

By: Representative Holland

To: Public Health and Human
Services

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 PERSONS WHO ARE NOT PHYSICIANS; TO AMEND SECTIONS 73-43-7
4 AND 73-43-14, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE
5 PRECEDING PROVISION; AND FOR RELATED PURPOSES.

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

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

9 73-43-3. (1) The State Board of Medical Licensure shall
10 consist of fifteen (15) members, as follows: nine (9) physicians,
11 one (1) nurse practitioner, one (1) physician assistant, one (1)
12 general allied health professional, one (1) attorney, and two (2)
13 consumers who are not providers of health care services.

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

22 (3) No more than two (2) members of the board shall be a
23 member of the faculty of the University of Mississippi School of
24 Medicine. No more than five (5) members of the board shall be
25 from the same Mississippi Supreme Court district.

26 (4) Three (3) physicians shall be nominated to the Governor
27 for each appointive position by the Mississippi State Medical
28 Association, and those nominations shall give due regard to

29 geographic distribution, race and sex. The Governor shall appoint
30 from those nominations the members of the board with the advice
31 and consent of the Senate.

32 (5) The original appointments of the physician members of
33 the board shall be made no later than June 30, 1980, for terms to
34 begin on July 1, 1980. The Governor shall designate the initial
35 terms of the members as follows: Three (3) members shall be
36 appointed for a term that expires July 1, 1982, three (3) members
37 shall be appointed for a term that expires July 1, 1984, and three
38 (3) members shall be appointed for a term that expires July 1,
39 1986. The original appointments of the members of the board who
40 are not physicians shall be made no later than June 30, 2004, for
41 terms to begin on July 1, 2004. The Governor shall designate the
42 initial terms of the members of the board who are not physicians
43 as follows: Three (3) members shall be appointed for a term that
44 expires July 1, 2007, three (3) members shall be appointed for a
45 term that expires July 1, 2009, and three (3) members shall be
46 appointed for a term that expires July 1, 2011. Thereafter, all
47 succeeding appointments shall be for terms of six (6) years from
48 the expiration of the previous term.

49 (6) Vacancies in office shall be filled by appointment of
50 the Governor in the same manner as the appointment to the position
51 that becomes vacant, subject to the advice and consent of the
52 Senate at the next regular session of the Legislature.

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

55 73-43-7. Eight (8) members shall constitute a quorum, and a
56 majority of those present shall be necessary to reject any
57 application. All regular meetings of the board shall be held at
58 least quarterly upon the call of the president, except the first
59 meeting of the original appointees, which shall be called by the
60 Governor. The members of the board shall be entitled to a per
61 diem of Forty Dollars (\$40.00) for each day's service in attending

62 meetings of the board and for conducting examinations for
63 professional certificates, and shall receive reimbursement for
64 necessary expenses and mileage as is authorized by law.

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

67 73-43-14. The State Board of Medical Licensure may appoint
68 an executive committee, to be composed of five (5) of its members,
69 with a chairman to be designated by the board from the members
70 appointed to the committee. At least two (2) members of the
71 executive committee shall not be physician members of the board.
72 The executive committee shall have authority to execute all the
73 powers vested in the board, in the interim of the meetings of the
74 board. The executive committee shall have the authority to
75 conduct licensure hearings under Section 73-25-27, provided that
76 the power to revoke shall be subject to approval of the board.
77 Any person aggrieved by a decision of the executive committee
78 regarding licensure may appeal to the board. Any person aggrieved
79 by an action of the board regarding licensure may appeal to the
80 Chancery Court of the First Judicial District of Hinds County.
81 Any action of the executive committee shall be legal and binding
82 until modified or annulled by the board, and all pains and
83 penalties prescribed for violating the rules of the board shall
84 apply to any violation of rules and regulations that may be
85 prescribed by the executive committee. Any three (3) members of
86 the executive committee shall be a quorum for the transaction of
87 business.

88 All official meetings of the executive committee, as to time
89 and place, shall be held pursuant to a call of the president of
90 the board.

91 Actions taken by the board in suspending a license when
92 required by Section 93-11-157 or 93-11-163 are not actions from
93 which an appeal may be taken under this section. Any appeal of a
94 license suspension that is required by Section 93-11-157 or

95 93-11-163 shall be taken in accordance with the appeal procedure
96 specified in Section 93-11-157 or 93-11-163, as the case may be,
97 rather than the procedure specified in this section.

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