

By: Representative Howell

To: Education

HOUSE BILL NO. 587

1 AN ACT TO AMEND SECTIONS 37-3-2, 73-1-29, 73-2-16, 73-3-327,
 2 73-5-25, 73-6-19, 73-7-27, 73-9-61, 73-10-21, 73-11-57, 73-13-37,
 3 73-15-29, 73-19-23, 73-21-97, 73-23-59, 73-24-24, 73-25-29,
 4 73-26-5, 73-27-13, 73-30-21, 73-31-21, 73-33-11, 73-36-33,
 5 73-38-27, 73-39-19, 73-53-17, 73-54-29, 73-57-31, 73-63-43,
 6 73-65-13 AND 73-67-27, MISSISSIPPI CODE OF 1972, TO REQUIRE THE
 7 LICENSING AGENCIES OF CERTAIN PROFESSIONS AND OCCUPATIONS TO
 8 SUSPEND THE LICENSE OF ANY LICENSEE WHO DEFAULTS ON OR FAILS TO
 9 COMPLY WITH THE REQUIREMENTS OF AN EDUCATIONAL LOAN, SERVICE
 10 CONDITIONAL SCHOLARSHIP OR LOAN REPAYMENT PROGRAM OBLIGATION THAT
 11 HAS BEEN GRANTED OR GUARANTEED BY ANY FEDERAL, STATE OR LOCAL
 12 AGENCY OR POLITICAL SUBDIVISION UNDER WHICH THE LICENSEE OBTAINED
 13 ANY OF THE EDUCATION NECESSARY TO QUALIFY FOR THE LICENSE; TO
 14 PROVIDE THAT THE PERSON'S LICENSE SHALL REMAIN SUSPENDED UNTIL HE
 15 OR SHE HAS MADE SATISFACTORY ARRANGEMENTS FOR REPAYING THE
 16 EDUCATIONAL LOAN OR MEETING THE OBLIGATIONS OF THE SCHOLARSHIP OR
 17 LOAN REPAYMENT PROGRAM; AND FOR RELATED PURPOSES.

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

19 **SECTION 1.** Section 37-3-2, Mississippi Code of 1972, is
 20 amended as follows:

21 37-3-2. (1) There is established within the State
 22 Department of Education the Commission on Teacher and
 23 Administrator Education, Certification and Licensure and
 24 Development. It shall be the purpose and duty of the commission
 25 to make recommendations to the State Board of Education regarding
 26 standards for the certification and licensure and continuing
 27 professional development of those who teach or perform tasks of an
 28 educational nature in the public schools of Mississippi.

29 (2) The commission shall be composed of fifteen (15)
 30 qualified members. The membership of the commission shall be
 31 composed of the following members to be appointed, three (3) from
 32 each congressional district: four (4) classroom teachers; three
 33 (3) school administrators; one (1) representative of schools of
 34 education of institutions of higher learning located within the

35 state to be recommended by the Board of Trustees of State
36 Institutions of Higher Learning; one (1) representative from the
37 schools of education of independent institutions of higher
38 learning to be recommended by the Board of the Mississippi
39 Association of Independent Colleges; one (1) representative from
40 public community and junior colleges located within the state to
41 be recommended by the State Board for Community and Junior
42 Colleges; one (1) local school board member; and four (4) lay
43 persons. All appointments shall be made by the State Board of
44 Education after consultation with the State Superintendent of
45 Public Education. The first appointments by the State Board of
46 Education shall be made as follows: five (5) members shall be
47 appointed for a term of one (1) year; five (5) members shall be
48 appointed for a term of two (2) years; and five (5) members shall
49 be appointed for a term of three (3) years. Thereafter, all
50 members shall be appointed for a term of four (4) years.

51 (3) The State Board of Education when making appointments
52 shall designate a chairman. The commission shall meet at least
53 once every two (2) months or more often if needed. Members of the
54 commission shall be compensated at a rate of per diem as
55 authorized by Section 25-3-69 and be reimbursed for actual and
56 necessary expenses as authorized by Section 25-3-41.

57 (4) An appropriate staff member of the State Department of
58 Education shall be designated and assigned by the State
59 Superintendent of Public Education to serve as executive secretary
60 and coordinator for the commission. No less than two (2) other
61 appropriate staff members of the State Department of Education
62 shall be designated and assigned by the State Superintendent of
63 Public Education to serve on the staff of the commission.

64 (5) It shall be the duty of the commission to:

65 (a) Set standards and criteria, subject to the approval
66 of the State Board of Education, for all educator preparation
67 programs in the state;

68 (b) Recommend to the State Board of Education each year
69 approval or disapproval of each educator preparation program in
70 the state;

71 (c) Establish, subject to the approval of the State
72 Board of Education, standards for initial teacher certification
73 and licensure in all fields;

74 (d) Establish, subject to the approval of the State
75 Board of Education, standards for the renewal of teacher licenses
76 in all fields;

77 (e) Review and evaluate objective measures of teacher
78 performance, such as test scores, which may form part of the
79 licensure process, and to make recommendations for their use;

80 (f) Review all existing requirements for certification
81 and licensure;

82 (g) Consult with groups whose work may be affected by
83 the commission's decisions;

84 (h) Prepare reports from time to time on current
85 practices and issues in the general area of teacher education and
86 certification and licensure;

87 (i) Hold hearings concerning standards for teachers'
88 and administrators' education and certification and licensure with
89 approval of the State Board of Education;

90 (j) Hire expert consultants with approval of the State
91 Board of Education;

92 (k) Set up ad hoc committees to advise on specific
93 areas; and

94 (l) Perform such other functions as may fall within
95 their general charge and which may be delegated to them by the
96 State Board of Education.

97 (6) (a) **Standard License - Approved Program Route.** An
98 educator entering the school system of Mississippi for the first
99 time and meeting all requirements as established by the State
100 Board of Education shall be granted a standard five-year license.

101 Persons who possess two (2) years of classroom experience as an
102 assistant teacher or who have taught for one (1) year in an
103 accredited public or private school shall be allowed to fulfill
104 student teaching requirements under the supervision of a qualified
105 participating teacher approved by an accredited college of
106 education. The local school district in which the assistant
107 teacher is employed shall compensate such assistant teachers at
108 the required salary level during the period of time such
109 individual is completing student teaching requirements.

110 Applicants for a standard license shall submit to the department:

- 111 (i) An application on a department form;
- 112 (ii) An official transcript of completion of a
113 teacher education program approved by the department or a
114 nationally accredited program, subject to the following:
115 Licensure to teach in Mississippi prekindergarten through
116 kindergarten classrooms shall require completion of a teacher
117 education program or a bachelor of science degree with child
118 development emphasis from a program accredited by the American
119 Association of Family and Consumer Sciences (AAFCS) or by the
120 National Association for Education of Young Children (NAEYC) or by
121 the National Council for Accreditation of Teacher Education
122 (NCATE). Licensure to teach in Mississippi kindergarten, for
123 those applicants who have completed a teacher education program,
124 and in Grade 1 through Grade 4 shall require the completion of an
125 interdisciplinary program of studies. Licenses for Grades 4
126 through 8 shall require the completion of an interdisciplinary
127 program of studies with two (2) or more areas of concentration.
128 Licensure to teach in Mississippi Grades 7 through 12 shall
129 require a major in an academic field other than education, or a
130 combination of disciplines other than education. Students
131 preparing to teach a subject shall complete a major in the
132 respective subject discipline. All applicants for standard
133 licensure shall demonstrate that such person's college preparation

134 in those fields was in accordance with the standards set forth by
135 the National Council for Accreditation of Teacher Education
136 (NCATE) or the National Association of State Directors of Teacher
137 Education and Certification (NASDTEC) or, for those applicants who
138 have a bachelor of science degree with child development emphasis,
139 the American Association of Family and Consumer Sciences (AAFCS);

140 (iii) A copy of test scores evidencing
141 satisfactory completion of nationally administered examinations of
142 achievement, such as the Educational Testing Service's teacher
143 testing examinations; and

144 (iv) Any other document required by the State
145 Board of Education.

146 (b) **Standard License - Nontraditional Teaching Route.**

147 Beginning January 1, 2004, an individual who has a passing score
148 on the Praxis I Basic Skills and Praxis II Specialty Area Test in
149 the requested area of endorsement may apply for the Teach
150 Mississippi Institute (TMI) program to teach students in Grades 7
151 through 12 if the individual meets the requirements of this
152 paragraph (b). The State Board of Education shall adopt rules
153 requiring that teacher preparation institutions which provide the
154 Teach Mississippi Institute (TMI) program for the preparation of
155 nontraditional teachers shall meet the standards and comply with
156 the provisions of this paragraph.

157 (i) The Teach Mississippi Institute (TMI) shall
158 include an intensive eight-week, nine-semester-hour summer program
159 or a curriculum of study in which the student matriculates in the
160 fall or spring semester, which shall include, but not be limited
161 to, instruction in education, effective teaching strategies,
162 classroom management, state curriculum requirements, planning and
163 instruction, instructional methods and pedagogy, using test
164 results to improve instruction, and a one (1) semester three-hour
165 supervised internship to be completed while the teacher is
166 employed as a full-time teacher intern in a local school district.

167 The TMI shall be implemented on a pilot program basis, with
168 courses to be offered at up to four (4) locations in the state,
169 with one (1) TMI site to be located in each of the three (3)
170 Mississippi Supreme Court districts.

171 (ii) The school sponsoring the teacher intern
172 shall enter into a written agreement with the institution
173 providing the Teach Mississippi Institute (TMI) program, under
174 terms and conditions as agreed upon by the contracting parties,
175 providing that the school district shall provide teacher interns
176 seeking a nontraditional provisional teaching license with a
177 one-year classroom teaching experience. The teacher intern shall
178 successfully complete the one (1) semester three-hour intensive
179 internship in the school district during the semester immediately
180 following successful completion of the TMI and prior to the end of
181 the one-year classroom teaching experience.

182 (iii) Upon completion of the nine-semester-hour
183 TMI or the fall or spring semester option, the individual shall
184 submit his transcript to the commission for provisional licensure
185 of the intern teacher, and the intern teacher shall be issued a
186 provisional teaching license by the commission, which will allow
187 the individual to legally serve as a teacher while the person
188 completes a nontraditional teacher preparation internship program.

189 (iv) During the semester of internship in the
190 school district, the teacher preparation institution shall monitor
191 the performance of the intern teacher. The school district that
192 employs the provisional teacher shall supervise the provisional
193 teacher during the teacher's intern year of employment under a
194 nontraditional provisional license, and shall, in consultation
195 with the teacher intern's mentor at the school district of
196 employment, submit to the commission a comprehensive evaluation of
197 the teacher's performance sixty (60) days prior to the expiration
198 of the nontraditional provisional license. If the comprehensive
199 evaluation establishes that the provisional teacher intern's

200 performance fails to meet the standards of the approved
201 nontraditional teacher preparation internship program, the
202 individual shall not be approved for a standard license.

203 (v) An individual issued a provisional teaching
204 license under this nontraditional route shall successfully
205 complete, at a minimum, a one-year beginning teacher mentoring and
206 induction program administered by the employing school district
207 with the assistance of the State Department of Education.

208 (vi) Upon successful completion of the TMI and the
209 internship provisional license period, applicants for a Standard
210 License-Nontraditional Route shall submit to the commission a
211 transcript of successful completion of the twelve (12) semester
212 hours required in the internship program, and the employing school
213 district shall submit to the commission a recommendation for
214 standard licensure of the intern. If the school district
215 recommends licensure, the applicant shall be issued a Standard
216 License-Nontraditional Route which shall be valid for a five-year
217 period and be renewable.

218 (vii) At the discretion of the teacher preparation
219 institution, the individual shall be allowed to credit the twelve
220 (12) semester hours earned in the nontraditional teacher
221 internship program toward the graduate hours required for a Master
222 of Arts in Teacher (MAT) Degree.

223 (viii) The local school district in which the
224 nontraditional teacher intern or provisional licensee is employed
225 shall compensate such teacher interns at Step 1 of the required
226 salary level during the period of time such individual is
227 completing teacher internship requirements and shall compensate
228 such Standard License-Nontraditional Route teachers at Step 3 of
229 the required salary level when they complete license requirements.

230 Implementation of the TMI program provided for under this
231 paragraph (b) shall be contingent upon the availability of funds
232 appropriated specifically for such purpose by the Legislature.

233 Such implementation of the TMI program may not be deemed to
234 prohibit the State Board of Education from developing and
235 implementing additional alternative route teacher licensure
236 programs, as deemed appropriate by the board. The emergency
237 certification program in effect prior to July 1, 2002, shall
238 remain in effect.

239 The State Department of Education shall compile and report,
240 in consultation with the commission, information relating to
241 nontraditional teacher preparation internship programs, including
242 the number of programs available and geographic areas in which
243 they are available, the number of individuals who apply for and
244 possess a nontraditional conditional license, the subject areas in
245 which individuals who possess nontraditional conditional licenses
246 are teaching and where they are teaching, and shall submit its
247 findings and recommendations to the legislative committees on
248 education by December 1, 2004.

249 A Standard License - Approved Program Route shall be issued
250 for a five-year period, and may be renewed. Recognizing teaching
251 as a profession, a hiring preference shall be granted to persons
252 holding a Standard License - Approved Program Route or Standard
253 License - Nontraditional Teaching Route over persons holding any
254 other license.

255 (c) **Special License - Expert Citizen.** In order to
256 allow a school district to offer specialized or technical courses,
257 the State Department of Education, in accordance with rules and
258 regulations established by the State Board of Education, may grant
259 a one-year expert citizen-teacher license to local business or
260 other professional personnel to teach in a public school or
261 nonpublic school accredited or approved by the state. Such person
262 may begin teaching upon his employment by the local school board
263 and licensure by the Mississippi Department of Education. The
264 board shall adopt rules and regulations to administer the expert
265 citizen-teacher license. A special license - expert citizen may

266 be renewed in accordance with the established rules and
267 regulations of the State Department of Education.

268 (d) **Special License - Nonrenewable.** The State Board of
269 Education is authorized to establish rules and regulations to
270 allow those educators not meeting requirements in subsection
271 (6)(a), (b) or (c) to be licensed for a period of not more than
272 three (3) years, except by special approval of the State Board of
273 Education.

274 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
275 person may teach for a maximum of three (3) periods per teaching
276 day in a public school or a nonpublic school accredited/approved
277 by the state. Such person shall submit to the department a
278 transcript or record of his education and experience which
279 substantiates his preparation for the subject to be taught and
280 shall meet other qualifications specified by the commission and
281 approved by the State Board of Education. In no case shall any
282 local school board hire nonlicensed personnel as authorized under
283 this paragraph in excess of five percent (5%) of the total number
284 of licensed personnel in any single school.

285 (f) **Special License - Transitional Bilingual Education.**
286 Beginning July 1, 2003, the commission shall grant special
287 licenses to teachers of transitional bilingual education who
288 possess such qualifications as are prescribed in this section.
289 Teachers of transitional bilingual education shall be compensated
290 by local school boards at not less than one (1) step on the
291 regular salary schedule applicable to permanent teachers licensed
292 under this section. The commission shall grant special licenses
293 to teachers of transitional bilingual education who present the
294 commission with satisfactory evidence that they (i) possess a
295 speaking and reading ability in a language, other than English, in
296 which bilingual education is offered and communicative skills in
297 English; (ii) are in good health and sound moral character; (iii)
298 possess a bachelor's degree or an associate's degree in teacher

299 education from an accredited institution of higher education; (iv)
300 meet such requirements as to courses of study, semester hours
301 therein, experience and training as may be required by the
302 commission; and (v) are legally present in the United States and
303 possess legal authorization for employment. A teacher of
304 transitional bilingual education serving under a special license
305 shall be under an exemption from standard licensure if he achieves
306 the requisite qualifications therefor. Two (2) years of service
307 by a teacher of transitional bilingual education under such an
308 exemption shall be credited to the teacher in acquiring a Standard
309 Educator License. Nothing in this paragraph shall be deemed to
310 prohibit a local school board from employing a teacher licensed in
311 an appropriate field as approved by the State Department of
312 Education to teach in a program in transitional bilingual
313 education.

314 (g) In the event any school district meets Level 4 or 5
315 accreditation standards, the State Board of Education, in its
316 discretion, may exempt such school district from any restrictions
317 in paragraph (e) relating to the employment of nonlicensed
318 teaching personnel.

319 (7) **Administrator License.** The State Board of Education is
320 authorized to establish rules and regulations and to administer
321 the licensure process of the school administrators in the State of
322 Mississippi. There will be four (4) categories of administrator
323 licensure with exceptions only through special approval of the
324 State Board of Education.

325 (a) **Administrator License - Nonpracticing.** Those
326 educators holding administrative endorsement but have no
327 administrative experience or not serving in an administrative
328 position on January 15, 1997.

329 (b) **Administrator License - Entry Level.** Those
330 educators holding administrative endorsement and having met the
331 department's qualifications to be eligible for employment in a

332 Mississippi school district. Administrator license - entry level
333 shall be issued for a five-year period and shall be nonrenewable.

334 (c) **Standard Administrator License - Career Level.** An
335 administrator who has met all the requirements of the department
336 for standard administrator licensure.

337 (d) **Administrator License - Nontraditional Route.** The
338 board may establish a nontraditional route for licensing
339 administrative personnel. Such nontraditional route for
340 administrative licensure shall be available for persons holding,
341 but not limited to, a master of business administration degree, a
342 master of public administration degree, a master of public
343 planning and policy degree or a doctor of jurisprudence degree
344 from an accredited college or university, with five (5) years of
345 administrative or supervisory experience. Successful completion
346 of the requirements of alternate route licensure for
347 administrators shall qualify the person for a standard
348 administrator license.

349 The State Department of Education shall compile and report,
350 in consultation with the commission, information relating to
351 nontraditional administrator preparation internship programs,
352 including the number of programs available and geographic areas in
353 which they are available, the number of individuals who apply for
354 and possess a nontraditional conditional license and where they
355 are employed, and shall submit its findings and recommendations to
356 the legislative committees on education by December 1, 2004.

357 Beginning with the 1997-1998 school year, individuals seeking
358 school administrator licensure under paragraph (b), (c) or (d)
359 shall successfully complete a training program and an assessment
360 process prescribed by the State Board of Education. Applicants
361 seeking school administrator licensure prior to June 30, 1997, and
362 completing all requirements for provisional or standard
363 administrator certification and who have never practiced, shall be
364 exempt from taking the Mississippi Assessment Battery Phase I.

365 Applicants seeking school administrator licensure during the
366 period beginning July 1, 1997, through June 30, 1998, shall
367 participate in the Mississippi Assessment Battery, and upon
368 request of the applicant, the department shall reimburse the
369 applicant for the cost of the assessment process required. After
370 June 30, 1998, all applicants for school administrator licensure
371 shall meet all requirements prescribed by the department under
372 paragraph (b), (c) or (d), and the cost of the assessment process
373 required shall be paid by the applicant.

374 (8) **Reciprocity.** (a) The department shall grant a standard
375 license to any individual who possesses a valid standard license
376 from another state and has a minimum of two (2) years of full-time
377 teaching or administrator experience.

378 (b) The department shall grant a nonrenewable special
379 license to any individual who possesses a credential which is less
380 than a standard license or certification from another state, or
381 who possesses a standard license from another state but has less
382 than two (2) years of full-time teaching or administration
383 experience. Such special license shall be valid for the current
384 school year plus one (1) additional school year to expire on June
385 30 of the second year, not to exceed a total period of twenty-four
386 (24) months, during which time the applicant shall be required to
387 complete the requirements for a standard license in Mississippi.

388 (9) **Renewal and Reinstatement of Licenses.** The State Board
389 of Education is authorized to establish rules and regulations for
390 the renewal and reinstatement of educator and administrator
391 licenses. Effective May 15, 1997, the valid standard license held
392 by an educator shall be extended five (5) years beyond the
393 expiration date of the license in order to afford the educator
394 adequate time to fulfill new renewal requirements established
395 pursuant to this subsection. An educator completing a master of
396 education, educational specialist or doctor of education degree in
397 May 1997 for the purpose of upgrading the educator's license to a

398 higher class shall be given this extension of five (5) years plus
399 five (5) additional years for completion of a higher degree.

400 (10) All controversies involving the issuance, revocation,
401 suspension or any change whatsoever in the licensure of an
402 educator required to hold a license shall be initially heard in a
403 hearing de novo, by the commission or by a subcommittee
404 established by the commission and composed of commission members
405 for the purpose of holding hearings. Any complaint seeking the
406 denial of issuance, revocation or suspension of a license shall be
407 by sworn affidavit filed with the Commission of Teacher and
408 Administrator Education, Certification and Licensure and
409 Development. The decision thereon by the commission or its
410 subcommittee shall be final, unless the aggrieved party shall
411 appeal to the State Board of Education, within ten (10) days, of
412 the decision of the committee or its subcommittee. An appeal to
413 the State Board of Education shall be on the record previously
414 made before the commission or its subcommittee unless otherwise
415 provided by rules and regulations adopted by the board. The State
416 Board of Education in its authority may reverse, or remand with
417 instructions, the decision of the committee or its subcommittee.
418 The decision of the State Board of Education shall be final.

419 (11) The State Board of Education, acting through the
420 commission, may deny an application for any teacher or
421 administrator license for one or more of the following:

422 (a) Lack of qualifications which are prescribed by law
423 or regulations adopted by the State Board of Education;

424 (b) The applicant has a physical, emotional or mental
425 disability that renders the applicant unfit to perform the duties
426 authorized by the license, as certified by a licensed psychologist
427 or psychiatrist;

428 (c) The applicant is actively addicted to or actively
429 dependent on alcohol or other habit-forming drugs or is a habitual
430 user of narcotics, barbiturates, amphetamines, hallucinogens or

431 other drugs having similar effect, at the time of application for
432 a license;

433 (d) Revocation of an applicant's certificate or license
434 by another state;

435 (e) Fraud or deceit committed by the applicant in
436 securing or attempting to secure such certification and license;

437 (f) Failing or refusing to furnish reasonable evidence
438 of identification;

439 (g) The applicant has been convicted, has pled guilty
440 or entered a plea of nolo contendere to a felony, as defined by
441 federal or state law; or

442 (h) The applicant has been convicted, has pled guilty
443 or entered a plea of nolo contendere to a sex offense as defined
444 by federal or state law.

445 (12) The State Board of Education, acting on the
446 recommendation of the commission, may revoke or suspend any
447 teacher or administrator license for specified periods of time for
448 one or more of the following:

449 (a) Breach of contract or abandonment of employment may
450 result in the suspension of the license for one (1) school year as
451 provided in Section 37-9-57;

452 (b) Obtaining a license by fraudulent means shall
453 result in immediate suspension and continued suspension for one
454 (1) year after correction is made;

455 (c) Suspension or revocation of a certificate or
456 license by another state shall result in immediate suspension or
457 revocation and shall continue until records in the prior state
458 have been cleared;

459 (d) The license holder has been convicted, has pled
460 guilty or entered a plea of nolo contendere to a felony, as
461 defined by federal or state law;

462 (e) The license holder has been convicted, has pled
463 guilty or entered a plea of nolo contendere to a sex offense, as
464 defined by federal or state law; or

465 (f) The license holder knowingly and willfully
466 committing any of the acts affecting validity of mandatory uniform
467 test results as provided in Section 37-16-4(1).

468 (13) Notwithstanding any provision of this section:

469 (a) The State Board of Education, acting on its own
470 motion or, in the case of a default on a loan, on the
471 recommendation of the agency, political subdivision or other
472 public or private entity to which payments are due, shall suspend
473 the teacher or administrator license of any person who defaults on
474 or fails to comply with the requirements of an educational loan,
475 service conditional scholarship or loan repayment program
476 obligation that has been granted or guaranteed by any federal,
477 state or local agency or political subdivision under which the
478 person obtained any of the education necessary to qualify for a
479 teacher or administrator license. However, before an agency,
480 political subdivision or other public or private entity may
481 recommend the suspension of a license due to the person's default
482 on a loan, that agency, political subdivision or other public or
483 private entity must provide the license holder with notice of its
484 intention to recommend the suspension of the person's license and
485 an opportunity for the license holder to respond; and

486 (b) The person's teacher or administrator license will
487 remain suspended until the person has: (i) made arrangements
488 satisfactory to the State Board of Education for meeting the
489 obligations of the loan, scholarship or loan repayment program; or
490 (ii) in the case of a default on a loan, made arrangements
491 satisfactory to the agency, political subdivision or other public
492 or private entity to which payments are due for the repayment of
493 the loan.

494 (14) (a) Dismissal or suspension of a licensed employee by
495 a local school board pursuant to Section 37-9-59 may result in the
496 suspension or revocation of a license for a length of time which
497 shall be determined by the commission and based upon the severity
498 of the offense.

499 (b) Any offense committed or attempted in any other
500 state shall result in the same penalty as if committed or
501 attempted in this state.

502 (c) A person may voluntarily surrender a license. The
503 surrender of such license may result in the commission
504 recommending any of the above penalties without the necessity of a
505 hearing. However, any such license which has voluntarily been
506 surrendered by a licensed employee may only be reinstated by a
507 majority vote of all members of the commission present at the
508 meeting called for such purpose.

509 (15) A person whose license has been suspended on any
510 grounds except criminal grounds may petition for reinstatement of
511 the license after one (1) year from the date of suspension, or
512 after one-half (1/2) of the suspended time has lapsed, whichever
513 is greater. A license suspended or revoked on the criminal
514 grounds may be reinstated upon petition to the commission filed
515 after expiration of the sentence and parole or probationary period
516 imposed upon conviction. A revoked, suspended or surrendered
517 license may be reinstated upon satisfactory showing of evidence of
518 rehabilitation. The commission shall require all who petition for
519 reinstatement to furnish evidence satisfactory to the commission
520 of good character, good mental, emotional and physical health and
521 such other evidence as the commission may deem necessary to
522 establish the petitioner's rehabilitation and fitness to perform
523 the duties authorized by the license.

524 (16) Reporting procedures and hearing procedures for dealing
525 with infractions under this section shall be promulgated by the
526 commission, subject to the approval of the State Board of

527 Education. The revocation or suspension of a license shall be
528 effected at the time indicated on the notice of suspension or
529 revocation. The commission shall immediately notify the
530 superintendent of the school district or school board where the
531 teacher or administrator is employed of any disciplinary action
532 and also notify the teacher or administrator of such revocation or
533 suspension and shall maintain records of action taken. The State
534 Board of Education may reverse or remand with instructions any
535 decision of the commission regarding a petition for reinstatement
536 of a license, and any such decision of the State Board of
537 Education shall be final.

