

By: Representative Howell

To: Education

HOUSE BILL NO. 431

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 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 establish rules and regulations for the renewal
389 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 such 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 such districts.

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

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

1090 (p) If the practitioner is certified to provide animal
1091 chiropractic treatment, failure to follow guidelines approved by
1092 the Mississippi Board of Veterinary Medicine.

1093 (2) Notwithstanding any provision of this chapter:

1094 (a) The board, acting on its own motion or, in the case
1095 of a default on a loan, on the recommendation of the state agency
1096 to which payments are due, shall suspend the license of any person
1097 who defaults on or fails to comply with the requirements of a
1098 state educational loan, service conditional scholarship or loan
1099 repayment program obligation under which the person obtained any
1100 of the education necessary to qualify for a license under this
1101 chapter. However, before a state agency may recommend the
1102 suspension of a license due to the person's default on a loan,
1103 that agency must provide the license holder with notice of its
1104 intention to recommend the suspension of the person's license and
1105 an opportunity for the license holder to respond; and

1106 (b) The person's license will remain suspended until
1107 the person has: (i) made arrangements satisfactory to the board
1108 for meeting the obligations of the loan, scholarship or loan
1109 repayment program; or (ii) in the case of a default, made
1110 arrangements satisfactory to the state agency to which payments
1111 are due for the repayment of the educational loan or scholarship.

1112 (3) Any holder of the certificate or any applicant therefor
1113 against whom is preferred any of the designated charges shall be
1114 furnished a copy of the complaint and shall receive a formal
1115 hearing in Jackson, Mississippi, before the board, at which time
1116 he may be represented by counsel and examine witnesses. The board
1117 may administer oaths as may be necessary for the proper conduct of
1118 any such hearing. In addition, the board may issue subpoenas for
1119 the attendance of witnesses and the production of books and
1120 papers. The process issued by the board shall extend to all parts
1121 of the state. Where in any proceeding before the board any
1122 witness * * * fails or refuses to attend upon subpoena issued by
1123 the board, * * * refuses to testify, or * * * refuses to produce
1124 any books and papers, the production of which is called for by the
1125 subpoena, the attendance of the witness and the giving of his
1126 testimony and the production of the books and papers shall be
1127 enforced by any court of competent jurisdiction of this state in
1128 the manner provided for the enforcement of attendance and
1129 testimony of witnesses in civil cases in the courts of this state.

1130 (4) In addition to any other investigators the board
1131 employs, the board shall appoint one or more licensed
1132 chiropractors to act for the board in investigating the conduct
1133 relating to the competency of a chiropractor, whenever
1134 disciplinary action is being considered for professional
1135 incompetence and unprofessional conduct.

1136 (5) Whenever the board finds any person unqualified to
1137 practice chiropractic because of any of the grounds set forth in
1138 subsection (1) of this section, after a hearing has been conducted
1139 as prescribed by this section, the board may enter an order
1140 imposing one or more of the following:

1141 (a) Deny his application for a license or other
1142 authorization to practice chiropractic;

1143 (b) Administer a public or private reprimand;

1144 (c) Suspend, limit or restrict his license or other
1145 authorization to practice chiropractic for up to five (5) years;

1146 (d) Revoke or cancel his license or other authorization
1147 to practice chiropractic;

1148 (e) Require him to submit to care, counseling or
1149 treatment by physicians or chiropractors designated by the board,
1150 as a condition for initial, continued or renewal of licensure or
1151 other authorization to practice chiropractic;

1152 (f) Require him to participate in a program of
1153 education prescribed by the board; or

1154 (g) Require him to practice under the direction of a
1155 chiropractor designated by the board for a specified period of
1156 time.

1157 (6) Any person whose application for a license or whose
1158 license to practice chiropractic has been cancelled, revoked or
1159 suspended by the board within thirty (30) days from the date of
1160 the final decision shall have the right of a de novo appeal to the
1161 circuit court of his county of residence or the Circuit Court of
1162 the First Judicial District of Hinds County, Mississippi. If
1163 there is an appeal, the appeal may, in the discretion of and on
1164 motion to the circuit court, act as a supersedeas. The circuit
1165 court shall dispose of the appeal and enter its decision promptly.
1166 The hearing on the appeal may, in the discretion of the circuit
1167 judge, be tried in vacation. Either party shall have the right of
1168 appeal to the Supreme Court as provided by law from any decision
1169 of the circuit court.

1170 (7) In a proceeding conducted under this section by the
1171 board for the revocation, suspension or cancellation of a license
1172 to practice chiropractic, after a hearing has been conducted as
1173 prescribed by this section, the board shall have the power and
1174 authority for the grounds stated in subsection (1) of this
1175 section, with the exception of paragraph (c) thereof, to assess
1176 and levy upon any person licensed to practice chiropractic in the

1177 state a monetary penalty in lieu of the revocation, suspension or
1178 cancellation, as follows:

1179 (a) For the first violation, a monetary penalty of not
1180 less than Five Hundred Dollars (\$500.00) nor more than One
1181 Thousand Dollars (\$1,000.00) for each violation.

1182 (b) For the second and each subsequent violation, a
1183 monetary penalty of not less than One Thousand Dollars (\$1,000.00)
1184 nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for
1185 each violation.

1186 The power and authority of the board to assess and levy the
1187 monetary penalties under this section shall not be affected or
1188 diminished by any other proceeding, civil or criminal, concerning
1189 the same violation or violations. A licensee shall have the right
1190 of appeal from the assessment and levy of a monetary penalty as
1191 provided in this section to the circuit court under the same
1192 conditions as a right of appeal is provided for in this section
1193 for appeals from an adverse ruling, or order, or decision of the
1194 board. Any monetary penalty assessed and levied under this
1195 section shall not take effect until after the time for appeal has
1196 expired, and an appeal of the assessment and levy of such a
1197 monetary penalty shall act as a supersedeas.

1198 (8) In addition to the grounds specified in subsection (1)
1199 of this section, the board may suspend the license of any licensee
1200 for being out of compliance with an order for support, as defined
1201 in Section 93-11-153. The procedure for suspension of a license
1202 for being out of compliance with an order for support, and the
1203 procedure for the reissuance or reinstatement of a license
1204 suspended for that purpose, and the payment of any fees for the
1205 reissuance or reinstatement of a license suspended for that
1206 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
1207 the case may be. Actions taken by the board in suspending a
1208 license when required by Section 93-11-157 or 93-11-163 are not
1209 actions from which an appeal may be taken under this section. Any

1210 appeal of a license suspension that is required by Section
1211 93-11-157 or 93-11-163 shall be taken in accordance with the
1212 appeal procedure specified in Section 93-11-157 or 93-11-163, as
1213 the case may be, rather than the procedure specified in this
1214 section. If there is any conflict between any provision of
1215 Section 93-11-157 or 93-11-163 and any provision of this chapter,
1216 the provisions of Section 93-11-157 or 93-11-163, as the case may
1217 be, shall control.

1218 **SECTION 7.** Section 73-7-27, Mississippi Code of 1972, is
1219 amended as follows:

1220 73-7-27. (1) Any complaint may be filed with the board by a
1221 member or agent of the board or by any person charging any
1222 licensee of the board with the commission of any of the offenses
1223 enumerated in subsection (2) or (3) of this section. The
1224 complaint shall be in writing, signed by the accuser or accusers,
1225 and verified under oath, and the complaints shall be investigated
1226 as set forth in Section 73-7-7. If, after the investigation, the
1227 board through its administrative review agents determines that
1228 there is not substantial justification to believe that the accused
1229 licensee has committed any of the offenses enumerated, it may
1230 dismiss the complaint or may prepare a formal complaint proceeding
1231 against the licensee as hereinafter provided. When used with
1232 reference to any complaint filed against a licensee herein, the
1233 term "not substantial justification" means a complaint that is
1234 frivolous, groundless in fact or law, or vexatious, as determined
1235 by unanimous vote of the board. If there is a dismissal, the
1236 person filing the accusation and the accused licensee shall be
1237 given written notice of the board's determination. If the board
1238 determines there is reasonable cause to believe the accused has
1239 committed any of those offenses, the secretary of the board shall
1240 give written notice of that determination to the accused licensee
1241 and set a day for a hearing as provided in subsection (3) of this
1242 section.

1243 (2) The board shall have the power to revoke, suspend or
1244 refuse to issue or renew any license or certificate provided for
1245 in this chapter, and to fine, place on probation and/or otherwise
1246 discipline a student or licensee or holder of a certificate, upon
1247 proof that the person:

1248 (a) Has not complied with or has violated any of the
1249 rules and regulations promulgated by the board;

1250 (b) Has not complied with or has violated any of the
1251 sections of this chapter;

1252 (c) Has committed fraud or dishonest conduct in the
1253 taking of the examination herein provided for;

1254 (d) Has been convicted of a felony;

1255 (e) Has committed grossly unprofessional or dishonest
1256 conduct;

1257 (f) Is addicted to the excessive use of intoxicating
1258 liquors or to the use of drugs to such an extent as to render him
1259 or her unfit to practice in any of the practices or occupations
1260 set forth in this chapter;

1261 (g) Has advertised by means of knowingly false or
1262 deceptive statements; * * *

1263 (h) Has failed to display the license or certificate
1264 issued to him or her as provided for in this chapter; or

1265 (i) Has been convicted of violating any of the
1266 provisions of this chapter.

1267 A conviction of violating any of the provisions of this
1268 chapter shall be grounds for automatic suspension of the license
1269 or certificate of the person.

1270 (3) Notwithstanding any provision of this chapter:

1271 (a) The board, acting on its own motion or, in the case
1272 of a default on a loan, on the recommendation of the state agency
1273 to which payments are due, shall suspend the license of any person
1274 who defaults on or fails to comply with the requirements of a
1275 state educational loan, service conditional scholarship or loan

1276 repayment program obligation under which the person obtained any
1277 of the education necessary to qualify for a license under this
1278 chapter. However, before a state agency may recommend the
1279 suspension of a license due to the person's default on a loan,
1280 that agency must provide the license holder with notice of its
1281 intention to recommend the suspension of the person's license and
1282 an opportunity for the license holder to respond; and

1283 (b) The person's license will remain suspended until
1284 the person has: (i) made arrangements satisfactory to the board
1285 for meeting the obligations of the loan, scholarship or loan
1286 repayment program; or (ii) in the case of a default, made
1287 arrangements satisfactory to the state agency to which payments
1288 are due for the repayment of the educational loan or scholarship.

1289 (4) The board shall not revoke, suspend or refuse to issue
1290 or renew any license or certificate, or fine, place on probation
1291 or otherwise discipline any person in a disciplinary matter except
1292 after a hearing of which the applicant or licensee or holder of
1293 the certificate affected shall be given at least twenty (20) days'
1294 notice in writing, specifying the reason or reasons for denying
1295 the applicant a license or certificate of registration, or in the
1296 case of any other disciplinary action, the offense or offenses of
1297 which the licensee or holder of a certificate of registration is
1298 charged. The notice may be served by mailing a copy thereof by
1299 United States first class certified mail, postage prepaid, to the
1300 last known residence or business address of the applicant,
1301 licensee or holder of a certificate. The hearing on the charges
1302 shall be at such time and place as the board may prescribe.

1303 (5) At those hearings, all witnesses shall be sworn by a
1304 member of the board, and stenographic notes of the proceedings
1305 shall be taken. Any party to the proceedings desiring it shall be
1306 furnished with a copy of the stenographic notes upon payment to
1307 the board of such fees as it shall prescribe, not exceeding,
1308 however, the actual costs of transcription.

1309 (6) The board may issue subpoenas for the attendance of
1310 witnesses and the production of books and papers. The process
1311 issued by the board shall extend to all parts of the state and the
1312 process shall be served by any person designated by the board for
1313 that service. The person serving the process shall receive such
1314 compensation as may be allowed by the board, not to exceed the fee
1315 prescribed by law for similar services. All witnesses who shall
1316 be subpoenaed, and who shall appear in any proceedings before the
1317 board, shall receive the same fees and mileage as allowed by law.

1318 (7) Where in any proceeding before the board any
1319 witness * * * fails or refuses to attend upon subpoena issued by
1320 the board, * * * refuses to testify, or * * * refuses to produce
1321 any books and papers, the production of which is called for by the
1322 subpoena, the attendance of the witness and the giving of his
1323 testimony and the production of the books and papers shall be
1324 enforced by any court of competent jurisdiction of this state, in
1325 the manner as are enforced the attendance and testimony of
1326 witnesses in civil cases in the courts of this state.

1327 (8) The board shall conduct the hearing in an orderly and
1328 continuous manner, granting continuances only when the ends of
1329 justice may be served. The board shall, within sixty (60) days
1330 after conclusion of the hearing, reduce its decision to writing
1331 and forward an attested true copy thereof to the last known
1332 residence or business address of the applicant, licensee or holder
1333 of a certificate, by way of United States first class certified
1334 mail, postage prepaid. The applicant, licensee, holder of a
1335 certificate, or person aggrieved shall have the right of appeal
1336 from an adverse ruling, or order, or decision of the board to the
1337 chancery court upon forwarding notice of appeal to the board
1338 within thirty (30) days after the decision of the board is mailed
1339 in the manner here contemplated. An appeal will not be allowed if
1340 notice of appeal, together with the appeal bond hereinafter
1341 required, is not * * * forwarded to the board within the

1342 thirty-day period. Appeal shall be to the chancery court of the
1343 county and judicial district of the residence of the appellant, or
1344 to the Chancery Court of the First Judicial District of Hinds
1345 County, Mississippi, at the election of the appellant. The notice
1346 of appeal shall elect venue, unless the appellant be a nonresident
1347 of the State of Mississippi, in which event the board shall
1348 certify all documents and evidence directly to the Chancery Court
1349 of the First Judicial District of Hinds County for further
1350 proceedings. The appeal shall thereupon be heard in due course by
1351 the court, which shall review the record and make its
1352 determination thereon.

1353 (9) The appellant shall, together with the notice of appeal,
1354 forward to and post with the board a satisfactory bond in the
1355 amount of Five Hundred Dollars (\$500.00) for the payment of any
1356 costs that may be adjudged against him.

1357 (10) If there is an appeal, the court shall dispose of the
1358 appeal and enter its decision promptly. The hearing on the appeal
1359 may, in the discretion of the chancellor, be tried in vacation.
1360 If there is an appeal, the appeal may, in the discretion of and on
1361 motion to the chancery court, act as a supersedeas. However, any
1362 fine imposed by the board under the provisions of this chapter
1363 shall not take effect until after the time for appeal has expired,
1364 and an appeal of the imposition of such a fine shall act as a
1365 supersedeas.

1366 (11) Any fine imposed by the board upon a licensee or holder
1367 of a certificate shall be in accordance with the following
1368 schedule:

1369 (a) For the first violation, a fine of not less than
1370 Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00)
1371 for each violation.

1372 (b) For the second and each subsequent violation, a
1373 fine of not less than One Hundred Dollars (\$100.00) nor more than
1374 Four Hundred Dollars (\$400.00) for each violation.

1375 The power and authority of the board to impose the fines
1376 under this section shall not be affected or diminished by any
1377 other proceeding, civil or criminal, concerning the same violation
1378 or violations.

1379 (12) In addition to the reasons specified in subsection (2)
1380 of this section, the board may suspend the license of any licensee
1381 for being out of compliance with an order for support, as defined
1382 in Section 93-11-153. The procedure for suspension of a license
1383 for being out of compliance with an order for support, and the
1384 procedure for the reissuance or reinstatement of a license
1385 suspended for that purpose, and the payment of any fees for the
1386 reissuance or reinstatement of a license suspended for that
1387 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
1388 the case may be. Actions taken by the board in suspending a
1389 license when required by Section 93-11-157 or 93-11-163 are not
1390 actions from which an appeal may be taken under this section. Any
1391 appeal of a license suspension that is required by Section
1392 93-11-157 or 93-11-163 shall be taken in accordance with the
1393 appeal procedure specified in Section 93-11-157 or 93-11-163, as
1394 the case may be, rather than the procedure specified in this
1395 section. If there is any conflict between any provision of
1396 Section 93-11-157 or 93-11-163 and any provision of this chapter,
1397 the provisions of Section 93-11-157 or 93-11-163, as the case may
1398 be, shall control.

1399 **SECTION 8.** Section 73-9-61, Mississippi Code of 1972, is
1400 amended as follows:

1401 73-9-61. (1) Upon satisfactory proof, and in accordance
1402 with statutory provisions elsewhere set out for those hearings and
1403 protecting the rights of the accused as well as the public, the
1404 State Board of Dental Examiners may deny the issuance or renewal
1405 of a license or may revoke or suspend the license of any licensed
1406 dentist or dental hygienist practicing in the State of
1407 Mississippi, or take any other action in relation to the license

1408 as the board may deem proper under the circumstances, for any of
1409 the following reasons:

1410 (a) Misrepresentation in obtaining a license, or
1411 attempting to obtain, obtaining, attempting to renew or renewing a
1412 license or professional credential by making any material
1413 misrepresentation, including the signing in his or her
1414 professional capacity any certificate that is known to be false at
1415 the time he or she makes or signs the certificate.

1416 (b) Willful violation of any of the rules or
1417 regulations duly promulgated by the board, or of any of the rules
1418 or regulations duly promulgated by the appropriate dental
1419 licensure agency of another state or jurisdiction.

1420 (c) Being impaired in the ability to practice dentistry
1421 or dental hygiene with reasonable skill and safety to patients by
1422 reason of illness or use of alcohol, drugs, narcotics, chemicals,
1423 or any other type of material or as a result of any mental or
1424 physical condition.

1425 (d) Administering, dispensing or prescribing any
1426 prescriptive medication or drug outside the course of legitimate
1427 professional dental practice.

1428 (e) Being convicted or found guilty of or entering a
1429 plea of nolo contendere to, regardless of adjudication, a
1430 violation of any federal or state law regulating the possession,
1431 distribution or use of any narcotic drug or any drug considered a
1432 controlled substance under state or federal law, a certified copy
1433 of the conviction order or judgment rendered by the trial court
1434 being prima facie evidence thereof, notwithstanding the pendency
1435 of any appeal.

1436 (f) Practicing incompetently or negligently, regardless
1437 of whether there is actual harm to the patient.

1438 (g) Being convicted or found guilty of or entering a
1439 plea of nolo contendere to, regardless of adjudication, a crime in
1440 any jurisdiction that relates to the practice of dentistry or

1441 dental hygiene, a certified copy of the conviction order or
1442 judgment rendered by the trial court being prima facie evidence
1443 thereof, notwithstanding the pendency of any appeal.

1444 (h) Being convicted or found guilty of or entering a
1445 plea of nolo contendere to, regardless of adjudication, a felony
1446 in any jurisdiction, a certified copy of the conviction order or
1447 judgment rendered by the trial court being prima facie evidence
1448 thereof, notwithstanding the pendency of any appeal.

1449 (i) Delegating professional responsibilities to a
1450 person who is not qualified by training, experience or licensure
1451 to perform them.

