

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.