538 (17) An appeal from the action of the State Board of
539 Education in denying an application, revoking or suspending a
540 license or otherwise disciplining any person under the provisions
541 of this section shall be filed in the Chancery Court of the First
542 Judicial District of Hinds County on the record made, including a
543 verbatim transcript of the testimony at the hearing. The appeal
544 shall be filed within thirty (30) days after notification of the
545 action of the board is mailed or served and the proceedings in
546 chancery court shall be conducted as other matters coming before
547 the court. The appeal shall be perfected upon filing notice of
548 the appeal and by the prepayment of all costs, including the cost
549 of preparation of the record of the proceedings by the State Board
550 of Education, and the filing of a bond in the sum of Two Hundred
551 Dollars (\$200.00) conditioned that if the action of the board be
552 affirmed by the chancery court, the applicant or license holder
553 shall pay the costs of the appeal and the action of the chancery
554 court.

555 (18) All such programs, rules, regulations, standards and
556 criteria recommended or authorized by the commission shall become
557 effective upon approval by the State Board of Education as
558 designated by appropriate orders entered upon the minutes thereof.

559 (19) The granting of a license shall not be deemed a
560 property right nor a guarantee of employment in any public school
561 district. A license is a privilege indicating minimal eligibility
562 for teaching in the public schools of Mississippi. This section
563 shall in no way alter or abridge the authority of local school
564 districts to require greater qualifications or standards of
565 performance as a prerequisite of initial or continued employment
566 in such districts.

567 (20) In addition to the reasons specified in subsections
568 (12) and (13) of this section, the board shall be authorized to
569 suspend the license of any licensee for being out of compliance
570 with an order for support, as defined in Section 93-11-153. The
571 procedure for suspension of a license for being out of compliance
572 with an order for support, and the procedure for the reissuance or
573 reinstatement of a license suspended for that purpose, and the
574 payment of any fees for the reissuance or reinstatement of a
575 license suspended for that purpose, shall be governed by Section
576 93-11-157 or 93-11-163, as the case may be. Actions taken by the
577 board in suspending a license when required by Section 93-11-157
578 or 93-11-163 are not actions from which an appeal may be taken
579 under this section. Any appeal of a license suspension that is
580 required by Section 93-11-157 or 93-11-163 shall be taken in
581 accordance with the appeal procedure specified in Section
582 93-11-157 or 93-11-163, as the case may be, rather than the
583 procedure specified in this section. If there is any conflict
584 between any provision of Section 93-11-157 or 93-11-163 and any
585 provision of this chapter, the provisions of Section 93-11-157 or
586 93-11-163, as the case may be, shall control.

587 **SECTION 2.** Section 73-1-29, Mississippi Code of 1972, is
588 amended as follows:

589 73-1-29. (1) The board, upon satisfactory proof and in
590 accordance with this chapter and the regulations of the board, may

591 take the disciplinary actions provided for hereinafter against any
592 person for any of the following reasons:

593 (a) Violating any of the provisions of Sections 73-1-1
594 through 73-1-43 or the bylaws, rules, regulations or standards of
595 ethics or conduct duly adopted by the board pertaining to the
596 practice of architecture;

597 (b) Obtaining a certificate of registration by fraud,
598 deceit or misrepresentation;

599 (c) Gross negligence, malpractice, incompetency or
600 misconduct in the practice of architecture;

601 (d) Any professional misconduct, as defined by the
602 board through bylaws, rules and regulations, and standards of
603 conduct and ethics; (professional misconduct may not be defined to
604 include bidding by architects for contracts based on price);

605 (e) Practicing or offering to practice architecture on
606 an expired certificate or while under suspension or revocation of
607 certificate unless the suspension or revocation is abated through
608 probation, as provided for hereinafter;

609 (f) Practicing architecture under an assumed or
610 fictitious name;

611 (g) Being convicted by any court of a felony, except
612 conviction of culpable negligent manslaughter, in which case the
613 record of conviction shall be conclusive evidence;

614 (h) Willfully misleading or defrauding any person
615 employing him as an architect by any artifice or false statement;
616 or

617 (i) Having undisclosed financial or personal interests
618 that compromise his obligation to his client.

619 (2) Notwithstanding any provision of this chapter:

620 (a) The board, acting on its own motion or, in the case
621 of a default on a loan, on the recommendation of the agency,
622 political subdivision or other public or private entity to which
623 payments are due, shall suspend the certificate of registration of

624 any person who defaults on or fails to comply with the
625 requirements of an educational loan, service conditional
626 scholarship or loan repayment program obligation that has been
627 granted or guaranteed by any federal, state or local agency or
628 political subdivision under which the person obtained any of the
629 education necessary to qualify for a certificate of registration
630 under this chapter. However, before an agency, political
631 subdivision or other public or private entity may recommend the
632 suspension of a certificate of registration due to the person's
633 default on a loan, that agency, political subdivision or other
634 public or private entity must provide the certificate holder with
635 notice of its intention to recommend the suspension of the
636 person's certificate of registration and an opportunity for the
637 certificate holder to respond; and

638 (b) The person's certificate of registration will
639 remain suspended until the person has: (i) made arrangements
640 satisfactory to the board for meeting the obligations of the loan,
641 scholarship or loan repayment program; or (ii) in the case of a
642 default on a loan, made arrangements satisfactory to the agency,
643 political subdivision or other public or private entity to which
644 payments are due for the repayment of the loan.

645 (3) Any person may prefer charges against any other person
646 for committing any of the acts set forth in subsection (1) or (2)
647 of this section. The charges need not be sworn to, may be made
648 upon actual knowledge or upon information and belief, and must be
649 filed with the board. If any person licensed under Sections
650 73-1-1 through 73-1-43 is expelled from membership in any
651 Mississippi or national professional architectural society or
652 association, the board shall thereafter cite the person to appear
653 at a hearing before the board to show cause why disciplinary
654 action should not be taken against that person.

655 The board shall investigate all charges filed with it and,
656 upon finding reasonable cause to believe that the charges are not

657 frivolous, unfounded or filed in bad faith, may cause a hearing to
658 be held, at a time and place fixed by the board, regarding the
659 charges and may compel the accused by subpoena to appear before
660 the board to respond to the charges.

661 No disciplinary action may be taken until the accused has
662 been furnished both a statement of the charges against him and
663 notice of the time and place of the hearing thereof, which shall
664 be personally served on the accused or mailed by registered or
665 certified mail, return receipt requested, to the last known
666 business or residence address of the accused not less than thirty
667 (30) days before the date of the hearing.

668 (4) At any hearing held under this section, the board, upon
669 application and approval of the chancery court, shall have the
670 power to subpoena witnesses and compel their attendance and may
671 also require the production of books, papers and other documents,
672 as provided in this chapter. The hearing shall be conducted
673 before the full board with the president of the board serving as
674 the presiding judge. Counsel for the board shall present all
675 evidence relating to the charges. All evidence shall be presented
676 under oath, which may be administered by any member of the board,
677 and thereafter the proceedings may, if necessary, be transcribed
678 in full by the court reporter and filed as part of the record in
679 the case. Copies of those transcriptions may be provided to any
680 party to the proceedings at a cost fixed by the board.

681 All witnesses who are subpoenaed and who appear in any
682 proceedings before the board shall receive the same fees and
683 mileage as allowed by law in judicial civil proceedings, and all
684 those fees shall be taxed as part of the costs in the case.

685 If in any proceeding before the board any witness fails or
686 refuses to attend upon subpoena issued by the board, refuses to
687 testify, or refuses to produce any books and papers the production
688 of which is called for by the subpoena, the attendance of the
689 witness and the giving of his testimony and the production of the

690 books and papers shall be enforced by any court of competent
691 jurisdiction of this state in the manner provided for the
692 enforcement of attendance and testimony of witnesses in civil
693 cases in the courts of this state.

694 The accused shall have the right to be present at the hearing
695 in person, by counsel or other representative, or both. The
696 accused shall have the right to present evidence and to examine
697 and cross-examine all witnesses. The board may continue or recess
698 the hearing as may be necessary.

699 (5) At the conclusion of the hearing, the board may either
700 decide the issue at that time or take the case under advisement
701 for further deliberation. The board shall render its decision not
702 more than forty-five (45) days after the close of the hearing and
703 shall forward to the last known business or residence address of
704 the accused by certified or registered mail, return receipt
705 requested, a written statement of the decision of the board.

706 If a majority of the board finds the accused guilty of the
707 charges filed, the board may:

708 (a) Issue a public or private reprimand;

709 (b) Suspend or revoke the certificate of the accused,
710 if the accused is a registrant; or

711 (c) In lieu of or in addition to the reprimand,
712 suspension or revocation, assess and levy upon the guilty party a
713 monetary penalty of not less than One Hundred Dollars (\$100.00)
714 nor more than Five Thousand Dollars (\$5,000.00) for each
715 violation.

716 (6) A monetary penalty assessed and levied under this
717 section shall be paid to the board upon the expiration of the
718 period allowed for appeal of the penalties under this section, or
719 may be paid sooner if the guilty party elects. Money collected by
720 the board under this section shall be deposited to the credit of
721 the special fund created in Section 73-1-43, Mississippi Code of
722 1972.

723 When payment of the monetary penalty assessed and levied by
724 the board is delinquent, the board shall have the power to
725 institute and maintain proceedings in its name for enforcement of
726 payment in the chancery court of the county of residence of the
727 guilty party. If the guilty party is a nonresident of the State
728 of Mississippi, the proceedings shall be in the Chancery Court of
729 the First Judicial District of Hinds County, Mississippi.

730 (7) When the board has taken a disciplinary action under
731 this section, the board may stay the action and place the guilty
732 party on probation for a period not to exceed one (1) year upon
733 condition that the guilty party shall not further violate either
734 the laws of the State of Mississippi pertaining to the practice of
735 architecture or the bylaws, rules and regulations, or standards of
736 conduct and ethics promulgated by the board.

737 (8) The board may assess and tax any part or all of the
738 costs of any disciplinary proceedings conducted under this section
739 against the accused if the accused is found guilty of the charges.

740 (9) The power and authority of the board to assess and levy
741 the monetary penalties provided for in this section shall not be
742 affected or diminished by any other proceeding, civil or criminal,
743 concerning the same violation or violations except as provided in
744 this section.

745 (10) The board, for sufficient cause, may reissue a revoked
746 certificate of registration by a majority vote of the board
747 members; but in no event shall a revoked certificate be issued
748 within two (2) years of the revocation. A new certificate of
749 registration required to replace a revoked, lost, mutilated or
750 destroyed certificate may be issued, subject to the rules of the
751 board, for a charge not to exceed Ten Dollars (\$10.00).

752 (11) In addition to the reasons specified in subsection (1)
753 of this section, the board may suspend the certificate of
754 registration of any person for being out of compliance with an
755 order for support, as defined in Section 93-11-153. The procedure

756 for suspension of a certificate for being out of compliance with
757 an order for support, and the procedure for the reissuance or
758 reinstatement of a certificate suspended for that purpose, and the
759 payment of any fees for the reissuance or reinstatement of a
760 certificate suspended for that purpose, shall be governed by
761 Section 93-11-157 or 93-11-163, as the case may be. If there is
762 any conflict between any provision of Section 93-11-157 or
763 93-11-163 and any provision of this chapter, the provisions of
764 Section 93-11-157 or 93-11-163, as the case may be, shall control.

765 **SECTION 3.** Section 73-2-16, Mississippi Code of 1972, is
766 amended as follows:

767 73-2-16. (1) The board shall also have the power to revoke,
768 suspend or annul the certificate or registration of a landscape
769 architect or reprimand, censure or otherwise discipline a
770 landscape architect.

771 (2) The board, upon satisfactory proof and in accordance
772 with the provisions of this chapter, may take the disciplinary
773 actions against any registered landscape architect for any of the
774 following reasons:

775 (a) Violating any of the provisions of Sections 73-2-1
776 through 73-2-21 or the implementing bylaws, rules, regulations or
777 standards of ethics or conduct duly adopted and promulgated by the
778 board pertaining to the practice of landscape architecture;

779 (b) Fraud, deceit or misrepresentation in obtaining a
780 certificate of registration;

781 (c) Gross negligence, malpractice, incompetency or
782 misconduct in the practice of landscape architecture;

783 (d) Any professional misconduct, as defined by the
784 board through bylaws, rules and regulations and standards of
785 conduct and ethics (professional misconduct shall not be defined
786 to include bidding on contracts for a price);

787 (e) Practicing or offering to practice landscape
788 architecture on an expired license or while under suspension or

789 revocation of a license unless the suspension or revocation is
790 abated through probation;

791 (f) Practicing landscape architecture under an assumed
792 or fictitious name;

793 (g) Being convicted by any court of a felony, except
794 conviction of culpable negligent manslaughter, in which case the
795 record of conviction shall be conclusive evidence;

796 (h) Willfully misleading or defrauding any person
797 employing him as a landscape architect by any artifice or false
798 statement;

799 (i) Having undisclosed financial or personal interest
800 that compromises his obligation to his client;

801 (j) Obtaining a certificate by fraud or deceit; or

802 (k) Violating any of the provisions of this chapter.

803 (3) Notwithstanding any provision of this chapter:

804 (a) The board, acting on its own motion or, in the case
805 of a default on a loan, on the recommendation of the agency,
806 political subdivision or other public or private entity to which
807 payments are due, shall suspend the certificate of registration of
808 any person who defaults on or fails to comply with the
809 requirements of an educational loan, service conditional
810 scholarship or loan repayment program obligation that has been
811 granted or guaranteed by any federal, state or local agency or
812 political subdivision under which the person obtained any of the
813 education necessary to qualify for a certificate of registration
814 under this chapter. However, before an agency, political
815 subdivision or other public or private entity may recommend the
816 suspension of a certificate of registration due to the person's
817 default on a loan, that agency, political subdivision or other
818 public or private entity must provide the certificate holder with
819 notice of its intention to recommend the suspension of the
820 person's certificate of registration and an opportunity for the
821 certificate holder to respond; and

822 (b) The person's certificate of registration will
823 remain suspended until the person has: (i) made arrangements
824 satisfactory to the board for meeting the obligations of the loan,
825 scholarship or loan repayment program; or (ii) in the case of a
826 default on a loan, made arrangements satisfactory to the agency,
827 political subdivision or other public or private entity to which
828 payments are due for the repayment of the loan.

829 (4) Any person may prefer charges against any other person
830 for committing any of the acts set forth in subsection (2) or (3)
831 of this section. The charges need not be sworn to, may be made
832 upon actual knowledge, or upon information and belief, and shall
833 be filed with the board. If any person licensed under Sections
834 73-2-1 through 73-2-21 is expelled from membership in any
835 Mississippi or national professional landscape architectural
836 society or association, the board shall thereafter cite the person
837 to appear at a hearing before the board and to show cause why
838 disciplinary action should not be taken against that person.

839 The board shall investigate all charges filed with it and,
840 upon finding reasonable cause to believe that the charges are not
841 frivolous, unfounded or filed in bad faith, may, in its
842 discretion, cause a hearing to be held, at a time and place fixed
843 by the board, regarding the charges and may compel the accused by
844 subpoena to appear before the board to respond to the charges.

845 No disciplinary action taken under this section may be taken
846 until the accused has been furnished both a statement of the
847 charges against him and notice of the time and place of the
848 hearing thereof, which shall be personally served on the accused
849 or mailed by registered or certified mail, return receipt
850 requested, to the last known business or residence address of the
851 accused not less than thirty (30) days before the date fixed for
852 the hearing.

853 (5) At any hearing held under the provisions of this
854 section, the board shall have the power to subpoena witnesses and

855 compel their attendance and require the production of any books,
856 papers or documents. The hearing shall be conducted before the
857 full board with the president of the board serving as the
858 presiding judge. Counsel for the board shall present all evidence
859 relating to the charges. All evidence shall be presented under
860 oath, which may be administered by any member of the board, and
861 thereafter the proceedings may, if necessary, be transcribed in
862 full by the court reporter and filed as part of the record in the
863 case. Copies of the transcription may be provided to any party to
864 the proceedings at a cost to be fixed by the board.

865 All witnesses who shall be subpoenaed and who shall appear in
866 any proceedings before the board shall receive the same fees and
867 mileage as allowed by law in judicial civil proceedings, and all
868 those fees shall be taxed as part of the costs of the case.

869 Where in any proceedings before the board any witness * * *
870 fails or refuses to attend upon subpoena issued by the
871 board, * * * refuses to testify or * * * refuses to produce any
872 books and papers, the production of which is called for by the
873 subpoena, the attendance of the witness and the giving of his
874 testimony and the production of the books and papers shall be
875 enforced by any court of competent jurisdiction of this state in
876 the manner provided for the enforcement of attendance and
877 testimony of witnesses in civil cases in the courts of this state.

878 The accused shall have the right to be present at the hearing
879 in person, by counsel or other representative, or both. The
880 accused shall have the right to present evidence and to examine
881 and cross-examine all witnesses. The board may continue or recess
882 the hearing as may be necessary.

883 (6) At the conclusion of the hearing, the board may either
884 decide the issue at that time or take the case under advisement
885 for further deliberation. The board shall render its decision not
886 more than forty-five (45) days after the close of the hearing, and
887 shall forward to the last known business or residence address of

888 the accused by certified or registered mail, return receipt
889 requested, a written statement of the decision of the board.

890 If a majority of the board finds the accused guilty of the
891 charges filed, the board may: (a) issue a public or private
892 reprimand; (b) suspend or revoke the license of the accused, if
893 the accused is a registrant; or (c) in lieu of or in addition to
894 the reprimand, suspension or revocation, assess and levy upon the
895 guilty party a monetary penalty of not less than One Hundred
896 Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00)
897 for each violation.

898 (7) A monetary penalty assessed and levied under this
899 section shall be paid to the board upon the expiration of the
900 period allowed for appeal of the penalties under this section, or
901 may be paid sooner if the guilty party elects. Money collected by
902 the board under this section shall be deposited to the credit of
903 the board's general operating fund.

904 When payment of a monetary penalty assessed and levied by the
905 board in accordance with this section is not paid when due, the
906 board shall have the power to institute and maintain proceedings
907 in its name for enforcement of payment in the chancery court of
908 the county and judicial district of the residence of the guilty
909 party and if the guilty party is a nonresident of the State of
910 Mississippi, the proceedings shall be in the Chancery Court of the
911 First Judicial District of Hinds County, Mississippi.

912 (8) When the board has taken a disciplinary action under
913 this section, the board may, in its discretion, stay the action
914 and place the guilty party on probation for a period not to exceed
915 one (1) year upon the condition that the guilty party shall not
916 further violate either the law of the State of Mississippi
917 pertaining to the practice of landscape architecture or the
918 bylaws, rules and regulations, or standards of conduct and ethics
919 promulgated by the board.

920 (9) The board, in its discretion, may assess and tax any
921 part or all of the costs of any disciplinary proceedings conducted
922 under this section against the accused, if the accused is found
923 guilty of the charges.

924 (10) The power and authority of the board to assess and levy
925 the monetary penalties provided for in this section shall not be
926 affected or diminished by any other proceeding, civil or criminal,
927 concerning the same violation or violations except as provided in
928 this section.

929 (11) The board, for sufficient cause, may reissue a revoked
930 license of registration whenever a majority of the board members
931 vote to do so but in no event shall a revoked license be issued
932 within two (2) years of the revocation. A new license of
933 registration required to replace a revoked, lost, mutilated or
934 destroyed license may be issued, subject to the rules of the
935 board, for a charge not to exceed Twenty-five Dollars (\$25.00).

936 (12) The board may direct the advisory committee to review
937 and investigate any charges brought against any landscape
938 architect under this chapter and to hold the hearings provided for
939 in this section and to make findings of fact and recommendations
940 to the board concerning the disposition of the charges.

941 (13) Nothing * * * contained in this section shall preclude
942 the board or advisory committee from initiating proceedings in any
943 case. The advisory committee shall furnish legal advice and
944 assistance to the board whenever that service is requested.

945 (14) In addition to the reasons specified in subsection (2)
946 of this section, the board may suspend the license of any licensee
947 for being out of compliance with an order for support, as defined
948 in Section 93-11-153. The procedure for suspension of a license
949 for being out of compliance with an order for support, and the
950 procedure for the reissuance or reinstatement of a license
951 suspended for that purpose, and the payment of any fees for the
952 reissuance or reinstatement of a license suspended for that

953 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
954 the case may be. If there is any conflict between any provision
955 of Section 93-11-157 or 93-11-163 and any provision of this
956 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
957 case may be, shall control.

958 **SECTION 4.** Section 73-3-327, Mississippi Code of 1972, is
959 amended as follows:

960 73-3-327. (1) At the conclusion of the hearing the
961 complaint tribunal, upon the majority vote of the members of the
962 tribunal, shall render a written opinion incorporating a finding
963 of fact and a judgment thereon. The judgment of the complaint
964 tribunal may provide the following:

965 (a) Exonerate the accused attorney and dismiss the
966 complaint.

967 (b) Reprimand and admonish the attorney, as provided in
968 Section 73-3-319(b) of this article.

969 (c) Suspend the attorney from the practice of law for
970 any period of time.

971 (d) Permanently disbar the attorney.

972 (2) Notwithstanding any provision of this article:

973 (a) The Supreme Court, acting on its own motion or, in
974 the case of a default on a loan, on the recommendation of the
975 agency, political subdivision or other public or private entity to
976 which payments are due, shall suspend from the practice of law any
977 attorney who defaults on or fails to comply with the requirements
978 of an educational loan, service conditional scholarship or loan
979 repayment program obligation that has been granted or guaranteed
980 by any federal, state or local agency or political subdivision
981 under which the attorney obtained any of the education necessary
982 to qualify for a license to practice law. However, before an
983 agency, political subdivision or other public or private entity
984 may recommend the suspension of an attorney's license to practice
985 law due to the attorney's default on a loan, that agency,

986 political subdivision or other public or private entity must
987 provide the attorney with notice of its intention to recommend the
988 suspension of the attorney's license and an opportunity for the
989 attorney to respond; and

990 (b) The attorney will remain suspended from the
991 practice of law until the attorney has: (i) made arrangements
992 satisfactory to the Supreme Court for meeting the obligations of
993 the loan, scholarship or loan repayment program; or (ii) in the
994 case of a default on a loan, made arrangements satisfactory to the
995 agency, political subdivision or other public or private entity to
996 which payments are due for the repayment of the loan.

997 (3) In cases in which the Clerk of the Supreme Court has
998 received notice from the division that the attorney is out of
999 compliance with an order for support, as defined in Section
1000 93-11-153, the Supreme Court shall suspend the attorney from the
1001 practice of law until such time as the attorney may be reinstated
1002 to practice law because of the attorney's compliance with the
1003 requirements of Section 93-11-157 or 93-11-163, as the case may
1004 be.

1005 **SECTION 5.** Section 73-5-25, Mississippi Code of 1972, is
1006 amended as follows:

1007 73-5-25. (1) The Board of Barber Examiners may refuse to
1008 issue, or may suspend definitely or indefinitely, or revoke any
1009 certificate of registration for any one or a combination of the
1010 following causes:

1011 (a) Conviction of a felony shown by a certified copy of
1012 the judgment of court in which such conviction is had, unless upon
1013 a full and unconditional pardon of such convict, and upon
1014 satisfactory showing that such convict will in the future conduct
1015 himself in a law-abiding way.

1016 (b) Gross malpractice or gross incompetency.

1017 (c) Continued practice by a person knowingly having an
1018 infectious or contagious disease.

1019 (d) Advertising, practicing or attempting to practice
1020 under a trade name or name other than one's own.

1021 (e) Habitual drunkenness or habitual addiction to the
1022 use of morphine, cocaine or habit forming drug.

1023 (f) Immoral or unprofessional conduct.

1024 (g) Violation of regulations that may be prescribed as
1025 provided for in Section 73-5-7 and the commission of any of the
1026 offenses set forth in Section 73-5-43.

1027 (2) Notwithstanding any provision of this chapter:

1028 (a) The board, acting on its own motion or, in the case
1029 of a default on a loan, on the recommendation of the agency,
1030 political subdivision or other public or private entity to which
1031 payments are due, shall suspend the certificate of registration of
1032 any person who defaults on or fails to comply with the
1033 requirements of an educational loan, service conditional
1034 scholarship or loan repayment program obligation that has been
1035 granted or guaranteed by any federal, state or local agency or
1036 political subdivision under which the person obtained any of the
1037 education necessary to qualify for a certificate of registration
1038 under this chapter. However, before an agency, political
1039 subdivision or other public or private entity may recommend the
1040 suspension of a certificate of registration due to the person's
1041 default on a loan, that agency, political subdivision or other
1042 public or private entity must provide the certificate holder with
1043 notice of its intention to recommend the suspension of the
1044 person's certificate of registration and an opportunity for the
1045 certificate holder to respond; and

1046 (b) The person's certificate of registration will
1047 remain suspended until the person has: (i) made arrangements
1048 satisfactory to the board for meeting the obligations of the loan,
1049 scholarship or loan repayment program; or (ii) in the case of a
1050 default on a loan, made arrangements satisfactory to the agency,

1051 political subdivision or other public or private entity to which
1052 payments are due for the repayment of the loan.

1053 (3) In addition to the causes specified in subsection (1) of
1054 this section, the board shall be authorized to suspend the
1055 certificate of registration of any person for being out of
1056 compliance with an order for support, as defined in Section
1057 93-11-153. The procedure for suspension of a certificate for
1058 being out of compliance with an order for support, and the
1059 procedure for the reissuance or reinstatement of a certificate
1060 suspended for that purpose, and the payment of any fees for the
1061 reissuance or reinstatement of a certificate suspended for that
1062 purpose, shall be governed by Section 93-11-157 or 93-11-163. If
1063 there is any conflict between any provision of Section 93-11-157
1064 or 93-11-163 and any provision of this chapter, the provisions of
1065 Section 93-11-157 or 93-11-163, as the case may be, shall control.

