

By: Representative Barnett

To: Public Health and Human Services

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 357

1 AN ACT TO AMEND SECTION 73-25-30, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE CAP ON ASSESSMENT OF COSTS OF DISCIPLINARY ACTIONS
3 BY THE BOARD OF MEDICAL LICENSURE; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 73-25-30, Mississippi Code of 1972, is
6 amended as follows:

7 73-25-30. (1) The Mississippi State Board of Medical
8 Licensure, in exercising its authority under the provisions of
9 Section 73-25-29, shall have the power to discipline the holder of
10 a license who has been found by the board in violation of that
11 statute after notice and a hearing as provided by law, and the
12 licensee shall be disciplined as follows:

13 (a) By placing him upon probation, the terms of which
14 may be set by the board, or

15 (b) By suspending his right to practice for a time
16 deemed proper by the board, or

17 (c) By revoking his license, or

18 (d) By taking any other action in relation to his
19 license as the board may deem proper under the circumstances.

20 (2) Upon the execution of a disciplinary order by the board,
21 either following a hearing or in lieu of a hearing, the board, in
22 addition to the disciplinary powers specified in subsection (1) of
23 this section, may assess the licensee for those reasonable costs
24 that are expended by the board in the investigation and conduct of
25 a proceeding for licensure disciplinary action including, but not
26 limited to, the cost of process service, court reporters, witness
27 fees, expert witnesses, investigators, and other related expenses.

28 Money collected by the board under this section shall be deposited
29 to the credit of the special fund of the board to reimburse the
30 existing current year appropriated budget.

31 (3) An assessment of costs under this section shall be paid
32 to the board by the licensee, upon the expiration of the period
33 allowed for appeals under Section 73-25-27, or may be paid sooner
34 if the licensee elects. Cost assessed under this section shall
35 not exceed Ten Thousand Dollars (\$10,000.00).

36 (4) When an assessment of costs by the board against a
37 licensee in accordance with this section is not paid by the
38 licensee when due under this section, the licensee shall be
39 prohibited from practicing medicine until the full amount is paid.
40 In addition, the board may institute and maintain proceedings in
41 its name for enforcement of payment in the Chancery Court of the
42 First Judicial District of Hinds County. When those proceedings
43 are instituted, the board shall certify the record of its
44 proceedings, together with all documents and evidence, to the
45 chancery court. The matter shall be heard in due course by the
46 court, which shall review the record and make its determination
47 thereon. The hearing on the matter, in the discretion of the
48 chancellor, may be tried in vacation.

49 **SECTION 2.** This act shall take effect and be in force from
50 and after July 1, 2005.