this
3692 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
3693 case may be, shall control.

3694 **SECTION 27.** Section 73-54-29, Mississippi Code of 1972, is
3695 amended as follows:



3696 73-54-29. (1) Licensees subject to this chapter shall
3697 conduct their activities, services and practice in accordance with
3698 this chapter and any rules promulgated pursuant under this
3699 chapter. Licensees may be subject to the exercise of the
3700 disciplinary sanctions enumerated in Section 73-53-23 if the board
3701 finds that a licensee is guilty of any of the actions listed in
3702 Section 73-53-17(1) or is guilty of any of the following:

3703 (a) Violation of any provision of this chapter or any
3704 rules or regulations of the board adopted under the provisions of
3705 this chapter.

3706 (b) Other just and sufficient cause that renders a
3707 person unfit to practice marriage and family therapy as determined
3708 by the board but not limited to:

3709 (i) Habitual use of alcohol or drugs to an extent
3710 that affects professional competence;

3711 (ii) Adjudication as being mentally incompetent by
3712 a court of competent jurisdiction;

3713 (iii) Practicing in a manner detrimental to the
3714 public health and welfare;

3715 (iv) Revocation of a license or certification by a
3716 licensing agency or by a certifying professional organization; or

3717 (v) Any other violation of this chapter or the
3718 code of ethical standards of the American Association of Marriage
3719 and Family Therapy or other ethical standards adopted by the board
3720 under the provisions of this chapter.

3721 (2) Notwithstanding any provision of this chapter:

3722 (a) The board, acting on its own motion or, in the case
3723 of a default on a loan, on the recommendation of the state agency
3724 to which payments are due, shall suspend the license of any person
3725 who defaults on or fails to comply with the requirements of a
3726 state educational loan, service conditional scholarship or loan
3727 repayment program obligation under which the person obtained any
3728 of the education necessary to qualify for a license under this



3729 chapter. However, before a state agency may recommend the
3730 suspension of a license due to the person's default on a loan,
3731 that agency must provide the license holder with notice of its
3732 intention to recommend the suspension of the person's license and
3733 an opportunity for the license holder to respond; and

3734 (b) The person's license will remain suspended until
3735 the person has: (i) made arrangements satisfactory to the board
3736 for meeting the obligations of the loan, scholarship or loan
3737 repayment program; or (ii) in the case of a default, made
3738 arrangements satisfactory to the state agency to which payments
3739 are due for the repayment of the educational loan or scholarship.

3740 **SECTION 28.** Section 73-57-31, Mississippi Code of 1972, is
3741 amended as follows:

3742 73-57-31. (1) The board may revoke, suspend or refuse to
3743 renew any license or permit, or place on probation, or otherwise
3744 reprimand a licensee or permit holder, or deny a license to an
3745 applicant if it finds that person:

3746 (a) Is guilty of fraud or deceit in procuring or
3747 attempting to procure a license or renewal of a license to
3748 practice respiratory care.

3749 (b) Is unfit or incompetent by reason of negligence,
3750 habits or other causes of incompetency.

3751 (c) Is habitually intemperate in the use of alcoholic
3752 beverages.

3753 (d) Is addicted to, or has improperly obtained,
3754 possessed, used or distributed habit-forming drugs or narcotics.

3755 (e) Is guilty of dishonest or unethical conduct.

3756 (f) Has practiced respiratory care after his license or
3757 permit has expired or has been suspended.

3758 (g) Has practiced respiratory care under cover of any
3759 permit or license illegally or fraudulently obtained or issued.

3760 (h) Has violated or aided or abetted others in
3761 violation of any provision of this chapter.



3762 (2) Notwithstanding any provision of this chapter:

3763 (a) The board, acting on its own motion or, in the case
3764 of a default on a loan, on the recommendation of the state agency
3765 to which payments are due, shall suspend the license of any person
3766 who defaults on or fails to comply with the requirements of a
3767 state educational loan, service conditional scholarship or loan
3768 repayment program obligation under which the person obtained any
3769 of the education necessary to qualify for a license under this
3770 chapter. However, before a state agency may recommend the
3771 suspension of a license due to the person's default on a loan,
3772 that agency must provide the license holder with notice of its
3773 intention to recommend the suspension of the person's license and
3774 an opportunity for the license holder to respond; and

3775 (b) The person's license will remain suspended until
3776 the person has: (i) made arrangements satisfactory to the board
3777 for meeting the obligations of the loan, scholarship or loan
3778 repayment program; or (ii) in the case of a default, made
3779 arrangements satisfactory to the state agency to which payments
3780 are due for the repayment of the educational loan or scholarship.

