

By: Representative Holland

To: Public Health and Human
ServicesHOUSE BILL NO. 1344
(As Passed the House)

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. The
16 consumer members shall be nonvoting members of the board.

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

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

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

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

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

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

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

64 shall be for terms of six (6) years from the expiration of the
65 previous term.

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

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

72 73-43-7. Five (5) members shall constitute a quorum, and a
73 majority of the physician members who are present shall be
74 necessary to reject any application. All regular meetings of the
75 board shall be held at least quarterly upon the call of the
76 president, except the first meeting of the original appointees,
77 which shall be called by the Governor. The members of the board
78 shall be entitled to a per diem of Forty Dollars (\$40.00) for each
79 day's service in attending meetings of the board and for
80 conducting examinations for professional certificates, and shall
81 receive reimbursement for necessary expenses and mileage as is
82 authorized by law.

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

85 73-43-14. The State Board of Medical Licensure may appoint
86 an executive committee, to be composed of three (3) of the
87 physician members, with a chairman to be designated by the board
88 from the members appointed to the committee. The executive
89 committee shall have authority to execute all the powers vested in
90 the board, in the interim of the meetings of the board. The
91 executive committee shall have the authority to conduct licensure
92 hearings under Section 73-25-27, provided that the power to revoke
93 shall be subject to approval of the board. Any person aggrieved
94 by a decision of the executive committee regarding licensure may
95 appeal to the board. Any person aggrieved by an action of the
96 board regarding licensure may appeal to the Chancery Court of the

97 First Judicial District of Hinds County. Any action of the
98 executive committee shall be legal and binding until modified or
99 annulled by the board, and all pains and penalties prescribed for
100 violating the rules of the board shall apply to any violation of
101 rules and regulations that may be prescribed by the executive
102 committee. Any *two (2)* members of the executive committee shall
103 be a quorum for the transaction of business.

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

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

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