

By: Representative Howell

To: Universities and
Colleges; Appropriations

HOUSE BILL NO. 79

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, 73-53-17, 73-54-29, 73-57-31, 73-63-43, 73-65-13 AND
6 73-67-27, MISSISSIPPI CODE OF 1972, TO REQUIRE THE LICENSING
7 AGENCIES OF CERTAIN PROFESSIONS AND OCCUPATIONS TO SUSPEND THE
8 LICENSE OF ANY LICENSEE WHO DEFAULTS ON OR FAILS TO COMPLY WITH
9 THE REQUIREMENTS OF AN EDUCATIONAL LOAN, SERVICE CONDITIONAL
10 SCHOLARSHIP OR LOAN REPAYMENT PROGRAM OBLIGATION THAT HAS BEEN
11 GRANTED OR GUARANTEED BY ANY FEDERAL, STATE OR LOCAL AGENCY OR
12 POLITICAL SUBDIVISION UNDER WHICH THE LICENSEE OBTAINED ANY OF THE
13 EDUCATION NECESSARY TO QUALIFY FOR THE LICENSE; TO PROVIDE THAT
14 THE PERSON'S LICENSE SHALL REMAIN SUSPENDED UNTIL HE OR SHE HAS
15 MADE SATISFACTORY ARRANGEMENTS FOR REPAYING THE EDUCATIONAL LOAN
16 OR MEETING THE OBLIGATIONS OF THE SCHOLARSHIP OR LOAN REPAYMENT
17 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 said suspension or revocation be
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 which 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. Such 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. In the event any person licensed under
834 Sections 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 said
837 person to appear at a hearing before the board and to show cause
838 why 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 said charges.

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

852 (5) At any hearing held under the provisions of this
853 section, the board shall have the power to subpoena witnesses and
854 compel their attendance and require the production of any books,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

959 73-3-327. (1) At the conclusion of the hearing the
960 complaint tribunal, upon the majority vote of the members of the
961 tribunal, shall render a written opinion incorporating a finding
962 of fact and a judgment thereon. The judgment of the complaint
963 tribunal may provide the following:

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

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

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

970 (d) Permanently disbar the attorney.

971 (2) Notwithstanding any provision of this article:

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

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

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

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

1004 **SECTION 5.** Section 73-5-25, Mississippi Code of 1972, is
1005 amended as follows:

1006 73-5-25. (1) The Board of Barber Examiners may refuse to
1007 issue, or may suspend definitely or indefinitely, or revoke any
1008 certificate of registration or license for any one or a
1009 combination of the following causes:

1010 (a) Conviction of a felony shown by a certified copy of
1011 the judgment of court in which such conviction is had, unless upon
1012 a full and unconditional pardon of such convict, and upon
1013 satisfactory showing that such convict will in the future conduct
1014 himself in a law-abiding way.

1015 (b) Gross malpractice or gross incompetency.

1016 (c) Continued practice by a person knowingly having an
1017 infectious or contagious disease.

1018 (d) Advertising, practicing or attempting to practice
1019 under a trade name or name other than one's own.

1020 (e) Habitual drunkenness or habitual addiction to the
1021 use of morphine, cocaine or habit forming drug.

1022 (f) Immoral or unprofessional conduct.

1023 (g) Violation of regulations that may be prescribed as
1024 provided for in Section 73-5-7 and the commission of any of the
1025 offenses set forth in Section 73-5-43.

1026 (2) Notwithstanding any provision of this chapter:

1027 (a) The board, acting on its own motion or, in the case
1028 of a default on a loan, on the recommendation of the agency,
1029 political subdivision or other public or private entity to which
1030 payments are due, shall suspend the certificate of registration of
1031 any person who defaults on or fails to comply with the
1032 requirements of an educational loan, service conditional
1033 scholarship or loan repayment program obligation that has been
1034 granted or guaranteed by any federal, state or local agency or
1035 political subdivision under which the person obtained any of the
1036 education necessary to qualify for a certificate of registration
1037 under this chapter. However, before an agency, political
1038 subdivision or other public or private entity may recommend the
1039 suspension of a certificate of registration due to the person's
1040 default on a loan, that agency, political subdivision or other
1041 public or private entity must provide the certificate holder with
1042 notice of its intention to recommend the suspension of the
1043 person's certificate of registration and an opportunity for the
1044 certificate holder to respond; and

1045 (b) The person's certificate of registration will
1046 remain suspended until the person has: (i) made arrangements
1047 satisfactory to the board for meeting the obligations of the loan,
1048 scholarship or loan repayment program; or (ii) in the case of a
1049 default on a loan, made arrangements satisfactory to the agency,

1050 political subdivision or other public or private entity to which
1051 payments are due for the repayment of the loan.

1052 (3) In addition to the causes specified in subsection (1) of
1053 this section, the board shall be authorized to suspend the
1054 certificate of registration of any person for being out of
1055 compliance with an order for support, as defined in Section
1056 93-11-153. The procedure for suspension of a certificate for
1057 being out of compliance with an order for support, and the
1058 procedure for the reissuance or reinstatement of a certificate
1059 suspended for that purpose, and the payment of any fees for the
1060 reissuance or reinstatement of a certificate suspended for that
1061 purpose, shall be governed by Section 93-11-157 or 93-11-163. If
1062 there is any conflict between any provision of Section 93-11-157
1063 or 93-11-163 and any provision of this chapter, the provisions of
1064 Section 93-11-157 or 93-11-163, as the case may be, shall control.

1065 **SECTION 6.** Section 73-6-19, Mississippi Code of 1972, is
1066 amended as follows:

1067 73-6-19. (1) The board shall refuse to grant a certificate
1068 of licensure to any applicant or may cancel, revoke or suspend the
1069 certificate upon the finding of any of the following facts
1070 regarding the applicant or licensed practitioner:

1071 (a) Failure to comply with the rules and regulations
1072 adopted by the State Board of Chiropractic Examiners;

1073 (b) Violation of any of the provisions of this chapter
1074 or any of the rules and regulations of the State Board of Health
1075 under this chapter with regard to the operation and use of x-rays;

1076 (c) Fraud or deceit in obtaining a license;

1077 (d) Addiction to the use of alcohol, narcotic drugs, or
1078 anything that would seriously interfere with the competent
1079 performance of his professional duties;

1080 (e) Conviction by a court of competent jurisdiction of
1081 a felony, other than manslaughter or any violation of the United
1082 States Revenue Code;