1452 (j) The refusal of a licensing authority of another
1453 state or jurisdiction to issue or renew a license, permit or
1454 certificate to practice dentistry or dental hygiene in that
1455 jurisdiction or the revocation, suspension or other restriction
1456 imposed on a license, permit or certificate issued by that
1457 licensing authority that prevents or restricts practice in that
1458 jurisdiction, a certified copy of the disciplinary order or action
1459 taken by the other state or jurisdiction being prima facie
1460 evidence thereof, notwithstanding the pendency of any appeal.

1461 (k) Surrender of a license or authorization to practice
1462 dentistry or dental hygiene in another state or jurisdiction when
1463 the board has reasonable cause to believe that the surrender is
1464 made to avoid or in anticipation of a disciplinary action.

1465 (l) Any unprofessional conduct to be determined by the
1466 board on a case-by-case basis, which shall include, but not be
1467 restricted to, the following:

1468 (i) Committing any crime involving moral
1469 turpitude.

1470 (ii) Practicing deceit or other fraud upon the
1471 public.

1472 (iii) Practicing dentistry or dental hygiene under
1473 a false or assumed name.

1474 (iv) Advertising that is false, deceptive or
1475 misleading.

1476 (v) Announcing a specialized practice shall be
1477 considered advertising that tends to deceive or mislead the public
1478 unless the dentist announcing as a specialist conforms to other
1479 statutory provisions and the duly promulgated rules or regulations
1480 of the board pertaining to practice of dentistry in the State of
1481 Mississippi.

1482 (m) Failure to provide and maintain reasonable sanitary
1483 facilities and conditions or failure to follow board rules
1484 regarding infection control.

1485 (n) Committing any act that would constitute sexual
1486 misconduct upon a patient or upon ancillary staff. For purposes
1487 of this subsection, the term sexual misconduct means:

1488 (i) Use of the licensee-patient relationship to
1489 engage or attempt to engage the patient in sexual activity; or

1490 (ii) Conduct of a licensee that is intended to
1491 intimidate, coerce, influence or trick any person employed by or
1492 for the licensee in a dental practice or educational setting for
1493 the purpose of engaging in sexual activity or activity intended
1494 for the sexual gratification of the licensee.

1495 (o) Violation of a lawful order of the board previously
1496 entered in a disciplinary or licensure hearing; failure to
1497 cooperate with any lawful request or investigation by the board;
1498 or failure to comply with a lawfully issued subpoena of the board.

1499 (p) Willful, obstinate and continuing refusal to
1500 cooperate with the board in observing its rules and regulations in
1501 promptly paying all legal license or other fees required by law.

1502 (q) Practicing dentistry or dental hygiene while the
1503 person's license is suspended.

1504 (2) Notwithstanding any provision of this chapter:

1505 (a) The board, acting on its own motion or, in the case
1506 of a default on a loan, on the recommendation of the state agency

1507 to which payments are due, shall suspend the license of any person
1508 who defaults on or fails to comply with the requirements of a
1509 state educational loan, service conditional scholarship or loan
1510 repayment program obligation under which the person obtained any
1511 of the education necessary to qualify for a license under this
1512 chapter. However, before a state agency may recommend the
1513 suspension of a license due to the person's default on a loan,
1514 that agency must provide the license holder with notice of its
1515 intention to recommend the suspension of the person's license and
1516 an opportunity for the license holder to respond; and

1517 (b) The person's license will remain suspended until
1518 the person has: (i) made arrangements satisfactory to the board
1519 for meeting the obligations of the loan, scholarship or loan
1520 repayment program; or (ii) in the case of a default, made
1521 arrangements satisfactory to the state agency to which payments
1522 are due for the repayment of the educational loan or scholarship.

1523 (3) In lieu of revocation of a license as provided for in
1524 subsection (1) of this section, the board may suspend the license
1525 of the offending dentist or dental hygienist, suspend the sedation
1526 permit of the offending dentist, or take any other action in
1527 relation to his or her license as the board may deem proper under
1528 the circumstances.

1529 (4) When a license to practice dentistry or dental hygiene
1530 is revoked or suspended by the board, the board may, in its
1531 discretion, stay the revocation or suspension and simultaneously
1532 place the licensee on probation upon the condition that the
1533 licensee shall not violate the laws of the State of Mississippi
1534 pertaining to the practice of dentistry or dental hygiene and
1535 shall not violate the rules and regulations of the board and shall
1536 not violate any terms in relation to his or her license as may be
1537 set by the board.

1538 (5) In a proceeding conducted under this section by the
1539 board for the denial, revocation or suspension of a license to

1540 practice dentistry or dental hygiene, the board shall have the
1541 power and authority for the grounds stated for that denial,
1542 revocation or suspension, and in addition thereto or in lieu of
1543 that denial, revocation or suspension may assess and levy upon any
1544 person licensed to practice dentistry or dental hygiene in the
1545 State of Mississippi, a monetary penalty, as follows:

1546 (a) For the first violation of any of subparagraph (a),
1547 (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of subsection
1548 (1) of this section, a monetary penalty of not less than Fifty
1549 Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).

1550 (b) For the second violation of any of subparagraph
1551 (a), (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of
1552 subsection (1) of this section, a monetary penalty of not less
1553 than One Hundred Dollars (\$100.00) nor more than One Thousand
1554 Dollars (\$1,000.00).

1555 (c) For the third and any subsequent violation of any
1556 of subparagraph (a), (b), (c), (d), (f), (i), (l), (m), (n), (o)
1557 or (q) of subsection (1) of this section, a monetary penalty of
1558 not less than Five Hundred Dollars (\$500.00) and not more than
1559 Five Thousand Dollars (\$5,000.00).

1560 (d) For any violation of any of subparagraphs (a)
1561 through (q) of subsection (1) of this section, those reasonable
1562 costs that are expended by the board in the investigation and
1563 conduct of a proceeding for licensure revocation or suspension,
1564 including, but not limited to, the cost of process service, court
1565 reporters, expert witnesses and investigators.

1566 (6) The power and authority of the board to assess and levy
1567 monetary penalties under this section shall not be affected or
1568 diminished by any other proceeding, civil or criminal, concerning
1569 the same violation or violations except as provided in this
1570 section.

1571 (7) A licensee shall have the right of appeal from the
1572 assessment and levy of a monetary penalty as provided in this

1573 section under the same conditions as a right of appeal is provided
1574 elsewhere for appeals from an adverse ruling, order or decision of
1575 the board.

1576 (8) Any monetary penalty assessed and levied under this
1577 section shall not take effect until after the time for appeal has
1578 expired. If there is an appeal, the appeal shall act as a
1579 supersedeas.

1580 (9) A monetary penalty assessed and levied under this
1581 section shall be paid to the board by the licensee upon the
1582 expiration of the period allowed for appeal of those penalties
1583 under this section or may be paid sooner if the licensee elects.
1584 With the exception of subsection (5)(d) of this section, monetary
1585 penalties collected by the board under this section shall be
1586 deposited to the credit of the General Fund of the State Treasury.
1587 Any monies collected by the board under subsection (5)(d) of this
1588 section shall be deposited into the special fund operating account
1589 of the board.

1590 (10) When payment of a monetary penalty assessed and levied
1591 by the board against a licensee in accordance with this section is
1592 not paid by the licensee when due under this section, the board
1593 shall have power to institute and maintain proceedings in its name
1594 for enforcement of payment in the chancery court of the county and
1595 judicial district of residence of the licensee, and if the
1596 licensee is a nonresident of the State of Mississippi, the
1597 proceedings shall be in the Chancery Court of the First Judicial
1598 District of Hinds County, Mississippi.

1599 (11) In addition to the reasons specified in subsection (1)
1600 of this section, the board may suspend the license of any licensee
1601 for being out of compliance with an order for support, as defined
1602 in Section 93-11-153. The procedure for suspension of a license
1603 for being out of compliance with an order for support, and the
1604 procedure for the reissuance or reinstatement of a license
1605 suspended for that purpose, and the payment of any fees for the

1606 reissuance or reinstatement of a license suspended for that
1607 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
1608 the case may be. If there is any conflict between any provision
1609 of Section 93-11-157 or 93-11-163 and any provision of this
1610 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
1611 case may be, shall control.

1612 (12) All grounds for disciplinary action, including
1613 imposition of fines and assessment of costs as enumerated above,
1614 shall also apply to any other license or permit issued by the
1615 board under this chapter or regulations duly adopted by the board.

1616 **SECTION 9.** Section 73-10-21, Mississippi Code of 1972, is
1617 amended as follows:

1618 73-10-21. (1) Rules, regulations and standards.

1619 (a) The board shall adopt, amend, promulgate and
1620 enforce such rules, regulations and standards governing dietitians
1621 as may be necessary to further the accomplishment of the purpose
1622 of the governing law, and in so doing shall utilize as the basis
1623 thereof the corresponding recommendations of the advisory council.
1624 The rules, regulations and minimum standards for licensing of
1625 dietitians may be amended by the board as deemed necessary. In so
1626 doing, the board shall utilize as the basis thereof the
1627 corresponding recommendations of the advisory council.

1628 (b) The board shall publish and disseminate to all
1629 licensees, in appropriate manner, the licensure standards
1630 prescribed by this chapter, any amendments thereto, and such rules
1631 and regulations as the board may adopt under the authority vested
1632 by Section 73-38-13, within sixty (60) days of their adoption.

1633 (2) The board shall adopt a code of ethics for dietitians
1634 using as the basis thereof the ADA "Code of Ethics for the
1635 Profession of Dietetics."

1636 (3) Issuance and renewal of licenses.

1637 (a) The board shall issue a license to any person who
1638 meets the requirements of this chapter upon payment of the license
1639 fee prescribed.

1640 (b) Upon the first renewal, licenses under this chapter
1641 shall be valid for two (2) calendar years and shall be subject to
1642 renewal and shall expire unless renewed in the manner prescribed
1643 by the rules and regulations of the board, upon the payment of a
1644 biennial renewal fee to be set at the discretion of the board, but
1645 not to exceed One Hundred Dollars (\$100.00), and the presentation
1646 of evidence satisfactory to the board that the licensee has met
1647 such continuing education requirements as the board may require.
1648 An applicant for license renewal shall demonstrate to the board
1649 evidence of satisfactory completion of the continuing education
1650 requirements established by the American Dietetic Association
1651 and/or other continuing education requirements as may be required
1652 by the board.

1653 (c) The board may provide for the late renewal of a
1654 license upon the payment of a late fee in accordance with its
1655 rules and regulations, but no such late renewal of a license may
1656 be granted more than one (1) year after its expiration.

1657 (d) A suspended license shall be subject to expiration
1658 and may be renewed as provided in this section, but that renewal
1659 shall not entitle the licensee, while the license remains
1660 suspended and until it is reinstated, to engage in the licensed
1661 activity, or in any other conduct or activity in violation of the
1662 order of judgment by which the license was suspended. If a
1663 license revoked on disciplinary grounds is reinstated, the
1664 licensee, as a condition of reinstatement, shall pay the renewal
1665 fee and any late fee that may be applicable.

1666 (4) Denial or revocation of license.

1667 (a) The board may deny or refuse to renew a license, or
1668 suspend or revoke a license, or issue orders to cease or desist
1669 from certain conduct, or issue warnings or reprimands where the

1670 licensee or applicant for license has been convicted of unlawful
1671 conduct or has demonstrated unprofessional conduct that has
1672 endangered or is likely to endanger the health, welfare or safety
1673 of the public. That conduct includes:

1674 (i) Obtaining a license by means of fraud,
1675 misrepresentation or concealment of material facts;

1676 (ii) Being guilty of unprofessional conduct as
1677 defined by the rules and established by the board or violating the
1678 Code of Ethics of the American Dietetic Association;

1679 (iii) Being convicted of a crime in any court
1680 other than a misdemeanor;

1681 (iv) Violating any lawful order, rule or
1682 regulation rendered or adopted by the board; or

1683 (v) Violating any provision of this chapter.

1684 (b) The denial, refusal to renew, suspension,
1685 revocation, order to cease and desist from designated conduct, or
1686 warning or reprimand may be ordered by the board in a decision
1687 made after a hearing in the manner provided by the rules and
1688 regulations adopted by the board. One (1) year from the date of
1689 the revocation of a license, application may be made to the board
1690 for reinstatement. The board shall have discretion to accept or
1691 reject an application for reinstatement and may, but shall not be
1692 required to, hold a hearing to consider the reinstatement.

1693 (c) Notwithstanding any provision of this chapter:

1694 (i) The board, acting on its own motion or, in the
1695 case of a default on a loan, on the recommendation of the state
1696 agency to which payments are due, shall suspend the license of any
1697 person who defaults on or fails to comply with the requirements of
1698 a state educational loan, service conditional scholarship or loan
1699 repayment program obligation under which the person obtained any
1700 of the education necessary to qualify for a license under this
1701 chapter. However, before a state agency may recommend the
1702 suspension of a license due to the person's default on a loan,

1703 that agency must provide the license holder with notice of its
1704 intention to recommend the suspension of the person's license and
1705 an opportunity for the license holder to respond; and

1706 (ii) The person's license will remain suspended
1707 until the person has: made arrangements satisfactory to the board
1708 for meeting the obligations of the loan, scholarship or loan
1709 repayment program; or, in the case of a default, made arrangements
1710 satisfactory to the state agency to which payments are due for the
1711 repayment of the educational loan or scholarship.

1712 (d) In addition to the reasons specified in paragraph
1713 (a) of this subsection (4), the board may suspend the license of
1714 any licensee for being out of compliance with an order for
1715 support, as defined in Section 93-11-153. The procedure for
1716 suspension of a license for being out of compliance with an order
1717 for support, and the procedure for the reissuance or reinstatement
1718 of a license suspended for that purpose, and the payment of any
1719 fees for the reissuance or reinstatement of a license suspended
1720 for that purpose, shall be governed by Section 93-11-157 or
1721 93-11-163, as the case may be. If there is any conflict between
1722 any provision of Section 93-11-157 or 93-11-163 and any provision
1723 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
1724 as the case may be, shall control.

1725 (5) Establish fees.

1726 (a) A person licensed under this chapter shall pay to
1727 the board a fee, not to exceed One Hundred Dollars (\$100.00), to
1728 be set by the board for the issuance of a license.

1729 (b) Those fees shall be set in such an amount as to
1730 reimburse the state to the extent feasible for the cost of the
1731 services rendered.

1732 (6) Collect funds.

1733 (a) The administration of the provisions of this
1734 chapter shall be financed from income accruing from fees, licenses

1735 and other charges assessed and collected by the board in
1736 administering this chapter.

1737 (b) The board shall receive and account for all funds
1738 received and shall keep those funds in a separate fund.

1739 (c) Funds collected under the provisions of this
1740 chapter shall be used solely for the expenses of the advisory
1741 council and the board to administer the provisions of this
1742 chapter. Those funds shall be subject to audit by the State
1743 Auditor.

1744 (d) Members of the advisory council shall receive no
1745 compensation for services performed on the council, but may be
1746 reimbursed for necessary and actual expenses incurred in
1747 connection with attendance at meetings of the council or for
1748 authorized business of the council from funds made available for
1749 that purpose, as provided in Section 25-3-41.

1750 (7) Receive and process complaints.

1751 (a) The board shall have full authority to investigate
1752 and evaluate each and every applicant applying for a license to
1753 practice dietetics, with the advice of the advisory council.

1754 (b) The board shall have the authority to issue
1755 subpoenas, examine witnesses and administer oaths, and shall, at
1756 its discretion, investigate allegations or practices violating the
1757 provisions of this chapter, and in so doing shall have power to
1758 seek injunctive relief to prohibit any person from providing
1759 professional dietetic services as defined in Section 73-10-3(1)(j)
1760 without being licensed as provided herein.

1761 (8) A license certificate issued by the board is the
1762 property of the board and must be surrendered on demand.

1763 **SECTION 10.** Section 73-11-57, Mississippi Code of 1972, is
1764 amended as follows:

1765 73-11-57. (1) The board may refuse to examine or to issue
1766 or renew, or may suspend or revoke, any license, or may reprimand
1767 or place the holder thereof on a term of probation, after proper

1768 hearing, upon finding the holder of the license to be guilty of
1769 acts of commission or omission including the following:

1770 (a) The employment of fraud or deception in applying
1771 for a license or in passing the examination provided for in this
1772 chapter;

1773 (b) The erroneous issuance of a license to any person;

1774 (c) The conviction of a felony by any court in this
1775 state or any federal court or by the court of any other state or
1776 territory of the United States;

1777 (d) The practice of embalming under a false name or
1778 without a license for the practice of funeral service;

1779 (e) The impersonation of another funeral service or
1780 funeral directing licensee;

1781 (f) The permitting of a person other than a funeral
1782 service or funeral directing licensee to make arrangements for a
1783 funeral and/or form of disposition;

1784 (g) Violation of any provision of this chapter or any
1785 rule or regulation of the board;

1786 (h) Having had a license for the practice of funeral
1787 service or funeral directing suspended or revoked in any
1788 jurisdiction, having voluntarily surrendered his license in any
1789 jurisdiction, having been placed on probation in any jurisdiction,
1790 having been placed under disciplinary order(s) or other
1791 restriction in any manner for funeral directing and/or funeral
1792 service, or operating a funeral establishment (a certified copy of
1793 the order of suspension, revocation, probation or disciplinary
1794 action shall be prima facie evidence of that action);

1795 (i) Solicitation of dead human bodies by the licensee,
1796 his agents, assistants or employees, whether the solicitation
1797 occurs after death or when death is imminent; if the person
1798 solicited has made known a desire not to receive the
1799 communication, or if the solicitation involves coercion, duress or
1800 harassment, or if the solicitation takes place at the residence of

1801 the client or prospective client, is uninvited by the client or
1802 prospective client and has not been previously agreed to by the
1803 client or prospective client; however, this shall not be deemed to
1804 prohibit general advertising;

1805 (j) Employment directly or indirectly of any
1806 apprentice, agent, assistant, employee, or other person, on a
1807 part-time or full-time basis or on commission, for the purpose of
1808 calling upon individuals or institutions by whose influence dead
1809 human bodies may be turned over to a particular funeral
1810 establishment;

1811 (k) Failure to make responses to communications or
1812 requests of the board within thirty (30) days;

1813 (l) Failure to comply with an order of the board within
1814 thirty (30) days;

1815 (m) Knowingly performing any act that in any way
1816 assists an unlicensed person to practice funeral service or
1817 funeral directing;

1818 (n) Making a false statement on death certificates; or

1819 (o) Unprofessional conduct that includes, but is not
1820 limited to:

1821 (i) Retaining a dead human body for the payment of
1822 a fee for the performance of services not authorized in writing;

1823 (ii) Knowingly performing any act that in any way
1824 assists an unlicensed person to practice funeral service or
1825 funeral directing;

1826 (iii) Being guilty of any dishonorable conduct
1827 likely to deceive, defraud or harm the public;

1828 (iv) Any act or omission in the practice of
1829 funeral service or directing that constitutes dishonesty, fraud or
1830 misrepresentation with the intent to benefit the licensee, another
1831 person or funeral establishment, or with the intent to
1832 substantially injure another person, licensee or funeral
1833 establishment; or

1834 (v) Any act or conduct, whether the same or of a
1835 different character than specified above, that constitutes or
1836 demonstrates bad faith, incompetency or untrustworthiness; or
1837 dishonest, fraudulent or improper dealing; or any other violation
1838 of the provisions of this chapter, the rules and regulations
1839 established by the board or any rule or regulation promulgated by
1840 the Federal Trade Commission relative to the practice of funeral
1841 service or funeral directing.