3781 (3) In addition to the reasons specified in subsection (1)
3782 of this section, the board may suspend the license or permit of
3783 any licensee or permit holder for being out of compliance with an
3784 order for support, as defined in Section 2 of this act. The
3785 procedure for suspension of a license or permit for being out of
3786 compliance with an order for support, and the procedure for the
3787 reissuance or reinstatement of a license or permit suspended for
3788 that purpose, and the payment of any fees for the reissuance or
3789 reinstatement of a license or permit suspended for that purpose,
3790 shall be governed by Section 93-11-157 or 93-11-163, as the case
3791 may be. If there is any conflict between any provision of Section
3792 93-11-157 or 93-11-163 and any provision of this chapter, the
3793 provisions of Section 93-11-157 or 93-11-163, as the case may be,
3794 shall control.



3795 **SECTION 29.** Section 73-63-43, Mississippi Code of 1972, is
3796 amended as follows:

3797 73-63-43. (1) The board, upon satisfactory proof and in
3798 accordance with this chapter and rules and regulations of the
3799 board, may take the disciplinary actions provided under this
3800 chapter against any person for the following reasons:

3801 (a) Violation of this chapter, any rule or regulation
3802 or written order of the board, any condition of registration or
3803 standards of professional conduct;

3804 (b) Fraud, deceit or misrepresentation in obtaining a
3805 certificate of registration as a registered professional geologist
3806 or certificate of enrollment as a geologist-in-training;

3807 (c) Gross negligence, malpractice, incompetency,
3808 misconduct, or repeated incidents of simple negligence in or
3809 related to the practice of geology;

3810 (d) Practicing or offering to practice geology, or
3811 holding oneself out as being registered or qualified to practice
3812 geology, by an individual who is not registered under this
3813 chapter, or by any other person not employing a registered
3814 professional geologist as required by this chapter;

3815 (e) Using the seal of another, or using or allowing use
3816 of one's seal on geologic work not performed by or under the
3817 supervision of the registered professional geologist, or otherwise
3818 aiding or abetting any person in the violation of this chapter; or

3819 (f) Disciplinary action by any state agency, board of
3820 registration or similar licensing agency for geologists or any
3821 profession or occupation related to the practice of geology. The
3822 sanction imposed by the board shall not exceed in severity or
3823 duration the sanction upon which that action is based.

3824 (2) Notwithstanding any provision of this chapter:

3825 (a) The board, acting on its own motion or, in the case
3826 of a default on a loan, on the recommendation of the state agency
3827 to which payments are due, shall suspend the license of any person



3828 who defaults on or fails to comply with the requirements of a
3829 state educational loan, service conditional scholarship or loan
3830 repayment program obligation under which the person obtained any
3831 of the education necessary to qualify for a license under this
3832 chapter. However, before a state agency may recommend the
3833 suspension of a license due to the person's default on a loan,
3834 that agency must provide the license holder with notice of its
3835 intention to recommend the suspension of the person's license and
3836 an opportunity for the license holder to respond; and

3837 (b) The person's license will remain suspended until
3838 the person has: (i) made arrangements satisfactory to the board
3839 for meeting the obligations of the loan, scholarship or loan
3840 repayment program; or (ii) in the case of a default, made
3841 arrangements satisfactory to the state agency to which payments
3842 are due for the repayment of the educational loan or scholarship.

3843 (3) Any person may bring a complaint alleging a violation of
3844 this chapter, any rule or regulation or written order of the
3845 board, any condition of registration or standards of professional
3846 conduct. Complaints shall be made in writing, sworn to by the
3847 person filing the complaint, and filed with the board. The board
3848 shall investigate all complaints and upon finding a basis for that
3849 complaint, shall notify the accused in writing specifying the
3850 provisions of this chapter, rule, regulation or order of the board
3851 or the condition or standard alleged to be violated and the facts
3852 alleged to constitute the violation. The notice shall require the
3853 accused to appear before the board at a time and place to answer
3854 the charges. The time of appearance shall be at least thirty (30)
3855 days from the date of service of the notice. Notice shall be made
3856 by service on the person or by registered or certified mail,
3857 return receipt requested, to last known business or residence
3858 address of the accused, as shown on the records of the board.
3859 Within fifteen (15) days following receipt of that notice, the
3860 accused shall file a written response, admitting, denying, or



3861 taking exception to the charges. In the absence of a response or
3862 if the charges are admitted or if no exception is taken, the board
3863 may take disciplinary action without holding a hearing. A
3864 disciplinary action may be settled by the board and the accused,
3865 either before or after a hearing has begun.