- 1083 (f) Unprofessional and unethical conduct;
- 1084 (g) Contraction of a contagious disease that may be
1085 carried for a prolonged period;
- 1086 (h) Failure to report to the Mississippi Department of
1087 Human Services or the county attorney any case in which there are
1088 reasonable grounds to believe that a child has been abused by its
1089 parent or person responsible for the child's welfare;
- 1090 (i) Advising a patient to use drugs, prescribing or
1091 providing drugs for a patient, or advising a patient not to use a
1092 drug prescribed by a licensed physician or dentist;
- 1093 (j) Professional incompetency in the practice of
1094 chiropractic;
- 1095 (k) Having disciplinary action taken by his peers
1096 within any professional chiropractic association or society;
- 1097 (l) Offering to accept or accepting payment for
1098 services rendered by assignment from any third-party payor after
1099 offering to accept or accepting whatever the third-party payor
1100 covers as payment in full, if the effect of the offering or
1101 acceptance is to eliminate or give the impression of eliminating
1102 the need for payment by an insured of any required deductions
1103 applicable in the policy of the insured;
- 1104 (m) Associating his practice with any chiropractor who
1105 does not hold a valid chiropractic license in Mississippi, or
1106 teach chiropractic manipulation to nonqualified persons under
1107 Section 73-6-13;
- 1108 (n) Failure to make payment on chiropractic student
1109 loans;
- 1110 (o) Failure to follow record keeping requirements
1111 prescribed in Section 73-6-18; or
- 1112 (p) If the practitioner is certified to provide animal
1113 chiropractic treatment, failure to follow guidelines approved by
1114 the Mississippi Board of Veterinary Medicine.
- 1115 (2) Notwithstanding any provision of this chapter:

1116 (a) The board, acting on its own motion or, in the case
1117 of a default on a loan, on the recommendation of the agency,
1118 political subdivision or other public or private entity to which
1119 payments are due, shall suspend the license of any person who
1120 defaults on or fails to comply with the requirements of an
1121 educational loan, service conditional scholarship or loan
1122 repayment program obligation that has been granted or guaranteed
1123 by any federal, state or local agency or political subdivision
1124 under which the person obtained any of the education necessary to
1125 qualify for a license under this chapter. However, before an
1126 agency, political subdivision or other public or private entity
1127 may recommend the suspension of a license due to the person's
1128 default on a loan, that agency, political subdivision or other
1129 public or private entity must provide the license holder with
1130 notice of its intention to recommend the suspension of the
1131 person's license and an opportunity for the license holder to
1132 respond; and

1133 (b) The person's license will remain suspended until
1134 the person has: (i) made arrangements satisfactory to the board
1135 for meeting the obligations of the loan, scholarship or loan
1136 repayment program; or (ii) in the case of a default on a loan,
1137 made arrangements satisfactory to the agency, political
1138 subdivision or other public or private entity to which payments
1139 are due for the repayment of the loan.

1140 (3) Any holder of the certificate or any applicant therefor
1141 against whom is preferred any of the designated charges shall be
1142 furnished a copy of the complaint and shall receive a formal
1143 hearing in Jackson, Mississippi, before the board, at which time
1144 he may be represented by counsel and examine witnesses. The board
1145 may administer oaths as may be necessary for the proper conduct of
1146 any such hearing. In addition, the board may issue subpoenas for
1147 the attendance of witnesses and the production of books and
1148 papers. The process issued by the board shall extend to all parts

1149 of the state. Where in any proceeding before the board any
1150 witness * * * failsu or refusesu to attend upon subpoena issued by
1151 the board, * * * refusesu to testify, or * * * refusesu to produce
1152 any books and papers, the production of which is called for by the
1153 subpoena, the attendance of the witness and the giving of his
1154 testimony and the production of the books and papers shall be
1155 enforced by any court of competent jurisdiction of this state in
1156 the manner provided for the enforcement of attendance and
1157 testimony of witnesses in civil cases in the courts of this state.

1158 (4) In addition to any other investigators the board
1159 employs, the board shall appoint one or more licensed
1160 chiropractors to act for the board in investigating the conduct
1161 relating to the competency of a chiropractor, whenever
1162 disciplinary action is being considered for professional
1163 incompetence and unprofessional conduct.

1164 (5) Whenever the board finds any person unqualified to
1165 practice chiropractic because of any of the grounds set forth in
1166 subsection (1) of this section, after a hearing has been conducted
1167 as prescribed by this section, the board may enter an order
1168 imposing one or more of the following:

1169 (a) Deny his application for a license or other
1170 authorization to practice chiropractic;

1171 (b) Administer a public or private reprimand;

1172 (c) Suspend, limit or restrict his license or other
1173 authorization to practice chiropractic for up to five (5) years;

1174 (d) Revoke or cancel his license or other authorization
1175 to practice chiropractic;

1176 (e) Require him to submit to care, counseling or
1177 treatment by physicians or chiropractors designated by the board,
1178 as a condition for initial, continued or renewal of licensure or
1179 other authorization to practice chiropractic;

1180 (f) Require him to participate in a program of
1181 education prescribed by the board; or

1182 (g) Require him to practice under the direction of a
1183 chiropractor designated by the board for a specified period of
1184 time.

1185 (6) Any person whose application for a license or whose
1186 license to practice chiropractic has been cancelled, revoked or
1187 suspended by the board within thirty (30) days from the date of
1188 the final decision shall have the right of a de novo appeal to the
1189 circuit court of his county of residence or the Circuit Court of
1190 the First Judicial District of Hinds County, Mississippi. If
1191 there is an appeal, the appeal may, in the discretion of and on
1192 motion to the circuit court, act as a supersedeas. The circuit
1193 court shall dispose of the appeal and enter its decision promptly.
1194 The hearing on the appeal may, in the discretion of the circuit
1195 judge, be tried in vacation. Either party shall have the right of
1196 appeal to the Supreme Court as provided by law from any decision
1197 of the circuit court.

1198 (7) In a proceeding conducted under this section by the
1199 board for the revocation, suspension or cancellation of a license
1200 to practice chiropractic, after a hearing has been conducted as
1201 prescribed by this section, the board shall have the power and
1202 authority for the grounds stated in subsection (1) of this
1203 section, with the exception of paragraph (c) thereof, to assess
1204 and levy upon any person licensed to practice chiropractic in the
1205 state a monetary penalty in lieu of the revocation, suspension or
1206 cancellation, as follows:

1207 (a) For the first violation, a monetary penalty of not
1208 less than Five Hundred Dollars (\$500.00) nor more than One
1209 Thousand Dollars (\$1,000.00) for each violation.

1210 (b) For the second and each subsequent violation, a
1211 monetary penalty of not less than One Thousand Dollars (\$1,000.00)
1212 nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for
1213 each violation.

1214 The power and authority of the board to assess and levy the
1215 monetary penalties under this section shall not be affected or
1216 diminished by any other proceeding, civil or criminal, concerning
1217 the same violation or violations. A licensee shall have the right
1218 of appeal from the assessment and levy of a monetary penalty as
1219 provided in this section to the circuit court under the same
1220 conditions as a right of appeal is provided for in this section
1221 for appeals from an adverse ruling, or order, or decision of the
1222 board. Any monetary penalty assessed and levied under this
1223 section shall not take effect until after the time for appeal has
1224 expired, and an appeal of the assessment and levy of such a
1225 monetary penalty shall act as a supersedeas.