1842 (2) Notwithstanding any provision of this chapter:

1843 (a) The board, acting on its own motion or, in the case
1844 of a default on a loan, on the recommendation of the state agency
1845 to which payments are due, shall suspend the license of any person
1846 who defaults on or fails to comply with the requirements of a
1847 state educational loan, service conditional scholarship or loan
1848 repayment program obligation under which the person obtained any
1849 of the education necessary to qualify for a license under this
1850 chapter. However, before a state agency may recommend the
1851 suspension of a license due to the person's default on a loan,
1852 that agency must provide the license holder with notice of its
1853 intention to recommend the suspension of the person's license and
1854 an opportunity for the license holder to respond; and

1855 (b) The person's license will remain suspended until
1856 the person has: (i) made arrangements satisfactory to the board
1857 for meeting the obligations of the loan, scholarship or loan
1858 repayment program; or (ii) in the case of a default, made
1859 arrangements satisfactory to the state agency to which payments
1860 are due for the repayment of the educational loan or scholarship.

1861 (3) The board may, upon satisfactory proof that the
1862 applicant or licensee has been guilty of any of the offenses * * *
1863 enumerated in subsection (1) of this section, refuse to examine or
1864 issue a license to the applicant, or may refuse to renew or revoke
1865 or suspend the license of the licensee, or place on probation or
1866 reprimand him, upon a majority vote of the board members, after a

1867 hearing thereon. The board is * * * vested with full power and
1868 authority to hold and conduct those hearings, compel the
1869 attendance of witnesses and the production of books, records and
1870 documents, issue subpoenas therefor, administer oaths, examine
1871 witnesses, and do all things necessary to properly conduct those
1872 hearings. The board may waive the necessity of a hearing if the
1873 person accused of a violation admits that he has been guilty of
1874 that offense. Any person who has been refused a license or whose
1875 license has been revoked or suspended may, within thirty (30) days
1876 after the decision of the board, file with the board a written
1877 notice stating that he feels himself aggrieved by the decision and
1878 appeals therefrom to the circuit court. Upon the filing of the
1879 notice, the secretary of the board shall transmit to the clerk of
1880 the circuit court the records and findings of the proceedings.
1881 The circuit court shall hear and determine as to whether the
1882 action of the board was in accord or consistent with law, or was
1883 arbitrary, unwarranted or in abuse of discretion. An appeal from
1884 the circuit court judgment or decree may be reviewed by the
1885 Supreme Court as is provided by law for other appeals. An appeal
1886 of a decision or order of the board does not act as a supersedeas.

1887 (4) In a proceeding conducted under this section by the
1888 board for the revocation or suspension of a license, the board
1889 shall have the power and authority for the grounds stated for the
1890 revocation or suspension, and in addition thereto or in lieu of
1891 the revocation or suspension may assess and levy upon any person
1892 licensed under this chapter, a monetary penalty, as follows:

1893 (a) For the first violation of any of the subparagraphs
1894 of subsection (1) of this section, a monetary penalty of not less
1895 than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars
1896 (\$500.00).

1897 (b) For the second violation of any of the
1898 subparagraphs of subsection (1) of this section, a monetary

1899 penalty of not less than One Hundred Dollars (\$100.00) nor more
1900 than One Thousand Dollars (\$1,000.00).

1901 (c) For the third and any subsequent violation of any
1902 of the subparagraphs of subsection (1) of this section, a monetary
1903 penalty of not less than Five Hundred Dollars (\$500.00) and not
1904 more than Five Thousand Dollars (\$5,000.00).

1905 (d) For any violation of any of the subparagraphs of
1906 subsection (1) of this section, those reasonable costs that are
1907 expended by the board in the investigation and conduct of a
1908 proceeding for licensure revocation or suspension, including, but
1909 not limited to, the cost of process service, court reporters,
1910 expert witnesses and investigators.

1911 (5) The power and authority of the board to assess and levy
1912 the monetary penalties under this section shall not be affected or
1913 diminished by any other proceeding, civil or criminal, concerning
1914 the same violation or violations except as provided in this
1915 section.

1916 (6) A licensee shall have the right of appeal from the
1917 assessment and levy of a monetary penalty as provided in this
1918 section under the same conditions as a right of appeal is provided
1919 elsewhere for appeals from an adverse ruling, order or decision of
1920 the board.

1921 (7) Any monetary penalty assessed and levied under this
1922 section shall not take effect until after the time for appeal has
1923 expired.

1924 (8) A monetary penalty assessed and levied under this
1925 section shall be paid to the board by the licensee upon the
1926 expiration of the period allowed for appeal of the penalties under
1927 this section or may be paid sooner if the licensee elects.

1928 With the exception of subsection (4)(d) of this section, monetary
1929 penalties collected by the board under this section shall be
1930 deposited to the credit of the General Fund of the State Treasury.
1931 Any monies collected by the board under subsection (4)(d) of this

1932 section shall be deposited into the special fund operating account
1933 of the board.

1934 (9) When payment of a monetary penalty assessed and levied
1935 by the board against a licensee in accordance with this section is
1936 not paid by the licensee when due under this section, the board
1937 shall have power to institute and maintain proceedings in its name
1938 for enforcement of payment in the chancery court of the county and
1939 judicial district of residence of the licensee, and if the
1940 licensee is a nonresident of the State of Mississippi, the
1941 proceedings shall be in the Chancery Court of the First Judicial
1942 District of Hinds County, Mississippi.

1943 (10) In addition to the reasons specified in subsection (1)
1944 of this section, the board may suspend the license of any licensee
1945 for being out of compliance with an order for support, as defined
1946 in Section 93-11-153. The procedure for suspension of a license
1947 for being out of compliance with an order for support, and the
1948 procedure for the reissuance or reinstatement of a license
1949 suspended for that purpose, and the payment of any fees for the
1950 reissuance or reinstatement of a license suspended for that
1951 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
1952 the case may be. Actions taken by the board in suspending a
1953 license when required by Section 93-11-157 or 93-11-163 are not
1954 actions from which an appeal may be taken under this section. Any
1955 appeal of a license suspension that is required by Section
1956 93-11-157 or 93-11-163 shall be taken in accordance with the
1957 appeal procedure specified in Section 93-11-157 or 93-11-163, as
1958 the case may be, rather than the procedure specified in this
1959 section. If there is any conflict between any provision of
1960 Section 93-11-157 or 93-11-163 and any provision of this chapter,
1961 the provisions of Section 93-11-157 or 93-11-163, as the case may
1962 be, shall control.

1963 **SECTION 11.** Section 73-13-37, Mississippi Code of 1972, is
1964 amended as follows:

1965 73-13-37. (1) The board, upon satisfactory proof and in
1966 accordance with the provisions of this chapter and the
1967 implementing regulations of the board pertaining thereto, may take
1968 the disciplinary actions provided for hereinafter against any
1969 person practicing engineering or surveying, including
1970 nonregistrants, for any of the following reasons:

1971 (a) Violating any of the provisions of Sections 73-13-1
1972 through 73-13-45 or the implementing of bylaws, rules,
1973 regulations, or standards of ethics or conduct duly adopted and
1974 promulgated by the board pertaining to the practice of
1975 engineering;

1976 (b) Fraud, deceit or misrepresentation in obtaining a
1977 certificate of registration;

1978 (c) Gross negligence, malpractice or incompetency;

1979 (d) Any professional misconduct, as defined by the
1980 board through bylaws, rules and regulations, and standards of
1981 conduct and ethics;

1982 (e) Practicing or offering to practice engineering on
1983 an expired certificate or while under suspension or revocation of
1984 certificate unless the suspension or revocation is abated through
1985 probation, as provided for hereinafter; or

1986 (f) Addiction to or dependence on alcohol or other
1987 habit-forming drugs or being an habitual user of alcohol,
1988 narcotics, barbiturates, amphetamines, hallucinogens, or other
1989 drugs having similar effect.

1990 (2) Notwithstanding any provision of this chapter:

1991 (a) The board, acting on its own motion or, in the case
1992 of a default on a loan, on the recommendation of the state agency
1993 to which payments are due, shall suspend the certificate of
1994 registration of any person who defaults on or fails to comply with
1995 the requirements of a state educational loan, service conditional
1996 scholarship or loan repayment program obligation under which the
1997 person obtained any of the education necessary to qualify for a

1998 certificate of registration under this chapter. However, before a
1999 state agency may recommend the suspension of a certificate of
2000 registration due to the person's default on a loan, that agency
2001 must provide the certificate holder with notice of its intention
2002 to recommend the suspension of the person's certificate of
2003 registration and an opportunity for the certificate holder to
2004 respond; and

2005 (b) The person's certificate of registration will
2006 remain suspended until the person has: (i) made arrangements
2007 satisfactory to the board for meeting the obligations of the loan,
2008 scholarship or loan repayment program; or (ii) in the case of a
2009 default, made arrangements satisfactory to the state agency to
2010 which payments are due for the repayment of the educational loan
2011 or scholarship.

2012 (3) Any person may prefer charges against any other person
2013 practicing engineering or surveying, including nonregistrants, for
2014 committing any of the acts set forth in subsection (1) or (2) of
2015 this section. The charges shall be sworn to, either upon actual
2016 knowledge or upon information and belief, and shall be filed with
2017 the board. If any person certified under Sections 73-13-1 through
2018 73-13-45 is expelled from membership in any Mississippi
2019 professional engineering society or association, the board shall
2020 thereafter cite the person to appear at a hearing before the board
2021 and to show cause why disciplinary action should not be taken
2022 against him.

2023 The board shall investigate all charges filed with it and,
2024 upon finding reasonable cause to believe that the charges are not
2025 frivolous, unfounded or filed in bad faith, may, in its
2026 discretion, cause a hearing to be held, at a time and place fixed
2027 by the board, regarding the charges and may compel the accused by
2028 subpoena to appear before the board to respond to the charges.

2029 No disciplinary action taken under this section may be taken
2030 until the accused has been furnished both a statement of the

2031 charges against him and notice of the time and place of the
2032 hearing thereof, which shall be personally served on or mailed by
2033 registered or certified mail, return receipt requested, to the
2034 last-known business or residence address of the accused not less
2035 than thirty (30) days before the date fixed for the hearing.

2036 (4) At any hearing held under this section, the board shall
2037 have the power to subpoena witnesses and compel their attendance
2038 and may also require the production of books, papers, documents,
2039 etc., as provided elsewhere in this chapter. The board may
2040 designate or secure a hearing officer to conduct the hearing. All
2041 evidence shall be presented under oath, which may be administered
2042 by any member of the board, and thereafter the proceedings may, if
2043 necessary, be transcribed in full by the court reporter and filed
2044 as part of the record in the case. Copies of those transcriptions
2045 may be provided to any party to the proceedings at a cost to be
2046 fixed by the board.

2047 All witnesses who shall be subpoenaed and who shall appear in
2048 any proceedings before the board shall receive the same fees and
2049 mileage as allowed by law in judicial civil proceedings, and all
2050 such fees shall be taxed as part of the costs in the case.

2051 Where in any proceeding before the board any witness * * *
2052 fails or refuses to attend upon subpoena issued by the
2053 board, * * * refuses to testify or * * * refuses to produce any
2054 books and papers, the production of which is called for by the
2055 subpoena, the attendance of the witness and the giving of his
2056 testimony and the production of the books and papers shall be
2057 enforced by any court of competent jurisdiction of this state in
2058 the manner provided for the enforcement of attendance and
2059 testimony of witnesses in civil cases in the courts of this state.

2060 The accused shall have the right to be present at the hearing
2061 in person, by counsel or other representative, or both. The board
2062 may continue or recess the hearing as may be necessary.

2063 (5) At the conclusion of the hearing, the board may either
2064 decide the issue at that time or take the case under advisement
2065 for further deliberation. The board shall render its decision not
2066 more than ninety (90) days after the close of the hearing, and
2067 shall forward to the last-known business or residence address of
2068 the accused, by certified or registered mail, return receipt
2069 requested, a written statement of the decision of the board.

2070 If a majority of the board finds the accused guilty of the
2071 charges filed, the board may:

2072 (a) Issue a public or private reprimand;

2073 (b) Require the guilty party to complete a course,
2074 approved by the board, in ethics;

2075 (c) Suspend or revoke the certificate of the accused,
2076 if the accused is a registrant; or

2077 (d) In lieu of or in addition to the reprimand, course
2078 completion, suspension or revocation, assess and levy upon the
2079 guilty party a monetary penalty of not less than One Hundred
2080 Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00)
2081 for each violation.

2082 (6) A monetary penalty assessed and levied under this
2083 section shall be paid to the board upon the expiration of the
2084 period allowed for appeal of the penalties under this section, or
2085 may be paid sooner if the guilty party elects. Money collected by
2086 the board under this section shall be deposited to the credit of
2087 the board's special fund in the State Treasury.

2088 When payment of a monetary penalty assessed and levied by the
2089 board in accordance with this section is not paid when due, the
2090 board shall have the power to institute and maintain proceedings
2091 in its name for enforcement of payment in the chancery court of
2092 the county and judicial district of residence of the guilty party
2093 and if the guilty party is a nonresident of the State of
2094 Mississippi, the proceedings shall be in the Chancery Court of the
2095 First Judicial District of Hinds County, Mississippi.

2096 (7) When the board has taken a disciplinary action under
2097 this section, the board may, in its discretion, stay the action
2098 and place the guilty party on probation for a period not to exceed
2099 one (1) year upon the condition that the guilty party shall not
2100 further violate either the laws of the State of Mississippi
2101 pertaining to the practice of engineering or the bylaws, rules and
2102 regulations, or standards of conduct and ethics promulgated by the
2103 board.

2104 (8) The board, in its discretion, may assess and tax any
2105 part or all of the costs of any disciplinary proceedings conducted
2106 under this section against either the accused, the charging party,
2107 or both, as it may elect.

2108 (9) The power and authority of the board to assess and levy
2109 the monetary penalties provided for in this section shall not be
2110 affected or diminished by any other proceeding, civil or criminal,
2111 concerning the same violation or violations except as provided in
2112 this section.

2113 (10) The board, for sufficient cause, may reissue a revoked
2114 certificate of registration whenever a majority of the board
2115 members vote to do so.

2116 (11) Any person aggrieved by an action of the board denying
2117 or revoking his certificate of registration or re-registration as
2118 a professional engineer or his certificate of enrollment as an
2119 engineer intern, or who is aggrieved by the action of the board as
2120 a result of disciplinary proceedings conducted under this section
2121 may appeal therefrom to the chancery court of either the county in
2122 which the appellant resides or the Chancery Court of the First
2123 Judicial District of Hinds County, at the election of the
2124 appellant. If the appellant is a nonresident of this state, the
2125 appeal shall be made to the Chancery Court of the First Judicial
2126 District of Hinds County. The appeal shall be perfected before
2127 the board by the filing with the board of a notice of appeal to
2128 the chancery court. The court shall require a bond in an amount

2129 not to exceed One Thousand Dollars (\$1,000.00) conditioned to pay
2130 all costs that may be adjudged against the appellant. The notice
2131 of appeal shall be filed not later than thirty (30) days after the
2132 decision of the board is forwarded to the guilty party, as
2133 provided hereinabove.

2134 All appeals perfected under this section shall act as a
2135 supersedeas, and shall be made to the chancery court solely upon
2136 the record made before the board during the disciplinary hearing.
2137 When the appeal has been properly perfected as provided in this
2138 section, the board shall cause the record of the proceedings
2139 conducted before it to be compiled, certified and filed with the
2140 chancery court. The briefing schedule shall be the same as for
2141 appeals to the Supreme Court. The chancery court shall be
2142 required to rule on the case within sixty (60) days of the close
2143 of briefing. All procedures and penalties provided for in this
2144 section shall apply to nonregistrants as well as registrants.

2145 (12) In addition to the reasons specified in subsection (1)
2146 of this section, the board may suspend the certificate of
2147 registration of any person for being out of compliance with an
2148 order for support, as defined in Section 93-11-153. The procedure
2149 for suspension of a certificate for being out of compliance with
2150 an order for support, and the procedure for the reissuance or
2151 reinstatement of a certificate suspended for that purpose, and the
2152 payment of any fees for the reissuance or reinstatement of a
2153 certificate suspended for that purpose, shall be governed by
2154 Section 93-11-157 or 93-11-163, as the case may be. Actions taken
2155 by the board in suspending a certificate when required by Section
2156 93-11-157 or 93-11-163 are not actions from which an appeal may be
2157 taken under this section. Any appeal of a suspension of a
2158 certificate that is required by Section 93-11-157 or 93-11-163
2159 shall be taken in accordance with the appeal procedure specified
2160 in Section 93-11-157 or 93-11-163, as the case may be, rather than
2161 the procedure specified in this section. If there is any conflict

2162 between any provision of Section 93-11-157 or 93-11-163 and any
2163 provision of this chapter, the provisions of Section 93-11-157 or
2164 93-11-163, as the case may be, shall control.

2165 (13) Any board member whose objectivity in a disciplinary
2166 proceeding is impaired shall either recuse himself from sitting as
2167 a member of the board in a formal disciplinary hearing in that
2168 proceeding or be disqualified therefrom. If a disciplinary
2169 proceeding is brought against a member or former member of the
2170 board, no member of the board who has served concurrently with the
2171 respondent in the disciplinary proceeding shall sit as a member of
2172 the board in a formal disciplinary hearing in that proceeding.
2173 If, after recusal or disqualification of board members as provided
2174 herein, there does not remain a quorum of the board to sit for a
2175 disciplinary hearing, the board shall have the power to select, in
2176 accordance with duly promulgated regulations of the board,
2177 substitute panel members from slates of candidates established by
2178 the Mississippi Engineering Society and the Mississippi
2179 Association of Professional Surveyors to the extent necessary to
2180 achieve the number of panel members equivalent to a quorum of the
2181 board. Substitute panel members must meet the qualifications of
2182 board members as provided in Section 73-13-7 and shall receive
2183 compensation as provided for board members in Section 73-13-9.