1066 **SECTION 6.** Section 73-6-19, Mississippi Code of 1972, is
1067 amended as follows:

1068 73-6-19. (1) The board shall refuse to grant a certificate
1069 of licensure to any applicant or may cancel, revoke or suspend the
1070 certificate upon the finding of any of the following facts
1071 regarding the applicant or licensed practitioner:

1072 (a) Failure to comply with the rules and regulations
1073 adopted by the State Board of Chiropractic Examiners;

1074 (b) Violation of any of the provisions of this chapter
1075 or any of the rules and regulations of the State Board of Health
1076 under this chapter with regard to the operation and use of x-rays;

1077 (c) Fraud or deceit in obtaining a license;

1078 (d) Addiction to the use of alcohol, narcotic drugs, or
1079 anything that would seriously interfere with the competent
1080 performance of his professional duties;

1081 (e) Conviction by a court of competent jurisdiction of
1082 a felony, other than manslaughter or any violation of the United
1083 States Revenue Code;

- 1084 (f) Unprofessional and unethical conduct;
- 1085 (g) Contraction of a contagious disease that may be
1086 carried for a prolonged period;
- 1087 (h) Failure to report to the Mississippi Department of
1088 Human Services or the county attorney any case in which there are
1089 reasonable grounds to believe that a child has been abused by its
1090 parent or person responsible for the child's welfare;
- 1091 (i) Advising a patient to use drugs, prescribing or
1092 providing drugs for a patient, or advising a patient not to use a
1093 drug prescribed by a licensed physician or dentist;
- 1094 (j) Professional incompetency in the practice of
1095 chiropractic;
- 1096 (k) Having disciplinary action taken by his peers
1097 within any professional chiropractic association or society;
- 1098 (l) Offering to accept or accepting payment for
1099 services rendered by assignment from any third-party payor after
1100 offering to accept or accepting whatever the third-party payor
1101 covers as payment in full, if the effect of the offering or
1102 acceptance is to eliminate or give the impression of eliminating
1103 the need for payment by an insured of any required deductions
1104 applicable in the policy of the insured;
- 1105 (m) Associating his practice with any chiropractor who
1106 does not hold a valid chiropractic license in Mississippi, or
1107 teach chiropractic manipulation to nonqualified persons under
1108 Section 73-6-13;
- 1109 (n) Failure to make payment on chiropractic student
1110 loans;
- 1111 (o) Failure to follow record keeping requirements
1112 prescribed in Section 73-6-18; or
- 1113 (p) If the practitioner is certified to provide animal
1114 chiropractic treatment, failure to follow guidelines approved by
1115 the Mississippi Board of Veterinary Medicine.
- 1116 (2) Notwithstanding any provision of this chapter:

1117 (a) The board, acting on its own motion or, in the case
1118 of a default on a loan, on the recommendation of the agency,
1119 political subdivision or other public or private entity to which
1120 payments are due, shall suspend the license of any person who
1121 defaults on or fails to comply with the requirements of an
1122 educational loan, service conditional scholarship or loan
1123 repayment program obligation that has been granted or guaranteed
1124 by any federal, state or local agency or political subdivision
1125 under which the person obtained any of the education necessary to
1126 qualify for a license under this chapter. However, before an
1127 agency, political subdivision or other public or private entity
1128 may recommend the suspension of a license due to the person's
1129 default on a loan, that agency, political subdivision or other
1130 public or private entity must provide the license holder with
1131 notice of its intention to recommend the suspension of the
1132 person's license and an opportunity for the license holder to
1133 respond; and

1134 (b) The person's license will remain suspended until
1135 the person has: (i) made arrangements satisfactory to the board
1136 for meeting the obligations of the loan, scholarship or loan
1137 repayment program; or (ii) in the case of a default on a loan,
1138 made arrangements satisfactory to the agency, political
1139 subdivision or other public or private entity to which payments
1140 are due for the repayment of the loan.

1141 (3) Any holder of the certificate or any applicant therefor
1142 against whom is preferred any of the designated charges shall be
1143 furnished a copy of the complaint and shall receive a formal
1144 hearing in Jackson, Mississippi, before the board, at which time
1145 he may be represented by counsel and examine witnesses. The board
1146 may administer oaths as may be necessary for the proper conduct of
1147 any such hearing. In addition, the board may issue subpoenas for
1148 the attendance of witnesses and the production of books and
1149 papers. The process issued by the board shall extend to all parts

1150 of the state. Where in any proceeding before the board any
1151 witness * * * failsu or refusesu to attend upon subpoena issued by
1152 the board, * * * refusesu to testify, or * * * refusesu to produce
1153 any books and papers, the production of which is called for by the
1154 subpoena, the attendance of the witness and the giving of his
1155 testimony and the production of the books and papers shall be
1156 enforced by any court of competent jurisdiction of this state in
1157 the manner provided for the enforcement of attendance and
1158 testimony of witnesses in civil cases in the courts of this state.

1159 (4) In addition to any other investigators the board
1160 employs, the board shall appoint one or more licensed
1161 chiropractors to act for the board in investigating the conduct
1162 relating to the competency of a chiropractor, whenever
1163 disciplinary action is being considered for professional
1164 incompetence and unprofessional conduct.

1165 (5) Whenever the board finds any person unqualified to
1166 practice chiropractic because of any of the grounds set forth in
1167 subsection (1) of this section, after a hearing has been conducted
1168 as prescribed by this section, the board may enter an order
1169 imposing one or more of the following:

1170 (a) Deny his application for a license or other
1171 authorization to practice chiropractic;

1172 (b) Administer a public or private reprimand;

1173 (c) Suspend, limit or restrict his license or other
1174 authorization to practice chiropractic for up to five (5) years;

1175 (d) Revoke or cancel his license or other authorization
1176 to practice chiropractic;

1177 (e) Require him to submit to care, counseling or
1178 treatment by physicians or chiropractors designated by the board,
1179 as a condition for initial, continued or renewal of licensure or
1180 other authorization to practice chiropractic;

1181 (f) Require him to participate in a program of
1182 education prescribed by the board; or

1183 (g) Require him to practice under the direction of a
1184 chiropractor designated by the board for a specified period of
1185 time.

1186 (6) Any person whose application for a license or whose
1187 license to practice chiropractic has been cancelled, revoked or
1188 suspended by the board within thirty (30) days from the date of
1189 the final decision shall have the right of a de novo appeal to the
1190 circuit court of his county of residence or the Circuit Court of
1191 the First Judicial District of Hinds County, Mississippi. If
1192 there is an appeal, the appeal may, in the discretion of and on
1193 motion to the circuit court, act as a supersedeas. The circuit
1194 court shall dispose of the appeal and enter its decision promptly.
1195 The hearing on the appeal may, in the discretion of the circuit
1196 judge, be tried in vacation. Either party shall have the right of
1197 appeal to the Supreme Court as provided by law from any decision
1198 of the circuit court.

1199 (7) In a proceeding conducted under this section by the
1200 board for the revocation, suspension or cancellation of a license
1201 to practice chiropractic, after a hearing has been conducted as
1202 prescribed by this section, the board shall have the power and
1203 authority for the grounds stated in subsection (1) of this
1204 section, with the exception of paragraph (c) thereof, to assess
1205 and levy upon any person licensed to practice chiropractic in the
1206 state a monetary penalty in lieu of the revocation, suspension or
1207 cancellation, as follows:

1208 (a) For the first violation, a monetary penalty of not
1209 less than Five Hundred Dollars (\$500.00) nor more than One
1210 Thousand Dollars (\$1,000.00) for each violation.

1211 (b) For the second and each subsequent violation, a
1212 monetary penalty of not less than One Thousand Dollars (\$1,000.00)
1213 nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for
1214 each violation.

1215 The power and authority of the board to assess and levy the
1216 monetary penalties under this section shall not be affected or
1217 diminished by any other proceeding, civil or criminal, concerning
1218 the same violation or violations. A licensee shall have the right
1219 of appeal from the assessment and levy of a monetary penalty as
1220 provided in this section to the circuit court under the same
1221 conditions as a right of appeal is provided for in this section
1222 for appeals from an adverse ruling, or order, or decision of the
1223 board. Any monetary penalty assessed and levied under this
1224 section shall not take effect until after the time for appeal has
1225 expired, and an appeal of the assessment and levy of such a
1226 monetary penalty shall act as a supersedeas.

1227 (8) In addition to the grounds specified in subsection (1)
1228 of this section, the board may suspend the license of any licensee
1229 for being out of compliance with an order for support, as defined
1230 in Section 93-11-153. The procedure for suspension of a license
1231 for being out of compliance with an order for support, and the
1232 procedure for the reissuance or reinstatement of a license
1233 suspended for that purpose, and the payment of any fees for the
1234 reissuance or reinstatement of a license suspended for that
1235 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
1236 the case may be. Actions taken by the board in suspending a
1237 license when required by Section 93-11-157 or 93-11-163 are not
1238 actions from which an appeal may be taken under this section. Any
1239 appeal of a license suspension that is required by Section
1240 93-11-157 or 93-11-163 shall be taken in accordance with the
1241 appeal procedure specified in Section 93-11-157 or 93-11-163, as
1242 the case may be, rather than the procedure specified in this
1243 section. If there is any conflict between any provision of
1244 Section 93-11-157 or 93-11-163 and any provision of this chapter,
1245 the provisions of Section 93-11-157 or 93-11-163, as the case may
1246 be, shall control.

1247 **SECTION 7.** Section 73-7-27, Mississippi Code of 1972, is
1248 amended as follows:

1249 73-7-27. (1) Any complaint may be filed with the board by a
1250 member or agent of the board or by any person charging any
1251 licensee of the board with the commission of any of the offenses
1252 enumerated in subsection (2) or (3) of this section. The
1253 complaint shall be in writing, signed by the accuser or accusers,
1254 and verified under oath, and the complaints shall be investigated
1255 as set forth in Section 73-7-7. If, after the investigation, the
1256 board through its administrative review agents determines that
1257 there is not substantial justification to believe that the accused
1258 licensee has committed any of the offenses enumerated, it may
1259 dismiss the complaint or may prepare a formal complaint proceeding
1260 against the licensee as hereinafter provided. When used with
1261 reference to any complaint filed against a licensee herein, the
1262 term "not substantial justification" means a complaint that is
1263 frivolous, groundless in fact or law, or vexatious, as determined
1264 by unanimous vote of the board. If there is a dismissal, the
1265 person filing the accusation and the accused licensee shall be
1266 given written notice of the board's determination. If the board
1267 determines there is reasonable cause to believe the accused has
1268 committed any of those offenses, the secretary of the board shall
1269 give written notice of that determination to the accused licensee
1270 and set a day for a hearing as provided in subsection (3) of this
1271 section.

1272 (2) The board shall have the power to revoke, suspend or
1273 refuse to issue or renew any license or certificate provided for
1274 in this chapter, and to fine, place on probation and/or otherwise
1275 discipline a student or licensee or holder of a certificate, upon
1276 proof that the person:

1277 (a) Has not complied with or has violated any of the
1278 rules and regulations promulgated by the board;

1279 (b) Has not complied with or has violated any of the
1280 sections of this chapter;

1281 (c) Has committed fraud or dishonest conduct in the
1282 taking of the examination herein provided for;

1283 (d) Has been convicted of a felony;

1284 (e) Has committed grossly unprofessional or dishonest
1285 conduct;

1286 (f) Is addicted to the excessive use of intoxicating
1287 liquors or to the use of drugs to such an extent as to render him
1288 or her unfit to practice in any of the practices or occupations
1289 set forth in this chapter;

1290 (g) Has advertised by means of knowingly false or
1291 deceptive statements; * * *

1292 (h) Has failed to display the license or certificate
1293 issued to him or her as provided for in this chapter; or

1294 (i) Has been convicted of violating any of the
1295 provisions of this chapter.

1296 A conviction of violating any of the provisions of this
1297 chapter shall be grounds for automatic suspension of the license
1298 or certificate of the person.

1299 (3) Notwithstanding any provision of this chapter:

1300 (a) The board, acting on its own motion or, in the case
1301 of a default on a loan, on the recommendation of the agency,
1302 political subdivision or other public or private entity to which
1303 payments are due, shall suspend the license of any person who
1304 defaults on or fails to comply with the requirements of an
1305 educational loan, service conditional scholarship or loan
1306 repayment program obligation that has been granted or guaranteed
1307 by any federal, state or local agency or political subdivision
1308 under which the person obtained any of the education necessary to
1309 qualify for a license under this chapter. However, before an
1310 agency, political subdivision or other public or private entity
1311 may recommend the suspension of a license due to the person's

1312 default on a loan, that agency, political subdivision or other
1313 public or private entity must provide the license holder with
1314 notice of its intention to recommend the suspension of the
1315 person's license and an opportunity for the license holder to
1316 respond; and

1317 (b) The person's license will remain suspended until
1318 the person has: (i) made arrangements satisfactory to the board
1319 for meeting the obligations of the loan, scholarship or loan
1320 repayment program; or (ii) in the case of a default on a loan,
1321 made arrangements satisfactory to the agency, political
1322 subdivision or other public or private entity to which payments
1323 are due for the repayment of the loan.

1324 (4) The board shall not revoke, suspend or refuse to issue
1325 or renew any license or certificate, or fine, place on probation
1326 or otherwise discipline any person in a disciplinary matter except
1327 after a hearing of which the applicant or licensee or holder of
1328 the certificate affected shall be given at least twenty (20) days'
1329 notice in writing, specifying the reason or reasons for denying
1330 the applicant a license or certificate of registration, or in the
1331 case of any other disciplinary action, the offense or offenses of
1332 which the licensee or holder of a certificate of registration is
1333 charged. The notice may be served by mailing a copy thereof by
1334 United States first class certified mail, postage prepaid, to the
1335 last known residence or business address of the applicant,
1336 licensee or holder of a certificate. The hearing on the charges
1337 shall be at such time and place as the board may prescribe.

1338 (5) At those hearings, all witnesses shall be sworn by a
1339 member of the board, and stenographic notes of the proceedings
1340 shall be taken. Any party to the proceedings desiring it shall be
1341 furnished with a copy of the stenographic notes upon payment to
1342 the board of such fees as it shall prescribe, not exceeding,
1343 however, the actual costs of transcription.

1344 (6) The board may issue subpoenas for the attendance of
1345 witnesses and the production of books and papers. The process
1346 issued by the board shall extend to all parts of the state and the
1347 process shall be served by any person designated by the board for
1348 that service. The person serving the process shall receive such
1349 compensation as may be allowed by the board, not to exceed the fee
1350 prescribed by law for similar services. All witnesses who shall
1351 be subpoenaed, and who shall appear in any proceedings before the
1352 board, shall receive the same fees and mileage as allowed by law.

1353 (7) Where in any proceeding before the board any
1354 witness * * * fails or refuses to attend upon subpoena issued by
1355 the board, * * * refuses to testify, or * * * refuses to produce
1356 any books and papers, the production of which is called for by the
1357 subpoena, the attendance of the witness and the giving of his
1358 testimony and the production of the books and papers shall be
1359 enforced by any court of competent jurisdiction of this state, in
1360 the manner as are enforced the attendance and testimony of
1361 witnesses in civil cases in the courts of this state.

1362 (8) The board shall conduct the hearing in an orderly and
1363 continuous manner, granting continuances only when the ends of
1364 justice may be served. The board shall, within sixty (60) days
1365 after conclusion of the hearing, reduce its decision to writing
1366 and forward an attested true copy thereof to the last known
1367 residence or business address of the applicant, licensee or holder
1368 of a certificate, by way of United States first class certified
1369 mail, postage prepaid. The applicant, licensee, holder of a
1370 certificate, or person aggrieved shall have the right of appeal
1371 from an adverse ruling, or order, or decision of the board to the
1372 chancery court upon forwarding notice of appeal to the board
1373 within thirty (30) days after the decision of the board is mailed
1374 in the manner here contemplated. An appeal will not be allowed if
1375 notice of appeal, together with the appeal bond hereinafter
1376 required, is not * * * forwarded to the board within the

1377 thirty-day period. Appeal shall be to the chancery court of the
1378 county and judicial district of the residence of the appellant, or
1379 to the Chancery Court of the First Judicial District of Hinds
1380 County, Mississippi, at the election of the appellant. The notice
1381 of appeal shall elect venue, unless the appellant be a nonresident
1382 of the State of Mississippi, in which event the board shall
1383 certify all documents and evidence directly to the Chancery Court
1384 of the First Judicial District of Hinds County for further
1385 proceedings. The appeal shall thereupon be heard in due course by
1386 the court, which shall review the record and make its
1387 determination thereon.

1388 (9) The appellant shall, together with the notice of appeal,
1389 forward to and post with the board a satisfactory bond in the
1390 amount of Five Hundred Dollars (\$500.00) for the payment of any
1391 costs that may be adjudged against him.

1392 (10) If there is an appeal, the court shall dispose of the
1393 appeal and enter its decision promptly. The hearing on the appeal
1394 may, in the discretion of the chancellor, be tried in vacation.
1395 If there is an appeal, the appeal may, in the discretion of and on
1396 motion to the chancery court, act as a supersedeas. However, any
1397 fine imposed by the board under the provisions of this chapter
1398 shall not take effect until after the time for appeal has expired,
1399 and an appeal of the imposition of such a fine shall act as a
1400 supersedeas.

1401 (11) Any fine imposed by the board upon a licensee or holder
1402 of a certificate shall be in accordance with the following
1403 schedule:

1404 (a) For the first violation, a fine of not less than
1405 Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00)
1406 for each violation.

1407 (b) For the second and each subsequent violation, a
1408 fine of not less than One Hundred Dollars (\$100.00) nor more than
1409 Four Hundred Dollars (\$400.00) for each violation.

1410 The power and authority of the board to impose the fines
1411 under this section shall not be affected or diminished by any
1412 other proceeding, civil or criminal, concerning the same violation
1413 or violations.

1414 (12) In addition to the reasons specified in subsection (2)
1415 of this section, the board may suspend the license of any licensee
1416 for being out of compliance with an order for support, as defined
1417 in Section 93-11-153. The procedure for suspension of a license
1418 for being out of compliance with an order for support, and the
1419 procedure for the reissuance or reinstatement of a license
1420 suspended for that purpose, and the payment of any fees for the
1421 reissuance or reinstatement of a license suspended for that
1422 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
1423 the case may be. Actions taken by the board in suspending a
1424 license when required by Section 93-11-157 or 93-11-163 are not
1425 actions from which an appeal may be taken under this section. Any
1426 appeal of a license suspension that is required by Section
1427 93-11-157 or 93-11-163 shall be taken in accordance with the
1428 appeal procedure specified in Section 93-11-157 or 93-11-163, as
1429 the case may be, rather than the procedure specified in this
1430 section. If there is any conflict between any provision of
1431 Section 93-11-157 or 93-11-163 and any provision of this chapter,
1432 the provisions of Section 93-11-157 or 93-11-163, as the case may
1433 be, shall control.

1434 **SECTION 8.** Section 73-9-61, Mississippi Code of 1972, is
1435 amended as follows:

1436 73-9-61. (1) Upon satisfactory proof, and in accordance
1437 with statutory provisions elsewhere set out for those hearings and
1438 protecting the rights of the accused as well as the public, the
1439 State Board of Dental Examiners may deny the issuance or renewal
1440 of a license or may revoke or suspend the license of any licensed
1441 dentist or dental hygienist practicing in the State of
1442 Mississippi, or take any other action in relation to the license

1443 as the board may deem proper under the circumstances, for any of
1444 the following reasons:

1445 (a) Misrepresentation in obtaining a license, or
1446 attempting to obtain, obtaining, attempting to renew or renewing a
1447 license or professional credential by making any material
1448 misrepresentation, including the signing in his or her
1449 professional capacity any certificate that is known to be false at
1450 the time he or she makes or signs the certificate.

1451 (b) Willful violation of any of the rules or
1452 regulations duly promulgated by the board, or of any of the rules
1453 or regulations duly promulgated by the appropriate dental
1454 licensure agency of another state or jurisdiction.

1455 (c) Being impaired in the ability to practice dentistry
1456 or dental hygiene with reasonable skill and safety to patients by
1457 reason of illness or use of alcohol, drugs, narcotics, chemicals,
1458 or any other type of material or as a result of any mental or
1459 physical condition.

1460 (d) Administering, dispensing or prescribing any
1461 prescriptive medication or drug outside the course of legitimate
1462 professional dental practice.

1463 (e) Being convicted or found guilty of or entering a
1464 plea of nolo contendere to, regardless of adjudication, a
1465 violation of any federal or state law regulating the possession,
1466 distribution or use of any narcotic drug or any drug considered a
1467 controlled substance under state or federal law, a certified copy
1468 of the conviction order or judgment rendered by the trial court
1469 being prima facie evidence thereof, notwithstanding the pendency
1470 of any appeal.

1471 (f) Practicing incompetently or negligently, regardless
1472 of whether there is actual harm to the patient.

1473 (g) Being convicted or found guilty of or entering a
1474 plea of nolo contendere to, regardless of adjudication, a crime in
1475 any jurisdiction that relates to the practice of dentistry or

1476 dental hygiene, a certified copy of the conviction order or
1477 judgment rendered by the trial court being prima facie evidence
1478 thereof, notwithstanding the pendency of any appeal.

1479 (h) Being convicted or found guilty of or entering a
1480 plea of nolo contendere to, regardless of adjudication, a felony
1481 in any jurisdiction, a certified copy of the conviction order or
1482 judgment rendered by the trial court being prima facie evidence
1483 thereof, notwithstanding the pendency of any appeal.

1484 (i) Delegating professional responsibilities to a
1485 person who is not qualified by training, experience or licensure
1486 to perform them.

1487 (j) The refusal of a licensing authority of another
1488 state or jurisdiction to issue or renew a license, permit or
1489 certificate to practice dentistry or dental hygiene in that
1490 jurisdiction or the revocation, suspension or other restriction
1491 imposed on a license, permit or certificate issued by that
1492 licensing authority that prevents or restricts practice in that
1493 jurisdiction, a certified copy of the disciplinary order or action
1494 taken by the other state or jurisdiction being prima facie
1495 evidence thereof, notwithstanding the pendency of any appeal.

1496 (k) Surrender of a license or authorization to practice
1497 dentistry or dental hygiene in another state or jurisdiction when
1498 the board has reasonable cause to believe that the surrender is
1499 made to avoid or in anticipation of a disciplinary action.

1500 (l) Any unprofessional conduct to be determined by the
1501 board on a case-by-case basis, which shall include, but not be
1502 restricted to, the following:

1503 (i) Committing any crime involving moral
1504 turpitude.

1505 (ii) Practicing deceit or other fraud upon the
1506 public.

1507 (iii) Practicing dentistry or dental hygiene under
1508 a false or assumed name.

1509 (iv) Advertising that is false, deceptive or
1510 misleading.

1511 (v) Announcing a specialized practice shall be
1512 considered advertising that tends to deceive or mislead the public
1513 unless the dentist announcing as a specialist conforms to other
1514 statutory provisions and the duly promulgated rules or regulations
1515 of the board pertaining to practice of dentistry in the State of
1516 Mississippi.

1517 (m) Failure to provide and maintain reasonable sanitary
1518 facilities and conditions or failure to follow board rules
1519 regarding infection control.

1520 (n) Committing any act that would constitute sexual
1521 misconduct upon a patient or upon ancillary staff. For purposes
1522 of this subsection, the term sexual misconduct means:

1523 (i) Use of the licensee-patient relationship to
1524 engage or attempt to engage the patient in sexual activity; or

1525 (ii) Conduct of a licensee that is intended to
1526 intimidate, coerce, influence or trick any person employed by or
1527 for the licensee in a dental practice or educational setting for
1528 the purpose of engaging in sexual activity or activity intended
1529 for the sexual gratification of the licensee.

1530 (o) Violation of a lawful order of the board previously
1531 entered in a disciplinary or licensure hearing; failure to
1532 cooperate with any lawful request or investigation by the board;
1533 or failure to comply with a lawfully issued subpoena of the board.

1534 (p) Willful, obstinate and continuing refusal to
1535 cooperate with the board in observing its rules and regulations in
1536 promptly paying all legal license or other fees required by law.

1537 (q) Practicing dentistry or dental hygiene while the
1538 person's license is suspended.

1539 (2) Notwithstanding any provision of this chapter:

1540 (a) The board, acting on its own motion or, in the case
1541 of a default on a loan, on the recommendation of the agency,

1542 political subdivision or other public or private entity to which
1543 payments are due, shall suspend the license of any person who
1544 defaults on or fails to comply with the requirements of an
1545 educational loan, service conditional scholarship or loan
1546 repayment program obligation that has been granted or guaranteed
1547 by any federal, state or local agency or political subdivision
1548 under which the person obtained any of the education necessary to
1549 qualify for a license under this chapter. However, before an
1550 agency, political subdivision or other public or private entity
1551 may recommend the suspension of a license due to the person's
1552 default on a loan, that agency, political subdivision or other
1553 public or private entity must provide the license holder with
1554 notice of its intention to recommend the suspension of the
1555 person's license and an opportunity for the license holder to
1556 respond; and

1557 (b) The person's license will remain suspended until
1558 the person has: (i) made arrangements satisfactory to the board
1559 for meeting the obligations of the loan, scholarship or loan
1560 repayment program; or (ii) in the case of a default on a loan,
1561 made arrangements satisfactory to the agency, political
1562 subdivision or other public or private entity to which payments
1563 are due for the repayment of the loan.

1564 (3) In lieu of revocation of a license as provided for in
1565 subsection (1) of this section, the board may suspend the license
1566 of the offending dentist or dental hygienist, suspend the sedation
1567 permit of the offending dentist, or take any other action in
1568 relation to his or her license as the board may deem proper under
1569 the circumstances.

1570 (4) When a license to practice dentistry or dental hygiene
1571 is revoked or suspended by the board, the board may, in its
1572 discretion, stay the revocation or suspension and simultaneously
1573 place the licensee on probation upon the condition that the
1574 licensee shall not violate the laws of the State of Mississippi

1575 pertaining to the practice of dentistry or dental hygiene and
1576 shall not violate the rules and regulations of the board and shall
1577 not violate any terms in relation to his or her license as may be
1578 set by the board.

1579 (5) In a proceeding conducted under this section by the
1580 board for the denial, revocation or suspension of a license to
1581 practice dentistry or dental hygiene, the board shall have the
1582 power and authority for the grounds stated for that denial,
1583 revocation or suspension, and in addition thereto or in lieu of
1584 that denial, revocation or suspension may assess and levy upon any
1585 person licensed to practice dentistry or dental hygiene in the
1586 State of Mississippi, a monetary penalty, as follows:

1587 (a) For the first violation of any of subparagraph (a),
1588 (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of subsection
1589 (1) of this section, a monetary penalty of not less than Fifty
1590 Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).

1591 (b) For the second violation of any of subparagraph
1592 (a), (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of
1593 subsection (1) of this section, a monetary penalty of not less
1594 than One Hundred Dollars (\$100.00) nor more than One Thousand
1595 Dollars (\$1,000.00).

1596 (c) For the third and any subsequent violation of any
1597 of subparagraph (a), (b), (c), (d), (f), (i), (l), (m), (n), (o)
1598 or (q) of subsection (1) of this section, a monetary penalty of
1599 not less than Five Hundred Dollars (\$500.00) and not more than
1600 Five Thousand Dollars (\$5,000.00).

1601 (d) For any violation of any of subparagraphs (a)
1602 through (q) of subsection (1) of this section, those reasonable
1603 costs that are expended by the board in the investigation and
1604 conduct of a proceeding for licensure revocation or suspension,
1605 including, but not limited to, the cost of process service, court
1606 reporters, expert witnesses and investigators.

1607 (6) The power and authority of the board to assess and levy
1608 monetary penalties under this section shall not be affected or
1609 diminished by any other proceeding, civil or criminal, concerning
1610 the same violation or violations except as provided in this
1611 section.