1226 (8) In addition to the grounds specified in subsection (1)
1227 of this section, the board may suspend the license of any licensee
1228 for being out of compliance with an order for support, as defined
1229 in Section 93-11-153. The procedure for suspension of a license
1230 for being out of compliance with an order for support, and the
1231 procedure for the reissuance or reinstatement of a license
1232 suspended for that purpose, and the payment of any fees for the
1233 reissuance or reinstatement of a license suspended for that
1234 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
1235 the case may be. Actions taken by the board in suspending a
1236 license when required by Section 93-11-157 or 93-11-163 are not
1237 actions from which an appeal may be taken under this section. Any
1238 appeal of a license suspension that is required by Section
1239 93-11-157 or 93-11-163 shall be taken in accordance with the
1240 appeal procedure specified in Section 93-11-157 or 93-11-163, as
1241 the case may be, rather than the procedure specified in this
1242 section. If there is any conflict between any provision of
1243 Section 93-11-157 or 93-11-163 and any provision of this chapter,
1244 the provisions of Section 93-11-157 or 93-11-163, as the case may
1245 be, shall control.

1246 **SECTION 7.** Section 73-7-27, Mississippi Code of 1972, is
1247 amended as follows:

1248 73-7-27. (1) Any complaint may be filed with the board by a
1249 member or agent of the board or by any person charging any
1250 licensee of the board with the commission of any of the offenses
1251 enumerated in subsection (2) or (3) of this section. Such
1252 complaint shall be in writing, signed by the accuser or accusers,
1253 and verified under oath, and such complaints shall be investigated
1254 as set forth in Section 73-7-7. If, after the investigation, the
1255 board through its administrative review agents determines that
1256 there is not substantial justification to believe that the accused
1257 licensee has committed any of the offenses enumerated, it may
1258 dismiss the complaint or may prepare a formal complaint proceeding
1259 against the licensee as hereinafter provided. When used with
1260 reference to any complaint filed against a licensee herein, the
1261 term "not substantial justification" means a complaint that is
1262 frivolous, groundless in fact or law, or vexatious, as determined
1263 by unanimous vote of the board. In the event of a dismissal, the
1264 person filing the accusation and the accused licensee shall be
1265 given written notice of the board's determination. If the board
1266 determines there is reasonable cause to believe the accused has
1267 committed any of those offenses, the secretary of the board shall
1268 give written notice of such determination to the accused licensee
1269 and set a day for a hearing as provided in subsection (3) of this
1270 section.

1271 (2) The board shall have the power to revoke, suspend or
1272 refuse to issue or renew any license or certificate provided for
1273 in this chapter, and to fine, place on probation and/or otherwise
1274 discipline a student or licensee or holder of a certificate, upon
1275 proof that such person: (a) has not complied with or has violated
1276 any of the rules and regulations promulgated by the board; (b) has
1277 not complied with or has violated any of the sections of this
1278 chapter; (c) has committed fraud or dishonest conduct in the

1279 taking of the examination herein provided for; (d) has been
1280 convicted of a felony; (e) has committed grossly unprofessional or
1281 dishonest conduct; (f) is addicted to the excessive use of
1282 intoxicating liquors or to the use of drugs to such an extent as
1283 to render him or her unfit to practice in any of the practices or
1284 occupations set forth in this chapter; (g) has advertised by means
1285 of knowingly false or deceptive statements; or (h) has failed to
1286 display the license or certificate issued to him or her as
1287 provided for in this chapter; or (i) has been convicted of
1288 violating any of the provisions of this chapter. A conviction of
1289 violating any of the provisions of this chapter shall be grounds
1290 for automatic suspension of the license or certificate of such
1291 person.

1292 (3) Notwithstanding any provision of this chapter:

1293 (a) The board, acting on its own motion or, in the case
1294 of a default on a loan, on the recommendation of the agency,
1295 political subdivision or other public or private entity to which
1296 payments are due, shall suspend the license of any person who
1297 defaults on or fails to comply with the requirements of an
1298 educational loan, service conditional scholarship or loan
1299 repayment program obligation that has been granted or guaranteed
1300 by any federal, state or local agency or political subdivision
1301 under which the person obtained any of the education necessary to
1302 qualify for a license under this chapter. However, before an
1303 agency, political subdivision or other public or private entity
1304 may recommend the suspension of a license due to the person's
1305 default on a loan, that agency, political subdivision or other
1306 public or private entity must provide the license holder with
1307 notice of its intention to recommend the suspension of the
1308 person's license and an opportunity for the license holder to
1309 respond; and

1310 (b) The person's license will remain suspended until
1311 the person has: (i) made arrangements satisfactory to the board

1312 for meeting the obligations of the loan, scholarship or loan
1313 repayment program; or (ii) in the case of a default on a loan,
1314 made arrangements satisfactory to the agency, political
1315 subdivision or other public or private entity to which payments
1316 are due for the repayment of the loan.

1317 (4) The board shall not revoke, suspend or refuse to issue
1318 or renew any license or certificate, or fine, place on probation
1319 or otherwise discipline any person in a disciplinary matter except
1320 after a hearing of which the applicant or licensee or holder of
1321 the certificate affected shall be given at least twenty (20) days'
1322 notice in writing, specifying the reason or reasons for denying
1323 the applicant a license or certificate of registration, or in the
1324 case of any other disciplinary action, the offense or offenses of
1325 which the licensee or holder of a certificate of registration is
1326 charged. Such notice may be served by mailing a copy thereof by
1327 United States first class certified mail, postage prepaid, to the
1328 last known residence or business address of such applicant,
1329 licensee or holder of a certificate. The hearing on such charges
1330 shall be at such time and place as the board may prescribe.

1331 (5) At such hearings, all witnesses shall be sworn by a
1332 member of the board, and stenographic notes of the proceedings
1333 shall be taken. Any party to the proceedings desiring it shall be
1334 furnished with a copy of such stenographic notes upon payment to
1335 the board of such fees as it shall prescribe, not exceeding,
1336 however, the actual costs of transcription.

1337 (6) The board is hereby authorized and empowered to issue
1338 subpoenas for the attendance of witnesses and the production of
1339 books and papers. The process issued by the board shall extend to
1340 all parts of the state and such process shall be served by any
1341 person designated by the board for such service. The person
1342 serving such process shall receive such compensation as may be
1343 allowed by the board, not to exceed the fee prescribed by law for
1344 similar services. All witnesses who shall be subpoenaed, and who

1345 shall appear in any proceedings before the board, shall receive
1346 the same fees and mileage as allowed by law.

1347 (7) Where in any proceeding before the board any witness
1348 shall fail or refuse to attend upon subpoena issued by the board,
1349 shall refuse to testify, or shall refuse to produce any books and
1350 papers, the production of which is called for by the subpoena, the
1351 attendance of such witness and the giving of his testimony and the
1352 production of the books and papers shall be enforced by any court
1353 of competent jurisdiction of this state, in manner as are enforced
1354 the attendance and testimony of witnesses in civil cases in the
1355 courts of this state.