2184 **SECTION 12.** Section 73-15-29, Mississippi Code of 1972, is
2185 amended as follows:

2186 73-15-29. (1) The board shall have power to revoke, suspend
2187 or refuse to renew any license issued by the board, or to revoke
2188 or suspend any privilege to practice, or to deny an application
2189 for a license, or to fine, place on probation and/or discipline a
2190 licensee, in any manner specified in this chapter, upon proof that
2191 the person:

2192 (a) Has committed fraud or deceit in securing or
2193 attempting to secure the license;

2194 (b) Has been convicted of felony, or a crime involving
2195 moral turpitude or has had accepted by a court a plea of nolo
2196 contendere to a felony or a crime involving moral turpitude (a
2197 certified copy of the judgment of the court of competent
2198 jurisdiction of the conviction or pleas shall be prima facie
2199 evidence of the conviction);

2200 (c) Has negligently or willfully acted in a manner
2201 inconsistent with the health or safety of the persons under the
2202 licensee's care;

2203 (d) Has had a license or privilege to practice as a
2204 registered nurse or a licensed practical nurse suspended or
2205 revoked in any jurisdiction, has voluntarily surrendered the
2206 license or privilege to practice in any jurisdiction, has been
2207 placed on probation as a registered nurse or licensed practical
2208 nurse in any jurisdiction or has been placed under a disciplinary
2209 order(s) in any manner as a registered nurse or licensed practical
2210 nurse in any jurisdiction, (a certified copy of the order of
2211 suspension, revocation, probation or disciplinary action shall be
2212 prima facie evidence of the action);

2213 (e) Has negligently or willfully practiced nursing in a
2214 manner that fails to meet generally accepted standards of that
2215 nursing practice;

2216 (f) Has negligently or willfully violated any order,
2217 rule or regulation of the board pertaining to nursing practice or
2218 licensure;

2219 (g) Has falsified or in a repeatedly negligent manner
2220 made incorrect entries or failed to make essential entries on
2221 records;

2222 (h) Is addicted to or dependent on alcohol or other
2223 habit-forming drugs or is a habitual user of narcotics,
2224 barbiturates, amphetamines, hallucinogens, or other drugs having
2225 similar effect, or has misappropriated any medication;

2226 (i) Has a physical, mental or emotional disability that
2227 renders the licensee unable to perform nursing services or duties
2228 with reasonable skill and safety;

2229 (j) Has engaged in any other conduct, whether of the
2230 same or of a different character from that specified in this
2231 chapter, that would constitute a crime as defined in Title 97 of
2232 the Mississippi Code of 1972, as now or hereafter amended, and
2233 that relates to the person's employment as a registered nurse or
2234 licensed practical nurse;

2235 (k) Engages in conduct likely to deceive, defraud or
2236 harm the public;

2237 (l) Engages in any unprofessional conduct as identified
2238 by the board in its rules; or

2239 (m) Has violated any provision of this chapter.

2240 (2) Notwithstanding any provision of this chapter:

2241 (a) The board, acting on its own motion or, in the case
2242 of a default on a loan, on the recommendation of the state agency
2243 to which payments are due, shall suspend the license of any person
2244 who defaults on or fails to comply with the requirements of a
2245 state educational loan, service conditional scholarship or loan
2246 repayment program obligation under which the person obtained any
2247 of the education necessary to qualify for a license under this
2248 chapter. However, before a state agency may recommend the
2249 suspension of a license due to the person's default on a loan,
2250 that agency must provide the license holder with notice of its
2251 intention to recommend the suspension of the person's license and
2252 an opportunity for the license holder to respond; and

2253 (b) The person's license will remain suspended until
2254 the person has: (i) made arrangements satisfactory to the board
2255 for meeting the obligations of the loan, scholarship or loan
2256 repayment program; or (ii) in the case of a default, made
2257 arrangements satisfactory to the state agency to which payments
2258 are due for the repayment of the educational loan or scholarship.

2259 (3) When the board finds any person unqualified because of
2260 any of the grounds set forth in subsection (1) of this section, it
2261 may enter an order imposing one or more of the following
2262 penalties:

2263 (a) Denying application for a license or other
2264 authorization to practice nursing or practical nursing;

2265 (b) Administering a reprimand;

2266 (c) Suspending or restricting the license or other
2267 authorization to practice as a registered nurse or licensed
2268 practical nurse for up to two (2) years without review;

2269 (d) Revoking the license or other authorization to
2270 practice nursing or practical nursing;

2271 (e) Requiring the discipline to submit to care,
2272 counseling or treatment by persons and/or agencies approved or
2273 designated by the board as a condition for initial, continued or
2274 renewed licensure or other authorization to practice nursing or
2275 practical nursing;

2276 (f) Requiring the discipline to participate in a
2277 program of education prescribed by the board as a condition for
2278 initial, continued or renewed licensure or other authorization to
2279 practice;

2280 (g) Requiring the discipline to practice under the
2281 supervision of a registered nurse for a specified period of time;

2282 or

2283 (h) Imposing a fine not to exceed Five Hundred Dollars
2284 (\$500.00).

2285 (4) In addition to the grounds specified in subsection (1)
2286 of this section, the board may suspend the license or privilege to
2287 practice of any licensee for being out of compliance with an order
2288 for support, as defined in Section 93-11-153. The procedure for
2289 suspension of a license or privilege to practice for being out of
2290 compliance with an order for support, and the procedure for the
2291 reissuance or reinstatement of a license or privilege to practice

2292 suspended for that purpose, and the payment of any fees for the
2293 reissuance or reinstatement of a license or privilege to practice
2294 suspended for that purpose, shall be governed by Section 93-11-157
2295 or 93-11-163, as the case may be. If there is any conflict
2296 between any provision of Section 93-11-157 or 93-11-163 and any
2297 provision of this chapter, the provisions of Section 93-11-157 or
2298 93-11-163, as the case may be, shall control.

2299 **SECTION 13.** Section 73-19-23, Mississippi Code of 1972, is
2300 amended as follows:

2301 73-19-23. (1) The board shall refuse to grant a certificate
2302 of licensure to any applicant and may cancel, revoke or suspend
2303 the operation of any certificate by it granted for any or all of
2304 the following reasons, to wit: unprofessional and unethical
2305 conduct or the conviction of a crime involving moral turpitude,
2306 habitual intemperance in the use of ardent spirits, or stimulants,
2307 narcotics, or any other substance that impairs the intellect and
2308 judgment to such an extent as to incapacitate one for the
2309 performance of the duties of an optometrist. The certificate of
2310 licensure of any person can be revoked for violating any section
2311 of this chapter.

2312 (2) The board may take disciplinary action against a
2313 licensee for any unlawful acts, which shall include violations of
2314 regulations promulgated by the board, as well as the following
2315 acts:

2316 (a) Fraud or misrepresentation in applying for or
2317 procuring an optometric license or in connection with applying for
2318 or procuring periodic renewal of an optometric license.

2319 (b) Cheating on or attempting to subvert the optometric
2320 licensing examination(s).

2321 (c) The conviction of a felony in this state or any
2322 other jurisdiction, or the entry of guilty or nolo contendere plea
2323 to a felony charge.

2324 (d) The conviction of a felony as defined by federal
2325 law, or the entry of a guilty or nolo contendere plea to a felony
2326 charge.

2327 (e) Conduct likely to deceive, defraud or harm the
2328 public.

2329 (f) Making a false or misleading statement regarding
2330 his or her skill or the efficacy or value of the medicine, device,
2331 treatment or remedy prescribed by him or her or used at his or her
2332 direction in the treatment of any disease or other condition.

2333 (g) Willfully or negligently violating the
2334 confidentiality between doctor and patient, except as required by
2335 law.

2336 (h) Negligence or gross incompetence in the practice of
2337 optometry as determined by the board.

2338 (i) Being found mentally incompetent or insane by any
2339 court of competent jurisdiction.

2340 (j) The use of any false, fraudulent, deceptive or
2341 misleading statement in any document connected with the practice
2342 of optometry.

2343 (k) Aiding or abetting the practice of optometry by an
2344 unlicensed, incompetent or impaired person.

2345 (l) Commission of any act of sexual abuse, misconduct
2346 or exploitation related to the licensee's practice of optometry.

2347 (m) Being addicted or habituated to a drug or
2348 intoxicant.

2349 (n) Violating any state or federal law or regulation
2350 relating to a drug legally classified as a controlled substance.

2351 (o) Obtaining any fee by fraud, deceit or
2352 misrepresentation.

2353 (p) Disciplinary action of another state or
2354 jurisdiction against a licensee or other authorization to practice
2355 optometry based upon acts or conduct by the licensee similar to
2356 acts or conduct that would constitute grounds for action as

2357 defined in this chapter, a certified copy of the record of the
2358 action taken by the other state or jurisdiction being conclusive
2359 evidence thereof.

2360 (q) Failure to report to the board the relocation of
2361 his or her office in or out of the jurisdiction, or to furnish
2362 floor plans as required by regulation.

2363 (r) Violation of any provision(s) of the Optometry
2364 Practice Act or the rules and regulations of the board or of an
2365 action, stipulation or agreement of the board.

2366 (s) To advertise in a manner that tends to deceive,
2367 mislead or defraud the public.

2368 (t) The designation of any person licensed under this
2369 chapter, other than by the terms "optometrist," "Doctor of
2370 Optometry" or "O.D."

2371 (u) To knowingly submit or cause to be submitted any
2372 misleading, deceptive or fraudulent representation on a claim
2373 form, bill or statement.

2374 (v) To practice or attempt to practice optometry while
2375 his or her license is suspended.

2376 (3) Notwithstanding any provision of this chapter:

2377 (a) The board, acting on its own motion or, in the case
2378 of a default on a loan, on the recommendation of the state agency
2379 to which payments are due, shall suspend the certificate of
2380 licensure of any person who defaults on or fails to comply with
2381 the requirements of a state educational loan, service conditional
2382 scholarship or loan repayment program obligation under which the
2383 person obtained any of the education necessary to qualify for a
2384 certificate of licensure under this chapter. However, before a
2385 state agency may recommend the suspension of a certificate of
2386 licensure due to the person's default on a loan, that agency
2387 must provide the certificate holder with notice of its intention
2388 to recommend the suspension of the person's certificate of

2389 licensure and an opportunity for the certificate holder to
2390 respond; and

2391 (b) The person's certificate of licensure will remain
2392 suspended until the person has: (i) made arrangements
2393 satisfactory to the board for meeting the obligations of the loan,
2394 scholarship or loan repayment program; or (ii) in the case of a
2395 default, made arrangements satisfactory to the state agency to
2396 which payments are due for the repayment of the educational loan
2397 or scholarship.

2398 (4) Any person who is holder of a certificate of licensure
2399 or who is an applicant for examination for a certificate of
2400 licensure, against whom is preferred any charges, shall be
2401 furnished by the board with a copy of the complaint and shall have
2402 a hearing in Jackson, Mississippi, before the board, at which
2403 hearing he may be represented by counsel. At the hearing
2404 witnesses may be examined for and against the accused respecting
2405 the * * * charges, and the hearing orders or appeals will be
2406 conducted according to the procedure now provided in Section
2407 73-25-27. The suspension of a certificate of licensure, by reason
2408 of the use of stimulants or narcotics may be removed when the
2409 holder thereof has been adjudged by the * * * board to be cured
2410 and capable of practicing optometry.

2411 (5) In addition to the reasons specified in subsections (1)
2412 and (2) of this section, the board may suspend the license of any
2413 licensee for being out of compliance with an order for support, as
2414 defined in Section 93-11-153. The procedure for suspension of a
2415 license for being out of compliance with an order for support, and
2416 the procedure for the reissuance or reinstatement of a license
2417 suspended for that purpose, and the payment of any fees for the
2418 reissuance or reinstatement of a license suspended for that
2419 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
2420 the case may be. If there is any conflict between any provision
2421 of Section 93-11-157 or 93-11-163 and any provision of this

2422 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
2423 case may be, shall control.

2424 **SECTION 14.** Section 73-21-97, Mississippi Code of 1972, is
2425 amended as follows:

2426 73-21-97. (1) The board may refuse to issue or renew, or
2427 may suspend, reprimand, revoke or restrict the license,
2428 registration or permit of any person upon one or more of the
2429 following grounds:

2430 (a) Unprofessional conduct as defined by the rules and
2431 regulations of the board;

2432 (b) Incapacity of a nature that prevents a pharmacist
2433 from engaging in the practice of pharmacy with reasonable skill,
2434 confidence and safety to the public;

2435 (c) Being found guilty by a court of competent
2436 jurisdiction of one or more of the following:

2437 (i) A felony;

2438 (ii) Any act involving moral turpitude or gross
2439 immorality; or

2440 (iii) Violation of pharmacy or drug laws of this
2441 state or rules or regulations pertaining thereto, or of statutes,
2442 rules or regulations of any other state or the federal government;

2443 (d) Fraud or intentional misrepresentation by a
2444 licensee or permit holder in securing the issuance or renewal of a
2445 license or permit;

2446 (e) Engaging or aiding and abetting an individual to
2447 engage in the practice of pharmacy without a license;

2448 (f) Violation of any of the provisions of this chapter
2449 or rules or regulations adopted under this chapter;

2450 (g) Failure to comply with lawful orders of the board;

2451 (h) Negligently or willfully acting in a manner
2452 inconsistent with the health or safety of the public;

2453 (i) Addiction to or dependence on alcohol or controlled
2454 substances or the unauthorized use or possession of controlled
2455 substances;

2456 (j) Misappropriation of any prescription drug;

2457 (k) Being found guilty by the licensing agency in
2458 another state of violating the statutes, rules or regulations of
2459 that jurisdiction; or

2460 (l) The unlawful or unauthorized possession of a
2461 controlled substance.

2462 (2) In lieu of suspension, revocation or restriction of a
2463 license as provided for above, the board may warn or reprimand the
2464 offending pharmacist.

2465 (3) Notwithstanding any provision of this chapter:

2466 (a) The board, acting on its own motion or, in the case
2467 of a default on a loan, on the recommendation of the state agency
2468 to which payments are due, shall suspend the pharmacist's license
2469 of any person who defaults on or fails to comply with the
2470 requirements of a state educational loan, service conditional
2471 scholarship or loan repayment program obligation under which the
2472 person obtained any of the education necessary to qualify for a
2473 pharmacist's license under this chapter. However, before a state
2474 agency may recommend the suspension of a pharmacist's license due
2475 to the person's default on a loan, that agency must provide the
2476 license holder with notice of its intention to recommend the
2477 suspension of the person's pharmacist's license and an opportunity
2478 for the license holder to respond; and

2479 (b) The person's pharmacist's license will remain
2480 suspended until the person has: (i) made arrangements
2481 satisfactory to the board for meeting the obligations of the loan,
2482 scholarship or loan repayment program; or (ii) in the case of a
2483 default, made arrangements satisfactory to the state agency to
2484 which payments are due for the repayment of the educational loan
2485 or scholarship.

2486 (4) In addition to the grounds specified in subsection (1)
2487 of this section, the board may suspend the license, registration
2488 or permit of any person for being out of compliance with an order
2489 for support, as defined in Section 93-11-153. The procedure for
2490 suspension of a license, registration or permit for being out of
2491 compliance with an order for support, and the procedure for the
2492 reissuance or reinstatement of a license, registration or permit
2493 suspended for that purpose, and the payment of any fees for the
2494 reissuance or reinstatement of a license, registration or permit
2495 suspended for that purpose, shall be governed by Section 93-11-157
2496 or 93-11-163, as the case may be. If there is any conflict
2497 between any provision of Section 93-11-157 or 93-11-163 and any
2498 provision of this chapter, the provisions of Section 93-11-157 or
2499 93-11-163, as the case may be, shall control.

2500 **SECTION 15.** Section 73-23-59, Mississippi Code of 1972, is
2501 amended as follows:

2502 73-23-59. (1) Licensees subject to this chapter shall
2503 conduct their activities, services and practice in accordance with
2504 this chapter and any rules promulgated pursuant hereto. Licensees
2505 may be subject to the exercise of the disciplinary sanction
2506 enumerated in Section 73-23-64 if the board finds that a licensee
2507 is guilty of any of the following:

2508 (a) Negligence in the practice or performance of
2509 professional services or activities;

2510 (b) Engaging in dishonorable, unethical or
2511 unprofessional conduct of a character likely to deceive, defraud
2512 or harm the public in the course of professional services or
2513 activities;

2514 (c) Perpetrating or cooperating in fraud or material
2515 deception in obtaining or renewing a license or attempting the
2516 same;

2517 (d) Being convicted of any crime that has a substantial
2518 relationship to the licensee's activities and services or an
2519 essential element of which is misstatement, fraud or dishonesty;

2520 (e) Being convicted of any crime that is a felony under
2521 the laws of this state or the United States;

2522 (f) Engaging in or permitting the performance of
2523 unacceptable services personally or by others working under the
2524 licensee's supervision due to the licensee's deliberate or
2525 negligent act or acts or failure to act, regardless of whether
2526 actual damage or damages to the public is established;

2527 (g) Continued practice although the licensee has become
2528 unfit to practice as a physical therapist or physical therapist
2529 assistant due to:

2530 (i) Failure to keep abreast of current
2531 professional theory or practice; * * *

2532 (ii) Physical or mental disability; the entry of
2533 an order or judgment by a court of competent jurisdiction that a
2534 licensee is in need of mental treatment or is incompetent shall
2535 constitute mental disability; or

2536 (iii) Addiction or severe dependency upon alcohol
2537 or other drugs that may endanger the public by impairing the
2538 licensee's ability to practice;

2539 (h) Having disciplinary action taken against the
2540 licensee's license in another state;

2541 (i) Making differential, detrimental treatment against
2542 any person because of race, color, creed, sex, religion or
2543 national origin;

2544 (j) Engaging in lewd conduct in connection with
2545 professional services or activities;

2546 (k) Engaging in false or misleading advertising;

2547 (l) Contracting, assisting or permitting unlicensed
2548 persons to perform services for which a license is required under
2549 this chapter;

2550 (m) Violation of any probation requirements placed on a
2551 license by the board;

2552 (n) Revealing confidential information except as may be
2553 required by law;

2554 (o) Failing to inform clients of the fact that the
2555 client no longer needs the services or professional assistance of
2556 the licensee;

2557 (p) Charging excessive or unreasonable fees or engaging
2558 in unreasonable collection practices;

2559 (q) For treating or attempting to treat ailments or
2560 other health conditions of human beings other than by physical
2561 therapy as authorized by this chapter;

2562 (r) For applying or offering to apply physical therapy,
2563 exclusive of initial evaluation or screening and exclusive of
2564 education or consultation for the prevention of physical and
2565 mental disability within the scope of physical therapy, other than
2566 upon the referral of a licensed physician, dentist, osteopath,
2567 podiatrist, chiropractor or nurse practitioner; or for acting as a
2568 physical therapist assistant other than under the direct, on-site
2569 supervision of a licensed physical therapist;

2570 (s) Violations of the current codes of conduct for
2571 physical therapists and physical therapy assistants adopted by the
2572 American Physical Therapy Association;

2573 (t) Violations of any rules or regulations promulgated
2574 under this chapter.