1612 (7) A licensee shall have the right of appeal from the
1613 assessment and levy of a monetary penalty as provided in this
1614 section under the same conditions as a right of appeal is provided
1615 elsewhere for appeals from an adverse ruling, order or decision of
1616 the board.

1617 (8) Any monetary penalty assessed and levied under this
1618 section shall not take effect until after the time for appeal has
1619 expired. If there is an appeal, the appeal shall act as a
1620 supersedeas.

1621 (9) A monetary penalty assessed and levied under this
1622 section shall be paid to the board by the licensee upon the
1623 expiration of the period allowed for appeal of those penalties
1624 under this section or may be paid sooner if the licensee elects.
1625 With the exception of subsection (5)(d) of this section, monetary
1626 penalties collected by the board under this section shall be
1627 deposited to the credit of the General Fund of the State Treasury.
1628 Any monies collected by the board under subsection (5)(d) of this
1629 section shall be deposited into the special fund operating account
1630 of the board.

1631 (10) When payment of a monetary penalty assessed and levied
1632 by the board against a licensee in accordance with this section is
1633 not paid by the licensee when due under this section, the board
1634 shall have power to institute and maintain proceedings in its name
1635 for enforcement of payment in the chancery court of the county and
1636 judicial district of residence of the licensee, and if the
1637 licensee is a nonresident of the State of Mississippi, the
1638 proceedings shall be in the Chancery Court of the First Judicial
1639 District of Hinds County, Mississippi.

1640 (11) In addition to the reasons specified in subsection (1)
1641 of this section, the board may suspend the license of any licensee
1642 for being out of compliance with an order for support, as defined
1643 in Section 93-11-153. The procedure for suspension of a license
1644 for being out of compliance with an order for support, and the
1645 procedure for the reissuance or reinstatement of a license
1646 suspended for that purpose, and the payment of any fees for the
1647 reissuance or reinstatement of a license suspended for that
1648 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
1649 the case may be. If there is any conflict between any provision
1650 of Section 93-11-157 or 93-11-163 and any provision of this
1651 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
1652 case may be, shall control.

1653 (12) All grounds for disciplinary action, including
1654 imposition of fines and assessment of costs as enumerated above,
1655 shall also apply to any other license or permit issued by the
1656 board under this chapter or regulations duly adopted by the board.

1657 **SECTION 9.** Section 73-10-21, Mississippi Code of 1972, is
1658 amended as follows:

1659 73-10-21. (1) Rules, regulations and standards.

1660 (a) The board shall adopt, amend, promulgate and
1661 enforce such rules, regulations and standards governing dietitians
1662 as may be necessary to further the accomplishment of the purpose
1663 of the governing law, and in so doing shall utilize as the basis
1664 thereof the corresponding recommendations of the advisory council.
1665 The rules, regulations and minimum standards for licensing of
1666 dietitians may be amended by the board as deemed necessary. In so
1667 doing, the board shall utilize as the basis thereof the
1668 corresponding recommendations of the advisory council.

1669 (b) The board shall publish and disseminate to all
1670 licensees, in appropriate manner, the licensure standards
1671 prescribed by this chapter, any amendments thereto, and such rules

1672 and regulations as the board may adopt under the authority vested
1673 by Section 73-38-13, within sixty (60) days of their adoption.

1674 (2) The board shall adopt a code of ethics for dietitians
1675 using as the basis thereof the ADA "Code of Ethics for the
1676 Profession of Dietetics."

1677 (3) Issuance and renewal of licenses.

1678 (a) The board shall issue a license to any person who
1679 meets the requirements of this chapter upon payment of the license
1680 fee prescribed.

1681 (b) Upon the first renewal, licenses under this chapter
1682 shall be valid for two (2) calendar years and shall be subject to
1683 renewal and shall expire unless renewed in the manner prescribed
1684 by the rules and regulations of the board, upon the payment of a
1685 biennial renewal fee to be set at the discretion of the board, but
1686 not to exceed One Hundred Dollars (\$100.00), and the presentation
1687 of evidence satisfactory to the board that the licensee has met
1688 such continuing education requirements as the board may require.
1689 An applicant for license renewal shall demonstrate to the board
1690 evidence of satisfactory completion of the continuing education
1691 requirements established by the American Dietetic Association
1692 and/or other continuing education requirements as may be required
1693 by the board.

1694 (c) The board may provide for the late renewal of a
1695 license upon the payment of a late fee in accordance with its
1696 rules and regulations, but no such late renewal of a license may
1697 be granted more than one (1) year after its expiration.

1698 (d) A suspended license shall be subject to expiration
1699 and may be renewed as provided in this section, but that renewal
1700 shall not entitle the licensee, while the license remains
1701 suspended and until it is reinstated, to engage in the licensed
1702 activity, or in any other conduct or activity in violation of the
1703 order of judgment by which the license was suspended. If a
1704 license revoked on disciplinary grounds is reinstated, the

1705 licensee, as a condition of reinstatement, shall pay the renewal
1706 fee and any late fee that may be applicable.

1707 (4) Denial or revocation of license.

1708 (a) The board may deny or refuse to renew a license, or
1709 suspend or revoke a license, or issue orders to cease or desist
1710 from certain conduct, or issue warnings or reprimands where the
1711 licensee or applicant for license has been convicted of unlawful
1712 conduct or has demonstrated unprofessional conduct that has
1713 endangered or is likely to endanger the health, welfare or safety
1714 of the public. That conduct includes:

1715 (i) Obtaining a license by means of fraud,
1716 misrepresentation or concealment of material facts;

1717 (ii) Being guilty of unprofessional conduct as
1718 defined by the rules and established by the board or violating the
1719 Code of Ethics of the American Dietetic Association;

1720 (iii) Being convicted of a crime in any court
1721 other than a misdemeanor;

1722 (iv) Violating any lawful order, rule or
1723 regulation rendered or adopted by the board; or

1724 (v) Violating any provision of this chapter.

1725 (b) The denial, refusal to renew, suspension,
1726 revocation, order to cease and desist from designated conduct, or
1727 warning or reprimand may be ordered by the board in a decision
1728 made after a hearing in the manner provided by the rules and
1729 regulations adopted by the board. One (1) year from the date of
1730 the revocation of a license, application may be made to the board
1731 for reinstatement. The board shall have discretion to accept or
1732 reject an application for reinstatement and may, but shall not be
1733 required to, hold a hearing to consider the reinstatement.

1734 (c) Notwithstanding any provision of this chapter:

1735 (i) The board, acting on its own motion or, in the
1736 case of a default on a loan, on the recommendation of the agency,
1737 political subdivision or other public or private entity to which

1738 payments are due, shall suspend the license of any person who
1739 defaults on or fails to comply with the requirements of an
1740 educational loan, service conditional scholarship or loan
1741 repayment program obligation that has been granted or guaranteed
1742 by any federal, state or local agency or political subdivision
1743 under which the person obtained any of the education necessary to
1744 qualify for a license under this chapter. However, before an
1745 agency, political subdivision or other public or private entity
1746 may recommend the suspension of a license due to the person's
1747 default on a loan, that agency, political subdivision or other
1748 public or private entity must provide the license holder with
1749 notice of its intention to recommend the suspension of the
1750 person's license and an opportunity for the license holder to
1751 respond; and

1752 (ii) The person's license will remain suspended
1753 until the person has: made arrangements satisfactory to the board
1754 for meeting the obligations of the loan, scholarship or loan
1755 repayment program; or, in the case of a default on a loan, made
1756 arrangements satisfactory to the agency, political subdivision or
1757 other public or private entity to which payments are due for the
1758 repayment of the loan.

1759 (d) In addition to the reasons specified in paragraph
1760 (a) of this subsection (4), the board may suspend the license of
1761 any licensee for being out of compliance with an order for
1762 support, as defined in Section 93-11-153. The procedure for
1763 suspension of a license for being out of compliance with an order
1764 for support, and the procedure for the reissuance or reinstatement
1765 of a license suspended for that purpose, and the payment of any
1766 fees for the reissuance or reinstatement of a license suspended
1767 for that purpose, shall be governed by Section 93-11-157 or
1768 93-11-163, as the case may be. If there is any conflict between
1769 any provision of Section 93-11-157 or 93-11-163 and any provision

1770 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
1771 as the case may be, shall control.

1772 (5) Establish fees.

1773 (a) A person licensed under this chapter shall pay to
1774 the board a fee, not to exceed One Hundred Dollars (\$100.00), to
1775 be set by the board for the issuance of a license.

1776 (b) Those fees shall be set in such an amount as to
1777 reimburse the state to the extent feasible for the cost of the
1778 services rendered.

1779 (6) Collect funds.

1780 (a) The administration of the provisions of this
1781 chapter shall be financed from income accruing from fees, licenses
1782 and other charges assessed and collected by the board in
1783 administering this chapter.

1784 (b) The board shall receive and account for all funds
1785 received and shall keep those funds in a separate fund.

1786 (c) Funds collected under the provisions of this
1787 chapter shall be used solely for the expenses of the advisory
1788 council and the board to administer the provisions of this
1789 chapter. Those funds shall be subject to audit by the State
1790 Auditor.

1791 (d) Members of the advisory council shall receive no
1792 compensation for services performed on the council, but may be
1793 reimbursed for necessary and actual expenses incurred in
1794 connection with attendance at meetings of the council or for
1795 authorized business of the council from funds made available for
1796 that purpose, as provided in Section 25-3-41.

1797 (7) Receive and process complaints.

1798 (a) The board shall have full authority to investigate
1799 and evaluate each and every applicant applying for a license to
1800 practice dietetics, with the advice of the advisory council.

1801 (b) The board shall have the authority to issue
1802 subpoenas, examine witnesses and administer oaths, and shall, at

1803 its discretion, investigate allegations or practices violating the
1804 provisions of this chapter, and in so doing shall have power to
1805 seek injunctive relief to prohibit any person from providing
1806 professional dietetic services as defined in Section 73-10-3(1)(j)
1807 without being licensed as provided herein.

1808 (8) A license certificate issued by the board is the
1809 property of the board and must be surrendered on demand.

1810 **SECTION 10.** Section 73-11-57, Mississippi Code of 1972, is
1811 amended as follows:

1812 73-11-57. (1) The board may refuse to examine or to issue
1813 or renew, or may suspend or revoke, any license, or may reprimand
1814 or place the holder thereof on a term of probation, after proper
1815 hearing, upon finding the holder of the license to be guilty of
1816 acts of commission or omission including the following:

1817 (a) The employment of fraud or deception in applying
1818 for a license or in passing the examination provided for in this
1819 chapter;

1820 (b) The erroneous issuance of a license to any person;

1821 (c) The conviction of a felony by any court in this
1822 state or any federal court or by the court of any other state or
1823 territory of the United States;

1824 (d) The practice of embalming under a false name or
1825 without a license for the practice of funeral service;

1826 (e) The impersonation of another funeral service or
1827 funeral directing licensee;

1828 (f) The permitting of a person other than a funeral
1829 service or funeral directing licensee to make arrangements for a
1830 funeral and/or form of disposition;

1831 (g) Violation of any provision of this chapter or any
1832 rule or regulation of the board;

1833 (h) Having had a license for the practice of funeral
1834 service or funeral directing suspended or revoked in any
1835 jurisdiction, having voluntarily surrendered his license in any

1836 jurisdiction, having been placed on probation in any jurisdiction,
1837 having been placed under disciplinary order(s) or other
1838 restriction in any manner for funeral directing and/or funeral
1839 service, or operating a funeral establishment (a certified copy of
1840 the order of suspension, revocation, probation or disciplinary
1841 action shall be prima facie evidence of that action);

1842 (i) Solicitation of dead human bodies by the licensee,
1843 his agents, assistants or employees, whether the solicitation
1844 occurs after death or when death is imminent; if the person
1845 solicited has made known a desire not to receive the
1846 communication, or if the solicitation involves coercion, duress or
1847 harassment, or if the solicitation takes place at the residence of
1848 the client or prospective client, is uninvited by the client or
1849 prospective client and has not been previously agreed to by the
1850 client or prospective client; however, this shall not be deemed to
1851 prohibit general advertising;

1852 (j) Employment directly or indirectly of any
1853 apprentice, agent, assistant, employee, or other person, on a
1854 part-time or full-time basis or on commission, for the purpose of
1855 calling upon individuals or institutions by whose influence dead
1856 human bodies may be turned over to a particular funeral
1857 establishment;

1858 (k) Failure to make responses to communications or
1859 requests of the board within thirty (30) days;

1860 (l) Failure to comply with an order of the board within
1861 thirty (30) days;

1862 (m) Knowingly performing any act that in any way
1863 assists an unlicensed person to practice funeral service or
1864 funeral directing;

1865 (n) Making a false statement on death certificates; or

1866 (o) Unprofessional conduct that includes, but is not
1867 limited to:

1868 (i) Retaining a dead human body for the payment of
1869 a fee for the performance of services not authorized in writing;

1870 (ii) Knowingly performing any act that in any way
1871 assists an unlicensed person to practice funeral service or
1872 funeral directing;

1873 (iii) Being guilty of any dishonorable conduct
1874 likely to deceive, defraud or harm the public;

1875 (iv) Any act or omission in the practice of
1876 funeral service or directing that constitutes dishonesty, fraud or
1877 misrepresentation with the intent to benefit the licensee, another
1878 person or funeral establishment, or with the intent to
1879 substantially injure another person, licensee or funeral
1880 establishment; or

1881 (v) Any act or conduct, whether the same or of a
1882 different character than specified above, that constitutes or
1883 demonstrates bad faith, incompetency or untrustworthiness; or
1884 dishonest, fraudulent or improper dealing; or any other violation
1885 of the provisions of this chapter, the rules and regulations
1886 established by the board or any rule or regulation promulgated by
1887 the Federal Trade Commission relative to the practice of funeral
1888 service or funeral directing.

1889 (2) Notwithstanding any provision of this chapter:

1890 (a) The board, acting on its own motion or, in the case
1891 of a default on a loan, on the recommendation of the agency,
1892 political subdivision or other public or private entity to which
1893 payments are due, shall suspend the license of any person who
1894 defaults on or fails to comply with the requirements of an
1895 educational loan, service conditional scholarship or loan
1896 repayment program obligation that has been granted or guaranteed
1897 by any federal, state or local agency or political subdivision
1898 under which the person obtained any of the education necessary to
1899 qualify for a license under this chapter. However, before an
1900 agency, political subdivision or other public or private entity

1901 may recommend the suspension of a license due to the person's
1902 default on a loan, that agency, political subdivision or other
1903 public or private entity must provide the license holder with
1904 notice of its intention to recommend the suspension of the
1905 person's license and an opportunity for the license holder to
1906 respond; and

1907 (b) The person's license will remain suspended until
1908 the person has: (i) made arrangements satisfactory to the board
1909 for meeting the obligations of the loan, scholarship or loan
1910 repayment program; or (ii) in the case of a default on a loan,
1911 made arrangements satisfactory to the agency, political
1912 subdivision or other public or private entity to which payments
1913 are due for the repayment of the loan.

1914 (3) The board may, upon satisfactory proof that the
1915 applicant or licensee has been guilty of any of the offenses * * *
1916 enumerated in subsection (1) of this section, refuse to examine or
1917 issue a license to the applicant, or may refuse to renew or revoke
1918 or suspend the license of the licensee, or place on probation or
1919 reprimand him, upon a majority vote of the board members, after a
1920 hearing thereon. The board is * * * vested with full power and
1921 authority to hold and conduct those hearings, compel the
1922 attendance of witnesses and the production of books, records and
1923 documents, issue subpoenas therefor, administer oaths, examine
1924 witnesses, and do all things necessary to properly conduct those
1925 hearings. The board may waive the necessity of a hearing if the
1926 person accused of a violation admits that he has been guilty of
1927 that offense. Any person who has been refused a license or whose
1928 license has been revoked or suspended may, within thirty (30) days
1929 after the decision of the board, file with the board a written
1930 notice stating that he feels himself aggrieved by the decision and
1931 appeals therefrom to the circuit court. Upon the filing of the
1932 notice, the secretary of the board shall transmit to the clerk of
1933 the circuit court the records and findings of the proceedings.

1934 The circuit court shall hear and determine as to whether the
1935 action of the board was in accord or consistent with law, or was
1936 arbitrary, unwarranted or in abuse of discretion. An appeal from
1937 the circuit court judgment or decree may be reviewed by the
1938 Supreme Court as is provided by law for other appeals. An appeal
1939 of a decision or order of the board does not act as a supersedeas.

1940 (4) In a proceeding conducted under this section by the
1941 board for the revocation or suspension of a license, the board
1942 shall have the power and authority for the grounds stated for the
1943 revocation or suspension, and in addition thereto or in lieu of
1944 the revocation or suspension may assess and levy upon any person
1945 licensed under this chapter, a monetary penalty, as follows:

1946 (a) For the first violation of any of the subparagraphs
1947 of subsection (1) of this section, a monetary penalty of not less
1948 than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars
1949 (\$500.00).

1950 (b) For the second violation of any of the
1951 subparagraphs of subsection (1) of this section, a monetary
1952 penalty of not less than One Hundred Dollars (\$100.00) nor more
1953 than One Thousand Dollars (\$1,000.00).

1954 (c) For the third and any subsequent violation of any
1955 of the subparagraphs of subsection (1) of this section, a monetary
1956 penalty of not less than Five Hundred Dollars (\$500.00) and not
1957 more than Five Thousand Dollars (\$5,000.00).

1958 (d) For any violation of any of the subparagraphs of
1959 subsection (1) of this section, those reasonable costs that are
1960 expended by the board in the investigation and conduct of a
1961 proceeding for licensure revocation or suspension, including, but
1962 not limited to, the cost of process service, court reporters,
1963 expert witnesses and investigators.

1964 (5) The power and authority of the board to assess and levy
1965 the monetary penalties under this section shall not be affected or
1966 diminished by any other proceeding, civil or criminal, concerning

1967 the same violation or violations except as provided in this
1968 section.

1969 (6) A licensee shall have the right of appeal from the
1970 assessment and levy of a monetary penalty as provided in this
1971 section under the same conditions as a right of appeal is provided
1972 elsewhere for appeals from an adverse ruling, order or decision of
1973 the board.

1974 (7) Any monetary penalty assessed and levied under this
1975 section shall not take effect until after the time for appeal has
1976 expired.

1977 (8) A monetary penalty assessed and levied under this
1978 section shall be paid to the board by the licensee upon the
1979 expiration of the period allowed for appeal of the penalties under
1980 this section or may be paid sooner if the licensee elects.
1981 With the exception of subsection (4)(d) of this section, monetary
1982 penalties collected by the board under this section shall be
1983 deposited to the credit of the General Fund of the State Treasury.
1984 Any monies collected by the board under subsection (4)(d) of this
1985 section shall be deposited into the special fund operating account
1986 of the board.

1987 (9) When payment of a monetary penalty assessed and levied
1988 by the board against a licensee in accordance with this section is
1989 not paid by the licensee when due under this section, the board
1990 shall have power to institute and maintain proceedings in its name
1991 for enforcement of payment in the chancery court of the county and
1992 judicial district of residence of the licensee, and if the
1993 licensee is a nonresident of the State of Mississippi, the
1994 proceedings shall be in the Chancery Court of the First Judicial
1995 District of Hinds County, Mississippi.

1996 (10) In addition to the reasons specified in subsection (1)
1997 of this section, the board may suspend the license of any licensee
1998 for being out of compliance with an order for support, as defined
1999 in Section 93-11-153. The procedure for suspension of a license

2000 for being out of compliance with an order for support, and the
2001 procedure for the reissuance or reinstatement of a license
2002 suspended for that purpose, and the payment of any fees for the
2003 reissuance or reinstatement of a license suspended for that
2004 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
2005 the case may be. Actions taken by the board in suspending a
2006 license when required by Section 93-11-157 or 93-11-163 are not
2007 actions from which an appeal may be taken under this section. Any
2008 appeal of a license suspension that is required by Section
2009 93-11-157 or 93-11-163 shall be taken in accordance with the
2010 appeal procedure specified in Section 93-11-157 or 93-11-163, as
2011 the case may be, rather than the procedure specified in this
2012 section. If there is any conflict between any provision of
2013 Section 93-11-157 or 93-11-163 and any provision of this chapter,
2014 the provisions of Section 93-11-157 or 93-11-163, as the case may
2015 be, shall control.

2016 **SECTION 11.** Section 73-13-37, Mississippi Code of 1972, is
2017 amended as follows:

2018 73-13-37. (1) The board, upon satisfactory proof and in
2019 accordance with the provisions of this chapter and the
2020 implementing regulations of the board pertaining thereto, is
2021 authorized to take the disciplinary actions provided for
2022 hereinafter against any person or firm practicing engineering or
2023 surveying, including nonregistrants, for any of the following
2024 reasons:

2025 (a) Violating any of the provisions of Sections 73-13-1
2026 through 73-13-45 or the implementing bylaws, rules, regulations,
2027 or standards of ethics or conduct duly adopted and promulgated by
2028 the board pertaining to the practice of engineering;

2029 (b) Fraud, deceit or misrepresentation in obtaining a
2030 certificate of licensure;

2031 (c) Gross negligence, malpractice or incompetency;

2032 (d) Any professional misconduct, as defined by the
2033 board through bylaws, rules and regulations, and standards of
2034 conduct and ethics;

2035 (e) Practicing or offering to practice engineering on
2036 an expired certificate or while under suspension or revocation of
2037 certificate unless said suspension or revocation be abated through
2038 probation, as provided for hereinafter; or

2039 (f) Addiction to or dependence on alcohol or other
2040 habit-forming drugs or being an habitual user of alcohol,
2041 narcotics, barbiturates, amphetamines, hallucinogens, or other
2042 drugs having similar effect.

2043 (2) Notwithstanding any provision of this chapter:

2044 (a) The board, acting on its own motion or, in the case
2045 of a default on a loan, on the recommendation of the agency,
2046 political subdivision or other public or private entity to which
2047 payments are due, shall suspend the certificate of registration of
2048 any person who defaults on or fails to comply with the
2049 requirements of an educational loan, service conditional
2050 scholarship or loan repayment program obligation that has been
2051 granted or guaranteed by any federal, state or local agency or
2052 political subdivision under which the person obtained any of the
2053 education necessary to qualify for a certificate of registration
2054 under this chapter. However, before an agency, political
2055 subdivision or other public or private entity may recommend the
2056 suspension of a certificate of registration due to the person's
2057 default on a loan, that agency, political subdivision or other
2058 public or private entity must provide the certificate holder with
2059 notice of its intention to recommend the suspension of the
2060 person's certificate of registration and an opportunity for the
2061 certificate holder to respond; and

2062 (b) The person's certificate of registration will
2063 remain suspended until the person has: (i) made arrangements
2064 satisfactory to the board for meeting the obligations of the loan,

2065 scholarship or loan repayment program; or (ii) in the case of a
2066 default on a loan, made arrangements satisfactory to the agency,
2067 political subdivision or other public or private entity to which
2068 payments are due for the repayment of the loan.

2069 (3) Any person may prefer charges against any other person
2070 practicing engineering or surveying, including nonlicensees, for
2071 committing any of the acts set forth in subsection (1). Such
2072 charges shall be sworn to, either upon actual knowledge or upon
2073 information and belief, and shall be filed with the board. In the
2074 event any person certified under Sections 73-13-1 through 73-13-45
2075 is expelled from membership in any Mississippi professional
2076 engineering society or association, the board shall thereafter
2077 cite said person to appear at a hearing before the board and to
2078 show cause why disciplinary action should not be taken against
2079 him.

2080 The board shall investigate all charges filed with it and,
2081 upon finding reasonable cause to believe that the charges are not
2082 frivolous, unfounded or filed in bad faith, may, in its
2083 discretion, cause a hearing to be held, at a time and place fixed
2084 by the board, regarding the charges and may compel the accused by
2085 subpoena to appear before the board to respond to said charges.

2086 No disciplinary action taken hereunder may be taken until the
2087 accused has been furnished both a statement of the charges against
2088 him and notice of the time and place of the hearing thereof, which
2089 shall be personally served on or mailed by registered or certified
2090 mail, return receipt requested, to the last-known business or
2091 residence address of the accused not less than thirty (30) days
2092 prior to the date fixed for the hearing.

2093 Notice on a firm shall be had by notice on the principal or
2094 officer designated by the firm as having management or supervision
2095 of the engineering/surveying practice, or on the registered agent
2096 in the case of a corporation not domiciled in Mississippi.

2097 (4) At any hearing held hereunder, the board shall have the
2098 power to subpoena witnesses and compel their attendance and may
2099 also require the production of books, papers, documents, etc., as
2100 provided elsewhere in this chapter. The board is authorized to
2101 designate or secure a hearing officer to conduct the hearing. All
2102 evidence shall be presented under oath, which may be administered
2103 by any member of the board, and thereafter the proceedings may, if
2104 necessary, be transcribed in full by the court reporter and filed
2105 as part of the record in the case. Copies of such transcriptions
2106 may be provided to any party to the proceedings at a cost to be
2107 fixed by the board.

2108 All witnesses who shall be subpoenaed and who shall appear in
2109 any proceedings before the board shall receive the same fees and
2110 mileage as allowed by law in judicial civil proceedings, and all
2111 such fees shall be taxed as part of the costs in the case.

2112 Where in any proceeding before the board any witness shall
2113 fail or refuse to attend upon subpoena issued by the board, shall
2114 refuse to testify or shall refuse to produce any books and papers,
2115 the production of which is called for by the subpoena, the
2116 attendance of such witness and the giving of his testimony and the
2117 production of the books and papers shall be enforced by any court
2118 of competent jurisdiction of this state in the manner provided for
2119 the enforcement of attendance and testimony of witnesses in civil
2120 cases in the courts of this state.

2121 The accused shall have the right to be present at the hearing
2122 in person, by counsel or other representative, or both. The board
2123 is authorized to continue or recess the hearing as may be
2124 necessary.

2125 (5) At the conclusion of the hearing, the board may either
2126 decide the issue at that time or take the case under advisement
2127 for further deliberation. The board shall render its decision not
2128 more than ninety (90) days after the close of the hearing, and
2129 shall forward to the last-known business or residence address of

2130 the accused, by certified or registered mail, return receipt
2131 requested, a written statement of the decision of the board.

2132 If a majority of the board finds the accused guilty of the
2133 charges filed, the board may: (a) issue a public or private
2134 reprimand; (b) require the guilty party to complete a course or
2135 courses, approved by the board, in ethics or other appropriate
2136 subjects; (c) suspend or revoke the certificate of the accused, if
2137 the accused is a licensee; and/or (d) in lieu of or in addition to
2138 such reprimand, course completion, suspension or revocation,
2139 assess and levy upon the guilty party a monetary penalty of not
2140 less than One Hundred Dollars (\$100.00) nor more than Five
2141 Thousand Dollars (\$5,000.00) for each violation.