1356 (8) The board shall conduct the hearing in an orderly and
1357 continuous manner, granting continuances only when the ends of
1358 justice may be served. The board shall, within sixty (60) days
1359 after conclusion of the hearing, reduce its decision to writing
1360 and forward an attested true copy thereof to the last known
1361 residence or business address of such applicant, licensee or
1362 holder of a certificate, by way of United States first class
1363 certified mail, postage prepaid. Such applicant, licensee, holder
1364 of a certificate, or person aggrieved shall have the right of
1365 appeal from an adverse ruling, or order, or decision of the board
1366 to the chancery court upon forwarding notice of appeal to the
1367 board within thirty (30) days after the decision of the board is
1368 mailed in the manner here contemplated. An appeal will not be
1369 allowed in the event notice of appeal, together with the appeal
1370 bond hereinafter required, shall not have been forwarded to the
1371 board within the thirty-day period. Appeal shall be to the
1372 chancery court of the county and judicial district of the
1373 residence of the appellant, or to the Chancery Court of the First
1374 Judicial District of Hinds County, Mississippi, at the election of
1375 the appellant. The notice of appeal shall elect venue, unless the
1376 appellant be a nonresident of the State of Mississippi, in which
1377 event the board shall certify all documents and evidence directly

1378 to the Chancery Court of the First Judicial District of Hinds
1379 County for further proceedings. The appeal shall thereupon be
1380 heard in due course by the court which shall review the record and
1381 make its determination thereon.

1382 (9) The appellant shall, together with the notice of appeal,
1383 forward to and post with the board a satisfactory bond in the
1384 amount of Five Hundred Dollars (\$500.00) for the payment of any
1385 costs which may be adjudged against him.

1386 (10) In the event of an appeal, the court shall dispose of
1387 the appeal and enter its decision promptly. The hearing on the
1388 appeal may, in the discretion of the chancellor, be tried in
1389 vacation. If there is an appeal, such appeal may, in the
1390 discretion of and on motion to the chancery court, act as a
1391 supersedeas. However, any fine imposed by the board under the
1392 provisions of this chapter shall not take effect until after the
1393 time for appeal has expired, and an appeal of the imposition of
1394 such a fine shall act as a supersedeas.

1395 (11) Any fine imposed by the board upon a licensee or holder
1396 of a certificate shall be in accordance with the following
1397 schedule:

1398 (a) For the first violation, a fine of not less than
1399 Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00)
1400 for each violation.

1401 (b) For the second and each subsequent violation, a
1402 fine of not less than One Hundred Dollars (\$100.00) nor more than
1403 Four Hundred Dollars (\$400.00) for each violation.

1404 The power and authority of the board to impose such fines
1405 under this section shall not be affected or diminished by any
1406 other proceeding, civil or criminal, concerning the same violation
1407 or violations.

1408 (12) In addition to the reasons specified in subsection (2)
1409 of this section, the board shall be authorized to suspend the
1410 license of any licensee for being out of compliance with an order

1411 for support, as defined in Section 93-11-153. The procedure for
1412 suspension of a license for being out of compliance with an order
1413 for support, and the procedure for the reissuance or reinstatement
1414 of a license suspended for that purpose, and the payment of any
1415 fees for the reissuance or reinstatement of a license suspended
1416 for that purpose, shall be governed by Section 93-11-157 or
1417 93-11-163, as the case may be. Actions taken by the board in
1418 suspending a license when required by Section 93-11-157 or
1419 93-11-163 are not actions from which an appeal may be taken under
1420 this section. Any appeal of a license suspension that is required
1421 by Section 93-11-157 or 93-11-163 shall be taken in accordance
1422 with the appeal procedure specified in Section 93-11-157 or
1423 93-11-163, as the case may be, rather than the procedure specified
1424 in this section. If there is any conflict between any provision
1425 of Section 93-11-157 or 93-11-163 and any provision of this
1426 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
1427 case may be, shall control.

1428 **SECTION 8.** Section 73-9-61, Mississippi Code of 1972, is
1429 amended as follows:

1430 73-9-61. (1) Upon satisfactory proof, and in accordance
1431 with statutory provisions elsewhere set out for those hearings and
1432 protecting the rights of the accused as well as the public, the
1433 State Board of Dental Examiners may deny the issuance or renewal
1434 of a license or may revoke or suspend the license of any licensed
1435 dentist or dental hygienist practicing in the State of
1436 Mississippi, or take any other action in relation to the license
1437 as the board may deem proper under the circumstances, for any of
1438 the following reasons:

1439 (a) Misrepresentation in obtaining a license, or
1440 attempting to obtain, obtaining, attempting to renew or renewing a
1441 license or professional credential by making any material
1442 misrepresentation, including the signing in his or her

1443 professional capacity any certificate that is known to be false at
1444 the time he or she makes or signs the certificate.

1445 (b) Willful violation of any of the rules or
1446 regulations duly promulgated by the board, or of any of the rules
1447 or regulations duly promulgated by the appropriate dental
1448 licensure agency of another state or jurisdiction.

1449 (c) Being impaired in the ability to practice dentistry
1450 or dental hygiene with reasonable skill and safety to patients by
1451 reason of illness or use of alcohol, drugs, narcotics, chemicals,
1452 or any other type of material or as a result of any mental or
1453 physical condition.

1454 (d) Administering, dispensing or prescribing any
1455 prescriptive medication or drug outside the course of legitimate
1456 professional dental practice.

1457 (e) Being convicted or found guilty of or entering a
1458 plea of nolo contendere to, regardless of adjudication, a
1459 violation of any federal or state law regulating the possession,
1460 distribution or use of any narcotic drug or any drug considered a
1461 controlled substance under state or federal law, a certified copy
1462 of the conviction order or judgment rendered by the trial court
1463 being prima facie evidence thereof, notwithstanding the pendency
1464 of any appeal.

1465 (f) Practicing incompetently or negligently, regardless
1466 of whether there is actual harm to the patient.

1467 (g) Being convicted or found guilty of or entering a
1468 plea of nolo contendere to, regardless of adjudication, a crime in
1469 any jurisdiction that relates to the practice of dentistry or
1470 dental hygiene, a certified copy of the conviction order or
1471 judgment rendered by the trial court being prima facie evidence
1472 thereof, notwithstanding the pendency of any appeal.

1473 (h) Being convicted or found guilty of or entering a
1474 plea of nolo contendere to, regardless of adjudication, a felony
1475 in any jurisdiction, a certified copy of the conviction order or

1476 judgment rendered by the trial court being prima facie evidence
1477 thereof, notwithstanding the pendency of any appeal.

1478 (i) Delegating professional responsibilities to a
1479 person who is not qualified by training, experience or licensure
1480 to perform them.