2575 (2) The board may order a licensee to submit to a reasonable
2576 physical or mental examination if the licensee's physical or
2577 mental capacity to practice safely is at issue in a disciplinary
2578 proceeding.

2579 (3) Failure to comply with a board order to submit to a
2580 physical or mental examination shall render a licensee subject to
2581 the summary suspension procedures described in Section 73-23-64.

2582 (4) Notwithstanding any provision of this chapter:

2583 (a) The board, acting on its own motion or, in the case
2584 of a default on a loan, on the recommendation of the state agency
2585 to which payments are due, shall suspend the license of any person
2586 who defaults on or fails to comply with the requirements of a
2587 state educational loan, service conditional scholarship or loan
2588 repayment program obligation under which the person obtained any
2589 of the education necessary to qualify for a license under this
2590 chapter. However, before a state agency may recommend the
2591 suspension of a license due to the person's default on a loan,
2592 that agency must provide the license holder with notice of its
2593 intention to recommend the suspension of the person's license and
2594 an opportunity for the license holder to respond; and

2595 (b) The person's license will remain suspended until
2596 the person has: (i) made arrangements satisfactory to the board
2597 for meeting the obligations of the loan, scholarship or loan
2598 repayment program; or (ii) in the case of a default, made
2599 arrangements satisfactory to the state agency to which payments
2600 are due for the repayment of the educational loan or scholarship.

2601 (5) In addition to the reasons specified in subsection (1)
2602 of this section, the board may suspend the license of any licensee
2603 for being out of compliance with an order for support, as defined
2604 in Section 93-11-153. The procedure for suspension of a license
2605 for being out of compliance with an order for support, and the
2606 procedure for the reissuance or reinstatement of a license
2607 suspended for that purpose, and the payment of any fees for the
2608 reissuance or reinstatement of a license suspended for that
2609 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
2610 the case may be. If there is any conflict between any provision
2611 of Section 93-11-157 or 93-11-163 and any provision of this
2612 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
2613 case may be, shall control.

2614 **SECTION 16.** Section 73-24-24, Mississippi Code of 1972, is
2615 amended as follows:

2616 73-24-24. (1) Licensees subject to this chapter shall
2617 conduct their activities, services and practice in accordance with
2618 this chapter and any rules promulgated pursuant hereto. Licenses
2619 may be subject to the exercise of the disciplinary sanction
2620 enumerated in Section 73-24-25 if the board finds that a licensee
2621 is guilty of any of the following:

2622 (a) Negligence in the practice or performance of
2623 professional services or activities;

2624 (b) Engaging in dishonorable, unethical or
2625 unprofessional conduct of a character likely to deceive, defraud
2626 or harm the public in the course of professional services or
2627 activities;

2628 (c) Perpetrating or cooperating in fraud or material
2629 deception in obtaining or renewing a license or attempting the
2630 same;

2631 (d) Being convicted of any crime that has a substantial
2632 relationship to the licensee's activities and services or an
2633 essential element of which is misstatement, fraud or dishonesty;

2634 (e) Being convicted of any crime that is a felony under
2635 the laws of this state or the United States;

2636 (f) Engaging in or permitting the performance of
2637 unacceptable services personally or by others working under the
2638 licensee's supervision due to the licensee's deliberate or
2639 negligent act or acts or failure to act, regardless of whether
2640 actual damage or damages to the public is established;

2641 (g) Continued practice although the licensee has become
2642 unfit to practice as an occupational therapist or occupational
2643 therapist assistant due to:

2644 (i) Failure to keep abreast of current
2645 professional theory or practice; * * *

2646 (ii) Physical or mental disability; the entry of
2647 an order or judgment by a court of competent jurisdiction that a

2648 licensee is in need of mental treatment or is incompetent shall
2649 constitute mental disability; or

2650 (iii) Addiction or severe dependency upon alcohol
2651 or other drugs that may endanger the public by impairing the
2652 licensee's ability to practice;

2653 (h) Having disciplinary action taken against the
2654 licensee's license in another state;

2655 (i) Making differential, detrimental treatment against
2656 any person because of race, color, creed, sex, religion or
2657 national origin;

2658 (j) Engaging in lewd conduct in connection with
2659 professional services or activities;

2660 (k) Engaging in false or misleading advertising;

2661 (l) Contracting, assisting or permitting unlicensed
2662 persons to perform services for which a license is required under
2663 this chapter;

2664 (m) Violation of any probation requirements placed on a
2665 license by the board;

2666 (n) Revealing confidential information except as may be
2667 required by law;

2668 (o) Failing to inform clients of the fact that the
2669 client no longer needs the services or professional assistance of
2670 the licensee;

2671 (p) Charging excessive or unreasonable fees or engaging
2672 in unreasonable collection practices;

2673 (q) For treating or attempting to treat ailments or
2674 other health conditions of human beings other than by occupational
2675 therapy as authorized by this chapter;

2676 (r) For practice or activities considered to be
2677 unprofessional conduct as defined by the rules and regulations;

2678 (s) Violations of the current codes of conduct for
2679 occupational therapists and occupational therapy assistants
2680 adopted by the American Occupational Therapy Association;

2681 (t) Violations of any rules or regulations promulgated
2682 pursuant to this chapter.

2683 (2) Notwithstanding any provision of this chapter:

2684 (a) The board, acting on its own motion or, in the case
2685 of a default on a loan, on the recommendation of the state agency
2686 to which payments are due, shall suspend the license of any person
2687 who defaults on or fails to comply with the requirements of a
2688 state educational loan, service conditional scholarship or loan
2689 repayment program obligation under which the person obtained any
2690 of the education necessary to qualify for a license under this
2691 chapter. However, before a state agency may recommend the
2692 suspension of a license due to the person's default on a loan,
2693 that agency must provide the license holder with notice of its
2694 intention to recommend the suspension of the person's license and
2695 an opportunity for the license holder to respond; and

2696 (b) The person's license will remain suspended until
2697 the person has: (i) made arrangements satisfactory to the board
2698 for meeting the obligations of the loan, scholarship or loan
2699 repayment program; or (ii) in the case of a default, made
2700 arrangements satisfactory to the state agency to which payments
2701 are due for the repayment of the educational loan or scholarship.

2702 (3) The board may order a licensee to submit to a reasonable
2703 physical or mental examination if the licensee's physical or
2704 mental capacity to practice safely is at issue in a disciplinary
2705 proceeding.

2706 (4) Failure to comply with a board order to submit to a
2707 physical or mental examination shall render a licensee subject to
2708 the summary suspension procedures described in Section 73-24-25.

2709 **SECTION 17.** Section 73-25-29, Mississippi Code of 1972, is
2710 amended as follows:

2711 73-25-29. (1) The grounds for the nonissuance, suspension,
2712 revocation or restriction of a license or the denial of
2713 reinstatement or renewal of a license are:

2714 (a) Habitual personal use of narcotic drugs, or any
2715 other drug having addiction-forming or addiction-sustaining
2716 liability.

2717 (b) Habitual use of intoxicating liquors, or any
2718 beverage, to an extent that affects professional competency.

2719 (c) Administering, dispensing or prescribing any
2720 narcotic drug, or any other drug having addiction-forming or
2721 addiction-sustaining liability otherwise than in the course of
2722 legitimate professional practice.

2723 (d) Conviction of violation of any federal or state law
2724 regulating the possession, distribution or use of any narcotic
2725 drug or any drug considered a controlled substance under state or
2726 federal law, a certified copy of the conviction order or judgment
2727 rendered by the trial court being prima facie evidence thereof,
2728 notwithstanding the pendency of any appeal.

2729 (e) Procuring, or attempting to procure, or aiding in,
2730 an abortion that is not medically indicated.

2731 (f) Conviction of a felony or misdemeanor involving
2732 moral turpitude, a certified copy of the conviction order or
2733 judgment rendered by the trial court being prima facie evidence
2734 thereof, notwithstanding the pendency of any appeal.

2735 (g) Obtaining or attempting to obtain a license by
2736 fraud or deception.

2737 (h) Unprofessional conduct, which includes, but is not
2738 limited to:

2739 (i) Practicing medicine under a false or assumed
2740 name or impersonating another practitioner, living or dead.

2741 (ii) Knowingly performing any act that in any way
2742 assists an unlicensed person to practice medicine.

2743 (iii) Making or willfully causing to be made any
2744 flamboyant claims concerning the licensee's professional
2745 excellence.

2746 (iv) Being guilty of any dishonorable or unethical
2747 conduct likely to deceive, defraud or harm the public.

2748 (v) Obtaining a fee as personal compensation or
2749 gain from a person on fraudulent representation a disease or
2750 injury condition generally considered incurable by competent
2751 medical authority in the light of current scientific knowledge and
2752 practice can be cured or offering, undertaking, attempting or
2753 agreeing to cure or treat the same by a secret method, which he
2754 refuses to divulge to the board upon request.

2755 (vi) Use of any false, fraudulent or forged
2756 statement or document, or the use of any fraudulent, deceitful,
2757 dishonest or immoral practice in connection with any of the
2758 licensing requirements, including the signing in his professional
2759 capacity any certificate that is known to be false at the time he
2760 makes or signs the certificate.

2761 (vii) Failing to identify a physician's school of
2762 practice in all professional uses of his name by use of his earned
2763 degree or a description of his school of practice.

2764 (i) The refusal of a licensing authority of another
2765 state or jurisdiction to issue or renew a license, permit or
2766 certificate to practice medicine in that jurisdiction or the
2767 revocation, suspension or other restriction imposed on a license,
2768 permit or certificate issued by that licensing authority which
2769 prevents or restricts practice in that jurisdiction, a certified
2770 copy of the disciplinary order or action taken by the other state
2771 or jurisdiction being prima facie evidence thereof,
2772 notwithstanding the pendency of any appeal.

2773 (j) Surrender of a license or authorization to practice
2774 medicine in another state or jurisdiction or surrender of
2775 membership on any medical staff or in any medical or professional
2776 association or society while under disciplinary investigation by
2777 any of those authorities or bodies for acts or conduct similar to

2778 acts or conduct that would constitute grounds for action as
2779 defined in this section.

2780 (k) Final sanctions imposed by the United States
2781 Department of Health and Human Services, Office of Inspector
2782 General or any successor federal agency or office, based upon a
2783 finding of incompetency, gross misconduct or failure to meet
2784 professionally recognized standards of health care; a certified
2785 copy of the notice of final sanction being prima facie evidence
2786 thereof. As used in this paragraph, the term "final sanction"
2787 means the written notice to a physician from the United States
2788 Department of Health and Human Services, Officer of Inspector
2789 General or any successor federal agency or office, that implements
2790 the exclusion.

2791 (l) Failure to furnish the board, its investigators or
2792 representatives information legally requested by the board.

2793 (m) Violation of any provision(s) of the Medical
2794 Practice Act or the rules and regulations of the board or of any
2795 order, stipulation or agreement with the board.

2796 (2) Notwithstanding any provision of this chapter:

2797 (a) The board, acting on its own motion or, in the case
2798 of a default on a loan, on the recommendation of the state agency
2799 to which payments are due, shall suspend the license of any person
2800 who defaults on or fails to comply with the requirements of a
2801 state educational loan, service conditional scholarship or loan
2802 repayment program obligation under which the person obtained any
2803 of the education necessary to qualify for a license under this
2804 chapter. However, before a state agency may recommend the
2805 suspension of a license due to the person's default on a loan,
2806 that agency must provide the license holder with notice of its
2807 intention to recommend the suspension of the person's license and
2808 an opportunity for the license holder to respond; and

2809 (b) The person's license will remain suspended until
2810 the person has: (i) made arrangements satisfactory to the board

2811 for meeting the obligations of the loan, scholarship or loan
2812 repayment program; or (ii) in the case of a default, made
2813 arrangements satisfactory to the state agency to which payments
2814 are due for the repayment of the educational loan or scholarship.

2815 (3) In addition to the grounds specified in subsection (1)
2816 of this section, the board may suspend the license of any licensee
2817 for being out of compliance with an order for support, as defined
2818 in Section 93-11-153. The procedure for suspension of a license
2819 for being out of compliance with an order for support, and the
2820 procedure for the reissuance or reinstatement of a license
2821 suspended for that purpose, and the payment of any fees for the
2822 reissuance or reinstatement of a license suspended for that
2823 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
2824 the case may be. If there is any conflict between any provision
2825 of Section 93-11-157 or 93-11-163 and any provision of this
2826 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
2827 case may be, shall control.

2828 **SECTION 18.** Section 73-26-5, Mississippi Code of 1972, is
2829 amended as follows:

2830 73-26-5. (1) The board shall promulgate and publish
2831 reasonable rules and regulations necessary to enable it to
2832 discharge its functions and to enforce the provisions of law
2833 regulating the practice of physician assistants. Those rules
2834 shall include, but are not limited to:

2835 (a) Qualifications for licensure for physician
2836 assistants;

2837 (b) Scope of practice of physician assistants;

2838 (c) Supervision of physician assistants;

2839 (d) Identification of physician assistants;

2840 (e) Grounds for disciplinary actions and discipline of
2841 physician assistants; and

2842 (f) Setting and charging reasonable fees for licensure
2843 and license renewals for physician assistants. However, nothing

2844 in this chapter or in rules adopted by the board shall authorize
2845 physician assistants to administer or monitor general inhaled
2846 anesthesia, epidural anesthesia, spinal anesthesia or monitored
2847 anesthesia as utilized in surgical procedures.

2848 (2) Notwithstanding any provision of this chapter:

2849 (a) The board, acting on its own motion or, in the case
2850 of a default on a loan, on the recommendation of the state agency
2851 to which payments are due, shall suspend the license of any person
2852 who defaults on or fails to comply with the requirements of a
2853 state educational loan, service conditional scholarship or loan
2854 repayment program obligation under which the person obtained any
2855 of the education necessary to qualify for a license under this
2856 chapter. However, before a state agency may recommend the
2857 suspension of a license due to the person's default on a loan,
2858 that agency must provide the license holder with notice of its
2859 intention to recommend the suspension of the person's license and
2860 an opportunity for the license holder to respond; and

2861 (b) The person's license will remain suspended until
2862 the person has: (i) made arrangements satisfactory to the board
2863 for meeting the obligations of the loan, scholarship or loan
2864 repayment program; or (ii) in the case of a default, made
2865 arrangements satisfactory to the state agency to which payments
2866 are due for the repayment of the educational loan or scholarship.

2867 (3) If the board appoints a task force or committee to
2868 address physician assistant regulation, at least one (1) member of
2869 the task force shall be a nurse practitioner who is a member of
2870 the Mississippi Board of Nursing or a nurse practitioner appointee
2871 selected by the board from a list of three (3) recommendations
2872 submitted by the Mississippi Nurses Association, and at least one
2873 (1) member shall be a physician assistant selected by the board
2874 from a list of three (3) recommendations submitted by the
2875 Mississippi Academy of Physician Assistants.

2876 **SECTION 19.** Section 73-27-13, Mississippi Code of 1972, is
2877 amended as follows:

2878 73-27-13. (1) The State Board of Medical Licensure may
2879 refuse to issue, suspend, revoke or otherwise restrict any license
2880 provided for in this chapter, with the advice of the advisory
2881 committee, based upon the following grounds:

2882 (a) Habitual personal use of narcotic drugs, or any
2883 other drug having addiction-forming or addiction-sustaining
2884 liability.

2885 (b) Habitual use of intoxicating liquors, or any
2886 beverage, to an extent that affects professional competency.

2887 (c) Administering, dispensing or prescribing any
2888 narcotic drug, or any other drug having addiction-forming or
2889 addiction-sustaining liability otherwise than in the course of
2890 legitimate professional practice.

2891 (d) Conviction of violation of any federal or state law
2892 regulating the possession, distribution or use of any narcotic
2893 drug or any drug considered a controlled substance under state or
2894 federal law.

2895 (e) Performing any medical diagnosis or treatment
2896 outside the scope of podiatry as defined in Section 73-27-1.

2897 (f) Conviction of a felony or misdemeanor involving
2898 moral turpitude.

2899 (g) Obtaining or attempting to obtain a license by
2900 fraud or deception.

2901 (h) Unprofessional conduct, which includes, but is not
2902 limited to:

2903 (i) Practicing medicine under a false or assumed
2904 name or impersonating another practitioner, living or dead.

2905 (ii) Knowingly performing any act that in any way
2906 assists an unlicensed person to practice podiatry.

2907 (iii) Making or willfully causing to be made any
2908 flamboyant claims concerning the licensee's professional
2909 excellence.

2910 (iv) Being guilty of any dishonorable or unethical
2911 conduct likely to deceive, defraud or harm the public.

2912 (v) Obtaining a fee as personal compensation or
2913 gain from a person on fraudulent representation a disease or
2914 injury condition generally considered incurable by competent
2915 medical authority in the light of current scientific knowledge and
2916 practice can be cured or offering, undertaking, attempting or
2917 agreeing to cure or treat the same by a secret method, which he
2918 refuses to divulge to the board upon request.

2919 (vi) Use of any false, fraudulent or forged
2920 statement or document, or the use of any fraudulent, deceitful,
2921 dishonest or immoral practice in connection with any of the
2922 licensing requirements, including the signing in his professional
2923 capacity any certificate that is known to be false at the time he
2924 makes or signs the certificate.

2925 (vii) Failing to identify a podiatrist's school of
2926 practice in all professional uses of his name by use of his earned
2927 degree or a description of his school of practice.

2928 (i) The refusal of a licensing authority of another
2929 state to issue or renew a license, permit or certificate to
2930 practice podiatry in that state or the revocation, suspension or
2931 other restriction imposed on a license, permit or certificate
2932 issued by that licensing authority which prevents or restricts
2933 practice in that state.

2934 (2) Notwithstanding any provision of this chapter:

2935 (a) The board, acting on its own motion or, in the case
2936 of a default on a loan, on the recommendation of the state agency
2937 to which payments are due, shall suspend the license of any person
2938 who defaults on or fails to comply with the requirements of a
2939 state educational loan, service conditional scholarship or loan

2940 repayment program obligation under which the person obtained any
2941 of the education necessary to qualify for a license under this
2942 chapter. However, before a state agency may recommend the
2943 suspension of a license due to the person's default on a loan,
2944 that agency must provide the license holder with notice of its
2945 intention to recommend the suspension of the person's license and
2946 an opportunity for the license holder to respond; and

2947 (b) The person's license will remain suspended until
2948 the person has: (i) made arrangements satisfactory to the board
2949 for meeting the obligations of the loan, scholarship or loan
2950 repayment program; or (ii) in the case of a default, made
2951 arrangements satisfactory to the state agency to which payments
2952 are due for the repayment of the educational loan or scholarship.

2953 (3) Upon the nonissuance, suspension or revocation of a
2954 license to practice podiatry, the board may, in its discretion and
2955 with the advice of the advisory committee, reissue a license after
2956 a lapse of six (6) months. No advertising shall be permitted
2957 except regular professional cards.

