

By: Representative Holland

To: Public Health and Human
ServicesCOMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1344

1 AN ACT TO AMEND SECTION 73-43-3, MISSISSIPPI CODE OF 1972, TO
2 EXPAND THE MEMBERSHIP OF THE STATE BOARD OF MEDICAL LICENSURE TO
3 INCLUDE THREE CONSUMERS WHO ARE NOT PHYSICIANS AND HAVE NO TIES TO
4 PHYSICIANS; TO PROVIDE THAT THE MISSISSIPPI MEDICAL AND SURGICAL
5 ASSOCIATION SHALL MAKE NOMINATIONS FOR APPOINTMENTS OF PHYSICIAN
6 MEMBERS TO THE BOARD; TO PROVIDE THAT THE GOVERNOR SHALL APPOINT
7 AT LEAST ONE PHYSICIAN MEMBER OF THE BOARD FROM THOSE NOMINATIONS;
8 TO AMEND SECTIONS 73-43-7 AND 73-43-14, MISSISSIPPI CODE OF 1972,
9 IN CONFORMITY TO THE PRECEDING PROVISION; AND FOR RELATED
10 PURPOSES.

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

12 **SECTION 1.** Section 73-43-3, Mississippi Code of 1972, is
13 amended as follows:

14 73-43-3. (1) The State Board of Medical Licensure shall
15 consist of nine (9) physicians and three (3) consumers.

16 (2) Each of the physician members of the board must have
17 graduated from a medical school that has been accredited by the
18 Liaison Committee on Medical Education as sponsored by the
19 American Medical Association and the Association of American
20 Medical Colleges or from an osteopathic medical school that has
21 been accredited by the Bureau of Professional Education of the
22 American Osteopathic Association, and have at least six (6) years'
23 experience in the practice of medicine.

24 (3) Each of the consumer members of the board must be a
25 person who is not a physician or other provider of health care
26 services, who does not have a physician as a member of his or her
27 immediate family, and who does not have any financial interest in
28 the practice of any physician or group of physicians.

29 (4) No more than two (2) physician members of the board
30 shall be a member of the faculty of the University of Mississippi

31 School of Medicine. No more than four (4) members of the board
32 shall be from the same Mississippi Supreme Court district.

33 (5) Three (3) physicians shall be nominated to the Governor
34 for each appointive physician member position by the Mississippi
35 State Medical Association, and two (2) physicians shall be
36 nominated for each appointive physician member position by the
37 Mississippi Medical and Surgical Association. The nominations by
38 each of those associations shall give due regard to geographic
39 distribution, race and sex. The Governor shall appoint from those
40 nominations the physician members of the board with the advice and
41 consent of the Senate. The Governor shall appoint at least one
42 (1) physician member of the board from the nominations by the
43 Mississippi Medical and Surgical Association.

44 (6) The Governor shall appoint the three (3) consumer
45 members with the advice and consent of the Senate with one (1)
46 member being appointed from each Supreme Court district.

47 (7) The original appointments of the physician members of
48 the board shall be made no later than June 30, 1980, for terms to
49 begin on July 1, 1980. The Governor shall designate the initial
50 terms of the members as follows: Three (3) members shall be
51 appointed for a term that expires July 1, 1982, three (3) members
52 shall be appointed for a term that expires July 1, 1984, and three
53 (3) members shall be appointed for a term that expires July 1,
54 1986. The original appointments of the consumer members of the
55 board shall be made no later than June 30, 2004, for terms to
56 begin on July 1, 2004. The Governor shall designate the initial
57 terms of the consumer members of the board as follows: One (1)
58 member shall be appointed for a term that expires July 1, 2007,
59 one (1) member shall be appointed for a term that expires July 1,
60 2009, and one (1) member shall be appointed for a term that
61 expires July 1, 2011. Thereafter, all succeeding appointments
62 shall be for terms of six (6) years from the expiration of the
63 previous term.

64 (8) Vacancies in office shall be filled by appointment of
65 the Governor in the same manner as the appointment to the position
66 that becomes vacant, subject to the advice and consent of the
67 Senate at the next regular session of the Legislature.

68 **SECTION 2.** Section 73-43-7, Mississippi Code of 1972, is
69 amended as follows:

70 73-43-7. Seven (7) members shall constitute a quorum, and a
71 majority of those present shall be necessary to reject any
72 application. All regular meetings of the board shall be held at
73 least quarterly upon the call of the president, except the first
74 meeting of the original appointees, which shall be called by the
75 Governor. The members of the board shall be entitled to a per
76 diem of Forty Dollars (\$40.00) for each day's service in attending
77 meetings of the board and for conducting examinations for
78 professional certificates, and shall receive reimbursement for
79 necessary expenses and mileage as is authorized by law.

80 **SECTION 3.** Section 73-43-14, Mississippi Code of 1972, is
81 amended as follows:

82 73-43-14. The State Board of Medical Licensure may appoint
83 an executive committee, to be composed of four (4) of its members,
84 with a chairman to be designated by the board from the members
85 appointed to the committee. At least one (1) member of the
86 executive committee shall be a consumer member of the board. The
87 executive committee shall have authority to execute all the powers
88 vested in the board, in the interim of the meetings of the board.
89 The executive committee shall have the authority to conduct
90 licensure hearings under Section 73-25-27, provided that the power
91 to revoke shall be subject to approval of the board. Any person
92 aggrieved by a decision of the executive committee regarding
93 licensure may appeal to the board. Any person aggrieved by an
94 action of the board regarding licensure may appeal to the Chancery
95 Court of the First Judicial District of Hinds County. Any action
96 of the executive committee shall be legal and binding until

97 modified or annulled by the board, and all pains and penalties
98 prescribed for violating the rules of the board shall apply to any
99 violation of rules and regulations that may be prescribed by the
100 executive committee. Any three (3) members of the executive
101 committee shall be a quorum for the transaction of business.

102 All official meetings of the executive committee, as to time
103 and place, shall be held pursuant to a call of the president of
104 the board.

105 Actions taken by the board in suspending a license when
106 required by Section 93-11-157 or 93-11-163 are not actions from
107 which an appeal may be taken under this section. Any appeal of a
108 license suspension that is required by Section 93-11-157 or
109 93-11-163 shall be taken in accordance with the appeal procedure
110 specified in Section 93-11-157 or 93-11-163, as the case may be,
111 rather than the procedure specified in this section.

112 **SECTION 4.** This act shall take effect and be in force from
113 and after July 1, 2004, except for Section 1, which shall take
114 effect and be in force from and after the passage of this act.