1481 (j) The refusal of a licensing authority of another
1482 state or jurisdiction to issue or renew a license, permit or
1483 certificate to practice dentistry or dental hygiene in that
1484 jurisdiction or the revocation, suspension or other restriction
1485 imposed on a license, permit or certificate issued by that
1486 licensing authority that prevents or restricts practice in that
1487 jurisdiction, a certified copy of the disciplinary order or action
1488 taken by the other state or jurisdiction being prima facie
1489 evidence thereof, notwithstanding the pendency of any appeal.

1490 (k) Surrender of a license or authorization to practice
1491 dentistry or dental hygiene in another state or jurisdiction when
1492 the board has reasonable cause to believe that the surrender is
1493 made to avoid or in anticipation of a disciplinary action.

1494 (l) Any unprofessional conduct to be determined by the
1495 board on a case-by-case basis, which shall include, but not be
1496 restricted to, the following:

1497 (i) Committing any crime involving moral
1498 turpitude.

1499 (ii) Practicing deceit or other fraud upon the
1500 public.

1501 (iii) Practicing dentistry or dental hygiene under
1502 a false or assumed name.

1503 (iv) Advertising that is false, deceptive or
1504 misleading.

1505 (v) Announcing a specialized practice shall be
1506 considered advertising that tends to deceive or mislead the public
1507 unless the dentist announcing as a specialist conforms to other
1508 statutory provisions and the duly promulgated rules or regulations

1509 of the board pertaining to practice of dentistry in the State of
1510 Mississippi.

1511 (m) Failure to provide and maintain reasonable sanitary
1512 facilities and conditions or failure to follow board rules
1513 regarding infection control.

1514 (n) Committing any act that would constitute sexual
1515 misconduct upon a patient or upon ancillary staff. For purposes
1516 of this subsection, the term sexual misconduct means:

1517 (i) Use of the licensee-patient relationship to
1518 engage or attempt to engage the patient in sexual activity; or

1519 (ii) Conduct of a licensee that is intended to
1520 intimidate, coerce, influence or trick any person employed by or
1521 for the licensee in a dental practice or educational setting for
1522 the purpose of engaging in sexual activity or activity intended
1523 for the sexual gratification of the licensee.

1524 (o) Violation of a lawful order of the board previously
1525 entered in a disciplinary or licensure hearing; failure to
1526 cooperate with any lawful request or investigation by the board;
1527 or failure to comply with a lawfully issued subpoena of the board.

1528 (p) Willful, obstinate and continuing refusal to
1529 cooperate with the board in observing its rules and regulations in
1530 promptly paying all legal license or other fees required by law.

1531 (q) Practicing dentistry or dental hygiene while the
1532 person's license is suspended.

1533 (2) Notwithstanding any provision of this chapter:

1534 (a) The board, acting on its own motion or, in the case
1535 of a default on a loan, on the recommendation of the agency,
1536 political subdivision or other public or private entity to which
1537 payments are due, shall suspend the license of any person who
1538 defaults on or fails to comply with the requirements of an
1539 educational loan, service conditional scholarship or loan
1540 repayment program obligation that has been granted or guaranteed
1541 by any federal, state or local agency or political subdivision

1542 under which the person obtained any of the education necessary to
1543 qualify for a license under this chapter. However, before an
1544 agency, political subdivision or other public or private entity
1545 may recommend the suspension of a license due to the person's
1546 default on a loan, that agency, political subdivision or other
1547 public or private entity must provide the license holder with
1548 notice of its intention to recommend the suspension of the
1549 person's license and an opportunity for the license holder to
1550 respond; and

1551 (b) The person's license will remain suspended until
1552 the person has: (i) made arrangements satisfactory to the board
1553 for meeting the obligations of the loan, scholarship or loan
1554 repayment program; or (ii) in the case of a default on a loan,
1555 made arrangements satisfactory to the agency, political
1556 subdivision or other public or private entity to which payments
1557 are due for the repayment of the loan.

1558 (3) In lieu of revocation of a license as provided for in
1559 subsection (1) of this section, the board may suspend the license
1560 of the offending dentist or dental hygienist, suspend the sedation
1561 permit of the offending dentist, or take any other action in
1562 relation to his or her license as the board may deem proper under
1563 the circumstances.

1564 (4) When a license to practice dentistry or dental hygiene
1565 is revoked or suspended by the board, the board may, in its
1566 discretion, stay the revocation or suspension and simultaneously
1567 place the licensee on probation upon the condition that the
1568 licensee shall not violate the laws of the State of Mississippi
1569 pertaining to the practice of dentistry or dental hygiene and
1570 shall not violate the rules and regulations of the board and shall
1571 not violate any terms in relation to his or her license as may be
1572 set by the board.

1573 (5) In a proceeding conducted under this section by the
1574 board for the denial, revocation or suspension of a license to

1575 practice dentistry or dental hygiene, the board shall have the
1576 power and authority for the grounds stated for that denial,
1577 revocation or suspension, and in addition thereto or in lieu of
1578 that denial, revocation or suspension may assess and levy upon any
1579 person licensed to practice dentistry or dental hygiene in the
1580 State of Mississippi, a monetary penalty, as follows:

1581 (a) For the first violation of any of subparagraph (a),
1582 (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of subsection
1583 (1) of this section, a monetary penalty of not less than Fifty
1584 Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).

1585 (b) For the second violation of any of subparagraph
1586 (a), (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of
1587 subsection (1) of this section, a monetary penalty of not less
1588 than One Hundred Dollars (\$100.00) nor more than One Thousand
1589 Dollars (\$1,000.00).

1590 (c) For the third and any subsequent violation of any
1591 of subparagraph (a), (b), (c), (d), (f), (i), (l), (m), (n), (o)
1592 or (q) of subsection (1) of this section, a monetary penalty of
1593 not less than Five Hundred Dollars (\$500.00) and not more than
1594 Five Thousand Dollars (\$5,000.00).

1595 (d) For any violation of any of subparagraphs (a)
1596 through (q) of subsection (1) of this section, those reasonable
1597 costs that are expended by the board in the investigation and
1598 conduct of a proceeding for licensure revocation or suspension,
1599 including, but not limited to, the cost of process service, court
1600 reporters, expert witnesses and investigators.

1601 (6) The power and authority of the board to assess and levy
1602 monetary penalties under this section shall not be affected or
1603 diminished by any other proceeding, civil or criminal, concerning
1604 the same violation or violations except as provided in this
1605 section.

1606 (7) A licensee shall have the right of appeal from the
1607 assessment and levy of a monetary penalty as provided in this

1608 section under the same conditions as a right of appeal is provided
1609 elsewhere for appeals from an adverse ruling, order or decision of
1610 the board.

1611 (8) Any monetary penalty assessed and levied under this
1612 section shall not take effect until after the time for appeal has
1613 expired. If there is an appeal, the appeal shall act as a
1614 supersedeas.