2958 (4) In its investigation of whether the license of a
2959 podiatrist should be suspended, revoked or otherwise restricted,
2960 the board may inspect patient records in accordance with the
2961 provisions of Section 73-25-28.

2962 (5) In addition to the grounds specified in subsection (1)
2963 of this section, the board may suspend the license of any licensee
2964 for being out of compliance with an order for support, as defined
2965 in Section 93-11-153. The procedure for suspension of a license
2966 for being out of compliance with an order for support, and the
2967 procedure for the reissuance or reinstatement of a license
2968 suspended for that purpose, and the payment of any fees for the
2969 reissuance or reinstatement of a license suspended for that
2970 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
2971 the case may be. If there is any conflict between any provision
2972 of Section 93-11-157 or 93-11-163 and any provision of this

2973 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
2974 case may be, shall control.

2975 **SECTION 20.** Section 73-30-21, Mississippi Code of 1972, is
2976 amended as follows:

2977 73-30-21. (1) The board may, after notice and opportunity
2978 for a hearing, suspend, revoke or refuse to issue or renew a
2979 license or may reprimand the license holder, upon a determination
2980 by the board that the license holder or applicant for licensure
2981 has:

2982 (a) Been adjudged by any court to be mentally
2983 incompetent or have had a guardian of person appointed;

2984 (b) Been convicted of a felony;

2985 (c) Sworn falsely under oath or affirmation;

2986 (d) Obtained a license or certificate by fraud, deceit
2987 or other misrepresentation;

2988 (e) Engaged in the conduct of professional counseling
2989 in a grossly negligent or incompetent manner;

2990 (f) Intentionally violated any provision of this
2991 chapter;

2992 (g) Violated any rules or regulations of the board; or

2993 (h) Aided or assisted another in falsely obtaining a
2994 license under this chapter.

2995 (2) Notwithstanding any provision of this chapter:

2996 (a) The board, acting on its own motion or, in the case
2997 of a default on a loan, on the recommendation of the state agency
2998 to which payments are due, shall suspend the license of any person
2999 who defaults on or fails to comply with the requirements of a
3000 state educational loan, service conditional scholarship or loan
3001 repayment program obligation under which the person obtained any
3002 of the education necessary to qualify for a license under this
3003 chapter. However, before a state agency may recommend the
3004 suspension of a license due to the person's default on a loan,
3005 that agency must provide the license holder with notice of its

3006 intention to recommend the suspension of the person's license and
3007 an opportunity for the license holder to respond; and

3008 (b) The person's license will remain suspended until
3009 the person has: (i) made arrangements satisfactory to the board
3010 for meeting the obligations of the loan, scholarship or loan
3011 repayment program; or (ii) in the case of a default, made
3012 arrangements satisfactory to the state agency to which payments
3013 are due for the repayment of the educational loan or scholarship.

3014 (3) No revoked license may be reinstated within twelve (12)
3015 months after the revocation. Reinstatement thereafter shall be
3016 upon such conditions as the board may prescribe, which may
3017 include, without being limited to, successful passing of the
3018 examination required by this chapter.

3019 (4) A license certificate issued by the board is the
3020 property of the board and must be surrendered on demand.

3021 (5) The chancery court is * * * vested with the jurisdiction
3022 and power to enjoin the unlawful practice of counseling and/or the
3023 false representation as a licensed counselor in a proceeding
3024 brought by the board or any members thereof or by any citizen of
3025 this state.

3026 (6) In addition to the reasons specified in subsection (1)
3027 of this section, the board may suspend the license of any licensee
3028 for being out of compliance with an order for support, as defined
3029 in Section 93-11-153. The procedure for suspension of a license
3030 for being out of compliance with an order for support, and the
3031 procedure for the reissuance or reinstatement of a license
3032 suspended for that purpose, and the payment of any fees for the
3033 reissuance or reinstatement of a license suspended for that
3034 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
3035 the case may be. If there is any conflict between any provision
3036 of Section 93-11-157 or 93-11-163 and any provision of this
3037 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
3038 case may be, shall control.

3039 **SECTION 21.** Section 73-31-21, Mississippi Code of 1972, is
3040 amended as follows:

3041 73-31-21. (1) The board, by an affirmative vote of at least
3042 four (4) of its seven (7) members, shall withhold, deny, revoke or
3043 suspend any license issued or applied for in accordance with the
3044 provisions of this chapter, or otherwise discipline a licensed
3045 psychologist, upon proof that the applicant or licensed
3046 psychologist:

3047 (a) Has violated the current code of ethics of the
3048 American Psychological Association or other codes of ethical
3049 standards adopted by the board; or

3050 (b) Has been convicted of a felony or any offense
3051 involving moral turpitude, the record of conviction being
3052 conclusive evidence thereof; or

3053 (c) Is using any narcotic or any alcoholic beverage to
3054 an extent or in a manner dangerous to any other person or the
3055 public, or to an extent that the use impairs his ability to
3056 perform the work of a professional psychologist with safety to the
3057 public; or

3058 (d) Has impersonated another person holding a
3059 psychologist license or allowed another person to use his license;
3060 or

3061 (e) Has used fraud or deception in applying for a
3062 license or in taking an examination provided for in this chapter;
3063 or

3064 (f) Has accepted commissions or rebates or other forms
3065 of remuneration for referring clients to other professional
3066 persons; or

3067 (g) Has allowed his name or license issued under this
3068 chapter to be used in connection with any person or persons who
3069 perform psychological services outside of the area of their
3070 training, experience or competence; or

3071 (h) Is legally adjudicated mentally incompetent, the
3072 record of the adjudication being conclusive evidence thereof; or

3073 (i) Has willfully or negligently violated any of the
3074 provisions of this chapter. The board may recover from any person
3075 disciplined under this chapter, the costs of investigation,
3076 prosecution, and adjudication of the disciplinary action.

3077 (2) Notwithstanding any provision of this chapter:

3078 (a) The board, acting on its own motion or, in the case
3079 of a default on a loan, on the recommendation of the state agency
3080 to which payments are due, shall suspend the license of any person
3081 who defaults on or fails to comply with the requirements of a
3082 state educational loan, service conditional scholarship or loan
3083 repayment program obligation under which the person obtained any
3084 of the education necessary to qualify for a license under this
3085 chapter. However, before a state agency may recommend the
3086 suspension of a license due to the person's default on a loan,
3087 that agency must provide the license holder with notice of its
3088 intention to recommend the suspension of the person's license and
3089 an opportunity for the license holder to respond; and

3090 (b) The person's license will remain suspended until
3091 the person has: (i) made arrangements satisfactory to the board
3092 for meeting the obligations of the loan, scholarship or loan
3093 repayment program; or (ii) in the case of a default, made
3094 arrangements satisfactory to the state agency to which payments
3095 are due for the repayment of the educational loan or scholarship.

3096 (3) Notice shall be effected by registered mail or personal
3097 service setting forth the particular reasons for the proposed
3098 action and fixing a date not less than thirty (30) days nor more
3099 than sixty (60) days from the date of the mailing or the service,
3100 at which time the applicant or licentiate shall be given an
3101 opportunity for a prompt and fair hearing. For the purpose of the
3102 hearing the board, acting by and through its executive secretary,
3103 may subpoena persons and papers on its own behalf and on behalf of

3104 the applicant or licentiate, may administer oaths and may take
3105 testimony. That testimony, when properly transcribed, together
3106 with the papers and exhibits, shall be admissible in evidence for
3107 or against the applicant or licentiate. At the hearing applicant
3108 or licentiate may appear by counsel and personally in his own
3109 behalf. Any person sworn and examined by a witness in the hearing
3110 shall not be held to answer criminally, nor shall any papers or
3111 documents produced by the witness be competent evidence in any
3112 criminal proceedings against the witness other than for perjury in
3113 delivering his evidence. On the basis of any such hearing, or
3114 upon default of applicant or licentiate, the board shall make a
3115 determination specifying its findings of fact and conclusions of
3116 law. A copy of that determination shall be sent by registered
3117 mail or served personally upon the applicant or licentiate. The
3118 decision of the board denying, revoking or suspending the license
3119 shall become final thirty (30) days after so mailed or served
3120 unless within that period the licentiate appeals the decision to
3121 the chancery court, under the provisions hereof, and the
3122 proceedings in chancery shall be conducted as other matters coming
3123 before the court. All proceedings and evidence, together with
3124 exhibits, presented at the hearing before the board if there is an
3125 appeal shall be admissible in evidence in the court.

3126 (4) The board may subpoena persons and papers on its own
3127 behalf and on behalf of the respondent, may administer oaths and
3128 may compel the testimony of witnesses. It may issue commissions
3129 to take testimony, and testimony so taken and sworn to shall be
3130 admissible in evidence for and against the respondent. The board
3131 shall be entitled to the assistance of the chancery court or the
3132 chancellor in vacation, which, on petition by the board, shall
3133 issue ancillary subpoenas and petitions and may punish as for
3134 contempt of court if there is noncompliance therewith.

3135 (5) Every order and judgment of the board shall take effect
3136 immediately on its promulgation unless the board in the order or

3137 judgment fixes a probationary period for applicant or licentiate.
3138 The order and judgment shall continue in effect unless upon appeal
3139 the court by proper order or decree terminates it earlier. The
3140 board may make public its order and judgments in such manner and
3141 form as it deems proper. It shall, in event of the suspension or
3142 revocation of a license, direct the clerk of the circuit court of
3143 the county in which that license was recorded to cancel the
3144 record.

3145 (6) Nothing in this section shall be construed as limiting
3146 or revoking the authority of any court or of any licensing or
3147 registering officer or board, other than the Mississippi Board of
3148 Psychology, to suspend, revoke and reinstate licenses and to
3149 cancel registrations under the provisions of Section 41-29-311.

3150 (7) Suspension by the board of the license of a psychologist
3151 shall be for a period not exceeding one (1) year. At the end of
3152 this period the board shall reevaluate the suspension, and shall
3153 either reinstate or revoke the license. A person whose license
3154 has been revoked under the provisions of this section may reapply
3155 for license after more than two (2) years have elapsed from the
3156 date the denial or revocation is legally effective.

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

3170 shall be taken in accordance with the appeal procedure specified
3171 in Section 93-11-157 or 93-11-163, as the case may be, rather than
3172 the procedure specified in this section. If there is any conflict
3173 between any provision of Section 93-11-157 or 93-11-163 and any
3174 provision of this chapter, the provisions of Section 93-11-157 or
3175 93-11-163, as the case may be, shall control.

3176 (9) This section shall stand repealed from and after July 1,
3177 2011.

3178 **SECTION 22.** Section 73-33-11, Mississippi Code of 1972, is
3179 amended as follows:

3180 73-33-11. (1) The Mississippi State Board of Public
3181 Accountancy may revoke, suspend or take other appropriate action
3182 with respect to any license or permit issued under this chapter
3183 for any unprofessional conduct by the licensee or permit holder,
3184 or for other sufficient cause, provided written notice has been
3185 sent by registered mail (with the addressee's receipt required) to
3186 the holder thereof, twenty (20) days before any hearing thereon,
3187 stating the cause for the contemplated action and appointing a day
3188 and a place for a full hearing thereon by the board. No
3189 certificate or license may be cancelled or revoked until a hearing
3190 has been given to the holder thereof according to law. * * *
3191 After the hearing, the board may, in its discretion, suspend such
3192 a certified public accountant from practice as a certified public
3193 accountant in this state.

3194 (2) The members of the board may sit as a trial board; * * *
3195 administer oaths (or affirmations); * * * summon any witness
3196 and * * * compel his attendance and/or his testimony, under oath
3197 (or affirmation) before the board; * * * compel the production
3198 before it, of any book, paper or document by the owner or
3199 custodian thereof; and/or * * * compel any officer to produce,
3200 at the hearing a copy of any public record (not privileged from
3201 public inspection by law) in his official custody, certified to,
3202 by him. The board shall elect one (1) of its members to serve as

3203 clerk, to issue summons and other processes, and to certify copies
3204 of its records or, the board may delegate those duties to the
3205 executive director.

3206 (3) The accused may appear in person and/or by counsel or,
3207 in the instance of a firm permit holder through its manager and/or
3208 counsel to defend the charges. If the accused does not appear or
3209 answer, judgment may be entered by default, provided the board
3210 finds that proper service was made on the accused.

3211 (4) The minutes of the board shall be recorded in an
3212 appropriate minute book permanently maintained by the board at its
3213 office.

3214 (5) In a proceeding conducted under this section by the
3215 board for disciplinary action against a licensee or permit holder,
3216 those reasonable costs that are expended by the board in the
3217 investigation and conduct of a proceeding for discipline,
3218 including, but not limited to, the cost of service of process,
3219 court reporters, expert witnesses, investigators and legal fees
3220 may be imposed by the board on the accused, the charging party or
3221 both.

3222 Those costs shall be paid to the board upon the expiration of
3223 the period allowed for appeal of the penalties under this section,
3224 or may be paid sooner if the guilty party elects.

3225 (6) Money collected by the board under this section shall be
3226 deposited to the credit of the board's special fund in the State
3227 Treasury. When payment of a monetary penalty assessed by the
3228 board under this section is not paid when due, the board shall
3229 have the power to institute and maintain proceedings in its name
3230 for enforcement of payment in the Chancery Court of the First
3231 Judicial District of Hinds County, Mississippi, or in the chancery
3232 court of the county where the respondent resides.

3233 (7) In case of a decision adverse to the accused, appeal
3234 shall be made within thirty (30) days from the day on which the
3235 decision is made to the Circuit Court of the First Judicial

3236 District of Hinds County, Mississippi, or in the circuit court of
3237 the county in which the accused resides. In the case of a
3238 nonresident licensee, the appeal shall be made to the First
3239 Judicial District of Hinds County, Mississippi. The order of the
3240 board shall not take effect until the expiration of the thirty
3241 (30) days.

3242 (8) In case of an appeal, bond for costs in the circuit
3243 court shall be given as in other cases; and the order of the board
3244 shall not take effect until the appeal has been finally disposed
3245 of by the court or courts.

3246 (9) The board may, at any time, reinstate a license or
3247 permit if it finds that the reinstatement is justified.

3248 (10) Notwithstanding any provision of this chapter:

3249 (a) The board, acting on its own motion or, in the case
3250 of a default on a loan, on the recommendation of the state agency
3251 to which payments are due, shall suspend the license of any person
3252 who defaults on or fails to comply with the requirements of a
3253 state educational loan, service conditional scholarship or loan
3254 repayment program obligation under which the person obtained any
3255 of the education necessary to qualify for a license under this
3256 chapter. However, before a state agency may recommend the
3257 suspension of a license due to the person's default on a loan,
3258 that agency must provide the license holder with notice of its
3259 intention to recommend the suspension of the person's license and
3260 an opportunity for the license holder to respond; and

3261 (b) The person's license will remain suspended until
3262 the person has: (i) made arrangements satisfactory to the board
3263 for meeting the obligations of the loan, scholarship or loan
3264 repayment program; or (ii) in the case of a default, made
3265 arrangements satisfactory to the state agency to which payments
3266 are due for the repayment of the educational loan or scholarship.

3267 (11) In addition to the reasons specified in subsection (1)
3268 of this section, the board may suspend the license of any licensee

3269 for being out of compliance with an order for support, as defined
3270 in Section 93-11-153. The procedure for suspension of a license
3271 for being out of compliance with an order for support, and the
3272 procedure for the reissuance or reinstatement of a license
3273 suspended for that purpose, and the payment of any fees for the
3274 reissuance or reinstatement of a license suspended for that
3275 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
3276 the case may be. Actions taken by the board in suspending a
3277 license when required by Section 93-11-157 or 93-11-163 are not
3278 actions from which an appeal may be taken under this section. Any
3279 appeal of a license suspension that is required by Section
3280 93-11-157 or 93-11-163 shall be taken in accordance with the
3281 appeal procedure specified in Section 93-11-157 or 93-11-163, as
3282 the case may be, rather than the procedure specified in this
3283 section. If there is any conflict between any provision of
3284 Section 93-11-157 or 93-11-163 and any provision of this chapter,
3285 the provisions of Section 93-11-157 or 93-11-163, as the case may
3286 be, shall control.

3287 **SECTION 23.** Section 73-36-33, Mississippi Code of 1972, is
3288 amended as follows:

3289 73-36-33. (1) The board shall have the power, after notice
3290 and hearing, to suspend or revoke the license of any registrant
3291 who_

3292 (a) Is found guilty by the board of fraud or gross
3293 negligence in the practice of professional forestry;

3294 (b) Fails to comply with board rules and regulations;

3295 (c) Is found guilty by the board of unprofessional or
3296 unethical conduct; or

3297 (d) Has had his license suspended or revoked for cause
3298 in another jurisdiction.

3299 (2) Notwithstanding any provision of this chapter:

3300 (a) The board, acting on its own motion or, in the case
3301 of a default on a loan, on the recommendation of the state agency

3302 to which payments are due, shall suspend the license of any person
3303 who defaults on or fails to comply with the requirements of a
3304 state educational loan, service conditional scholarship or loan
3305 repayment program obligation under which the person obtained any
3306 of the education necessary to qualify for a license under this
3307 chapter. However, before a state agency may recommend the
3308 suspension of a license due to the person's default on a loan,
3309 that agency must provide the license holder with notice of its
3310 intention to recommend the suspension of the person's license and
3311 an opportunity for the license holder to respond; and

3312 (b) The person's license will remain suspended until
3313 the person has: (i) made arrangements satisfactory to the board
3314 for meeting the obligations of the loan, scholarship or loan
3315 repayment program; or (ii) in the case of a default, made
3316 arrangements satisfactory to the state agency to which payments
3317 are due for the repayment of the educational loan or scholarship.

3318 (3) Any person may prefer charges of fraud or gross
3319 negligence in connection with any forestry practice against any
3320 registrant. The charges shall be in writing, shall be sworn to by
3321 the person making them, and shall be filed with the secretary of
3322 the board. All charges shall be heard by the board under its
3323 rules and regulations without undue delay.

3324 (4) Any applicant whose license is suspended or revoked by
3325 the board may apply for a review of the proceedings with reference
3326 to the suspension or revocation by appealing to the Chancery Court
3327 of the First Judicial District of Hinds County, Mississippi,
3328 provided a notice of appeal is filed by the applicant with the
3329 clerk of the court within sixty (60) days from entry of an order
3330 by the board suspending or revoking his license, provided the
3331 applicant files with the notice of appeal a bond to be approved by
3332 the court assuring the prompt payment of any and all costs of the
3333 appeal, the amount to be fixed by the court. Upon the filing of
3334 the notice of appeal and posting of the bond, the clerk of

3335 the * * * court shall notify the secretary of the board thereof
3336 and the record of the proceedings involved shall be prepared by
3337 the secretary and forwarded to the court within a period of sixty
3338 (60) days from the notice by the clerk. The court shall thereupon
3339 review the proceedings on the record presented and may hear such
3340 additional testimony as to the court may appear material and
3341 dispose of the appeal in termtime or in vacation, and the court
3342 may sustain or dismiss the appeal, or modify or vacate the order
3343 complained of, but in case the order is modified or vacated, the
3344 court may also, in its discretion, remand the matter to the board
3345 for such further proceedings not inconsistent with the court's
3346 order as, in the opinion of the court, justice may require. The
3347 decision of the chancery court may be appealed as other cases to
3348 the Supreme Court.