3866 A person who reports or provides information to the board in
3867 good faith is not subject to an action for civil damages.

3868 (4) Any hearing under this section may be conducted by the
3869 board itself at a regular or special meeting of the board or by a
3870 hearing officer designated by the board. The hearing officer may
3871 conduct the hearings in the name of the board at any time and
3872 place as conditions and circumstances may warrant. The hearing
3873 officer or any member of the board may administer oaths or
3874 affirmations to witnesses appearing before the hearing officer or
3875 the board.

3876 If any witness fails or refuses to attend upon subpoena
3877 issued by the board, refuses to testify or refuses to produce
3878 books, papers, reports, documents and similar material, the
3879 production of which is called for by a subpoena, the attendance of
3880 any witness and the giving of that person's testimony and the
3881 production of books, papers, reports, documents and similar
3882 material shall be enforced by any court of competent jurisdiction
3883 of this state in the manner provided for the enforcement of the
3884 attendance and testimony of witnesses in civil cases in the courts
3885 of this state.

3886 All hearings before the board shall be recorded either by a
3887 court reporter or by tape or mechanical recorders and subject to
3888 transcription upon order of the board or any interested person.
3889 If the request for transcription originates with an interested
3890 person, that person shall pay the cost of transcription.

3891 The accused shall have the right to be present at the hearing
3892 in person, by counsel or other representative, or both. The board
3893 may continue or recess the hearing as may be necessary.



3894 (5) If a hearing officer conducts the hearing on behalf of
3895 the board, the hearing officer shall upon completion have the
3896 record of that hearing prepared. The record shall be submitted to
3897 the board along with that hearing officer's findings of fact and
3898 recommended decision. Upon receipt and review of the record of
3899 the hearing and the hearing officer's findings of fact and
3900 recommended decision, the board shall render its final decision as
3901 provided in subsection (6) of this section.

3902 Any person ordered to appear for an alleged violation may
3903 request a hearing before a majority of the board. A verbatim
3904 record of any previous hearings on that matter shall be filed with
3905 the board, together with findings of fact and conclusions of law
3906 made by the board based on the record.

3907 (6) At the conclusion of the hearing, the board may either
3908 decide the issue at that time or take the case under advisement
3909 for further deliberation. The board shall render its decision not
3910 more than ninety (90) days after the close of the hearing, and
3911 shall forward to the last known business or residence address of
3912 the accused, by certified or registered mail, return receipt
3913 requested, a written statement of the decision of the board.

3914 If a majority of the board finds the accused guilty of the
3915 charges filed, the board may take any combination of the following
3916 actions:

3917 (a) Deny the renewal of a certificate of registration
3918 or certificate of enrollment;

3919 (b) Suspend the certificate of registration or
3920 certificate of enrollment of any registrant for a specified period
3921 of time, not to exceed three (3) years, or revoke the certificate
3922 of registration or certificate of enrollment of any registrant;

3923 (c) Censure, reprimand or issue a public or private
3924 admonishment to an applicant, a registrant or any other person
3925 engaged in the practice of geology under this chapter;



3926 (d) Impose limitations, conditions or restrictions upon
3927 the practice of an applicant, a registrant or upon any other
3928 person engaged in the practice of geology;

3929 (e) Require the guilty party to complete a course,
3930 approved by the board, in ethics;

3931 (f) Impose probation upon a registrant, requiring
3932 regular reporting to the board;

3933 (g) Require restitution, in whole or in part, of the
3934 compensation or fees earned by a registrant or by any other person
3935 engaging in the practice of geology; or

3936 (h) Assess and levy upon the guilty party a monetary
3937 penalty not to exceed Five Thousand Dollars (\$5,000.00) for each
3938 violation.

3939 (7) Any monetary penalty assessed and levied under this
3940 section shall be paid to the board upon the expiration of the
3941 period allowed for appeal of that penalty, or may be paid sooner
3942 if the guilty party elects. Money collected by the board under
3943 this section shall be deposited to the credit of the registered
3944 professional geologists fund.

3945 When payment of a monetary penalty assessed and levied by the
3946 board in accordance with this section is not paid when due, the
3947 board may begin and maintain proceedings in its name for
3948 enforcement of payment in the chancery court of the county and
3949 judicial district of residence of the guilty party and if the
3950 guilty party is a nonresident of the State of Mississippi, the
3951 proceedings shall be in the Chancery Court of the First Judicial
3952 District of Hinds County, Mississippi.