1615 (9) A monetary penalty assessed and levied under this
1616 section shall be paid to the board by the licensee upon the
1617 expiration of the period allowed for appeal of those penalties
1618 under this section or may be paid sooner if the licensee elects.
1619 With the exception of subsection (5)(d) of this section, monetary
1620 penalties collected by the board under this section shall be
1621 deposited to the credit of the General Fund of the State Treasury.
1622 Any monies collected by the board under subsection (5)(d) of this
1623 section shall be deposited into the special fund operating account
1624 of the board.

1625 (10) When payment of a monetary penalty assessed and levied
1626 by the board against a licensee in accordance with this section is
1627 not paid by the licensee when due under this section, the board
1628 shall have power to institute and maintain proceedings in its name
1629 for enforcement of payment in the chancery court of the county and
1630 judicial district of residence of the licensee, and if the
1631 licensee is a nonresident of the State of Mississippi, the
1632 proceedings shall be in the Chancery Court of the First Judicial
1633 District of Hinds County, Mississippi.

1634 (11) In addition to the reasons specified in subsection (1)
1635 of this section, the board may suspend the license of any licensee
1636 for being out of compliance with an order for support, as defined
1637 in Section 93-11-153. The procedure for suspension of a license
1638 for being out of compliance with an order for support, and the
1639 procedure for the reissuance or reinstatement of a license
1640 suspended for that purpose, and the payment of any fees for the

1641 reissuance or reinstatement of a license suspended for that
1642 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
1643 the case may be. If there is any conflict between any provision
1644 of Section 93-11-157 or 93-11-163 and any provision of this
1645 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
1646 case may be, shall control.

1647 (12) All grounds for disciplinary action, including
1648 imposition of fines and assessment of costs as enumerated above,
1649 shall also apply to any other license or permit issued by the
1650 board under this chapter or regulations duly adopted by the board.

1651 **SECTION 9.** Section 73-10-21, Mississippi Code of 1972, is
1652 amended as follows:

1653 73-10-21. (1) Rules, regulations and standards.

1654 (a) The board shall adopt, amend, promulgate and
1655 enforce such rules, regulations and standards governing dietitians
1656 as may be necessary to further the accomplishment of the purpose
1657 of the governing law, and in so doing shall utilize as the basis
1658 thereof the corresponding recommendations of the advisory council.
1659 The rules, regulations and minimum standards for licensing of
1660 dietitians may be amended by the board as deemed necessary. In so
1661 doing, the board shall utilize as the basis thereof the
1662 corresponding recommendations of the advisory council.

1663 (b) The board shall publish and disseminate to all
1664 licensees, in appropriate manner, the licensure standards
1665 prescribed by this chapter, any amendments thereto, and such rules
1666 and regulations as the board may adopt under the authority vested
1667 by Section 73-38-13, within sixty (60) days of their adoption.

1668 (2) The board shall adopt a code of ethics for dietitians
1669 using as the basis thereof the ADA "Code of Ethics for the
1670 Profession of Dietetics."

1671 (3) Issuance and renewal of licenses.

1672 (a) The board shall issue a license to any person who
1673 meets the requirements of this chapter upon payment of the license
1674 fee prescribed.

1675 (b) Upon the first renewal, licenses under this chapter
1676 shall be valid for two (2) calendar years and shall be subject to
1677 renewal and shall expire unless renewed in the manner prescribed
1678 by the rules and regulations of the board, upon the payment of a
1679 biennial renewal fee to be set at the discretion of the board, but
1680 not to exceed One Hundred Dollars (\$100.00), and the presentation
1681 of evidence satisfactory to the board that the licensee has met
1682 such continuing education requirements as the board may require.
1683 An applicant for license renewal shall demonstrate to the board
1684 evidence of satisfactory completion of the continuing education
1685 requirements established by the American Dietetic Association
1686 and/or other continuing education requirements as may be required
1687 by the board.

1688 (c) The board may provide for the late renewal of a
1689 license upon the payment of a late fee in accordance with its
1690 rules and regulations, but no such late renewal of a license may
1691 be granted more than one (1) year after its expiration.

1692 (d) A suspended license shall be subject to expiration
1693 and may be renewed as provided in this section, but that renewal
1694 shall not entitle the licensee, while the license remains
1695 suspended and until it is reinstated, to engage in the licensed
1696 activity, or in any other conduct or activity in violation of the
1697 order of judgment by which the license was suspended. If a
1698 license revoked on disciplinary grounds is reinstated, the
1699 licensee, as a condition of reinstatement, shall pay the renewal
1700 fee and any late fee that may be applicable.

1701 (4) Denial or revocation of license.

1702 (a) The board may deny or refuse to renew a license, or
1703 suspend or revoke a license, or issue orders to cease or desist
1704 from certain conduct, or issue warnings or reprimands where the

1705 licensee or applicant for license has been convicted of unlawful
1706 conduct or has demonstrated unprofessional conduct that has
1707 endangered or is likely to endanger the health, welfare or safety
1708 of the public. That conduct includes:

1709 (i) Obtaining a license by means of fraud,
1710 misrepresentation or concealment of material facts;

1711 (ii) Being guilty of unprofessional conduct as
1712 defined by the rules and established by the board or violating the
1713 Code of Ethics of the American Dietetic Association;

1714 (iii) Being convicted of a crime in any court
1715 other than a misdemeanor;

1716 (iv) Violating any lawful order, rule or
1717 regulation rendered or adopted by the board; or

1718 (v) Violating any provision of this chapter.

1719 (b) The denial, refusal to renew, suspension,
1720 revocation, order to cease and desist from designated conduct, or
1721 warning or reprimand may be ordered by the board in a decision
1722 made after a hearing in the manner provided by the rules and
1723 regulations adopted by the board. One (1) year from the date of
1724 the revocation of a license, application may be made to the board
1725 for reinstatement. The board shall have discretion to accept or
1726 reject an application for reinstatement and may, but shall not be
1727 required to, hold a hearing to consider the reinstatement.

1728 (c) Notwithstanding any provision of this chapter:

1729 (i) The board, acting on its own motion or, in the
1730 case of a default on a loan, on the recommendation of the agency,
1731 political subdivision or other public or private entity to which
1732 payments are due, shall suspend the license of any person who
1733 defaults on or fails to comply with the requirements of an
1734 educational loan, service conditional scholarship or loan
1735 repayment program obligation that has been granted or guaranteed
1736 by any federal, state or local agency or political subdivision
1737 under which the person obtained any of the education necessary to

1738 qualify for a license under this chapter. However, before an
1739 agency, political subdivision or other public or private entity
1740 may recommend the suspension of a license due to the person's
1741 default on a loan, that agency, political subdivision or other
1742 public or private entity must provide the license holder with
1743 notice of its intention to recommend the suspension of the
1744 person's license and an opportunity for the license holder to
1745 respond; and

1746 (ii) The person's license will remain suspended
1747 until the person has: made arrangements satisfactory to the board
1748 for meeting the obligations of the loan, scholarship or loan
1749 repayment program; or, in the case of a default on a loan, made
1750 arrangements satisfactory to the agency, political subdivision or
1751 other public or private entity to which payments are due for the
1752 repayment of the loan.