2142 (6) A monetary penalty assessed and levied under this
2143 section shall be paid to the board upon the expiration of the
2144 period allowed for appeal of such penalties under this section, or
2145 may be paid sooner if the guilty party elects. Money collected by
2146 the board under this section shall be deposited to the credit of
2147 the board's special fund in the State Treasury.

2148 When payment of a monetary penalty assessed and levied by the
2149 board in accordance with this section is not paid when due, the
2150 board shall have the power to institute and maintain proceedings
2151 in its name for enforcement of payment in the chancery court of
2152 the county and judicial district of residence of the guilty party
2153 and if the guilty party be a nonresident of the State of
2154 Mississippi, such proceedings shall be in the Chancery Court of
2155 the First Judicial District of Hinds County, Mississippi.

2156 (7) When the board has taken a disciplinary action under
2157 this section, the board may, in its discretion, stay such action
2158 and place the guilty party on probation for a period not to exceed
2159 one (1) year upon the condition that the guilty party shall not
2160 further violate either the laws of the State of Mississippi
2161 pertaining to the practice of engineering or the bylaws, rules and

2162 regulations, or standards of conduct and ethics promulgated by the
2163 board.

2164 (8) The board, in its discretion, may assess and tax any
2165 part or all of the costs of any disciplinary proceedings conducted
2166 under this section against either the accused, the charging party,
2167 or both, as it may elect.

2168 (9) The power and authority of the board to assess and levy
2169 the monetary penalties provided for in this section shall not be
2170 affected or diminished by any other proceeding, civil or criminal,
2171 concerning the same violation or violations except as provided in
2172 this section.

2173 (10) The board, for sufficient cause, may reissue a revoked
2174 certificate of licensure or authority whenever a majority of the
2175 board members vote to do so.

2176 (11) Any person or firm aggrieved by an action of the board
2177 denying or revoking his certificate of licensure or authority or
2178 relicensure as a professional engineer or his certificate of
2179 enrollment as an engineer intern, or who is aggrieved by the
2180 action of the board as a result of disciplinary proceedings
2181 conducted under this section may appeal therefrom to the chancery
2182 court of either the county wherein the appellant resides or the
2183 Chancery Court of the First Judicial District of Hinds County, at
2184 the election of the appellant. If the appellant is a nonresident
2185 of this state, the appeal shall be made to the Chancery Court of
2186 the First Judicial District of Hinds County. Such appeal shall be
2187 perfected before the board by the filing with the board of a
2188 notice of appeal to the chancery court. The court shall require a
2189 bond in an amount not to exceed One Thousand Dollars (\$1,000.00)
2190 conditioned to pay all costs which may be adjudged against the
2191 appellant. The notice of appeal shall be filed not later than
2192 thirty (30) days after the decision of the board is forwarded to
2193 the guilty party, as provided hereinabove.

2194 All appeals perfected hereunder shall not act as a
2195 supersedeas, and shall be made to the chancery court solely upon
2196 the record made before the board during the disciplinary hearing.
2197 When the appeal shall have been properly perfected as provided
2198 herein, the board shall cause the record of the proceedings
2199 conducted before it to be compiled, certified and filed with the
2200 chancery court. The briefing schedule shall be the same as for
2201 appeals to the Supreme Court. The chancery court shall be
2202 required to rule on the case within sixty (60) days of the close
2203 of briefing. All procedures and penalties provided for in this
2204 section shall apply to nonlicensees as well as licensees.

2205 (12) In addition to the reasons specified in subsection (1)
2206 of this section, the board shall be authorized to suspend the
2207 certificate of licensure of any person for being out of compliance
2208 with an order for support, as defined in Section 93-11-153. The
2209 procedure for suspension of a certificate for being out of
2210 compliance with an order for support, and the procedure for the
2211 reissuance or reinstatement of a certificate suspended for that
2212 purpose, and the payment of any fees for the reissuance or
2213 reinstatement of a certificate suspended for that purpose, shall
2214 be governed by Section 93-11-157 or 93-11-163, as the case may be.
2215 Actions taken by the board in suspending a certificate when
2216 required by Section 93-11-157 or 93-11-163 are not actions from
2217 which an appeal may be taken under this section. Any appeal of a
2218 suspension of a certificate that is required by Section 93-11-157
2219 or 93-11-163 shall be taken in accordance with the appeal
2220 procedure specified in Section 93-11-157 or 93-11-163, as the case
2221 may be, rather than the procedure specified in this section. If
2222 there is any conflict between any provision of Section 93-11-157
2223 or 93-11-163 and any provision of this chapter, the provisions of
2224 Section 93-11-157 or 93-11-163, as the case may be, shall control.

2225 (13) Any board member whose objectivity in a disciplinary
2226 proceeding is impaired shall either recuse himself from sitting as

2227 a member of the board in a formal disciplinary hearing in that
2228 proceeding or be disqualified therefrom. In the event a
2229 disciplinary proceeding is brought against a member or former
2230 member of the board, no member of the board who has served
2231 concurrently with the respondent in the disciplinary proceeding
2232 shall sit as a member of the board in a formal disciplinary
2233 hearing in that proceeding. If, after recusal or disqualification
2234 of board members as provided herein, there does not remain a
2235 quorum of the board to sit for a disciplinary hearing, the board
2236 shall have the power to select, in accordance with duly
2237 promulgated regulations of the board, substitute panel members
2238 from slates of candidates established by the Mississippi
2239 Engineering Society and the Mississippi Association of
2240 Professional Surveyors to the extent necessary to achieve the
2241 number of panel members equivalent to a quorum of the board.
2242 Substitute panel members must meet the qualifications of board
2243 members as provided in Section 73-13-7 and shall receive
2244 compensation as provided for board members in Section 73-13-9.

2245 **SECTION 12.** Section 73-15-29, Mississippi Code of 1972, is
2246 amended as follows:

2247 73-15-29. (1) The board shall have power to revoke, suspend
2248 or refuse to renew any license issued by the board, or to revoke
2249 or suspend any privilege to practice, or to deny an application
2250 for a license, or to fine, place on probation and/or discipline a
2251 licensee, in any manner specified in this chapter, upon proof that
2252 the person:

2253 (a) Has committed fraud or deceit in securing or
2254 attempting to secure the license;

2255 (b) Has been convicted of felony, or a crime involving
2256 moral turpitude or has had accepted by a court a plea of nolo
2257 contendere to a felony or a crime involving moral turpitude (a
2258 certified copy of the judgment of the court of competent

2259 jurisdiction of the conviction or pleas shall be prima facie
2260 evidence of the conviction);

2261 (c) Has negligently or willfully acted in a manner
2262 inconsistent with the health or safety of the persons under the
2263 licensee's care;

2264 (d) Has had a license or privilege to practice as a
2265 registered nurse or a licensed practical nurse suspended or
2266 revoked in any jurisdiction, has voluntarily surrendered the
2267 license or privilege to practice in any jurisdiction, has been
2268 placed on probation as a registered nurse or licensed practical
2269 nurse in any jurisdiction or has been placed under a disciplinary
2270 order(s) in any manner as a registered nurse or licensed practical
2271 nurse in any jurisdiction, (a certified copy of the order of
2272 suspension, revocation, probation or disciplinary action shall be
2273 prima facie evidence of the action);

2274 (e) Has negligently or willfully practiced nursing in a
2275 manner that fails to meet generally accepted standards of that
2276 nursing practice;

2277 (f) Has negligently or willfully violated any order,
2278 rule or regulation of the board pertaining to nursing practice or
2279 licensure;

2280 (g) Has falsified or in a repeatedly negligent manner
2281 made incorrect entries or failed to make essential entries on
2282 records;

2283 (h) Is addicted to or dependent on alcohol or other
2284 habit-forming drugs or is a habitual user of narcotics,
2285 barbiturates, amphetamines, hallucinogens, or other drugs having
2286 similar effect, or has misappropriated any medication;

2287 (i) Has a physical, mental or emotional disability that
2288 renders the licensee unable to perform nursing services or duties
2289 with reasonable skill and safety;

2290 (j) Has engaged in any other conduct, whether of the
2291 same or of a different character from that specified in this

2292 chapter, that would constitute a crime as defined in Title 97 of
2293 the Mississippi Code of 1972, as now or hereafter amended, and
2294 that relates to the person's employment as a registered nurse or
2295 licensed practical nurse;

2296 (k) Engages in conduct likely to deceive, defraud or
2297 harm the public;

2298 (l) Engages in any unprofessional conduct as identified
2299 by the board in its rules; or

2300 (m) Has violated any provision of this chapter.

2301 (2) Notwithstanding any provision of this chapter:

2302 (a) The board, acting on its own motion or, in the case
2303 of a default on a loan, on the recommendation of the agency,
2304 political subdivision or other public or private entity to which
2305 payments are due, shall suspend the license of any person who
2306 defaults on or fails to comply with the requirements of an
2307 educational loan, service conditional scholarship or loan
2308 repayment program obligation that has been granted or guaranteed
2309 by any federal, state or local agency or political subdivision
2310 under which the person obtained any of the education necessary to
2311 qualify for a license under this chapter. However, before an
2312 agency, political subdivision or other public or private entity
2313 may recommend the suspension of a license due to the person's
2314 default on a loan, that agency, political subdivision or other
2315 public or private entity must provide the license holder with
2316 notice of its intention to recommend the suspension of the
2317 person's license and an opportunity for the license holder to
2318 respond; and

2319 (b) The person's license will remain suspended until
2320 the person has: (i) made arrangements satisfactory to the board
2321 for meeting the obligations of the loan, scholarship or loan
2322 repayment program; or (ii) in the case of a default on a loan,
2323 made arrangements satisfactory to the agency, political

2324 subdivision or other public or private entity to which payments
2325 are due for the repayment of the loan.

2326 (3) When the board finds any person unqualified because of
2327 any of the grounds set forth in subsection (1) of this section, it
2328 may enter an order imposing one or more of the following
2329 penalties:

2330 (a) Denying application for a license or other
2331 authorization to practice nursing or practical nursing;

2332 (b) Administering a reprimand;

2333 (c) Suspending or restricting the license or other
2334 authorization to practice as a registered nurse or licensed
2335 practical nurse for up to two (2) years without review;

2336 (d) Revoking the license or other authorization to
2337 practice nursing or practical nursing;

2338 (e) Requiring the discipline to submit to care,
2339 counseling or treatment by persons and/or agencies approved or
2340 designated by the board as a condition for initial, continued or
2341 renewed licensure or other authorization to practice nursing or
2342 practical nursing;

2343 (f) Requiring the discipline to participate in a
2344 program of education prescribed by the board as a condition for
2345 initial, continued or renewed licensure or other authorization to
2346 practice;

2347 (g) Requiring the discipline to practice under the
2348 supervision of a registered nurse for a specified period of time;
2349 or

2350 (h) Imposing a fine not to exceed Five Hundred Dollars
2351 (\$500.00).

2352 (4) In addition to the grounds specified in subsection (1)
2353 of this section, the board may suspend the license or privilege to
2354 practice of any licensee for being out of compliance with an order
2355 for support, as defined in Section 93-11-153. The procedure for
2356 suspension of a license or privilege to practice for being out of

2357 compliance with an order for support, and the procedure for the
2358 reissuance or reinstatement of a license or privilege to practice
2359 suspended for that purpose, and the payment of any fees for the
2360 reissuance or reinstatement of a license or privilege to practice
2361 suspended for that purpose, shall be governed by Section 93-11-157
2362 or 93-11-163, as the case may be. If there is any conflict
2363 between any provision of Section 93-11-157 or 93-11-163 and any
2364 provision of this chapter, the provisions of Section 93-11-157 or
2365 93-11-163, as the case may be, shall control.

2366 **SECTION 13.** Section 73-19-23, Mississippi Code of 1972, is
2367 amended as follows:

2368 73-19-23. (1) The board shall refuse to grant a certificate
2369 of licensure to any applicant and may cancel, revoke or suspend
2370 the operation of any certificate by it granted for any or all of
2371 the following reasons, to wit: unprofessional and unethical
2372 conduct or the conviction of a crime involving moral turpitude,
2373 habitual intemperance in the use of ardent spirits, or stimulants,
2374 narcotics, or any other substance that impairs the intellect and
2375 judgment to such an extent as to incapacitate one for the
2376 performance of the duties of an optometrist. The certificate of
2377 licensure of any person can be revoked for violating any section
2378 of this chapter.

2379 (2) The board may take disciplinary action against a
2380 licensee for any unlawful acts, which shall include violations of
2381 regulations promulgated by the board, as well as the following
2382 acts:

2383 (a) Fraud or misrepresentation in applying for or
2384 procuring an optometric license or in connection with applying for
2385 or procuring periodic renewal of an optometric license.

2386 (b) Cheating on or attempting to subvert the optometric
2387 licensing examination(s).

2388 (c) The conviction of a felony in this state or any
2389 other jurisdiction, or the entry of guilty or nolo contendere plea
2390 to a felony charge.

2391 (d) The conviction of a felony as defined by federal
2392 law, or the entry of a guilty or nolo contendere plea to a felony
2393 charge.

2394 (e) Conduct likely to deceive, defraud or harm the
2395 public.

2396 (f) Making a false or misleading statement regarding
2397 his or her skill or the efficacy or value of the medicine, device,
2398 treatment or remedy prescribed by him or her or used at his or her
2399 direction in the treatment of any disease or other condition.

2400 (g) Willfully or negligently violating the
2401 confidentiality between doctor and patient, except as required by
2402 law.

2403 (h) Negligence or gross incompetence in the practice of
2404 optometry as determined by the board.

2405 (i) Being found mentally incompetent or insane by any
2406 court of competent jurisdiction.

2407 (j) The use of any false, fraudulent, deceptive or
2408 misleading statement in any document connected with the practice
2409 of optometry.

2410 (k) Aiding or abetting the practice of optometry by an
2411 unlicensed, incompetent or impaired person.

2412 (l) Commission of any act of sexual abuse, misconduct
2413 or exploitation related to the licensee's practice of optometry.

2414 (m) Being addicted or habituated to a drug or
2415 intoxicant.

2416 (n) Violating any state or federal law or regulation
2417 relating to a drug legally classified as a controlled substance.

2418 (o) Obtaining any fee by fraud, deceit or
2419 misrepresentation.

2420 (p) Disciplinary action of another state or
2421 jurisdiction against a licensee or other authorization to practice
2422 optometry based upon acts or conduct by the licensee similar to
2423 acts or conduct that would constitute grounds for action as
2424 defined in this chapter, a certified copy of the record of the
2425 action taken by the other state or jurisdiction being conclusive
2426 evidence thereof.

2427 (q) Failure to report to the board the relocation of
2428 his or her office in or out of the jurisdiction, or to furnish
2429 floor plans as required by regulation.

2430 (r) Violation of any provision(s) of the Optometry
2431 Practice Act or the rules and regulations of the board or of an
2432 action, stipulation or agreement of the board.

2433 (s) To advertise in a manner that tends to deceive,
2434 mislead or defraud the public.

2435 (t) The designation of any person licensed under this
2436 chapter, other than by the terms "optometrist," "Doctor of
2437 Optometry" or "O.D."

2438 (u) To knowingly submit or cause to be submitted any
2439 misleading, deceptive or fraudulent representation on a claim
2440 form, bill or statement.

2441 (v) To practice or attempt to practice optometry while
2442 his or her license is suspended.

2443 (3) Notwithstanding any provision of this chapter:

2444 (a) The board, acting on its own motion or, in the case
2445 of a default on a loan, on the recommendation of the agency,
2446 political subdivision or other public or private entity to which
2447 payments are due, shall suspend the certificate of licensure of
2448 any person who defaults on or fails to comply with the
2449 requirements of an educational loan, service conditional
2450 scholarship or loan repayment program obligation that has been
2451 granted or guaranteed by any federal, state or local agency or
2452 political subdivision under which the person obtained any of the

2453 education necessary to qualify for a certificate of licensure
2454 under this chapter. However, before an agency, political
2455 subdivision or other public or private entity may recommend the
2456 suspension of a certificate of licensure due to the person's
2457 default on a loan, that agency, political subdivision or other
2458 public or private entity must provide the certificate holder with
2459 notice of its intention to recommend the suspension of the
2460 person's certificate of licensure and an opportunity for the
2461 certificate holder to respond; and

2462 (b) The person's certificate of licensure will remain
2463 suspended until the person has: (i) made arrangements
2464 satisfactory to the board for meeting the obligations of the loan,
2465 scholarship or loan repayment program; or (ii) in the case of a
2466 default on a loan, made arrangements satisfactory to the agency,
2467 political subdivision or other public or private entity to which
2468 payments are due for the repayment of the loan.

2469 (4) Any person who is holder of a certificate of licensure
2470 or who is an applicant for examination for a certificate of
2471 licensure, against whom is preferred any charges, shall be
2472 furnished by the board with a copy of the complaint and shall have
2473 a hearing in Jackson, Mississippi, before the board, at which
2474 hearing he may be represented by counsel. At the hearing
2475 witnesses may be examined for and against the accused respecting
2476 the * * * charges, and the hearing orders or appeals will be
2477 conducted according to the procedure now provided in Section
2478 73-25-27. The suspension of a certificate of licensure, by reason
2479 of the use of stimulants or narcotics may be removed when the
2480 holder thereof has been adjudged by the * * * board to be cured
2481 and capable of practicing optometry.

2482 (5) In addition to the reasons specified in subsections (1)
2483 and (2) of this section, the board may suspend the license of any
2484 licensee for being out of compliance with an order for support, as
2485 defined in Section 93-11-153. The procedure for suspension of a

2486 license for being out of compliance with an order for support, and
2487 the procedure for the reissuance or reinstatement of a license
2488 suspended for that purpose, and the payment of any fees for the
2489 reissuance or reinstatement of a license suspended for that
2490 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
2491 the case may be. If there is any conflict between any provision
2492 of Section 93-11-157 or 93-11-163 and any provision of this
2493 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
2494 case may be, shall control.

2495 **SECTION 14.** Section 73-21-97, Mississippi Code of 1972, is
2496 amended as follows:

2497 73-21-97. (1) The board may refuse to issue or renew, or
2498 may suspend, reprimand, revoke or restrict the license,
2499 registration or permit of any person upon one or more of the
2500 following grounds:

2501 (a) Unprofessional conduct as defined by the rules and
2502 regulations of the board;

2503 (b) Incapacity of a nature that prevents a pharmacist
2504 from engaging in the practice of pharmacy with reasonable skill,
2505 confidence and safety to the public;

2506 (c) Being found guilty by a court of competent
2507 jurisdiction of one or more of the following:

2508 (i) A felony;

2509 (ii) Any act involving moral turpitude or gross
2510 immorality; or

2511 (iii) Violation of pharmacy or drug laws of this
2512 state or rules or regulations pertaining thereto, or of statutes,
2513 rules or regulations of any other state or the federal government;

2514 (d) Fraud or intentional misrepresentation by a
2515 licensee or permit holder in securing the issuance or renewal of a
2516 license or permit;

2517 (e) Engaging or aiding and abetting an individual to
2518 engage in the practice of pharmacy without a license;

2519 (f) Violation of any of the provisions of this chapter
2520 or rules or regulations adopted under this chapter;

2521 (g) Failure to comply with lawful orders of the board;

2522 (h) Negligently or willfully acting in a manner
2523 inconsistent with the health or safety of the public;

2524 (i) Addiction to or dependence on alcohol or controlled
2525 substances or the unauthorized use or possession of controlled
2526 substances;

2527 (j) Misappropriation of any prescription drug;

2528 (k) Being found guilty by the licensing agency in
2529 another state of violating the statutes, rules or regulations of
2530 that jurisdiction; or

2531 (l) The unlawful or unauthorized possession of a
2532 controlled substance.

2533 (2) In lieu of suspension, revocation or restriction of a
2534 license as provided for above, the board may warn or reprimand the
2535 offending pharmacist.

2536 (3) Notwithstanding any provision of this chapter:

2537 (a) The board, acting on its own motion or, in the case
2538 of a default on a loan, on the recommendation of the agency,
2539 political subdivision or other public or private entity to which
2540 payments are due, shall suspend the pharmacist's license of any
2541 person who defaults on or fails to comply with the requirements of
2542 an educational loan, service conditional scholarship or loan
2543 repayment program obligation that has been granted or guaranteed
2544 by any federal, state or local agency or political subdivision
2545 under which the person obtained any of the education necessary to
2546 qualify for a pharmacist's license under this chapter. However,
2547 before an agency, political subdivision or other public or private
2548 entity may recommend the suspension of a pharmacist's license due
2549 to the person's default on a loan, that agency, political
2550 subdivision or other public or private entity must provide the
2551 license holder with notice of its intention to recommend the

2552 suspension of the person's pharmacist's license and an opportunity
2553 for the license holder to respond; and

2554 (b) The person's pharmacist's license will remain
2555 suspended until the person has: (i) made arrangements
2556 satisfactory to the board for meeting the obligations of the loan,
2557 scholarship or loan repayment program; or (ii) in the case of a
2558 default on a loan, made arrangements satisfactory to the agency,
2559 political subdivision or other public or private entity to which
2560 payments are due for the repayment of the loan.

2561 (4) In addition to the grounds specified in subsection (1)
2562 of this section, the board may suspend the license, registration
2563 or permit of any person for being out of compliance with an order
2564 for support, as defined in Section 93-11-153. The procedure for
2565 suspension of a license, registration or permit for being out of
2566 compliance with an order for support, and the procedure for the
2567 reissuance or reinstatement of a license, registration or permit
2568 suspended for that purpose, and the payment of any fees for the
2569 reissuance or reinstatement of a license, registration or permit
2570 suspended for that purpose, shall be governed by Section 93-11-157
2571 or 93-11-163, as the case may be. If there is any conflict
2572 between any provision of Section 93-11-157 or 93-11-163 and any
2573 provision of this chapter, the provisions of Section 93-11-157 or
2574 93-11-163, as the case may be, shall control.

2575 **SECTION 15.** Section 73-23-59, Mississippi Code of 1972, is
2576 amended as follows:

2577 73-23-59. (1) Licensees subject to this chapter shall
2578 conduct their activities, services and practice in accordance with
2579 this chapter and any rules promulgated pursuant hereto. Licensees
2580 may be subject to the exercise of the disciplinary sanction
2581 enumerated in Section 73-23-64 if the board finds that a licensee
2582 is guilty of any of the following:

2583 (a) Negligence in the practice or performance of
2584 professional services or activities;

2585 (b) Engaging in dishonorable, unethical or
2586 unprofessional conduct of a character likely to deceive, defraud
2587 or harm the public in the course of professional services or
2588 activities;

2589 (c) Perpetrating or cooperating in fraud or material
2590 deception in obtaining or renewing a license or attempting the
2591 same;

2592 (d) Being convicted of any crime that has a substantial
2593 relationship to the licensee's activities and services or an
2594 essential element of which is misstatement, fraud or dishonesty;

2595 (e) Being convicted of any crime that is a felony under
2596 the laws of this state or the United States;

2597 (f) Engaging in or permitting the performance of
2598 unacceptable services personally or by others working under the
2599 licensee's supervision due to the licensee's deliberate or
2600 negligent act or acts or failure to act, regardless of whether
2601 actual damage or damages to the public is established;

2602 (g) Continued practice although the licensee has become
2603 unfit to practice as a physical therapist or physical therapist
2604 assistant due to:

2605 (i) Failure to keep abreast of current
2606 professional theory or practice; * * *

2607 (ii) Physical or mental disability; the entry of
2608 an order or judgment by a court of competent jurisdiction that a
2609 licensee is in need of mental treatment or is incompetent shall
2610 constitute mental disability; or

2611 (iii) Addiction or severe dependency upon alcohol
2612 or other drugs that may endanger the public by impairing the
2613 licensee's ability to practice;

2614 (h) Having disciplinary action taken against the
2615 licensee's license in another state;

2616 (i) Making differential, detrimental treatment against
2617 any person because of race, color, creed, sex, religion or
2618 national origin;

2619 (j) Engaging in lewd conduct in connection with
2620 professional services or activities;

2621 (k) Engaging in false or misleading advertising;

2622 (l) Contracting, assisting or permitting unlicensed
2623 persons to perform services for which a license is required under
2624 this chapter;

2625 (m) Violation of any probation requirements placed on a
2626 license by the board;

2627 (n) Revealing confidential information except as may be
2628 required by law;

2629 (o) Failing to inform clients of the fact that the
2630 client no longer needs the services or professional assistance of
2631 the licensee;

2632 (p) Charging excessive or unreasonable fees or engaging
2633 in unreasonable collection practices;

2634 (q) For treating or attempting to treat ailments or
2635 other health conditions of human beings other than by physical
2636 therapy as authorized by this chapter;

2637 (r) For applying or offering to apply physical therapy,
2638 exclusive of initial evaluation or screening and exclusive of
2639 education or consultation for the prevention of physical and
2640 mental disability within the scope of physical therapy, other than
2641 upon the referral of a licensed physician, dentist, osteopath,
2642 podiatrist, chiropractor or nurse practitioner; or for acting as a
2643 physical therapist assistant other than under the direct, on-site
2644 supervision of a licensed physical therapist;

2645 (s) Violations of the current codes of conduct for
2646 physical therapists and physical therapy assistants adopted by the
2647 American Physical Therapy Association;

2648 (t) Violations of any rules or regulations promulgated
2649 under this chapter.

2650 (2) The board may order a licensee to submit to a reasonable
2651 physical or mental examination if the licensee's physical or
2652 mental capacity to practice safely is at issue in a disciplinary
2653 proceeding.

2654 (3) Failure to comply with a board order to submit to a
2655 physical or mental examination shall render a licensee subject to
2656 the summary suspension procedures described in Section 73-23-64.

2657 (4) Notwithstanding any provision of this chapter:

2658 (a) The board, acting on its own motion or, in the case
2659 of a default on a loan, on the recommendation of the agency,
2660 political subdivision or other public or private entity to which
2661 payments are due, shall suspend the license of any person who
2662 defaults on or fails to comply with the requirements of an
2663 educational loan, service conditional scholarship or loan
2664 repayment program obligation that has been granted or guaranteed
2665 by any federal, state or local agency or political subdivision
2666 under which the person obtained any of the education necessary to
2667 qualify for a license under this chapter. However, before an
2668 agency, political subdivision or other public or private entity
2669 may recommend the suspension of a license due to the person's
2670 default on a loan, that agency, political subdivision or other
2671 public or private entity must provide the license holder with
2672 notice of its intention to recommend the suspension of the
2673 person's license and an opportunity for the license holder to
2674 respond; and

2675 (b) The person's license will remain suspended until
2676 the person has: (i) made arrangements satisfactory to the board
2677 for meeting the obligations of the loan, scholarship or loan
2678 repayment program; or (ii) in the case of a default on a loan,
2679 made arrangements satisfactory to the agency, political

2680 subdivision or other public or private entity to which payments
2681 are due for the repayment of the loan.