3953 (8) The board may assess and impose the costs of any
3954 disciplinary proceedings conducted under this section against
3955 either the accused, the charging party, or both, as it may elect.

3956 (9) The authority of the board to assess and levy the
3957 monetary penalties under this section shall not be affected or



3958 diminished by any other proceeding, civil or criminal, concerning
3959 the same violation or violations, unless provided in this section.

3960 (10) If the board determines there is an imminent danger to
3961 the public welfare, the board may issue an order for the immediate
3962 suspension of a certificate of registration or a certificate of
3963 enrollment. The registrant may request a hearing on the matter
3964 within fifteen (15) days after receipt of the order of suspension.
3965 The board shall file charges as provided in this section within
3966 thirty (30) days after the issuance of an order, or the suspension
3967 shall be of no further force and effect. If charges are filed,
3968 the order of suspension shall remain in effect until disposition
3969 of all charges.

3970 (11) The board, for sufficient cause, may reissue a revoked
3971 certificate of registration or certificate of enrollment, upon
3972 written application to the board by the applicant. The
3973 application shall be made not less than three (3) years after the
3974 revocation. The board may impose reasonable conditions or
3975 limitations in connection with any reissuance.

3976 (12) In addition to the reasons named in subsection (1) of
3977 this section, the board may suspend the certificate of
3978 registration or certificate of enrollment of any person for being
3979 out of compliance with an order for support, as defined in Section
3980 93-11-153. The procedure for suspension of a certificate for
3981 being out of compliance with an order for support, and the
3982 procedure for the reissuance or reinstatement of a certificate
3983 suspended for that purpose, and the payment of any fees for the
3984 reissuance or reinstatement of a certificate suspended for that
3985 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
3986 the case may be. Actions taken by the board in suspending a
3987 certificate when required by Section 93-11-157 or 93-11-163 are
3988 not actions from which an appeal may be taken under Section
3989 73-63-49. Any appeal of a suspension of a certificate that is
3990 required by Section 93-11-157 or 93-11-163 shall be taken in



3991 accordance with the appeal procedure specified in Section
3992 93-11-157 or 93-11-163, as the case may be, rather than the
3993 procedure specified in Section 73-63-49. If there is any conflict
3994 between Section 93-11-157 or 93-11-163 and this chapter, Section
3995 93-11-157 or 93-11-163, as the case may be, shall control.

3996 **SECTION 30.** Section 73-65-13, Mississippi Code of 1972, is
3997 amended as follows:

3998 73-65-13. (1) The board may deny any application, or
3999 suspend or revoke any license held or applied for under the
4000 provisions of Section 73-65-7 if the person:

4001 (a) Is found guilty of fraud, deceit, or
4002 misrepresentation in procuring or attempting to procure a license
4003 to practice art therapy;

4004 (b) Is adjudicated mentally incompetent;

4005 (c) Is found guilty of a felony or misdemeanor
4006 involving moral turpitude;

4007 (d) Is found guilty of unprofessional or unethical
4008 conduct in this or any other jurisdiction;

4009 (e) Has been using any controlled substance or
4010 alcoholic beverage to an extent or in a manner dangerous to the
4011 person, any other person, or the public, or to an extent that the
4012 use impairs the ability to perform as a licensed professional art
4013 therapist;

4014 (f) Has violated any provision of this chapter; or

4015 (g) Willfully or negligently divulges a professional
4016 confidence.

4017 (2) A certified copy of the record of conviction shall be
4018 conclusive evidence of the conviction.

4019 (3) Disciplinary proceedings may be initiated upon the
4020 receipt by the board of a sworn complaint by any person, including
4021 members of the board.

4022 (4) Notwithstanding any provision of this chapter:



4023 (a) The board, acting on its own motion or, in the case
4024 of a default on a loan, on the recommendation of the state agency
4025 to which payments are due, shall suspend the license of any person
4026 who defaults on or fails to comply with the requirements of a
4027 state educational loan, service conditional scholarship or loan
4028 repayment program obligation under which the person obtained any
4029 of the education necessary to qualify for a license under this
4030 chapter. However, before a state agency may recommend the
4031 suspension of a license due to the person's default on a loan,
4032 that agency must provide the license holder with notice of its
4033 intention to recommend the suspension of the person's license and
4034 an opportunity for the license holder to respond; and

4035 (b) The person's license will remain suspended until
4036 the person has: (i) made arrangements satisfactory to the board
4037 for meeting the obligations of the loan, scholarship or loan
4038 repayment program; or (ii) in the case of a default, made
4039 arrangements satisfactory to the state agency to which payments
4040 are due for the repayment of the educational loan or scholarship.