1753 (d) In addition to the reasons specified in paragraph
1754 (a) of this subsection (4), the board may suspend the license of
1755 any licensee for being out of compliance with an order for
1756 support, as defined in Section 93-11-153. The procedure for
1757 suspension of a license for being out of compliance with an order
1758 for support, and the procedure for the reissuance or reinstatement
1759 of a license suspended for that purpose, and the payment of any
1760 fees for the reissuance or reinstatement of a license suspended
1761 for that purpose, shall be governed by Section 93-11-157 or
1762 93-11-163, as the case may be. If there is any conflict between
1763 any provision of Section 93-11-157 or 93-11-163 and any provision
1764 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
1765 as the case may be, shall control.

1766 (5) Establish fees.

1767 (a) A person licensed under this chapter shall pay to
1768 the board a fee, not to exceed One Hundred Dollars (\$100.00), to
1769 be set by the board for the issuance of a license.

1770 (b) Those fees shall be set in such an amount as to
1771 reimburse the state to the extent feasible for the cost of the
1772 services rendered.

1773 (6) Collect funds.

1774 (a) The administration of the provisions of this
1775 chapter shall be financed from income accruing from fees, licenses
1776 and other charges assessed and collected by the board in
1777 administering this chapter.

1778 (b) The board shall receive and account for all funds
1779 received and shall keep those funds in a separate fund.

1780 (c) Funds collected under the provisions of this
1781 chapter shall be used solely for the expenses of the advisory
1782 council and the board to administer the provisions of this
1783 chapter. Those funds shall be subject to audit by the State
1784 Auditor.

1785 (d) Members of the advisory council shall receive no
1786 compensation for services performed on the council, but may be
1787 reimbursed for necessary and actual expenses incurred in
1788 connection with attendance at meetings of the council or for
1789 authorized business of the council from funds made available for
1790 that purpose, as provided in Section 25-3-41.

1791 (7) Receive and process complaints.

1792 (a) The board shall have full authority to investigate
1793 and evaluate each and every applicant applying for a license to
1794 practice dietetics, with the advice of the advisory council.

1795 (b) The board shall have the authority to issue
1796 subpoenas, examine witnesses and administer oaths, and shall, at
1797 its discretion, investigate allegations or practices violating the
1798 provisions of this chapter, and in so doing shall have power to
1799 seek injunctive relief to prohibit any person from providing
1800 professional dietetic services as defined in Section 73-10-3(1)(j)
1801 without being licensed as provided herein.

1802 (8) A license certificate issued by the board is the
1803 property of the board and must be surrendered on demand.

1804 **SECTION 10.** Section 73-11-57, Mississippi Code of 1972, is
1805 amended as follows:

1806 73-11-57. (1) The board may refuse to examine or to issue
1807 or renew, or may suspend or revoke, any license, or may reprimand
1808 or place the holder thereof on a term of probation, after proper
1809 hearing, upon finding the holder of such license to be guilty of
1810 acts of commission or omission including the following:

1811 (a) The employment of fraud or deception in applying
1812 for a license or in passing the examination provided for in this
1813 chapter;

1814 (b) The erroneous issuance of a license to any person;

1815 (c) The conviction of a felony by any court in this
1816 state or any federal court or by the court of any other state or
1817 territory of the United States;

1818 (d) The practice of embalming under a false name or
1819 without a license for the practice of funeral service;

1820 (e) The impersonation of another funeral service or
1821 funeral directing licensee;

1822 (f) The permitting of a person other than a funeral
1823 service or funeral directing licensee to make arrangements for a
1824 funeral and/or form of disposition;

1825 (g) Violation of any provision of this chapter or any
1826 rule or regulation of the board;

1827 (h) Having had a license for the practice of funeral
1828 service or funeral directing suspended or revoked in any
1829 jurisdiction, having voluntarily surrendered his license in any
1830 jurisdiction, having been placed on probation in any jurisdiction,
1831 having been placed under disciplinary order(s) or other
1832 restriction in any manner for funeral directing and/or funeral
1833 service, or operating a funeral establishment (a certified copy of

1834 the order of suspension, revocation, probation or disciplinary
1835 action shall be prima facie evidence of such action);

1836 (i) Solicitation of dead human bodies by the licensee,
1837 his agents, assistants or employees, whether such solicitation
1838 occurs after death or when death is imminent; if the person
1839 solicited has made known a desire not to receive the
1840 communication, or if the solicitation involves coercion, duress or
1841 harassment, or if the solicitation takes place at the residence of
1842 the client or prospective client, is uninvited by the client or
1843 prospective client and has not been previously agreed to by the
1844 client or prospective client; however, this shall not be deemed to
1845 prohibit general advertising;

1846 (j) Employment directly or indirectly of any
1847 apprentice, agent, assistant, employee, or other person, on a
1848 part-time or full-time basis or on commission, for the purpose of
1849 calling upon individuals or institutions by whose influence dead
1850 human bodies may be turned over to a particular funeral
1851 establishment;

1852 (k) Failure to make responses to communications or
1853 requests of the board within thirty (30) days;

1854 (l) Knowingly performing any act that in any way
1855 assists an unlicensed person to practice funeral service or
1856 funeral directing;

1857 (m) Knowingly making a false statement on death
1858 certificates; or

1859 (n) Unprofessional conduct which includes, but is not
1860 limited to:

1861 (i) Retaining a dead human body for the payment of
1862 a fee for the performance of services that are not authorized;

1863 (ii) Knowingly performing any act which in any way
1864 assists an unlicensed person to practice funeral service or
1865 funeral directing;

1866 (iii) Being guilty of any dishonorable conduct
1867 likely to deceive, defraud or harm the public;

1868 (iv) Any act or omission in the practice of
1869 funeral service or directing which constitutes dishonesty, fraud
1870 or misrepresentation with the intent to benefit the licensee,
1871 another person or funeral establishment, or with the intent to
1872 substantially injure another person, licensee or funeral
1873 establishment; or

1874 (v) Any act or conduct, whether the same or of a
1875 different character than specified above, which constitutes or
1876 demonstrates bad faith, incompetency or untrustworthiness; or
1877 dishonest, fraudulent or improper dealing; or any other violation
1878 of the provisions of this chapter, the rules and regulations
1879 established by the board or any rule or regulation promulgated by
1880 the Federal Trade Commission relative to the practice of funeral
1881 service or funeral directing.