2682 (5) In addition to the reasons specified in subsection (1)
2683 of this section, the board may suspend the license of any licensee
2684 for being out of compliance with an order for support, as defined
2685 in Section 93-11-153. The procedure for suspension of a license
2686 for being out of compliance with an order for support, and the
2687 procedure for the reissuance or reinstatement of a license
2688 suspended for that purpose, and the payment of any fees for the
2689 reissuance or reinstatement of a license suspended for that
2690 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
2691 the case may be. If there is any conflict between any provision
2692 of Section 93-11-157 or 93-11-163 and any provision of this
2693 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
2694 case may be, shall control.

2695 **SECTION 16.** Section 73-24-24, Mississippi Code of 1972, is
2696 amended as follows:

2697 73-24-24. (1) Licensees subject to this chapter shall
2698 conduct their activities, services and practice in accordance with
2699 this chapter and any rules promulgated pursuant hereto. Licenses
2700 may be subject to the exercise of the disciplinary sanction
2701 enumerated in Section 73-24-25 if the board finds that a licensee
2702 is guilty of any of the following:

2703 (a) Negligence in the practice or performance of
2704 professional services or activities;

2705 (b) Engaging in dishonorable, unethical or
2706 unprofessional conduct of a character likely to deceive, defraud
2707 or harm the public in the course of professional services or
2708 activities;

2709 (c) Perpetrating or cooperating in fraud or material
2710 deception in obtaining or renewing a license or attempting the
2711 same;

2712 (d) Being convicted of any crime that has a substantial
2713 relationship to the licensee's activities and services or an
2714 essential element of which is misstatement, fraud or dishonesty;

2715 (e) Being convicted of any crime that is a felony under
2716 the laws of this state or the United States;

2717 (f) Engaging in or permitting the performance of
2718 unacceptable services personally or by others working under the
2719 licensee's supervision due to the licensee's deliberate or
2720 negligent act or acts or failure to act, regardless of whether
2721 actual damage or damages to the public is established;

2722 (g) Continued practice although the licensee has become
2723 unfit to practice as an occupational therapist or occupational
2724 therapist assistant due to:

2725 (i) Failure to keep abreast of current
2726 professional theory or practice; * * *

2727 (ii) Physical or mental disability; the entry of
2728 an order or judgment by a court of competent jurisdiction that a
2729 licensee is in need of mental treatment or is incompetent shall
2730 constitute mental disability; or

2731 (iii) Addiction or severe dependency upon alcohol
2732 or other drugs that may endanger the public by impairing the
2733 licensee's ability to practice;

2734 (h) Having disciplinary action taken against the
2735 licensee's license in another state;

2736 (i) Making differential, detrimental treatment against
2737 any person because of race, color, creed, sex, religion or
2738 national origin;

2739 (j) Engaging in lewd conduct in connection with
2740 professional services or activities;

2741 (k) Engaging in false or misleading advertising;

2742 (l) Contracting, assisting or permitting unlicensed
2743 persons to perform services for which a license is required under
2744 this chapter;

2745 (m) Violation of any probation requirements placed on a
2746 license by the board;

2747 (n) Revealing confidential information except as may be
2748 required by law;

2749 (o) Failing to inform clients of the fact that the
2750 client no longer needs the services or professional assistance of
2751 the licensee;

2752 (p) Charging excessive or unreasonable fees or engaging
2753 in unreasonable collection practices;

2754 (q) For treating or attempting to treat ailments or
2755 other health conditions of human beings other than by occupational
2756 therapy as authorized by this chapter;

2757 (r) For practice or activities considered to be
2758 unprofessional conduct as defined by the rules and regulations;

2759 (s) Violations of the current codes of conduct for
2760 occupational therapists and occupational therapy assistants
2761 adopted by the American Occupational Therapy Association;

2762 (t) Violations of any rules or regulations promulgated
2763 pursuant to this chapter.

2764 (2) Notwithstanding any provision of this chapter:

2765 (a) The board, acting on its own motion or, in the case
2766 of a default on a loan, on the recommendation of the agency,
2767 political subdivision or other public or private entity to which
2768 payments are due, shall suspend the license of any person who
2769 defaults on or fails to comply with the requirements of an
2770 educational loan, service conditional scholarship or loan
2771 repayment program obligation that has been granted or guaranteed
2772 by any federal, state or local agency or political subdivision
2773 under which the person obtained any of the education necessary to
2774 qualify for a license under this chapter. However, before an
2775 agency, political subdivision or other public or private entity
2776 may recommend the suspension of a license due to the person's
2777 default on a loan, that agency, political subdivision or other

2778 public or private entity must provide the license holder with
2779 notice of its intention to recommend the suspension of the
2780 person's license and an opportunity for the license holder to
2781 respond; and

2782 (b) The person's license will remain suspended until
2783 the person has: (i) made arrangements satisfactory to the board
2784 for meeting the obligations of the loan, scholarship or loan
2785 repayment program; or (ii) in the case of a default on a loan,
2786 made arrangements satisfactory to the agency, political
2787 subdivision or other public or private entity to which payments
2788 are due for the repayment of the loan.

2789 (3) The board may order a licensee to submit to a reasonable
2790 physical or mental examination if the licensee's physical or
2791 mental capacity to practice safely is at issue in a disciplinary
2792 proceeding.

2793 (4) Failure to comply with a board order to submit to a
2794 physical or mental examination shall render a licensee subject to
2795 the summary suspension procedures described in Section 73-24-25.

2796 **SECTION 17.** Section 73-25-29, Mississippi Code of 1972, is
2797 amended as follows:

2798 73-25-29. (1) The grounds for the nonissuance, suspension,
2799 revocation or restriction of a license or the denial of
2800 reinstatement or renewal of a license are:

2801 (a) Habitual personal use of narcotic drugs, or any
2802 other drug having addiction-forming or addiction-sustaining
2803 liability.

2804 (b) Habitual use of intoxicating liquors, or any
2805 beverage, to an extent that affects professional competency.

2806 (c) Administering, dispensing or prescribing any
2807 narcotic drug, or any other drug having addiction-forming or
2808 addiction-sustaining liability otherwise than in the course of
2809 legitimate professional practice.

2810 (d) Conviction of violation of any federal or state law
2811 regulating the possession, distribution or use of any narcotic
2812 drug or any drug considered a controlled substance under state or
2813 federal law, a certified copy of the conviction order or judgment
2814 rendered by the trial court being prima facie evidence thereof,
2815 notwithstanding the pendency of any appeal.

2816 (e) Procuring, or attempting to procure, or aiding in,
2817 an abortion that is not medically indicated.

2818 (f) Conviction of a felony or misdemeanor involving
2819 moral turpitude, a certified copy of the conviction order or
2820 judgment rendered by the trial court being prima facie evidence
2821 thereof, notwithstanding the pendency of any appeal.

2822 (g) Obtaining or attempting to obtain a license by
2823 fraud or deception.

2824 (h) Unprofessional conduct, which includes, but is not
2825 limited to:

2826 (i) Practicing medicine under a false or assumed
2827 name or impersonating another practitioner, living or dead.

2828 (ii) Knowingly performing any act that in any way
2829 assists an unlicensed person to practice medicine.

2830 (iii) Making or willfully causing to be made any
2831 flamboyant claims concerning the licensee's professional
2832 excellence.

2833 (iv) Being guilty of any dishonorable or unethical
2834 conduct likely to deceive, defraud or harm the public.

2835 (v) Obtaining a fee as personal compensation or
2836 gain from a person on fraudulent representation a disease or
2837 injury condition generally considered incurable by competent
2838 medical authority in the light of current scientific knowledge and
2839 practice can be cured or offering, undertaking, attempting or
2840 agreeing to cure or treat the same by a secret method, which he
2841 refuses to divulge to the board upon request.

2842 (vi) Use of any false, fraudulent or forged
2843 statement or document, or the use of any fraudulent, deceitful,
2844 dishonest or immoral practice in connection with any of the
2845 licensing requirements, including the signing in his professional
2846 capacity any certificate that is known to be false at the time he
2847 makes or signs the certificate.

2848 (vii) Failing to identify a physician's school of
2849 practice in all professional uses of his name by use of his earned
2850 degree or a description of his school of practice.

2851 (i) The refusal of a licensing authority of another
2852 state or jurisdiction to issue or renew a license, permit or
2853 certificate to practice medicine in that jurisdiction or the
2854 revocation, suspension or other restriction imposed on a license,
2855 permit or certificate issued by that licensing authority which
2856 prevents or restricts practice in that jurisdiction, a certified
2857 copy of the disciplinary order or action taken by the other state
2858 or jurisdiction being prima facie evidence thereof,
2859 notwithstanding the pendency of any appeal.

2860 (j) Surrender of a license or authorization to practice
2861 medicine in another state or jurisdiction or surrender of
2862 membership on any medical staff or in any medical or professional
2863 association or society while under disciplinary investigation by
2864 any of those authorities or bodies for acts or conduct similar to
2865 acts or conduct that would constitute grounds for action as
2866 defined in this section.

2867 (k) Final sanctions imposed by the United States
2868 Department of Health and Human Services, Office of Inspector
2869 General or any successor federal agency or office, based upon a
2870 finding of incompetency, gross misconduct or failure to meet
2871 professionally recognized standards of health care; a certified
2872 copy of the notice of final sanction being prima facie evidence
2873 thereof. As used in this paragraph, the term "final sanction"
2874 means the written notice to a physician from the United States

2875 Department of Health and Human Services, Officer of Inspector
2876 General or any successor federal agency or office, that implements
2877 the exclusion.

2878 (1) Failure to furnish the board, its investigators or
2879 representatives information legally requested by the board.

2880 (m) Violation of any provision(s) of the Medical
2881 Practice Act or the rules and regulations of the board or of any
2882 order, stipulation or agreement with the board.

2883 (2) Notwithstanding any provision of this chapter:

2884 (a) The board, acting on its own motion or, in the case
2885 of a default on a loan, on the recommendation of the agency,
2886 political subdivision or other public or private entity to which
2887 payments are due, shall suspend the license of any person who
2888 defaults on or fails to comply with the requirements of an
2889 educational loan, service conditional scholarship or loan
2890 repayment program obligation that has been granted or guaranteed
2891 by any federal, state or local agency or political subdivision
2892 under which the person obtained any of the education necessary to
2893 qualify for a license under this chapter. However, before an
2894 agency, political subdivision or other public or private entity
2895 may recommend the suspension of a license due to the person's
2896 default on a loan, that agency, political subdivision or other
2897 public or private entity must provide the license holder with
2898 notice of its intention to recommend the suspension of the
2899 person's license and an opportunity for the license holder to
2900 respond; and

2901 (b) The person's license will remain suspended until
2902 the person has: (i) made arrangements satisfactory to the board
2903 for meeting the obligations of the loan, scholarship or loan
2904 repayment program; or (ii) in the case of a default on a loan,
2905 made arrangements satisfactory to the agency, political
2906 subdivision or other public or private entity to which payments
2907 are due for the repayment of the loan.

2908 (3) In addition to the grounds specified in subsection (1)
2909 of this section, the board may suspend the license of any licensee
2910 for being out of compliance with an order for support, as defined
2911 in Section 93-11-153. The procedure for suspension of a license
2912 for being out of compliance with an order for support, and the
2913 procedure for the reissuance or reinstatement of a license
2914 suspended for that purpose, and the payment of any fees for the
2915 reissuance or reinstatement of a license suspended for that
2916 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
2917 the case may be. If there is any conflict between any provision
2918 of Section 93-11-157 or 93-11-163 and any provision of this
2919 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
2920 case may be, shall control.

2921 **SECTION 18.** Section 73-26-5, Mississippi Code of 1972, is
2922 amended as follows:

2923 73-26-5. (1) The board shall promulgate and publish
2924 reasonable rules and regulations necessary to enable it to
2925 discharge its functions and to enforce the provisions of law
2926 regulating the practice of physician assistants. Those rules
2927 shall include, but are not limited to:

2928 (a) Qualifications for licensure for physician
2929 assistants;

2930 (b) Scope of practice of physician assistants;

2931 (c) Supervision of physician assistants;

2932 (d) Identification of physician assistants;

2933 (e) Grounds for disciplinary actions and discipline of
2934 physician assistants; and

2935 (f) Setting and charging reasonable fees for licensure
2936 and license renewals for physician assistants. However, nothing
2937 in this chapter or in rules adopted by the board shall authorize
2938 physician assistants to administer or monitor general inhaled
2939 anesthesia, epidural anesthesia, spinal anesthesia or monitored
2940 anesthesia as utilized in surgical procedures.

2941 (2) Notwithstanding any provision of this chapter:

2942 (a) The board, acting on its own motion or, in the case

2943 of a default on a loan, on the recommendation of the agency,

2944 political subdivision or other public or private entity to which

2945 payments are due, shall suspend the license of any person who

2946 defaults on or fails to comply with the requirements of an

2947 educational loan, service conditional scholarship or loan

2948 repayment program obligation that has been granted or guaranteed

2949 by any federal, state or local agency or political subdivision

2950 under which the person obtained any of the education necessary to

2951 qualify for a license under this chapter. However, before an

2952 agency, political subdivision or other public or private entity

2953 may recommend the suspension of a license due to the person's

2954 default on a loan, that agency, political subdivision or other

2955 public or private entity must provide the license holder with

2956 notice of its intention to recommend the suspension of the

2957 person's license and an opportunity for the license holder to

2958 respond; and

2959 (b) The person's license will remain suspended until

2960 the person has: (i) made arrangements satisfactory to the board

2961 for meeting the obligations of the loan, scholarship or loan

2962 repayment program; or (ii) in the case of a default on a loan,

2963 made arrangements satisfactory to the agency, political

2964 subdivision or other public or private entity to which payments

2965 are due for the repayment of the loan.

2966 (3) If the board appoints a task force or committee to

2967 address physician assistant regulation, at least one (1) member of

2968 the task force shall be a nurse practitioner who is a member of

2969 the Mississippi Board of Nursing or a nurse practitioner appointee

2970 selected by the board from a list of three (3) recommendations

2971 submitted by the Mississippi Nurses Association, and at least one

2972 (1) member shall be a physician assistant selected by the board

2973 from a list of three (3) recommendations submitted by the
2974 Mississippi Academy of Physician Assistants.

2975 **SECTION 19.** Section 73-27-13, Mississippi Code of 1972, is
2976 amended as follows:

2977 73-27-13. (1) The State Board of Medical Licensure may
2978 refuse to issue, suspend, revoke or otherwise restrict any license
2979 provided for in this chapter, with the advice of the advisory
2980 committee, based upon the following grounds:

2981 (a) Habitual personal use of narcotic drugs, or any
2982 other drug having addiction-forming or addiction-sustaining
2983 liability.

2984 (b) Habitual use of intoxicating liquors, or any
2985 beverage, to an extent that affects professional competency.

2986 (c) Administering, dispensing or prescribing any
2987 narcotic drug, or any other drug having addiction-forming or
2988 addiction-sustaining liability otherwise than in the course of
2989 legitimate professional practice.

2990 (d) Conviction of violation of any federal or state law
2991 regulating the possession, distribution or use of any narcotic
2992 drug or any drug considered a controlled substance under state or
2993 federal law.

2994 (e) Performing any medical diagnosis or treatment
2995 outside the scope of podiatry as defined in Section 73-27-1.

2996 (f) Conviction of a felony or misdemeanor involving
2997 moral turpitude.

2998 (g) Obtaining or attempting to obtain a license by
2999 fraud or deception.

3000 (h) Unprofessional conduct, which includes, but is not
3001 limited to:

3002 (i) Practicing medicine under a false or assumed
3003 name or impersonating another practitioner, living or dead.

3004 (ii) Knowingly performing any act that in any way
3005 assists an unlicensed person to practice podiatry.

3006 (iii) Making or willfully causing to be made any
3007 flamboyant claims concerning the licensee's professional
3008 excellence.

3009 (iv) Being guilty of any dishonorable or unethical
3010 conduct likely to deceive, defraud or harm the public.

3011 (v) Obtaining a fee as personal compensation or
3012 gain from a person on fraudulent representation a disease or
3013 injury condition generally considered incurable by competent
3014 medical authority in the light of current scientific knowledge and
3015 practice can be cured or offering, undertaking, attempting or
3016 agreeing to cure or treat the same by a secret method, which he
3017 refuses to divulge to the board upon request.

3018 (vi) Use of any false, fraudulent or forged
3019 statement or document, or the use of any fraudulent, deceitful,
3020 dishonest or immoral practice in connection with any of the
3021 licensing requirements, including the signing in his professional
3022 capacity any certificate that is known to be false at the time he
3023 makes or signs the certificate.

3024 (vii) Failing to identify a podiatrist's school of
3025 practice in all professional uses of his name by use of his earned
3026 degree or a description of his school of practice.

3027 (i) The refusal of a licensing authority of another
3028 state to issue or renew a license, permit or certificate to
3029 practice podiatry in that state or the revocation, suspension or
3030 other restriction imposed on a license, permit or certificate
3031 issued by that licensing authority which prevents or restricts
3032 practice in that state.

3033 (2) Notwithstanding any provision of this chapter:

3034 (a) The board, acting on its own motion or, in the case
3035 of a default on a loan, on the recommendation of the agency,
3036 political subdivision or other public or private entity to which
3037 payments are due, shall suspend the license of any person who
3038 defaults on or fails to comply with the requirements of an

3039 educational loan, service conditional scholarship or loan
3040 repayment program obligation that has been granted or guaranteed
3041 by any federal, state or local agency or political subdivision
3042 under which the person obtained any of the education necessary to
3043 qualify for a license under this chapter. However, before an
3044 agency, political subdivision or other public or private entity
3045 may recommend the suspension of a license due to the person's
3046 default on a loan, that agency, political subdivision or other
3047 public or private entity must provide the license holder with
3048 notice of its intention to recommend the suspension of the
3049 person's license and an opportunity for the license holder to
3050 respond; and

3051 (b) The person's license will remain suspended until
3052 the person has: (i) made arrangements satisfactory to the board
3053 for meeting the obligations of the loan, scholarship or loan
3054 repayment program; or (ii) in the case of a default on a loan,
3055 made arrangements satisfactory to the agency, political
3056 subdivision or other public or private entity to which payments
3057 are due for the repayment of the loan.

3058 (3) Upon the nonissuance, suspension or revocation of a
3059 license to practice podiatry, the board may, in its discretion and
3060 with the advice of the advisory committee, reissue a license after
3061 a lapse of six (6) months. No advertising shall be permitted
3062 except regular professional cards.

3063 (4) In its investigation of whether the license of a
3064 podiatrist should be suspended, revoked or otherwise restricted,
3065 the board may inspect patient records in accordance with the
3066 provisions of Section 73-25-28.

3067 (5) In addition to the grounds specified in subsection (1)
3068 of this section, the board may suspend the license of any licensee
3069 for being out of compliance with an order for support, as defined
3070 in Section 93-11-153. The procedure for suspension of a license
3071 for being out of compliance with an order for support, and the

3072 procedure for the reissuance or reinstatement of a license
3073 suspended for that purpose, and the payment of any fees for the
3074 reissuance or reinstatement of a license suspended for that
3075 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
3076 the case may be. If there is any conflict between any provision
3077 of Section 93-11-157 or 93-11-163 and any provision of this
3078 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
3079 case may be, shall control.

3080 **SECTION 20.** Section 73-30-21, Mississippi Code of 1972, is
3081 amended as follows:

3082 73-30-21. (1) The board may, after notice and opportunity
3083 for a hearing, suspend, revoke or refuse to issue or renew a
3084 license or may reprimand the license holder, upon a determination
3085 by the board that the license holder or applicant for licensure
3086 has:

- 3087 (a) Been adjudged by any court to be mentally
- 3088 incompetent or have had a guardian of person appointed;
- 3089 (b) Been convicted of a felony;
- 3090 (c) Sworn falsely under oath or affirmation;
- 3091 (d) Obtained a license or certificate by fraud, deceit
- 3092 or other misrepresentation;
- 3093 (e) Engaged in the conduct of professional counseling
- 3094 in a grossly negligent or incompetent manner;
- 3095 (f) Intentionally violated any provision of this
- 3096 chapter;
- 3097 (g) Violated any rules or regulations of the board; or
- 3098 (h) Aided or assisted another in falsely obtaining a
- 3099 license under this chapter.

3100 (2) Notwithstanding any provision of this chapter:

- 3101 (a) The board, acting on its own motion or, in the case
- 3102 of a default on a loan, on the recommendation of the agency,
- 3103 political subdivision or other public or private entity to which
- 3104 payments are due, shall suspend the license of any person who

3105 defaults on or fails to comply with the requirements of an
3106 educational loan, service conditional scholarship or loan
3107 repayment program obligation that has been granted or guaranteed
3108 by any federal, state or local agency or political subdivision
3109 under which the person obtained any of the education necessary to
3110 qualify for a license under this chapter. However, before an
3111 agency may recommend the suspension of a license due to the
3112 person's default on a loan, that agency, political subdivision or
3113 other public or private entity must provide the license holder
3114 with notice of its intention to recommend the suspension of the
3115 person's license and an opportunity for the license holder to
3116 respond; and

3117 (b) The person's license will remain suspended until
3118 the person has: (i) made arrangements satisfactory to the board
3119 for meeting the obligations of the loan, scholarship or loan
3120 repayment program; or (ii) in the case of a default on a loan,
3121 made arrangements satisfactory to the agency, political
3122 subdivision or other public or private entity to which payments
3123 are due for the repayment of the loan.

3124 (3) No revoked license may be reinstated within twelve (12)
3125 months after the revocation. Reinstatement thereafter shall be
3126 upon such conditions as the board may prescribe, which may
3127 include, without being limited to, successful passing of the
3128 examination required by this chapter.

3129 (4) A license certificate issued by the board is the
3130 property of the board and must be surrendered on demand.

3131 (5) The chancery court is * * * vested with the jurisdiction
3132 and power to enjoin the unlawful practice of counseling and/or the
3133 false representation as a licensed counselor in a proceeding
3134 brought by the board or any members thereof or by any citizen of
3135 this state.

3136 (6) In addition to the reasons specified in subsection (1)
3137 of this section, the board may suspend the license of any licensee

3138 for being out of compliance with an order for support, as defined
3139 in Section 93-11-153. The procedure for suspension of a license
3140 for being out of compliance with an order for support, and the
3141 procedure for the reissuance or reinstatement of a license
3142 suspended for that purpose, and the payment of any fees for the
3143 reissuance or reinstatement of a license suspended for that
3144 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
3145 the case may be. If there is any conflict between any provision
3146 of Section 93-11-157 or 93-11-163 and any provision of this
3147 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
3148 case may be, shall control.

3149 **SECTION 21.** Section 73-31-21, Mississippi Code of 1972, is
3150 amended as follows:

3151 73-31-21. (1) The board, by an affirmative vote of at least
3152 four (4) of its seven (7) members, shall withhold, deny, revoke or
3153 suspend any license issued or applied for in accordance with the
3154 provisions of this chapter, or otherwise discipline a licensed
3155 psychologist, upon proof that the applicant or licensed
3156 psychologist:

3157 (a) Has violated the current code of ethics of the
3158 American Psychological Association or other codes of ethical
3159 standards adopted by the board; or

3160 (b) Has been convicted of a felony or any offense
3161 involving moral turpitude, the record of conviction being
3162 conclusive evidence thereof; or

3163 (c) Is using any narcotic or any alcoholic beverage to
3164 an extent or in a manner dangerous to any other person or the
3165 public, or to an extent that the use impairs his ability to
3166 perform the work of a professional psychologist with safety to the
3167 public; or

3168 (d) Has impersonated another person holding a
3169 psychologist license or allowed another person to use his license;
3170 or

3171 (e) Has used fraud or deception in applying for a
3172 license or in taking an examination provided for in this chapter;
3173 or

3174 (f) Has accepted commissions or rebates or other forms
3175 of remuneration for referring clients to other professional
3176 persons; or

3177 (g) Has allowed his name or license issued under this
3178 chapter to be used in connection with any person or persons who
3179 perform psychological services outside of the area of their
3180 training, experience or competence; or

3181 (h) Is legally adjudicated mentally incompetent, the
3182 record of the adjudication being conclusive evidence thereof; or

3183 (i) Has willfully or negligently violated any of the
3184 provisions of this chapter. The board may recover from any person
3185 disciplined under this chapter, the costs of investigation,
3186 prosecution, and adjudication of the disciplinary action.

3187 (2) Notwithstanding any provision of this chapter:

3188 (a) The board, acting on its own motion or, in the case
3189 of a default on a loan, on the recommendation of the agency,
3190 political subdivision or other public or private entity to which
3191 payments are due, shall suspend the license of any person who
3192 defaults on or fails to comply with the requirements of an
3193 educational loan, service conditional scholarship or loan
3194 repayment program obligation that has been granted or guaranteed
3195 by an federal, state or local agency or political subdivision
3196 under which the person obtained any of the education necessary to
3197 qualify for a license under this chapter. However, before an
3198 agency, political subdivision or other public or private entity
3199 may recommend the suspension of a license due to the person's
3200 default on a loan, that agency, political subdivision or other
3201 public or private entity must provide the license holder with
3202 notice of its intention to recommend the suspension of the

3203 person's license and an opportunity for the license holder to
3204 respond; and

3205 (b) The person's license will remain suspended until
3206 the person has: (i) made arrangements satisfactory to the board
3207 for meeting the obligations of the loan, scholarship or loan
3208 repayment program; or (ii) in the case of a default on a loan,
3209 made arrangements satisfactory to the agency, political
3210 subdivision or other public or private entity to which payments
3211 are due for the repayment of the loan.

3212 (3) Notice shall be effected by registered mail or personal
3213 service setting forth the particular reasons for the proposed
3214 action and fixing a date not less than thirty (30) days nor more
3215 than sixty (60) days from the date of the mailing or the service,
3216 at which time the applicant or licentiate shall be given an
3217 opportunity for a prompt and fair hearing. For the purpose of the
3218 hearing the board, acting by and through its executive secretary,
3219 may subpoena persons and papers on its own behalf and on behalf of
3220 the applicant or licentiate, may administer oaths and may take
3221 testimony. That testimony, when properly transcribed, together
3222 with the papers and exhibits, shall be admissible in evidence for
3223 or against the applicant or licentiate. At the hearing applicant
3224 or licentiate may appear by counsel and personally in his own
3225 behalf. Any person sworn and examined by a witness in the hearing
3226 shall not be held to answer criminally, nor shall any papers or
3227 documents produced by the witness be competent evidence in any
3228 criminal proceedings against the witness other than for perjury in
3229 delivering his evidence. On the basis of any such hearing, or
3230 upon default of applicant or licentiate, the board shall make a
3231 determination specifying its findings of fact and conclusions of
3232 law. A copy of that determination shall be sent by registered
3233 mail or served personally upon the applicant or licentiate. The
3234 decision of the board denying, revoking or suspending the license
3235 shall become final thirty (30) days after so mailed or served

3236 unless within that period the licentiate appeals the decision to
3237 the chancery court, under the provisions hereof, and the
3238 proceedings in chancery shall be conducted as other matters coming
3239 before the court. All proceedings and evidence, together with
3240 exhibits, presented at the hearing before the board if there is an
3241 appeal shall be admissible in evidence in the court.