3349 (5) The board may secure, by contract, the services of an
3350 investigator when deemed necessary by the board to properly
3351 consider any charge then before it. The board may, at its
3352 discretion, establish a program of routine inspections.

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

3368 the case may be, rather than the procedure specified in this
3369 section. If there is any conflict between any provision of
3370 Section 93-11-157 or 93-11-163 and any provision of this chapter,
3371 the provisions of Section 93-11-157 or 93-11-163, as the case may
3372 be, shall control.

3373 **SECTION 24.** Section 73-38-27, Mississippi Code of 1972, is
3374 amended as follows:

3375 73-38-27. (1) The board may refuse to issue or renew a
3376 license, or may suspend or revoke a license where the licensee or
3377 applicant for license has been guilty of unprofessional conduct
3378 that has endangered or is likely to endanger the health, welfare
3379 or safety of the public. That unprofessional conduct may result
3380 from:

3381 (a) Negligence in the practice or performance of
3382 professional services or activities;

3383 (b) Engaging in dishonorable, unethical or
3384 unprofessional conduct of a character likely to deceive, defraud
3385 or harm the public in the course of professional services or
3386 activities;

3387 (c) Perpetrating or cooperating in fraud or material
3388 deception in obtaining or renewing a license or attempting the
3389 same;

3390 (d) Being convicted of any crime which has a
3391 substantial relationship to the licensee's activities and services
3392 or an essential element of which is misstatement, fraud or
3393 dishonesty;

3394 (e) Being convicted of any crime which is a felony
3395 under the laws of this state or the United States;

3396 (f) Engaging in or permitting the performance of
3397 unacceptable services personally or by others working under the
3398 licensee's supervision due to the licensee's deliberate or
3399 negligent act or acts or failure to act, regardless of whether
3400 actual damage or damages to the public is established;

3401 (g) Continued practice although the licensee has become
3402 unfit to practice as a speech-language pathologist or audiologist
3403 due to: (i) failure to keep abreast of current professional
3404 theory or practice; or (ii) physical or mental disability; the
3405 entry of an order or judgment by a court of competent jurisdiction
3406 that a licensee is in need of mental treatment or is incompetent
3407 shall constitute mental disability; or (iii) addiction or severe
3408 dependency upon alcohol or other drugs which may endanger the
3409 public by impairing the licensee's ability to practice;

3410 (h) Having disciplinary action taken against the
3411 licensee's license in another state;

3412 (i) Making differential, detrimental treatment against
3413 any person because of race, color, creed, sex, religion or
3414 national origin;

3415 (j) Engaging in lewd conduct in connection with
3416 professional services or activities;

3417 (k) Engaging in false or misleading advertising;

3418 (l) Contracting, assisting or permitting unlicensed
3419 persons to perform services for which a license is required under
3420 this chapter;

3421 (m) Violation of any probation requirements placed on a
3422 license by the board;

3423 (n) Revealing confidential information except as may be
3424 required by law;

3425 (o) Failing to inform clients of the fact that the
3426 client no longer needs the services or professional assistance of
3427 the licensee;

3428 (p) Charging excessive or unreasonable fees or engaging
3429 in unreasonable collection practices;

3430 (q) For treating or attempting to treat ailments or
3431 other health conditions of human beings other than by speech or
3432 audiology therapy as authorized by this chapter;

3433 (r) For applying or offering to apply speech or
3434 audiology therapy, exclusive of initial evaluation or screening
3435 and exclusive of education or consultation for the prevention of
3436 physical and mental disability within the scope of speech or
3437 audiology therapy, or for acting as a speech-language pathologist
3438 or audiologist, or speech-language pathologist or audiologist aide
3439 other than under the direct, on-site supervision of a licensed
3440 speech-language pathologist or audiologist;

3441 (s) Violations of the current codes of conduct for
3442 speech-language pathologists or audiologists, and speech-language
3443 pathologist or audiologist assistants adopted by the American
3444 Speech-Language-Hearing Association;

3445 (t) Violations of any rules or regulations promulgated
3446 pursuant to this chapter.

3447 (2) Notwithstanding any provision of this chapter:

3448 (a) The board, acting on its own motion or, in the case
3449 of a default on a loan, on the recommendation of the state agency
3450 to which payments are due, shall suspend the license of any person
3451 who defaults on or fails to comply with the requirements of a
3452 state educational loan, service conditional scholarship or loan
3453 repayment program obligation under which the person obtained any
3454 of the education necessary to qualify for a license under this
3455 chapter. However, before a state agency may recommend the
3456 suspension of a license due to the person's default on a loan,
3457 that agency must provide the license holder with notice of its
3458 intention to recommend the suspension of the person's license and
3459 an opportunity for the license holder to respond; and

3460 (b) The person's license will remain suspended until
3461 the person has: (i) made arrangements satisfactory to the board
3462 for meeting the obligations of the loan, scholarship or loan
3463 repayment program; or (ii) in the case of a default, made
3464 arrangements satisfactory to the state agency to which payments
3465 are due for the repayment of the educational loan or scholarship.

3466 (3) The board may order a licensee to submit to a reasonable
3467 physical or mental examination if the licensee's physical or
3468 mental capacity to practice safely is at issue in a disciplinary
3469 proceeding.

3470 (4) In addition to the reasons specified in subsection (1)
3471 of this section, the board shall be authorized to suspend the
3472 license of any licensee for being out of compliance with an order
3473 for support, as defined in Section 93-11-153. The procedure for
3474 suspension of a license for being out of compliance with an order
3475 for support, and the procedure for the reissuance or reinstatement
3476 of a license suspended for that purpose, and the payment of any
3477 fees for the reissuance or reinstatement of a license suspended
3478 for that purpose, shall be governed by Section 93-11-157 or
3479 93-11-163, as the case may be. If there is any conflict between
3480 any provision of Section 93-11-157 or 93-11-163 and any provision
3481 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
3482 as the case may be, shall control.

3483 **SECTION 25.** Section 73-39-19, Mississippi Code of 1972, is
3484 amended as follows:

3485 73-39-19. (1) After a hearing held as set out in this
3486 chapter, the board, on concurrence of three (3) members, shall
3487 have the right and power to revoke or suspend the license of a
3488 veterinarian, or the certificate of an animal technician and may
3489 place the veterinarian or technician on prohibition conditioned on
3490 future good conduct and compliance with this chapter, and may
3491 impose an administrative fine not to exceed One Thousand Dollars
3492 (\$1,000.00) for each such separate offense, for any of the
3493 following reasons:

3494 (a) Insanity or mental incompetence or an adjudication
3495 of insanity or mental incompetence by a court of competent
3496 jurisdiction.

3497 (b) Chronic inebriety or habitual use of drugs, or any
3498 adjudication by a court of competent jurisdiction that the

3499 veterinarian is an alcoholic or habitual user of drugs. Decrees
3500 of divorce shall not be construed as an adjudication that a
3501 veterinarian is an alcoholic or habitual user of drugs.

3502 (c) A final conviction of a felony or of an offense
3503 involving moral turpitude by a court of competent jurisdiction.

3504 (d) Fraud or dishonesty in the application or reporting
3505 of any test for disease in animals, including intentional
3506 misrepresentation on any forms filed with any governmental agency.

3507 (e) Failure to report or making a false report of any
3508 contagious or infectious disease required by state or federal law
3509 to be reported.

3510 (f) Dishonesty, intentional misrepresentation or gross
3511 negligence in the inspection of foodstuffs or the issuance of
3512 health or inspection certificates.

3513 (g) The refusal of licensing authority of another state
3514 to issue or renew a license, permit or certificate to practice
3515 veterinary medicine in that state or the revocation, suspension or
3516 other restriction imposed on a license, permit or certificate
3517 issued by that licensing authority which prevents or restricts
3518 practice in that state; further, any probationary status imposed
3519 by another state that had the offense occurred in this state would
3520 have been a violation of this chapter.

3521 (h) The employment of fraud, misrepresentation or
3522 deception in obtaining a license.

3523 (i) The use of advertising or solicitation that is
3524 false or misleading or is deemed unprofessional under rules or
3525 regulations adopted by the board.

3526 (j) Incompetence, gross negligence, cruelty or gross
3527 malpractice in the practice of veterinary medicine.

3528 (k) Employing any person practicing veterinary medicine
3529 unlawfully with the knowledge of the illegal practice by the
3530 employee.

3531 (1) Failure to keep veterinary premises and equipment
3532 in a clean and sanitary condition.

3533 (m) Cruelty to animals in the practice of veterinary
3534 medicine.

3535 (n) Unprofessional or unethical conduct as defined in
3536 regulations adopted by the board.

3537 (o) Administering, dispensing or prescribing any
3538 narcotic drug having addiction-forming, addiction-sustaining or
3539 habituating liability otherwise than in the course of legitimate
3540 professional practice.

3541 (p) Conviction of violation of any federal or state law
3542 regulating the possession, distribution or use of any narcotic
3543 drug or any drug considered a controlled substance under state or
3544 federal law.

3545 (q) Obtaining or procuring, or attempting to obtain or
3546 procure by misrepresentation, fraud, deception or subterfuge, any
3547 narcotic or drug classified as a controlled substance.

3548 (r) Making or causing to be made any false claims
3549 concerning the licensee's professional excellence.

3550 (s) Being guilty of any dishonorable or unethical
3551 conduct likely to deceive, defraud or harm the public.

3552 (t) Refusing to permit the board or any legal
3553 representative of the board to inspect the business premises of
3554 the licensee during regular business hours.

3555 (u) Failure to complete requirement of continuing
3556 education.

3557 (2) A certified copy of any judgment of conviction or
3558 finding of guilt by a court of competent jurisdiction or by a
3559 governmental board or agency authorized to issue licenses or
3560 permits, including the United States Department of Agriculture,
3561 Animal and Plant Health Inspection Service, the Mississippi Board
3562 of Animal Health and the Mississippi State Board of Health, of a
3563 veterinarian or animal technician of any of the matters listed in

3564 paragraph (a), (b), (c), (d), (e), (f) or (g) of subsection (1)
3565 shall be admissible in evidence in any hearing held by the board
3566 to discipline the veterinarian and shall constitute prima facie
3567 evidence of the commission of any such act.

3568 (3) Notwithstanding any provision of this chapter:

3569 (a) The board, acting on its own motion or, in the case
3570 of a default on a loan, on the recommendation of the state agency
3571 to which payments are due, shall suspend the veterinarian's
3572 license of any person who defaults on or fails to comply with the
3573 requirements of a state educational loan, service conditional
3574 scholarship or loan repayment program obligation under which the
3575 person obtained any of the education necessary to qualify for a
3576 veterinarian's license under this chapter. However, before a
3577 state agency may recommend the suspension of a veterinarian's
3578 license due to the person's default on a loan, that agency must
3579 provide the license holder with notice of its intention to
3580 recommend the suspension of the person's veterinarian's license
3581 and an opportunity for the license holder to respond; and

3582 (b) The person's veterinarian's license will remain
3583 suspended until the person has: (i) made arrangements
3584 satisfactory to the board for meeting the obligations of the loan,
3585 scholarship or loan repayment program; or (ii) in the case of a
3586 default, made arrangements satisfactory to the state agency to
3587 which payments are due for the repayment of the educational loan
3588 or scholarship.

3589 (4) In addition to the reasons specified in subsection (1)
3590 of this section, the board may suspend the license or certificate
3591 of any licensee or certificate holder for being out of compliance
3592 with an order for support, as defined in Section 93-11-153. The
3593 procedure for suspension of a license or certificate for being out
3594 of compliance with an order for support, and the procedure for the
3595 reissuance or reinstatement of a license or certificate suspended
3596 for that purpose, and the payment of any fees for the reissuance

3597 or reinstatement of a license or certificate suspended for that
3598 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
3599 the case may be. If there is any conflict between any provision
3600 of Section 93-11-157 or 93-11-163 and any provision of this
3601 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
3602 case may be, shall control.

3603 **SECTION 26.** Section 73-53-17, Mississippi Code of 1972, is
3604 amended as follows:

3605 73-53-17. (1) Licensees subject to this chapter shall
3606 conduct their activities, services and practice in accordance with
3607 this chapter and any rules promulgated pursuant hereto. Licensees
3608 may be subject to the exercise of the disciplinary sanctions
3609 enumerated in Section 73-53-23 if the board finds that a licensee
3610 is guilty of any of the following:

3611 (a) Negligence in the practice or performance of
3612 professional services or activities;

3613 (b) Engaging in dishonorable, unethical or
3614 unprofessional conduct of a character likely to deceive, defraud
3615 or harm the public in the course of professional services or
3616 activities;

3617 (c) Perpetrating or cooperating in fraud or material
3618 deception in obtaining or renewing a license or attempting the
3619 same;

3620 (d) Being convicted of any crime that has a substantial
3621 relationship to the licensee's activities and services or an
3622 essential element of which is misstatement, fraud or dishonesty;

3623 (e) Being convicted of any crime that is a felony under
3624 the laws of this state or of the United States;

3625 (f) Engaging in or permitting the performance of
3626 unacceptable services personally or by assistants working under
3627 the licensee's supervision due to the licensee's deliberate or
3628 grossly negligent act or acts or failure to act, regardless of
3629 whether actual damage or damages to the public is established;

3630 (g) Continued practice although the licensee has become
3631 unfit to practice social work due to: (i) failure to keep abreast
3632 of current professional theory or practice; or (ii) physical or
3633 mental disability; the entry of an order or judgment by a court of
3634 competent jurisdiction that a licensee is in need of mental
3635 treatment or is incompetent shall constitute mental disability; or
3636 (iii) addiction or severe dependency upon alcohol or other drugs
3637 that may endanger the public by impairing the licensee's ability
3638 to practice;

3639 (h) Having disciplinary action taken against the
3640 licensee's license in another state;

3641 (i) Making differential, detrimental treatment against
3642 any person because of race, color, creed, sex, religion or
3643 national origin;

3644 (j) Engaging in lewd conduct in connection with
3645 professional services or activities;

3646 (k) Engaging in false or misleading advertising;

3647 (l) Contracting, assisting or permitting unlicensed
3648 persons to perform services for which a license is required under
3649 this chapter;

3650 (m) Violation of any probation requirements placed on a
3651 licensee by the board;

3652 (n) Revealing confidential information except as may be
3653 required by law;

3654 (o) Failing to inform clients of the fact that the
3655 client no longer needs the services or professional assistance of
3656 the licensee;

3657 (p) Charging excessive or unreasonable fees or engaging
3658 in unreasonable collection practices.

3659 (2) Notwithstanding any provision of this chapter:

3660 (a) The board, acting on its own motion or, in the case
3661 of a default on a loan, on the recommendation of the state agency
3662 to which payments are due, shall suspend the license of any person

3663 who defaults on or fails to comply with the requirements of a
3664 state educational loan, service conditional scholarship or loan
3665 repayment program obligation under which the person obtained any
3666 of the education necessary to qualify for a license under this
3667 chapter. However, before a state agency may recommend the
3668 suspension of a license due to the person's default on a loan,
3669 that agency must provide the license holder with notice of its
3670 intention to recommend the suspension of the person's license and
3671 an opportunity for the license holder to respond; and

3672 (b) The person's license will remain suspended until
3673 the person has: (i) made arrangements satisfactory to the board
3674 for meeting the obligations of the loan, scholarship or loan
3675 repayment program; or (ii) in the case of a default, made
3676 arrangements satisfactory to the state agency to which payments
3677 are due for the repayment of the educational loan or scholarship.

3678 (3) The board may order a licensee to submit to a reasonable
3679 physical or mental examination if the licensee's physical or
3680 mental capacity to practice safely is at issue in a disciplinary
3681 proceeding.

3682 (4) Failure to comply with a board order to submit to a
3683 physical or mental examination shall render a licensee subject to
3684 the summary suspension procedures described in Section 73-53-23.

3685 (5) In addition to the reasons specified in subsection (1)
3686 of this section, the board may suspend the license of any licensee
3687 for being out of compliance with an order for support, as defined
3688 in Section 93-11-153. The procedure for suspension of a license
3689 for being out of compliance with an order for support, and the
3690 procedure for the reissuance or reinstatement of a license
3691 suspended for that purpose, and the payment of any fees for the
3692 reissuance or reinstatement of a license suspended for that
3693 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
3694 the case may be. If there is any conflict between any provision
3695 of Section 93-11-157 or 93-11-163 and any provision of this

3696 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
3697 case may be, shall control.

3698 **SECTION 27.** Section 73-54-29, Mississippi Code of 1972, is
3699 amended as follows:

3700 73-54-29. (1) Licensees subject to this chapter shall
3701 conduct their activities, services and practice in accordance with
3702 this chapter and any rules promulgated pursuant under this
3703 chapter. Licensees may be subject to the exercise of the
3704 disciplinary sanctions enumerated in Section 73-53-23 if the board
3705 finds that a licensee is guilty of any of the actions listed in
3706 Section 73-53-17(1) or is guilty of any of the following:

3707 (a) Violation of any provision of this chapter or any
3708 rules or regulations of the board adopted under the provisions of
3709 this chapter.

3710 (b) Other just and sufficient cause that renders a
3711 person unfit to practice marriage and family therapy as determined
3712 by the board but not limited to:

3713 (i) Habitual use of alcohol or drugs to an extent
3714 that affects professional competence;

3715 (ii) Adjudication as being mentally incompetent by
3716 a court of competent jurisdiction;

3717 (iii) Practicing in a manner detrimental to the
3718 public health and welfare;

3719 (iv) Revocation of a license or certification by a
3720 licensing agency or by a certifying professional organization; or

3721 (v) Any other violation of this chapter or the
3722 code of ethical standards of the American Association of Marriage
3723 and Family Therapy or other ethical standards adopted by the board
3724 under the provisions of this chapter.

3725 (2) Notwithstanding any provision of this chapter:

3726 (a) The board, acting on its own motion or, in the case
3727 of a default on a loan, on the recommendation of the state agency
3728 to which payments are due, shall suspend the license of any person

3729 who defaults on or fails to comply with the requirements of a
3730 state educational loan, service conditional scholarship or loan
3731 repayment program obligation under which the person obtained any
3732 of the education necessary to qualify for a license under this
3733 chapter. However, before a state agency may recommend the
3734 suspension of a license due to the person's default on a loan,
3735 that agency must provide the license holder with notice of its
3736 intention to recommend the suspension of the person's license and
3737 an opportunity for the license holder to respond; and

3738 (b) The person's license will remain suspended until
3739 the person has: (i) made arrangements satisfactory to the board
3740 for meeting the obligations of the loan, scholarship or loan
3741 repayment program; or (ii) in the case of a default, made
3742 arrangements satisfactory to the state agency to which payments
3743 are due for the repayment of the educational loan or scholarship.