4041 **SECTION 31.** Section 73-67-27, Mississippi Code of 1972, is
4042 amended as follows:

4043 73-67-27. (1) The board may refuse to issue or renew or may
4044 deny, suspend or revoke any certificate of registration held or
4045 applied for under this chapter upon finding that the holder of a
4046 certificate of registration or applicant:

4047 (a) Is guilty of fraud, deceit or misrepresentation in
4048 procuring or attempting to procure any certificate of registration
4049 provided for in this chapter;

4050 (b) Attempted to use as his own the certificate of
4051 registration of another;

4052 (c) Allowed the use of his certificate of registration
4053 by another;

4054 (d) Has been adjudicated as mentally incompetent by
4055 regularly constituted authorities;



4056 (e) Has been convicted of a crime, or has charges or
4057 disciplinary action pending that directly relates to the practice
4058 of massage therapy or to the ability to practice massage therapy.
4059 Any plea of nolo contendere shall be considered a conviction for
4060 the purposes of this section;

4061 (f) Is guilty of unprofessional or unethical conduct as
4062 defined by the code of ethics;

4063 (g) Is guilty of false, misleading or deceptive
4064 advertising, or is guilty of aiding or assisting in the
4065 advertising of any unregistered or unpermitted person in the
4066 practice of massage therapy;

4067 (h) Is grossly negligent or incompetent in the practice
4068 of massage therapy; or

4069 (i) Has had rights, credentials or one or more
4070 license(s) to practice massage therapy revoked, suspended or
4071 denied in any jurisdiction, territory or possession of the United
4072 States or another country for acts of the licensee similar to acts
4073 described in this section. A certified copy of the record of the
4074 jurisdiction making such a revocation, suspension or denial shall
4075 be conclusive evidence thereof.

4076 (2) Notwithstanding any provision of this chapter:

4077 (a) The board, acting on its own motion or, in the case
4078 of a default on a loan, on the recommendation of the state agency
4079 to which payments are due, shall suspend the certificate of
4080 registration of any person who defaults on or fails to comply with
4081 the requirements of a state educational loan, service conditional
4082 scholarship or loan repayment program obligation under which the
4083 person obtained any of the education necessary to qualify for a
4084 certificate of registration under this chapter. However, before a
4085 state agency may recommend the suspension of a certificate of
4086 registration due to the person's default on a loan, that agency
4087 must provide the certificate holder with notice of its intention
4088 to recommend the suspension of the person's certificate of



4089 registration and an opportunity for the certificate holder to
4090 respond; and

4091 (b) The person's certificate of registration will
4092 remain suspended until the person has: (i) made arrangements
4093 satisfactory to the board for meeting the obligations of the loan,
4094 scholarship or loan repayment program; or (ii) in the case of a
4095 default, made arrangements satisfactory to the state agency to
4096 which payments are due for the repayment of the educational loan
4097 or scholarship.

4098 (3) Investigative proceedings may be implemented by a
4099 complaint by any person, including members of the board.

4100 (4) (a) Any person(s) found guilty of prostitution using as
4101 any advertisement, claim or insignia of being an actual registered
4102 massage therapist or to be practicing massage therapy by using the
4103 word "massage" or any other description indicating the same,
4104 whether or not the person(s) have one or more such certificate of
4105 registration for person(s) or establishment(s), shall be guilty of
4106 a misdemeanor, and upon conviction, shall be punished by a fine of
4107 not less than One Thousand Dollars (\$1,000.00), nor more than Five
4108 Thousand Dollars (\$5,000.00), or imprisonment of up to six (6)
4109 months, or both, per offense, per person.

4110 (b) Any person who knowingly participates in receiving
4111 illegal service(s) of any person found guilty as described in
4112 paragraph (a) of this subsection, upon conviction, shall be
4113 punished by a fine not exceeding Five Hundred Dollars (\$500.00),
4114 or imprisonment for up to one (1) month, or both. Persons
4115 officially designated to investigate complaints are exempt.

4116 (c) Any person who violates any provision of this
4117 chapter, other than violation(s) of paragraph (a) of this
4118 subsection, is guilty of a misdemeanor, and upon conviction, shall
4119 be punished by a fine not exceeding Five Hundred Dollars
4120 (\$500.00), or imprisonment for up to one (1) month in jail, or
4121 both, per offense.



4122 **SECTION 32.** This act shall take effect and be in force from
4123 and after July 1, 2003.