3242 (4) The board may subpoena persons and papers on its own
3243 behalf and on behalf of the respondent, may administer oaths and
3244 may compel the testimony of witnesses. It may issue commissions
3245 to take testimony, and testimony so taken and sworn to shall be
3246 admissible in evidence for and against the respondent. The board
3247 shall be entitled to the assistance of the chancery court or the
3248 chancellor in vacation, which, on petition by the board, shall
3249 issue ancillary subpoenas and petitions and may punish as for
3250 contempt of court if there is noncompliance therewith.

3251 (5) Every order and judgment of the board shall take effect
3252 immediately on its promulgation unless the board in the order or
3253 judgment fixes a probationary period for applicant or licentiate.
3254 The order and judgment shall continue in effect unless upon appeal
3255 the court by proper order or decree terminates it earlier. The
3256 board may make public its order and judgments in such manner and
3257 form as it deems proper. It shall, in event of the suspension or
3258 revocation of a license, direct the clerk of the circuit court of
3259 the county in which that license was recorded to cancel the
3260 record.

3261 (6) Nothing in this section shall be construed as limiting
3262 or revoking the authority of any court or of any licensing or
3263 registering officer or board, other than the Mississippi Board of
3264 Psychology, to suspend, revoke and reinstate licenses and to
3265 cancel registrations under the provisions of Section 41-29-311.

3266 (7) Suspension by the board of the license of a psychologist
3267 shall be for a period not exceeding one (1) year. At the end of
3268 this period the board shall reevaluate the suspension, and shall

3269 either reinstate or revoke the license. A person whose license
3270 has been revoked under the provisions of this section may reapply
3271 for license after more than two (2) years have elapsed from the
3272 date the denial or revocation is legally effective.

3273 (8) In addition to the reasons specified in subsection (1)
3274 of this section, the board may be authorized to suspend the
3275 license of any licensee for being out of compliance with an order
3276 for support, as defined in Section 93-11-153. The procedure for
3277 suspension of a license for being out of compliance with an order
3278 for support, and the procedure for the reissuance or reinstatement
3279 of a license suspended for that purpose, and the payment of any
3280 fees for the reissuance or reinstatement of a license suspended
3281 for that purpose, shall be governed by Section 93-11-157. Actions
3282 taken by the board in suspending a license when required by
3283 Section 93-11-157 or 93-11-163 are not actions from which an
3284 appeal may be taken under this section. Any appeal of a license
3285 suspension that is required by Section 93-11-157 or 93-11-163
3286 shall be taken in accordance with the appeal procedure specified
3287 in Section 93-11-157 or 93-11-163, as the case may be, rather than
3288 the procedure specified in this section. If there is any conflict
3289 between any provision of Section 93-11-157 or 93-11-163 and any
3290 provision of this chapter, the provisions of Section 93-11-157 or
3291 93-11-163, as the case may be, shall control.

3292 (9) This section shall stand repealed from and after July 1,
3293 2011.

3294 **SECTION 22.** Section 73-33-11, Mississippi Code of 1972, is
3295 amended as follows:

3296 73-33-11. (1) The Mississippi State Board of Public
3297 Accountancy may revoke, suspend or take other appropriate action
3298 with respect to any license or permit issued under this chapter
3299 for any unprofessional conduct by the licensee or permit holder,
3300 or for other sufficient cause, provided written notice has been
3301 sent by registered mail (with the addressee's receipt required) to

3302 the holder thereof, twenty (20) days before any hearing thereon,
3303 stating the cause for the contemplated action and appointing a day
3304 and a place for a full hearing thereon by the board. No
3305 certificate or license may be cancelled or revoked until a hearing
3306 has been given to the holder thereof according to law. * * *
3307 After the hearing, the board may, in its discretion, suspend such
3308 a certified public accountant from practice as a certified public
3309 accountant in this state.

3310 (2) The members of the board may sit as a trial board; * * *
3311 administer oaths (or affirmations); * * * summon any witness
3312 and * * * compel his attendance and/or his testimony, under oath
3313 (or affirmation) before the board; * * * compel the production
3314 before it, of any book, paper or document by the owner or
3315 custodian thereof; and/or * * * compel any officer to produce,
3316 at the hearing a copy of any public record (not privileged from
3317 public inspection by law) in his official custody, certified to,
3318 by him. The board shall elect one (1) of its members to serve as
3319 clerk, to issue summons and other processes, and to certify copies
3320 of its records or, the board may delegate those duties to the
3321 executive director.

3322 (3) The accused may appear in person and/or by counsel or,
3323 in the instance of a firm permit holder through its manager and/or
3324 counsel to defend the charges. If the accused does not appear or
3325 answer, judgment may be entered by default, provided the board
3326 finds that proper service was made on the accused.

3327 (4) The minutes of the board shall be recorded in an
3328 appropriate minute book permanently maintained by the board at its
3329 office.

3330 (5) In a proceeding conducted under this section by the
3331 board for disciplinary action against a licensee or permit holder,
3332 those reasonable costs that are expended by the board in the
3333 investigation and conduct of a proceeding for discipline,
3334 including, but not limited to, the cost of service of process,

3335 court reporters, expert witnesses, investigators and legal fees
3336 may be imposed by the board on the accused, the charging party or
3337 both.

3338 Those costs shall be paid to the board upon the expiration of
3339 the period allowed for appeal of the penalties under this section,
3340 or may be paid sooner if the guilty party elects.

3341 (6) Money collected by the board under this section shall be
3342 deposited to the credit of the board's special fund in the State
3343 Treasury. When payment of a monetary penalty assessed by the
3344 board under this section is not paid when due, the board shall
3345 have the power to institute and maintain proceedings in its name
3346 for enforcement of payment in the Chancery Court of the First
3347 Judicial District of Hinds County, Mississippi, or in the chancery
3348 court of the county where the respondent resides.

3349 (7) In case of a decision adverse to the accused, appeal
3350 shall be made within thirty (30) days from the day on which the
3351 decision is made to the Circuit Court of the First Judicial
3352 District of Hinds County, Mississippi, or in the circuit court of
3353 the county in which the accused resides. In the case of a
3354 nonresident licensee, the appeal shall be made to the First
3355 Judicial District of Hinds County, Mississippi. The order of the
3356 board shall not take effect until the expiration of the thirty
3357 (30) days.

3358 (8) In case of an appeal, bond for costs in the circuit
3359 court shall be given as in other cases; and the order of the board
3360 shall not take effect until the appeal has been finally disposed
3361 of by the court or courts.

3362 (9) The board may, at any time, reinstate a license or
3363 permit if it finds that the reinstatement is justified.

3364 (10) Notwithstanding any provision of this chapter:

3365 (a) The board, acting on its own motion or, in the case
3366 of a default on a loan, on the recommendation of the agency,
3367 political subdivision or other public or private entity to which

3368 payments are due, shall suspend the license of any person who
3369 defaults on or fails to comply with the requirements of an
3370 educational loan, service conditional scholarship or loan
3371 repayment program obligation that has been granted or guaranteed
3372 by any federal, state or local agency or political subdivision
3373 under which the person obtained any of the education necessary to
3374 qualify for a license under this chapter. However, before an
3375 agency, political subdivision or other public or private entity
3376 may recommend the suspension of a license due to the person's
3377 default on a loan, that agency, political subdivision or other
3378 public or private entity must provide the license holder with
3379 notice of its intention to recommend the suspension of the
3380 person's license and an opportunity for the license holder to
3381 respond; and

3382 (b) The person's license will remain suspended until
3383 the person has: (i) made arrangements satisfactory to the board
3384 for meeting the obligations of the loan, scholarship or loan
3385 repayment program; or (ii) in the case of a default on a loan,
3386 made arrangements satisfactory to the agency, political
3387 subdivision or other public or private entity to which payments
3388 are due for the repayment of the loan.

3389 (11) In addition to the reasons specified in subsection (1)
3390 of this section, the board may suspend the license of any licensee
3391 for being out of compliance with an order for support, as defined
3392 in Section 93-11-153. The procedure for suspension of a license
3393 for being out of compliance with an order for support, and the
3394 procedure for the reissuance or reinstatement of a license
3395 suspended for that purpose, and the payment of any fees for the
3396 reissuance or reinstatement of a license suspended for that
3397 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
3398 the case may be. Actions taken by the board in suspending a
3399 license when required by Section 93-11-157 or 93-11-163 are not
3400 actions from which an appeal may be taken under this section. Any

3401 appeal of a license suspension that is required by Section
3402 93-11-157 or 93-11-163 shall be taken in accordance with the
3403 appeal procedure specified in Section 93-11-157 or 93-11-163, as
3404 the case may be, rather than the procedure specified in this
3405 section. If there is any conflict between any provision of
3406 Section 93-11-157 or 93-11-163 and any provision of this chapter,
3407 the provisions of Section 93-11-157 or 93-11-163, as the case may
3408 be, shall control.

3409 **SECTION 23.** Section 73-36-33, Mississippi Code of 1972, is
3410 amended as follows:

3411 73-36-33. (1) The board shall have the power, after notice
3412 and hearing, to suspend or revoke the license of any registrant
3413 who (a) is found guilty by the board of fraud or gross negligence
3414 in the practice of professional forestry; (b) fails to comply with
3415 board rules and regulations; (c) is found guilty by the board of
3416 unprofessional or unethical conduct; or (d) has had his license
3417 suspended or revoked for cause in another jurisdiction.

3418 (2) Notwithstanding any provision of this chapter:

3419 (a) The board, acting on its own motion or, in the case
3420 of a default on a loan, on the recommendation of the agency,
3421 political subdivision or other public or private entity to which
3422 payments are due, shall suspend the license of any person who
3423 defaults on or fails to comply with the requirements of an
3424 educational loan, service conditional scholarship or loan
3425 repayment program obligation that has been granted or guaranteed
3426 by any federal, state or local agency or political subdivision
3427 under which the person obtained any of the education necessary to
3428 qualify for a license under this chapter. However, before an
3429 agency, political subdivision or other public or private entity
3430 may recommend the suspension of a license due to the person's
3431 default on a loan, that agency, political subdivision or other
3432 public or private entity must provide the license holder with
3433 notice of its intention to recommend the suspension of the

3434 person's license and an opportunity for the license holder to
3435 respond; and

3436 (b) The person's license will remain suspended until
3437 the person has: (i) made arrangements satisfactory to the board
3438 for meeting the obligations of the loan, scholarship or loan
3439 repayment program; or (ii) in the case of a default on a loan,
3440 made arrangements satisfactory to the agency, political
3441 subdivision or other public or private entity to which payments
3442 are due for the repayment of the loan.

3443 (3) Any person may prefer charges of fraud or gross
3444 negligence in connection with any forestry practice against any
3445 registrant. Such charges shall be in writing, shall be sworn to
3446 by the person making them, and shall be filed with the secretary
3447 of the board. All charges shall be heard by the board pursuant to
3448 its rules and regulations without undue delay.

3449 (4) Any applicant whose license is suspended or revoked by
3450 the board may apply for a review of the proceedings with reference
3451 to such suspension or revocation by appealing to the Chancery
3452 Court of the First Judicial District of Hinds County, Mississippi,
3453 provided a notice of appeal is filed by such applicant with the
3454 clerk of said court within sixty (60) days from entry of an order
3455 by the board suspending or revoking his license, provided said
3456 applicant files with said notice of appeal a bond to be approved
3457 by the court assuring the prompt payment of any and all costs of
3458 said appeal, said amount to be fixed by the court. Upon the
3459 filing of such notice of appeal and posting of such bond, the
3460 clerk of the said court shall notify the secretary of the board
3461 thereof and the record of the proceedings involved shall be
3462 prepared by the secretary and forwarded to the court within a
3463 period of sixty (60) days from such notice by the clerk. The
3464 court shall thereupon review the proceedings on the record
3465 presented and may hear such additional testimony as to the court
3466 may appear material and dispose of the appeal in termtime or in

3467 vacation, and the court may sustain or dismiss the appeal, or
3468 modify or vacate the order complained of, but in case the order is
3469 modified or vacated, the court may also, in its discretion, remand
3470 the matter to the board for such further proceedings not
3471 inconsistent with the court's order as, in the opinion of the
3472 court, justice may require. The decision of the chancery court
3473 may be appealed as other cases to the Supreme Court.

3474 (5) The board is authorized to secure, by contract, the
3475 services of an investigator when deemed necessary by the board to
3476 properly consider any charge then before it. The board may, at
3477 its discretion, establish a program of routine inspections.

3478 (6) In addition to the reasons specified in subsection (1)
3479 of this section, the board shall be authorized to suspend the
3480 license of any licensee for being out of compliance with an order
3481 for support, as defined in Section 93-11-153. The procedure for
3482 suspension of a license for being out of compliance with an order
3483 for support, and the procedure for the reissuance or reinstatement
3484 of a license suspended for that purpose, and the payment of any
3485 fees for the reissuance or reinstatement of a license suspended
3486 for that purpose, shall be governed by Section 93-11-157 or
3487 93-11-163, as the case may be. Actions taken by the board in
3488 suspending a license when required by Section 93-11-157 or
3489 93-11-163 are not actions from which an appeal may be taken under
3490 this section. Any appeal of a license suspension that is required
3491 by Section 93-11-157 or 93-11-163 shall be taken in accordance
3492 with the appeal procedure specified in Section 93-11-157 or
3493 93-11-163, as the case may be, rather than the procedure specified
3494 in this section. If there is any conflict between any provision
3495 of Section 93-11-157 or 93-11-163 and any provision of this
3496 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
3497 case may be, shall control.

3498 **SECTION 24.** Section 73-38-27, Mississippi Code of 1972, is
3499 amended as follows:

3500 73-38-27. (1) The board may refuse to issue or renew a
3501 license, or may suspend or revoke a license where the licensee or
3502 applicant for license has been guilty of unprofessional conduct
3503 that has endangered or is likely to endanger the health, welfare
3504 or safety of the public. That unprofessional conduct may result
3505 from:

3506 (a) Negligence in the practice or performance of
3507 professional services or activities;

3508 (b) Engaging in dishonorable, unethical or
3509 unprofessional conduct of a character likely to deceive, defraud
3510 or harm the public in the course of professional services or
3511 activities;

3512 (c) Perpetrating or cooperating in fraud or material
3513 deception in obtaining or renewing a license or attempting the
3514 same;

3515 (d) Being convicted of any crime which has a
3516 substantial relationship to the licensee's activities and services
3517 or an essential element of which is misstatement, fraud or
3518 dishonesty;

3519 (e) Being convicted of any crime which is a felony
3520 under the laws of this state or the United States;

3521 (f) Engaging in or permitting the performance of
3522 unacceptable services personally or by others working under the
3523 licensee's supervision due to the licensee's deliberate or
3524 negligent act or acts or failure to act, regardless of whether
3525 actual damage or damages to the public is established;

3526 (g) Continued practice although the licensee has become
3527 unfit to practice as a speech-language pathologist or audiologist
3528 due to: (i) failure to keep abreast of current professional
3529 theory or practice; or (ii) physical or mental disability; the
3530 entry of an order or judgment by a court of competent jurisdiction
3531 that a licensee is in need of mental treatment or is incompetent
3532 shall constitute mental disability; or (iii) addiction or severe

3533 dependency upon alcohol or other drugs which may endanger the
3534 public by impairing the licensee's ability to practice;

3535 (h) Having disciplinary action taken against the
3536 licensee's license in another state;

3537 (i) Making differential, detrimental treatment against
3538 any person because of race, color, creed, sex, religion or
3539 national origin;

3540 (j) Engaging in lewd conduct in connection with
3541 professional services or activities;

3542 (k) Engaging in false or misleading advertising;

3543 (l) Contracting, assisting or permitting unlicensed
3544 persons to perform services for which a license is required under
3545 this chapter;

3546 (m) Violation of any probation requirements placed on a
3547 license by the board;

3548 (n) Revealing confidential information except as may be
3549 required by law;

3550 (o) Failing to inform clients of the fact that the
3551 client no longer needs the services or professional assistance of
3552 the licensee;

3553 (p) Charging excessive or unreasonable fees or engaging
3554 in unreasonable collection practices;

3555 (q) For treating or attempting to treat ailments or
3556 other health conditions of human beings other than by speech or
3557 audiology therapy as authorized by this chapter;

3558 (r) For applying or offering to apply speech or
3559 audiology therapy, exclusive of initial evaluation or screening
3560 and exclusive of education or consultation for the prevention of
3561 physical and mental disability within the scope of speech or
3562 audiology therapy, or for acting as a speech-language pathologist
3563 or audiologist, or speech-language pathologist or audiologist aide
3564 other than under the direct, on-site supervision of a licensed
3565 speech-language pathologist or audiologist;

3566 (s) Violations of the current codes of conduct for
3567 speech-language pathologists or audiologists, and speech-language
3568 pathologist or audiologist assistants adopted by the American
3569 Speech-Language-Hearing Association;

3570 (t) Violations of any rules or regulations promulgated
3571 pursuant to this chapter.

3572 (2) Notwithstanding any provision of this chapter:

3573 (a) The board, acting on its own motion or, in the case
3574 of a default on a loan, on the recommendation of the agency,
3575 political subdivision or other public or private entity to which
3576 payments are due, shall suspend the license of any person who
3577 defaults on or fails to comply with the requirements of an
3578 educational loan, service conditional scholarship or loan
3579 repayment program obligation that has been granted or guaranteed
3580 by any federal, state or local agency or political subdivision
3581 under which the person obtained any of the education necessary to
3582 qualify for a license under this chapter. However, before an
3583 agency, political subdivision or other public or private entity
3584 may recommend the suspension of a license due to the person's
3585 default on a loan, that agency, political subdivision or other
3586 public or private entity must provide the license holder with
3587 notice of its intention to recommend the suspension of the
3588 person's license and an opportunity for the license holder to
3589 respond; and

3590 (b) The person's license will remain suspended until
3591 the person has: (i) made arrangements satisfactory to the board
3592 for meeting the obligations of the loan, scholarship or loan
3593 repayment program; or (ii) in the case of a default on a loan,
3594 made arrangements satisfactory to the agency, political
3595 subdivision or other public or private entity to which payments
3596 are due for the repayment of the loan.

3597 (3) The board may order a licensee to submit to a reasonable
3598 physical or mental examination if the licensee's physical or

3599 mental capacity to practice safely is at issue in a disciplinary
3600 proceeding.

3601 (4) In addition to the reasons specified in subsection (1)
3602 of this section, the board shall be authorized to suspend the
3603 license of any licensee for being out of compliance with an order
3604 for support, as defined in Section 93-11-153. The procedure for
3605 suspension of a license for being out of compliance with an order
3606 for support, and the procedure for the reissuance or reinstatement
3607 of a license suspended for that purpose, and the payment of any
3608 fees for the reissuance or reinstatement of a license suspended
3609 for that purpose, shall be governed by Section 93-11-157 or
3610 93-11-163, as the case may be. If there is any conflict between
3611 any provision of Section 93-11-157 or 93-11-163 and any provision
3612 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
3613 as the case may be, shall control.

3614 **SECTION 25.** Section 73-39-19, Mississippi Code of 1972, is
3615 amended as follows:

3616 73-39-19. (1) After a hearing held as set out in this
3617 chapter, the board, on concurrence of three (3) members, shall
3618 have the right and power to revoke or suspend the license of a
3619 veterinarian, or the certificate of an animal technician and may
3620 place the veterinarian or technician on prohibition conditioned on
3621 future good conduct and compliance with this chapter, and may
3622 impose an administrative fine not to exceed One Thousand Dollars
3623 (\$1,000.00) for each such separate offense, for any of the
3624 following reasons:

3625 (a) Insanity or mental incompetence or an adjudication
3626 of insanity or mental incompetence by a court of competent
3627 jurisdiction.

3628 (b) Chronic inebriety or habitual use of drugs, or any
3629 adjudication by a court of competent jurisdiction that the
3630 veterinarian is an alcoholic or habitual user of drugs. Decrees

3631 of divorce shall not be construed as an adjudication that a
3632 veterinarian is an alcoholic or habitual user of drugs.

3633 (c) A final conviction of a felony or of an offense
3634 involving moral turpitude by a court of competent jurisdiction.

3635 (d) Fraud or dishonesty in the application or reporting
3636 of any test for disease in animals, including intentional
3637 misrepresentation on any forms filed with any governmental agency.

3638 (e) Failure to report or making a false report of any
3639 contagious or infectious disease required by state or federal law
3640 to be reported.

3641 (f) Dishonesty, intentional misrepresentation or gross
3642 negligence in the inspection of foodstuffs or the issuance of
3643 health or inspection certificates.

3644 (g) The refusal of licensing authority of another state
3645 to issue or renew a license, permit or certificate to practice
3646 veterinary medicine in that state or the revocation, suspension or
3647 other restriction imposed on a license, permit or certificate
3648 issued by that licensing authority which prevents or restricts
3649 practice in that state; further, any probationary status imposed
3650 by another state that had the offense occurred in this state would
3651 have been a violation of this chapter.

3652 (h) The employment of fraud, misrepresentation or
3653 deception in obtaining a license.

3654 (i) The use of advertising or solicitation that is
3655 false or misleading or is deemed unprofessional under rules or
3656 regulations adopted by the board.

3657 (j) Incompetence, gross negligence, cruelty or gross
3658 malpractice in the practice of veterinary medicine.

3659 (k) Employing any person practicing veterinary medicine
3660 unlawfully with the knowledge of the illegal practice by the
3661 employee.

3662 (l) Failure to keep veterinary premises and equipment
3663 in a clean and sanitary condition.

3664 (m) Cruelty to animals in the practice of veterinary
3665 medicine.

3666 (n) Unprofessional or unethical conduct as defined in
3667 regulations adopted by the board.

3668 (o) Administering, dispensing or prescribing any
3669 narcotic drug having addiction-forming, addiction-sustaining or
3670 habituating liability otherwise than in the course of legitimate
3671 professional practice.

3672 (p) Conviction of violation of any federal or state law
3673 regulating the possession, distribution or use of any narcotic
3674 drug or any drug considered a controlled substance under state or
3675 federal law.

3676 (q) Obtaining or procuring, or attempting to obtain or
3677 procure by misrepresentation, fraud, deception or subterfuge, any
3678 narcotic or drug classified as a controlled substance.

3679 (r) Making or causing to be made any false claims
3680 concerning the licensee's professional excellence.

3681 (s) Being guilty of any dishonorable or unethical
3682 conduct likely to deceive, defraud or harm the public.

3683 (t) Refusing to permit the board or any legal
3684 representative of the board to inspect the business premises of
3685 the licensee during regular business hours.

3686 (u) Failure to complete requirement of continuing
3687 education.

3688 (2) A certified copy of any judgment of conviction or
3689 finding of guilt by a court of competent jurisdiction or by a
3690 governmental board or agency authorized to issue licenses or
3691 permits, including the United States Department of Agriculture,
3692 Animal and Plant Health Inspection Service, the Mississippi Board
3693 of Animal Health and the Mississippi State Board of Health, of a
3694 veterinarian or animal technician of any of the matters listed in
3695 paragraph (a), (b), (c), (d), (e), (f) or (g) of subsection (1)
3696 shall be admissible in evidence in any hearing held by the board

3697 to discipline the veterinarian and shall constitute prima facie
3698 evidence of the commission of any such act.

3699 (3) Notwithstanding any provision of this chapter:

3700 (a) The board, acting on its own motion or, in the case
3701 of a default on a loan, on the recommendation of the agency,
3702 political subdivision or other public or private entity to which
3703 payments are due, shall suspend the veterinarian's license of any
3704 person who defaults on or fails to comply with the requirements of
3705 an educational loan, service conditional scholarship or loan
3706 repayment program obligation that has been granted or guaranteed
3707 by any federal, state or local agency or political subdivision
3708 under which the person obtained any of the education necessary to
3709 qualify for a veterinarian's license under this chapter. However,
3710 before an agency, political subdivision or other public or private
3711 entity may recommend the suspension of a veterinarian's license
3712 due to the person's default on a loan, that agency, political
3713 subdivision or other public or private entity must provide the
3714 license holder with notice of its intention to recommend the
3715 suspension of the person's veterinarian's license and an
3716 opportunity for the license holder to respond; and

3717 (b) The person's veterinarian's license will remain
3718 suspended until the person has: (i) made arrangements
3719 satisfactory to the board for meeting the obligations of the loan,
3720 scholarship or loan repayment program; or (ii) in the case of a
3721 default on a loan, made arrangements satisfactory to the agency,
3722 political subdivision or other public or private entity to which
3723 payments are due for the repayment of the loan.

3724 (4) In addition to the reasons specified in subsection (1)
3725 of this section, the board may suspend the license or certificate
3726 of any licensee or certificate holder for being out of compliance
3727 with an order for support, as defined in Section 93-11-153. The
3728 procedure for suspension of a license or certificate for being out
3729 of compliance with an order for support, and the procedure for the

3730 reissuance or reinstatement of a license or certificate suspended
3731 for that purpose, and the payment of any fees for the reissuance
3732 or reinstatement of a license or certificate suspended for that
3733 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
3734 the case may be. If there is any conflict between any provision
3735 of Section 93-11-157 or 93-11-163 and any provision of this
3736 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
3737 case may be, shall control.