3744 **SECTION 28.** Section 73-57-31, Mississippi Code of 1972, is
3745 amended as follows:

3746 73-57-31. (1) The board may revoke, suspend or refuse to
3747 renew any license or permit, or place on probation, or otherwise
3748 reprimand a licensee or permit holder, or deny a license to an
3749 applicant if it finds that person:

3750 (a) Is guilty of fraud or deceit in procuring or
3751 attempting to procure a license or renewal of a license to
3752 practice respiratory care.

3753 (b) Is unfit or incompetent by reason of negligence,
3754 habits or other causes of incompetency.

3755 (c) Is habitually intemperate in the use of alcoholic
3756 beverages.

3757 (d) Is addicted to, or has improperly obtained,
3758 possessed, used or distributed habit-forming drugs or narcotics.

3759 (e) Is guilty of dishonest or unethical conduct.

3760 (f) Has practiced respiratory care after his license or
3761 permit has expired or has been suspended.

3762 (g) Has practiced respiratory care under cover of any
3763 permit or license illegally or fraudulently obtained or issued.

3764 (h) Has violated or aided or abetted others in
3765 violation of any provision of this chapter.

3766 (2) Notwithstanding any provision of this chapter:

3767 (a) The board, acting on its own motion or, in the case
3768 of a default on a loan, on the recommendation of the state agency
3769 to which payments are due, shall suspend the license of any person
3770 who defaults on or fails to comply with the requirements of a
3771 state educational loan, service conditional scholarship or loan
3772 repayment program obligation under which the person obtained any
3773 of the education necessary to qualify for a license under this
3774 chapter. However, before a state agency may recommend the
3775 suspension of a license due to the person's default on a loan,
3776 that agency must provide the license holder with notice of its
3777 intention to recommend the suspension of the person's license and
3778 an opportunity for the license holder to respond; and

3779 (b) The person's license will remain suspended until
3780 the person has: (i) made arrangements satisfactory to the board
3781 for meeting the obligations of the loan, scholarship or loan
3782 repayment program; or (ii) in the case of a default, made
3783 arrangements satisfactory to the state agency to which payments
3784 are due for the repayment of the educational loan or scholarship.

3785 (3) In addition to the reasons specified in subsection (1)
3786 of this section, the board may suspend the license or permit of
3787 any licensee or permit holder for being out of compliance with an
3788 order for support, as defined in Section 93-11-153. The procedure
3789 for suspension of a license or permit for being out of compliance
3790 with an order for support, and the procedure for the reissuance or
3791 reinstatement of a license or permit suspended for that purpose,
3792 and the payment of any fees for the reissuance or reinstatement of
3793 a license or permit suspended for that purpose, shall be governed
3794 by Section 93-11-157 or 93-11-163, as the case may be. If there

3795 is any conflict between any provision of Section 93-11-157 or
3796 93-11-163 and any provision of this chapter, the provisions of
3797 Section 93-11-157 or 93-11-163, as the case may be, shall control.

3798 **SECTION 29.** Section 73-63-43, Mississippi Code of 1972, is
3799 amended as follows:

3800 73-63-43. (1) The board, upon satisfactory proof and in
3801 accordance with this chapter and rules and regulations of the
3802 board, may take the disciplinary actions provided under this
3803 chapter against any person for the following reasons:

3804 (a) Violation of this chapter, any rule or regulation
3805 or written order of the board, any condition of registration or
3806 standards of professional conduct;

3807 (b) Fraud, deceit or misrepresentation in obtaining a
3808 certificate of registration as a registered professional geologist
3809 or certificate of enrollment as a geologist-in-training;

3810 (c) Gross negligence, malpractice, incompetency,
3811 misconduct, or repeated incidents of simple negligence in or
3812 related to the practice of geology;

3813 (d) Practicing or offering to practice geology, or
3814 holding oneself out as being registered or qualified to practice
3815 geology, by an individual who is not registered under this
3816 chapter, or by any other person not employing a registered
3817 professional geologist as required by this chapter;

3818 (e) Using the seal of another, or using or allowing use
3819 of one's seal on geologic work not performed by or under the
3820 supervision of the registered professional geologist, or otherwise
3821 aiding or abetting any person in the violation of this chapter; or

3822 (f) Disciplinary action by any state agency, board of
3823 registration or similar licensing agency for geologists or any
3824 profession or occupation related to the practice of geology. The
3825 sanction imposed by the board shall not exceed in severity or
3826 duration the sanction upon which that action is based.

3827 (2) Notwithstanding any provision of this chapter:

3828 (a) The board, acting on its own motion or, in the case
3829 of a default on a loan, on the recommendation of the state agency
3830 to which payments are due, shall suspend the license of any person
3831 who defaults on or fails to comply with the requirements of a
3832 state educational loan, service conditional scholarship or loan
3833 repayment program obligation under which the person obtained any
3834 of the education necessary to qualify for a license under this
3835 chapter. However, before a state agency may recommend the
3836 suspension of a license due to the person's default on a loan,
3837 that agency must provide the license holder with notice of its
3838 intention to recommend the suspension of the person's license and
3839 an opportunity for the license holder to respond; and

3840 (b) The person's license will remain suspended until
3841 the person has: (i) made arrangements satisfactory to the board
3842 for meeting the obligations of the loan, scholarship or loan
3843 repayment program; or (ii) in the case of a default, made
3844 arrangements satisfactory to the state agency to which payments
3845 are due for the repayment of the educational loan or scholarship.

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

3861 address of the accused, as shown on the records of the board.
3862 Within fifteen (15) days following receipt of that notice, the
3863 accused shall file a written response, admitting, denying, or
3864 taking exception to the charges. In the absence of a response or
3865 if the charges are admitted or if no exception is taken, the board
3866 may take disciplinary action without holding a hearing. A
3867 disciplinary action may be settled by the board and the accused,
3868 either before or after a hearing has begun.

3869 A person who reports or provides information to the board in
3870 good faith is not subject to an action for civil damages.

3871 (4) Any hearing under this section may be conducted by the
3872 board itself at a regular or special meeting of the board or by a
3873 hearing officer designated by the board. The hearing officer may
3874 conduct the hearings in the name of the board at any time and
3875 place as conditions and circumstances may warrant. The hearing
3876 officer or any member of the board may administer oaths or
3877 affirmations to witnesses appearing before the hearing officer or
3878 the board.

3879 If any witness fails or refuses to attend upon subpoena
3880 issued by the board, refuses to testify or refuses to produce
3881 books, papers, reports, documents and similar material, the
3882 production of which is called for by a subpoena, the attendance of
3883 any witness and the giving of that person's testimony and the
3884 production of books, papers, reports, documents and similar
3885 material shall be enforced by any court of competent jurisdiction
3886 of this state in the manner provided for the enforcement of the
3887 attendance and testimony of witnesses in civil cases in the courts
3888 of this state.

3889 All hearings before the board shall be recorded either by a
3890 court reporter or by tape or mechanical recorders and subject to
3891 transcription upon order of the board or any interested person.
3892 If the request for transcription originates with an interested
3893 person, that person shall pay the cost of transcription.

3894 The accused shall have the right to be present at the hearing
3895 in person, by counsel or other representative, or both. The board
3896 may continue or recess the hearing as may be necessary.

3897 (5) If a hearing officer conducts the hearing on behalf of
3898 the board, the hearing officer shall upon completion have the
3899 record of that hearing prepared. The record shall be submitted to
3900 the board along with that hearing officer's findings of fact and
3901 recommended decision. Upon receipt and review of the record of
3902 the hearing and the hearing officer's findings of fact and
3903 recommended decision, the board shall render its final decision as
3904 provided in subsection (6) of this section.

3905 Any person ordered to appear for an alleged violation may
3906 request a hearing before a majority of the board. A verbatim
3907 record of any previous hearings on that matter shall be filed with
3908 the board, together with findings of fact and conclusions of law
3909 made by the board based on the record.

3910 (6) At the conclusion of the hearing, the board may either
3911 decide the issue at that time or take the case under advisement
3912 for further deliberation. The board shall render its decision not
3913 more than ninety (90) days after the close of the hearing, and
3914 shall forward to the last known business or residence address of
3915 the accused, by certified or registered mail, return receipt
3916 requested, a written statement of the decision of the board.

3917 If a majority of the board finds the accused guilty of the
3918 charges filed, the board may take any combination of the following
3919 actions:

3920 (a) Deny the renewal of a certificate of registration
3921 or certificate of enrollment;

3922 (b) Suspend the certificate of registration or
3923 certificate of enrollment of any registrant for a specified period
3924 of time, not to exceed three (3) years, or revoke the certificate
3925 of registration or certificate of enrollment of any registrant;

3926 (c) Censure, reprimand or issue a public or private
3927 admonishment to an applicant, a registrant or any other person
3928 engaged in the practice of geology under this chapter;

3929 (d) Impose limitations, conditions or restrictions upon
3930 the practice of an applicant, a registrant or upon any other
3931 person engaged in the practice of geology;

3932 (e) Require the guilty party to complete a course,
3933 approved by the board, in ethics;

3934 (f) Impose probation upon a registrant, requiring
3935 regular reporting to the board;

3936 (g) Require restitution, in whole or in part, of the
3937 compensation or fees earned by a registrant or by any other person
3938 engaging in the practice of geology; or

3939 (h) Assess and levy upon the guilty party a monetary
3940 penalty not to exceed Five Thousand Dollars (\$5,000.00) for each
3941 violation.

3942 (7) Any monetary penalty assessed and levied under this
3943 section shall be paid to the board upon the expiration of the
3944 period allowed for appeal of that penalty, or may be paid sooner
3945 if the guilty party elects. Money collected by the board under
3946 this section shall be deposited to the credit of the registered
3947 professional geologists fund.

3948 When payment of a monetary penalty assessed and levied by the
3949 board in accordance with this section is not paid when due, the
3950 board may begin and maintain proceedings in its name for
3951 enforcement of payment in the chancery court of the county and
3952 judicial district of residence of the guilty party and if the
3953 guilty party is a nonresident of the State of Mississippi, the
3954 proceedings shall be in the Chancery Court of the First Judicial
3955 District of Hinds County, Mississippi.

3956 (8) The board may assess and impose the costs of any
3957 disciplinary proceedings conducted under this section against
3958 either the accused, the charging party, or both, as it may elect.

3959 (9) The authority of the board to assess and levy the
3960 monetary penalties under this section shall not be affected or
3961 diminished by any other proceeding, civil or criminal, concerning
3962 the same violation or violations, unless provided in this section.

3963 (10) If the board determines there is an imminent danger to
3964 the public welfare, the board may issue an order for the immediate
3965 suspension of a certificate of registration or a certificate of
3966 enrollment. The registrant may request a hearing on the matter
3967 within fifteen (15) days after receipt of the order of suspension.
3968 The board shall file charges as provided in this section within
3969 thirty (30) days after the issuance of an order, or the suspension
3970 shall be of no further force and effect. If charges are filed,
3971 the order of suspension shall remain in effect until disposition
3972 of all charges.

3973 (11) The board, for sufficient cause, may reissue a revoked
3974 certificate of registration or certificate of enrollment, upon
3975 written application to the board by the applicant. The
3976 application shall be made not less than three (3) years after the
3977 revocation. The board may impose reasonable conditions or
3978 limitations in connection with any reissuance.

3979 (12) In addition to the reasons named in subsection (1) of
3980 this section, the board may suspend the certificate of
3981 registration or certificate of enrollment of any person for being
3982 out of compliance with an order for support, as defined in Section
3983 93-11-153. The procedure for suspension of a certificate for
3984 being out of compliance with an order for support, and the
3985 procedure for the reissuance or reinstatement of a certificate
3986 suspended for that purpose, and the payment of any fees for the
3987 reissuance or reinstatement of a certificate suspended for that
3988 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
3989 the case may be. Actions taken by the board in suspending a
3990 certificate when required by Section 93-11-157 or 93-11-163 are
3991 not actions from which an appeal may be taken under Section

3992 73-63-49. Any appeal of a suspension of a certificate that is
3993 required by Section 93-11-157 or 93-11-163 shall be taken in
3994 accordance with the appeal procedure specified in Section
3995 93-11-157 or 93-11-163, as the case may be, rather than the
3996 procedure specified in Section 73-63-49. If there is any conflict
3997 between Section 93-11-157 or 93-11-163 and this chapter, Section
3998 93-11-157 or 93-11-163, as the case may be, shall control.

3999 **SECTION 30.** Section 73-65-13, Mississippi Code of 1972, is
4000 amended as follows:

4001 73-65-13. (1) The board may deny any application, or
4002 suspend or revoke any license held or applied for under the
4003 provisions of Section 73-65-7 if the person:

4004 (a) Is found guilty of fraud, deceit, or
4005 misrepresentation in procuring or attempting to procure a license
4006 to practice art therapy;

4007 (b) Is adjudicated mentally incompetent;

4008 (c) Is found guilty of a felony or misdemeanor
4009 involving moral turpitude;

4010 (d) Is found guilty of unprofessional or unethical
4011 conduct in this or any other jurisdiction;

4012 (e) Has been using any controlled substance or
4013 alcoholic beverage to an extent or in a manner dangerous to the
4014 person, any other person, or the public, or to an extent that the
4015 use impairs the ability to perform as a licensed professional art
4016 therapist;

4017 (f) Has violated any provision of this chapter; or

4018 (g) Willfully or negligently divulges a professional
4019 confidence.

4020 (2) A certified copy of the record of conviction shall be
4021 conclusive evidence of the conviction.

4022 (3) Disciplinary proceedings may be initiated upon the
4023 receipt by the board of a sworn complaint by any person, including
4024 members of the board.

4025 (4) Notwithstanding any provision of this chapter:

4026 (a) The board, acting on its own motion or, in the case
4027 of a default on a loan, on the recommendation of the state agency
4028 to which payments are due, shall suspend the license of any person
4029 who defaults on or fails to comply with the requirements of a
4030 state educational loan, service conditional scholarship or loan
4031 repayment program obligation under which the person obtained any
4032 of the education necessary to qualify for a license under this
4033 chapter. However, before a state agency may recommend the
4034 suspension of a license due to the person's default on a loan,
4035 that agency must provide the license holder with notice of its
4036 intention to recommend the suspension of the person's license and
4037 an opportunity for the license holder to respond; and

4038 (b) The person's license will remain suspended until
4039 the person has: (i) made arrangements satisfactory to the board
4040 for meeting the obligations of the loan, scholarship or loan
4041 repayment program; or (ii) in the case of a default, made
4042 arrangements satisfactory to the state agency to which payments
4043 are due for the repayment of the educational loan or scholarship.

4044 **SECTION 31.** Section 73-67-27, Mississippi Code of 1972, is
4045 amended as follows:

4046 73-67-27. (1) The board may refuse to issue or renew or may
4047 deny, suspend or revoke any certificate of registration held or
4048 applied for under this chapter upon finding that the holder of a
4049 certificate of registration or applicant:

4050 (a) Is guilty of fraud, deceit or misrepresentation in
4051 procuring or attempting to procure any certificate of registration
4052 provided for in this chapter;

4053 (b) Attempted to use as his own the certificate of
4054 registration of another;

4055 (c) Allowed the use of his certificate of registration
4056 by another;

4057 (d) Has been adjudicated as mentally incompetent by
4058 regularly constituted authorities;

4059 (e) Has been convicted of a crime, or has charges or
4060 disciplinary action pending that directly relates to the practice
4061 of massage therapy or to the ability to practice massage therapy.
4062 Any plea of nolo contendere shall be considered a conviction for
4063 the purposes of this section;

4064 (f) Is guilty of unprofessional or unethical conduct as
4065 defined by the code of ethics;

4066 (g) Is guilty of false, misleading or deceptive
4067 advertising, or is guilty of aiding or assisting in the
4068 advertising of any unregistered or unpermitted person in the
4069 practice of massage therapy;

4070 (h) Is grossly negligent or incompetent in the practice
4071 of massage therapy; or

4072 (i) Has had rights, credentials or one or more
4073 license(s) to practice massage therapy revoked, suspended or
4074 denied in any jurisdiction, territory or possession of the United
4075 States or another country for acts of the licensee similar to acts
4076 described in this section. A certified copy of the record of the
4077 jurisdiction making such a revocation, suspension or denial shall
4078 be conclusive evidence thereof.

4079 (2) Notwithstanding any provision of this chapter:

4080 (a) The board, acting on its own motion or, in the case
4081 of a default on a loan, on the recommendation of the state agency
4082 to which payments are due, shall suspend the certificate of
4083 registration of any person who defaults on or fails to comply with
4084 the requirements of a state educational loan, service conditional
4085 scholarship or loan repayment program obligation under which the
4086 person obtained any of the education necessary to qualify for a
4087 certificate of registration under this chapter. However, before a
4088 state agency may recommend the suspension of a certificate of
4089 registration due to the person's default on a loan, that agency

4090 must provide the certificate holder with notice of its intention
4091 to recommend the suspension of the person's certificate of
4092 registration and an opportunity for the certificate holder to
4093 respond; and

4094 (b) The person's certificate of registration will
4095 remain suspended until the person has: (i) made arrangements
4096 satisfactory to the board for meeting the obligations of the loan,
4097 scholarship or loan repayment program; or (ii) in the case of a
4098 default, made arrangements satisfactory to the state agency to
4099 which payments are due for the repayment of the educational loan
4100 or scholarship.

4101 (3) Investigative proceedings may be implemented by a
4102 complaint by any person, including members of the board.

4103 (4) (a) Any person(s) found guilty of prostitution using as
4104 any advertisement, claim or insignia of being an actual registered
4105 massage therapist or to be practicing massage therapy by using the
4106 word "massage" or any other description indicating the same,
4107 whether or not the person(s) have one or more such certificate of
4108 registration for person(s) or establishment(s), shall be guilty of
4109 a misdemeanor, and upon conviction, shall be punished by a fine of
4110 not less than One Thousand Dollars (\$1,000.00), nor more than Five
4111 Thousand Dollars (\$5,000.00), or imprisonment of up to six (6)
4112 months, or both, per offense, per person.

4113 (b) Any person who knowingly participates in receiving
4114 illegal service(s) of any person found guilty as described in
4115 paragraph (a) of this subsection, upon conviction, shall be
4116 punished by a fine not exceeding Five Hundred Dollars (\$500.00),
4117 or imprisonment for up to one (1) month, or both. Persons
4118 officially designated to investigate complaints are exempt.

4119 (c) Any person who violates any provision of this
4120 chapter, other than violation(s) of paragraph (a) of this
4121 subsection, is guilty of a misdemeanor, and upon conviction, shall
4122 be punished by a fine not exceeding Five Hundred Dollars

4123 (\$500.00), or imprisonment for up to one (1) month in jail, or
4124 both, per offense.

4125 **SECTION 32.** This act shall take effect and be in force from
4126 and after July 1, 2004.