3738 **SECTION 26.** Section 73-53-17, Mississippi Code of 1972, is
3739 amended as follows:

3740 73-53-17. (1) Licensees subject to this chapter shall
3741 conduct their activities, services and practice in accordance with
3742 this chapter and any rules promulgated pursuant hereto. Licensees
3743 may be subject to the exercise of the disciplinary sanctions
3744 enumerated in Section 73-53-23 if the board finds that a licensee
3745 is guilty of any of the following:

3746 (a) Negligence in the practice or performance of
3747 professional services or activities;

3748 (b) Engaging in dishonorable, unethical or
3749 unprofessional conduct of a character likely to deceive, defraud
3750 or harm the public in the course of professional services or
3751 activities;

3752 (c) Perpetrating or cooperating in fraud or material
3753 deception in obtaining or renewing a license or attempting the
3754 same;

3755 (d) Being convicted of any crime that has a substantial
3756 relationship to the licensee's activities and services or an
3757 essential element of which is misstatement, fraud or dishonesty;

3758 (e) Being convicted of any crime that is a felony under
3759 the laws of this state or of the United States;

3760 (f) Engaging in or permitting the performance of
3761 unacceptable services personally or by assistants working under
3762 the licensee's supervision due to the licensee's deliberate or

3763 grossly negligent act or acts or failure to act, regardless of
3764 whether actual damage or damages to the public is established;

3765 (g) Continued practice although the licensee has become
3766 unfit to practice social work due to: (i) failure to keep abreast
3767 of current professional theory or practice; or (ii) physical or
3768 mental disability; the entry of an order or judgment by a court of
3769 competent jurisdiction that a licensee is in need of mental
3770 treatment or is incompetent shall constitute mental disability; or
3771 (iii) addiction or severe dependency upon alcohol or other drugs
3772 that may endanger the public by impairing the licensee's ability
3773 to practice;

3774 (h) Having disciplinary action taken against the
3775 licensee's license in another state;

3776 (i) Making differential, detrimental treatment against
3777 any person because of race, color, creed, sex, religion or
3778 national origin;

3779 (j) Engaging in lewd conduct in connection with
3780 professional services or activities;

3781 (k) Engaging in false or misleading advertising;

3782 (l) Contracting, assisting or permitting unlicensed
3783 persons to perform services for which a license is required under
3784 this chapter;

3785 (m) Violation of any probation requirements placed on a
3786 licensee by the board;

3787 (n) Revealing confidential information except as may be
3788 required by law;

3789 (o) Failing to inform clients of the fact that the
3790 client no longer needs the services or professional assistance of
3791 the licensee;

3792 (p) Charging excessive or unreasonable fees or engaging
3793 in unreasonable collection practices.

3794 (2) Notwithstanding any provision of this chapter:

3795 (a) The board, acting on its own motion or, in the case
3796 of a default on a loan, on the recommendation of the agency,
3797 political subdivision or other public or private entity to which
3798 payments are due, shall suspend the license of any person who
3799 defaults on or fails to comply with the requirements of an
3800 educational loan, service conditional scholarship or loan
3801 repayment program obligation that has been granted or guaranteed
3802 by any federal, state or local agency or political subdivision
3803 under which the person obtained any of the education necessary to
3804 qualify for a license under this chapter. However, before an
3805 agency, political subdivision or other public or private entity
3806 may recommend the suspension of a license due to the person's
3807 default on a loan, that agency, political subdivision or other
3808 public or private entity must provide the license holder with
3809 notice of its intention to recommend the suspension of the
3810 person's license and an opportunity for the license holder to
3811 respond; and

3812 (b) The person's license will remain suspended until
3813 the person has: (i) made arrangements satisfactory to the board
3814 for meeting the obligations of the loan, scholarship or loan
3815 repayment program; or (ii) in the case of a default on a loan,
3816 made arrangements satisfactory to the agency, political
3817 subdivision or other public or private entity to which payments
3818 are due for the repayment of the loan.

3819 (3) The board may order a licensee to submit to a reasonable
3820 physical or mental examination if the licensee's physical or
3821 mental capacity to practice safely is at issue in a disciplinary
3822 proceeding.

3823 (4) Failure to comply with a board order to submit to a
3824 physical or mental examination shall render a licensee subject to
3825 the summary suspension procedures described in Section 73-53-23.

3826 (5) In addition to the reasons specified in subsection (1)
3827 of this section, the board may suspend the license of any licensee

3828 for being out of compliance with an order for support, as defined
3829 in Section 93-11-153. The procedure for suspension of a license
3830 for being out of compliance with an order for support, and the
3831 procedure for the reissuance or reinstatement of a license
3832 suspended for that purpose, and the payment of any fees for the
3833 reissuance or reinstatement of a license suspended for that
3834 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
3835 the case may be. If there is any conflict between any provision
3836 of Section 93-11-157 or 93-11-163 and any provision of this
3837 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
3838 case may be, shall control.

3839 **SECTION 27.** Section 73-54-29, Mississippi Code of 1972, is
3840 amended as follows:

3841 73-54-29. (1) Licensees subject to this chapter shall
3842 conduct their activities, services and practice in accordance with
3843 this chapter and any rules promulgated pursuant under this
3844 chapter. Licensees may be subject to the exercise of the
3845 disciplinary sanctions enumerated in Section 73-53-23 if the board
3846 finds that a licensee is guilty of any of the actions listed in
3847 Section 73-53-17(1) or is guilty of any of the following:

3848 (a) Violation of any provision of this chapter or any
3849 rules or regulations of the board adopted under the provisions of
3850 this chapter.

3851 (b) Other just and sufficient cause that renders a
3852 person unfit to practice marriage and family therapy as determined
3853 by the board but not limited to:

3854 (i) Habitual use of alcohol or drugs to an extent
3855 that affects professional competence;

3856 (ii) Adjudication as being mentally incompetent by
3857 a court of competent jurisdiction;

3858 (iii) Practicing in a manner detrimental to the
3859 public health and welfare;

3860 (iv) Revocation of a license or certification by a
3861 licensing agency or by a certifying professional organization; or
3862 (v) Any other violation of this chapter or the
3863 code of ethical standards of the American Association of Marriage
3864 and Family Therapy or other ethical standards adopted by the board
3865 under the provisions of this chapter.

3866 (2) Notwithstanding any provision of this chapter:

3867 (a) The board, acting on its own motion or, in the case
3868 of a default on a loan, on the recommendation of the agency,
3869 political subdivision or other public or private entity to which
3870 payments are due, shall suspend the license of any person who
3871 defaults on or fails to comply with the requirements of an
3872 educational loan, service conditional scholarship or loan
3873 repayment program obligation that has been granted or guaranteed
3874 by any federal, state or local agency or political subdivision
3875 under which the person obtained any of the education necessary to
3876 qualify for a license under this chapter. However, before an
3877 agency, political subdivision or other public or private entity
3878 may recommend the suspension of a license due to the person's
3879 default on a loan, that agency, political subdivision or other
3880 public or private entity must provide the license holder with
3881 notice of its intention to recommend the suspension of the
3882 person's license and an opportunity for the license holder to
3883 respond; and

3884 (b) The person's license will remain suspended until
3885 the person has: (i) made arrangements satisfactory to the board
3886 for meeting the obligations of the loan, scholarship or loan
3887 repayment program; or (ii) in the case of a default on a loan,
3888 made arrangements satisfactory to the agency, political
3889 subdivision or other public or private entity to which payments
3890 are due for the repayment of the loan.

3891 **SECTION 28.** Section 73-57-31, Mississippi Code of 1972, is
3892 amended as follows:

3893 73-57-31. (1) The board may revoke, suspend or refuse to
3894 renew any license or permit, or place on probation, or otherwise
3895 reprimand a licensee or permit holder, or deny a license to an
3896 applicant if it finds that person:

3897 (a) Is guilty of fraud or deceit in procuring or
3898 attempting to procure a license or renewal of a license to
3899 practice respiratory care.

3900 (b) Is unfit or incompetent by reason of negligence,
3901 habits or other causes of incompetency.

3902 (c) Is habitually intemperate in the use of alcoholic
3903 beverages.

3904 (d) Is addicted to, or has improperly obtained,
3905 possessed, used or distributed habit-forming drugs or narcotics.

3906 (e) Is guilty of dishonest or unethical conduct.

3907 (f) Has practiced respiratory care after his license or
3908 permit has expired or has been suspended.

3909 (g) Has practiced respiratory care under cover of any
3910 permit or license illegally or fraudulently obtained or issued.

3911 (h) Has violated or aided or abetted others in
3912 violation of any provision of this chapter.

3913 (2) Notwithstanding any provision of this chapter:

3914 (a) The board, acting on its own motion or, in the case
3915 of a default on a loan, on the recommendation of the agency,
3916 political subdivision or other public or private entity to which
3917 payments are due, shall suspend the license of any person who
3918 defaults on or fails to comply with the requirements of an
3919 educational loan, service conditional scholarship or loan
3920 repayment program obligation that has been granted or guaranteed
3921 by any federal, state or local agency or political subdivision
3922 under which the person obtained any of the education necessary to
3923 qualify for a license under this chapter. However, before an
3924 agency, political subdivision or other public or private entity
3925 may recommend the suspension of a license due to the person's

3926 default on a loan, that agency, political subdivision or other
3927 public or private entity must provide the license holder with
3928 notice of its intention to recommend the suspension of the
3929 person's license and an opportunity for the license holder to
3930 respond; and

3931 (b) The person's license will remain suspended until
3932 the person has: (i) made arrangements satisfactory to the board
3933 for meeting the obligations of the loan, scholarship or loan
3934 repayment program; or (ii) in the case of a default on a loan,
3935 made arrangements satisfactory to the agency, political
3936 subdivision or other public or private entity to which payments
3937 are due for the repayment of the loan.

3938 (3) In addition to the reasons specified in subsection (1)
3939 of this section, the board may suspend the license or permit of
3940 any licensee or permit holder for being out of compliance with an
3941 order for support, as defined in Section 93-11-153. The procedure
3942 for suspension of a license or permit for being out of compliance
3943 with an order for support, and the procedure for the reissuance or
3944 reinstatement of a license or permit suspended for that purpose,
3945 and the payment of any fees for the reissuance or reinstatement of
3946 a license or permit suspended for that purpose, shall be governed
3947 by Section 93-11-157 or 93-11-163, as the case may be. If there
3948 is any conflict between any provision of Section 93-11-157 or
3949 93-11-163 and any provision of this chapter, the provisions of
3950 Section 93-11-157 or 93-11-163, as the case may be, shall control.

3951 **SECTION 29.** Section 73-63-43, Mississippi Code of 1972, is
3952 amended as follows:

3953 73-63-43. (1) The board, upon satisfactory proof and in
3954 accordance with this chapter and rules and regulations of the
3955 board, may take the disciplinary actions provided under this
3956 chapter against any person for the following reasons:

3957 (a) Violation of this chapter, any rule or regulation
3958 or written order of the board, any condition of registration or
3959 standards of professional conduct;

3960 (b) Fraud, deceit or misrepresentation in obtaining a
3961 certificate of registration as a registered professional geologist
3962 or certificate of enrollment as a geologist-in-training;

3963 (c) Gross negligence, malpractice, incompetency,
3964 misconduct, or repeated incidents of simple negligence in or
3965 related to the practice of geology;

3966 (d) Practicing or offering to practice geology, or
3967 holding oneself out as being registered or qualified to practice
3968 geology, by an individual who is not registered under this
3969 chapter, or by any other person not employing a registered
3970 professional geologist as required by this chapter;

3971 (e) Using the seal of another, or using or allowing use
3972 of one's seal on geologic work not performed by or under the
3973 supervision of the registered professional geologist, or otherwise
3974 aiding or abetting any person in the violation of this chapter; or

3975 (f) Disciplinary action by any state agency, board of
3976 registration or similar licensing agency for geologists or any
3977 profession or occupation related to the practice of geology. The
3978 sanction imposed by the board shall not exceed in severity or
3979 duration the sanction upon which that action is based.

3980 (2) Notwithstanding any provision of this chapter:

3981 (a) The board, acting on its own motion or, in the case
3982 of a default on a loan, on the recommendation of the agency,
3983 political subdivision or other public or private entity to which
3984 payments are due, shall suspend the license of any person who
3985 defaults on or fails to comply with the requirements of an
3986 educational loan, service conditional scholarship or loan
3987 repayment program obligation that has been granted or guaranteed
3988 by any federal, state or local agency or political subdivision
3989 under which the person obtained any of the education necessary to

3990 qualify for a license under this chapter. However, before an
3991 agency, political subdivision or other public or private entity
3992 may recommend the suspension of a license due to the person's
3993 default on a loan, that agency, political subdivision or other
3994 public or private entity must provide the license holder with
3995 notice of its intention to recommend the suspension of the
3996 person's license and an opportunity for the license holder to
3997 respond; and

3998 (b) The person's license will remain suspended until
3999 the person has: (i) made arrangements satisfactory to the board
4000 for meeting the obligations of the loan, scholarship or loan
4001 repayment program; or (ii) in the case of a default on a loan,
4002 made arrangements satisfactory to the agency, political
4003 subdivision or other public or private entity to which payments
4004 are due for the repayment of the loan.

4005 (3) Any person may bring a complaint alleging a violation of
4006 this chapter, any rule or regulation or written order of the
4007 board, any condition of registration or standards of professional
4008 conduct. Complaints shall be made in writing, sworn to by the
4009 person filing the complaint, and filed with the board. The board
4010 shall investigate all complaints and upon finding a basis for that
4011 complaint, shall notify the accused in writing specifying the
4012 provisions of this chapter, rule, regulation or order of the board
4013 or the condition or standard alleged to be violated and the facts
4014 alleged to constitute the violation. The notice shall require the
4015 accused to appear before the board at a time and place to answer
4016 the charges. The time of appearance shall be at least thirty (30)
4017 days from the date of service of the notice. Notice shall be made
4018 by service on the person or by registered or certified mail,
4019 return receipt requested, to last known business or residence
4020 address of the accused, as shown on the records of the board.
4021 Within fifteen (15) days following receipt of that notice, the
4022 accused shall file a written response, admitting, denying, or

4023 taking exception to the charges. In the absence of a response or
4024 if the charges are admitted or if no exception is taken, the board
4025 may take disciplinary action without holding a hearing. A
4026 disciplinary action may be settled by the board and the accused,
4027 either before or after a hearing has begun.

4028 A person who reports or provides information to the board in
4029 good faith is not subject to an action for civil damages.

4030 (4) Any hearing under this section may be conducted by the
4031 board itself at a regular or special meeting of the board or by a
4032 hearing officer designated by the board. The hearing officer may
4033 conduct the hearings in the name of the board at any time and
4034 place as conditions and circumstances may warrant. The hearing
4035 officer or any member of the board may administer oaths or
4036 affirmations to witnesses appearing before the hearing officer or
4037 the board.

4038 If any witness fails or refuses to attend upon subpoena
4039 issued by the board, refuses to testify or refuses to produce
4040 books, papers, reports, documents and similar material, the
4041 production of which is called for by a subpoena, the attendance of
4042 any witness and the giving of that person's testimony and the
4043 production of books, papers, reports, documents and similar
4044 material shall be enforced by any court of competent jurisdiction
4045 of this state in the manner provided for the enforcement of the
4046 attendance and testimony of witnesses in civil cases in the courts
4047 of this state.

4048 All hearings before the board shall be recorded either by a
4049 court reporter or by tape or mechanical recorders and subject to
4050 transcription upon order of the board or any interested person.
4051 If the request for transcription originates with an interested
4052 person, that person shall pay the cost of transcription.

4053 The accused shall have the right to be present at the hearing
4054 in person, by counsel or other representative, or both. The board
4055 may continue or recess the hearing as may be necessary.

4056 (5) If a hearing officer conducts the hearing on behalf of
4057 the board, the hearing officer shall upon completion have the
4058 record of that hearing prepared. The record shall be submitted to
4059 the board along with that hearing officer's findings of fact and
4060 recommended decision. Upon receipt and review of the record of
4061 the hearing and the hearing officer's findings of fact and
4062 recommended decision, the board shall render its final decision as
4063 provided in subsection (6) of this section.

4064 Any person ordered to appear for an alleged violation may
4065 request a hearing before a majority of the board. A verbatim
4066 record of any previous hearings on that matter shall be filed with
4067 the board, together with findings of fact and conclusions of law
4068 made by the board based on the record.

4069 (6) At the conclusion of the hearing, the board may either
4070 decide the issue at that time or take the case under advisement
4071 for further deliberation. The board shall render its decision not
4072 more than ninety (90) days after the close of the hearing, and
4073 shall forward to the last known business or residence address of
4074 the accused, by certified or registered mail, return receipt
4075 requested, a written statement of the decision of the board.

4076 If a majority of the board finds the accused guilty of the
4077 charges filed, the board may take any combination of the following
4078 actions:

4079 (a) Deny the renewal of a certificate of registration
4080 or certificate of enrollment;

4081 (b) Suspend the certificate of registration or
4082 certificate of enrollment of any registrant for a specified period
4083 of time, not to exceed three (3) years, or revoke the certificate
4084 of registration or certificate of enrollment of any registrant;

4085 (c) Censure, reprimand or issue a public or private
4086 admonishment to an applicant, a registrant or any other person
4087 engaged in the practice of geology under this chapter;

4088 (d) Impose limitations, conditions or restrictions upon
4089 the practice of an applicant, a registrant or upon any other
4090 person engaged in the practice of geology;

4091 (e) Require the guilty party to complete a course,
4092 approved by the board, in ethics;

4093 (f) Impose probation upon a registrant, requiring
4094 regular reporting to the board;

4095 (g) Require restitution, in whole or in part, of the
4096 compensation or fees earned by a registrant or by any other person
4097 engaging in the practice of geology; or

4098 (h) Assess and levy upon the guilty party a monetary
4099 penalty not to exceed Five Thousand Dollars (\$5,000.00) for each
4100 violation.

4101 (7) Any monetary penalty assessed and levied under this
4102 section shall be paid to the board upon the expiration of the
4103 period allowed for appeal of that penalty, or may be paid sooner
4104 if the guilty party elects. Money collected by the board under
4105 this section shall be deposited to the credit of the registered
4106 professional geologists fund.

4107 When payment of a monetary penalty assessed and levied by the
4108 board in accordance with this section is not paid when due, the
4109 board may begin and maintain proceedings in its name for
4110 enforcement of payment in the chancery court of the county and
4111 judicial district of residence of the guilty party and if the
4112 guilty party is a nonresident of the State of Mississippi, the
4113 proceedings shall be in the Chancery Court of the First Judicial
4114 District of Hinds County, Mississippi.

4115 (8) The board may assess and impose the costs of any
4116 disciplinary proceedings conducted under this section against
4117 either the accused, the charging party, or both, as it may elect.

4118 (9) The authority of the board to assess and levy the
4119 monetary penalties under this section shall not be affected or

4120 diminished by any other proceeding, civil or criminal, concerning
4121 the same violation or violations, unless provided in this section.

4122 (10) If the board determines there is an imminent danger to
4123 the public welfare, the board may issue an order for the immediate
4124 suspension of a certificate of registration or a certificate of
4125 enrollment. The registrant may request a hearing on the matter
4126 within fifteen (15) days after receipt of the order of suspension.
4127 The board shall file charges as provided in this section within
4128 thirty (30) days after the issuance of an order, or the suspension
4129 shall be of no further force and effect. If charges are filed,
4130 the order of suspension shall remain in effect until disposition
4131 of all charges.

4132 (11) The board, for sufficient cause, may reissue a revoked
4133 certificate of registration or certificate of enrollment, upon
4134 written application to the board by the applicant. The
4135 application shall be made not less than three (3) years after the
4136 revocation. The board may impose reasonable conditions or
4137 limitations in connection with any reissuance.

4138 (12) In addition to the reasons named in subsection (1) of
4139 this section, the board may suspend the certificate of
4140 registration or certificate of enrollment of any person for being
4141 out of compliance with an order for support, as defined in Section
4142 93-11-153. The procedure for suspension of a certificate for
4143 being out of compliance with an order for support, and the
4144 procedure for the reissuance or reinstatement of a certificate
4145 suspended for that purpose, and the payment of any fees for the
4146 reissuance or reinstatement of a certificate suspended for that
4147 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
4148 the case may be. Actions taken by the board in suspending a
4149 certificate when required by Section 93-11-157 or 93-11-163 are
4150 not actions from which an appeal may be taken under Section
4151 73-63-49. Any appeal of a suspension of a certificate that is
4152 required by Section 93-11-157 or 93-11-163 shall be taken in

4153 accordance with the appeal procedure specified in Section
4154 93-11-157 or 93-11-163, as the case may be, rather than the
4155 procedure specified in Section 73-63-49. If there is any conflict
4156 between Section 93-11-157 or 93-11-163 and this chapter, Section
4157 93-11-157 or 93-11-163, as the case may be, shall control.

4158 **SECTION 30.** Section 73-65-13, Mississippi Code of 1972, is
4159 amended as follows:

4160 73-65-13. (1) The board may deny any application, or
4161 suspend or revoke any license held or applied for under the
4162 provisions of Section 73-65-7 if the person:

4163 (a) Is found guilty of fraud, deceit, or
4164 misrepresentation in procuring or attempting to procure a license
4165 to practice art therapy;

4166 (b) Is adjudicated mentally incompetent;

4167 (c) Is found guilty of a felony or misdemeanor
4168 involving moral turpitude;

4169 (d) Is found guilty of unprofessional or unethical
4170 conduct in this or any other jurisdiction;

4171 (e) Has been using any controlled substance or
4172 alcoholic beverage to an extent or in a manner dangerous to the
4173 person, any other person, or the public, or to an extent that the
4174 use impairs the ability to perform as a licensed professional art
4175 therapist;

4176 (f) Has violated any provision of this chapter; or

4177 (g) Willfully or negligently divulges a professional
4178 confidence.

4179 (2) A certified copy of the record of conviction shall be
4180 conclusive evidence of the conviction.

4181 (3) Disciplinary proceedings may be initiated upon the
4182 receipt by the board of a sworn complaint by any person, including
4183 members of the board.

4184 (4) Notwithstanding any provision of this chapter:

4185 (a) The board, acting on its own motion or, in the case
4186 of a default on a loan, on the recommendation of the agency,
4187 political subdivision or other public or private entity to which
4188 payments are due, shall suspend the license of any person who
4189 defaults on or fails to comply with the requirements of an
4190 educational loan, service conditional scholarship or loan
4191 repayment program obligation that has been granted or guaranteed
4192 by any federal, state or local agency or political subdivision
4193 under which the person obtained any of the education necessary to
4194 qualify for a license under this chapter. However, before an
4195 agency, political subdivision or other public or private entity
4196 may recommend the suspension of a license due to the person's
4197 default on a loan, that agency, political subdivision or other
4198 public or private entity must provide the license holder with
4199 notice of its intention to recommend the suspension of the
4200 person's license and an opportunity for the license holder to
4201 respond; and

4202 (b) The person's license will remain suspended until
4203 the person has: (i) made arrangements satisfactory to the board
4204 for meeting the obligations of the loan, scholarship or loan
4205 repayment program; or (ii) in the case of a default on a loan,
4206 made arrangements satisfactory to the agency, political
4207 subdivision or other public or private entity to which payments
4208 are due for the repayment of the loan.

4209 **SECTION 31.** Section 73-67-27, Mississippi Code of 1972, is
4210 amended as follows:

4211 73-67-27. (1) The board may refuse to issue or renew or may
4212 deny, suspend or revoke any certificate of registration held or
4213 applied for under this chapter upon finding that the holder of a
4214 certificate of registration or applicant:

4215 (a) Is guilty of fraud, deceit or misrepresentation in
4216 procuring or attempting to procure any certificate of registration
4217 provided for in this chapter;

4218 (b) Attempted to use as his own the certificate of
4219 registration of another;

4220 (c) Allowed the use of his certificate of registration
4221 by another;

4222 (d) Has been adjudicated as mentally incompetent by
4223 regularly constituted authorities;

4224 (e) Has been convicted of a crime, or has charges or
4225 disciplinary action pending that directly relates to the practice
4226 of massage therapy or to the ability to practice massage therapy.
4227 Any plea of nolo contendere shall be considered a conviction for
4228 the purposes of this section;

4229 (f) Is guilty of unprofessional or unethical conduct as
4230 defined by the code of ethics;

4231 (g) Is guilty of false, misleading or deceptive
4232 advertising, or is guilty of aiding or assisting in the
4233 advertising of any unregistered or unpermitted person in the
4234 practice of massage therapy;

4235 (h) Is grossly negligent or incompetent in the practice
4236 of massage therapy;

4237 (i) Has had rights, credentials or one or more
4238 license(s) to practice massage therapy revoked, suspended or
4239 denied in any jurisdiction, territory or possession of the United
4240 States or another country for acts of the licensee similar to acts
4241 described in this section. A certified copy of the record of the
4242 jurisdiction making such a revocation, suspension or denial shall
4243 be conclusive evidence thereof; or

4244 (j) Has been convicted of any felony, other than a
4245 violation of federal or state tax laws.

4246 (2) Notwithstanding any provision of this chapter:

4247 (a) The board, acting on its own motion or, in the case
4248 of a default on a loan, on the recommendation of the agency,
4249 political subdivision or other public or private entity to which
4250 payments are due, shall suspend the certificate of registration of

4251 any person who defaults on or fails to comply with the
4252 requirements of an educational loan, service conditional
4253 scholarship or loan repayment program obligation that has been
4254 granted or guaranteed by any federal, state or local agency or
4255 political subdivision under which the person obtained any of the
4256 education necessary to qualify for a certificate of registration
4257 under this chapter. However, before an agency, political
4258 subdivision or other public or private entity may recommend the
4259 suspension of a certificate of registration due to the person's
4260 default on a loan, that agency, political subdivision or other
4261 public or private entity must provide the certificate holder with
4262 notice of its intention to recommend the suspension of the
4263 person's certificate of registration and an opportunity for the
4264 certificate holder to respond; and

4265 (b) The person's certificate of registration will
4266 remain suspended until the person has: (i) made arrangements
4267 satisfactory to the board for meeting the obligations of the loan,
4268 scholarship or loan repayment program; or (ii) in the case of a
4269 default on a loan, made arrangements satisfactory to the agency,
4270 political subdivision or other public or private entity to which
4271 payments are due for the repayment of the loan.

4272 (3) Investigative proceedings may be implemented by a
4273 complaint by any person, including members of the board.

4274 (4) (a) Any person(s) found guilty of prostitution using as
4275 any advertisement, claim or insignia of being an actual registered
4276 massage therapist or to be practicing massage therapy by using the
4277 word "massage" or any other description indicating the same,
4278 whether or not the person(s) have one or more such certificate of
4279 registration for person(s) or establishment(s), shall be guilty of
4280 a misdemeanor, and upon conviction, shall be punished by a fine of
4281 not less than One Thousand Dollars (\$1,000.00), nor more than Five
4282 Thousand Dollars (\$5,000.00), or imprisonment of up to six (6)
4283 months, or both, per offense, per person.

4284 (b) Any person who knowingly participates in receiving
4285 illegal service(s) of any person found guilty as described in
4286 paragraph (a) of this subsection, upon conviction, shall be
4287 punished by a fine not exceeding Five Hundred Dollars (\$500.00),
4288 or imprisonment for up to one (1) month, or both. Persons
4289 officially designated to investigate complaints are exempt.

4290 (c) Any person who violates any provision of this
4291 chapter, other than violation(s) of paragraph (a) of this
4292 subsection, is guilty of a misdemeanor, and upon conviction, shall
4293 be punished by a fine not exceeding Five Hundred Dollars
4294 (\$500.00), or imprisonment for up to one (1) month in jail, or
4295 both, per offense.

4296 (d) The board, in its discretion, may assess and tax
4297 any part or all of the costs of any disciplinary proceedings
4298 conducted against either the accused, the charging party, or both,
4299 as it may elect.

4300 **SECTION 32.** This act shall take effect and be in force from
4301 and after July 1, 2005.