1882 (2) Notwithstanding any provision of this chapter:

1883 (a) The board, acting on its own motion or, in the case
1884 of a default on a loan, on the recommendation of the agency,
1885 political subdivision or other public or private entity to which
1886 payments are due, shall suspend the license of any person who
1887 defaults on or fails to comply with the requirements of an
1888 educational loan, service conditional scholarship or loan
1889 repayment program obligation that has been granted or guaranteed
1890 by any federal, state or local agency or political subdivision
1891 under which the person obtained any of the education necessary to
1892 qualify for a license under this chapter. However, before an
1893 agency, political subdivision or other public or private entity
1894 may recommend the suspension of a license due to the person's
1895 default on a loan, that agency, political subdivision or other
1896 public or private entity must provide the license holder with
1897 notice of its intention to recommend the suspension of the

1898 person's license and an opportunity for the license holder to
1899 respond; and

1900 (b) The person's license will remain suspended until
1901 the person has: (i) made arrangements satisfactory to the board
1902 for meeting the obligations of the loan, scholarship or loan
1903 repayment program; or (ii) in the case of a default on a loan,
1904 made arrangements satisfactory to the agency, political
1905 subdivision or other public or private entity to which payments
1906 are due for the repayment of the loan.

1907 (3) The board may, upon satisfactory proof that the
1908 applicant or licensee has been guilty of any of the offenses * * *
1909 enumerated in subsection 1 of this section, refuse to examine or
1910 issue a license to the applicant, or may refuse to renew or revoke
1911 or suspend the license of the licensee, or place on probation or
1912 reprimand him, upon a majority vote of the board members, after a
1913 hearing thereon. The board is vested with full power and
1914 authority to hold and conduct such hearings, compel the attendance
1915 of witnesses and the production of books, records and documents,
1916 issue subpoenas therefor, administer oaths, examine witnesses, and
1917 do all things necessary to properly conduct such hearings. The
1918 board may waive the necessity of a hearing if the person accused
1919 of a violation admits that he has been guilty of such offense.
1920 Any person who has been refused a license or whose license has
1921 been revoked or suspended may, within thirty (30) days after the
1922 decision of the board, file with the board a written notice
1923 stating that he feels himself aggrieved by such decision and may
1924 appeal therefrom to the circuit court of the county and judicial
1925 district of residence of the person, or if the person is a
1926 nonresident of the State of Mississippi, to the Circuit Court of
1927 the First Judicial District of Hinds County. Upon the filing of
1928 such notice, the secretary of the board shall transmit to the
1929 clerk of the circuit court the records and findings of such
1930 proceedings. The circuit court shall hear and determine as to

1931 whether the action of the board was in accord or consistent with
1932 law, or was arbitrary, unwarranted or in abuse of discretion. An
1933 appeal from the circuit court judgment or decree may be reviewed
1934 by the Supreme Court as is provided by law for other appeals. An
1935 appeal of a decision or order of the board does not act as a
1936 supersedeas.

1937 (4) In a proceeding conducted under this section by the
1938 board for the revocation or suspension of a license, the board
1939 shall have the power and authority for the grounds stated for such
1940 revocation or suspension, and in addition thereto or in lieu of
1941 such revocation or suspension may assess and levy upon any person
1942 licensed under this chapter, a monetary penalty, as follows:

1943 (a) For the first violation of any of the subparagraphs
1944 of subsection (1) of this section, a monetary penalty of Five
1945 Hundred Dollars (\$500.00).

1946 (b) For the second violation of any of the
1947 subparagraphs of subsection (1) of this section, a monetary
1948 penalty of One Thousand Dollars (\$1,000.00).

1949 (c) For the third and any subsequent violation of any
1950 of the subparagraphs of subsection (1) of this section, a monetary
1951 penalty of Five Thousand Dollars (\$5,000.00).

1952 (d) For any violation of any of the subparagraphs of
1953 subsection (1) of this section, those reasonable costs that are
1954 expended by the board in the investigation and conduct of a
1955 proceeding for licensure revocation or suspension, including, but
1956 not limited to, the cost of process service, court reporters,
1957 expert witnesses and investigators.

1958 (5) The power and authority of the board to assess and levy
1959 such monetary penalties hereunder shall not be affected or
1960 diminished by any other proceeding, civil or criminal, concerning
1961 the same violation or violations except as provided in this
1962 section.

1963 (6) A licensee shall have the right of appeal from the
1964 assessment and levy of a monetary penalty as provided in this
1965 section under the same conditions as a right of appeal is provided
1966 elsewhere for appeals from an adverse ruling, order or decision of
1967 the board.

1968 (7) Any monetary penalty assessed and levied under this
1969 section shall not take effect until after the time for appeal
1970 shall have expired.

1971 (8) A monetary penalty assessed and levied under this
1972 section shall be paid to the board by the licensee upon the
1973 expiration of the period allowed for appeal of such penalties
1974 under this section or may be paid sooner if the licensee elects.
1975 With the exception of subsection (3)(d) of this section, monetary
1976 penalties collected by the board under this section shall be
1977 deposited in the State Treasury to the credit of the State Board
1978 of Funeral Service. Any monies collected by the board under
1979 subsection (3)(d) of this section shall be deposited into the
1980 special fund operating account of the board.

1981 (9) When payment of a monetary penalty assessed and levied
1982 by the board against a licensee in accordance with this section is
1983 not paid by the licensee when due under this section, the board
1984 shall have power to institute and maintain proceedings in its name
1985 for enforcement of payment in the chancery court of the county and
1986 judicial district of residence of the licensee, or if the licensee
1987 is a nonresident of the State of Mississippi, in the Chancery
1988 Court of the First Judicial District of Hinds County, Mississippi.

1989 (10) In addition to the reasons specified in subsection (1)
1990 of this section, the board shall be authorized to suspend the
1991 license of any licensee for being out of compliance with an order
1992 for support, as defined in Section 93-11-153. The procedure for
1993 suspension of a license for being out of compliance with an order
1994 for support, and the procedure for the reissuance or reinstatement
1995 of a license suspended for that purpose, and the payment of any

1996 fees for the reissuance or reinstatement of a license suspended
1997 for that purpose, shall be governed by Section 93-11-157 or
1998 93-11-163, as the case may be. Actions taken by the board in
1999 suspending a license when required by Section 93-11-157 or
2000 93-11-163 are not actions from which an appeal may be taken under
2001 this section. Any appeal of a license suspension that is required
2002 by Section 93-11-157 or 93-11-163 shall be taken in accordance
2003 with the appeal procedure specified in Section 93-11-157 or
2004 93-11-163, as the case may be, rather than the procedure specified
2005 in this section. If there is any conflict between any provision
2006 of Section 93-11-157 or 93-11-163 and any provision of this
2007 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
2008 case may be, shall control.

2009 **SECTION 11.** Section 73-13-37, Mississippi Code of 1972, is
2010 amended as follows:

2011 73-13-37. (1) The board, upon satisfactory proof and in
2012 accordance with the provisions of this chapter and the
2013 implementing regulations of the board pertaining thereto, is
2014 authorized to take the disciplinary actions provided for
2015 hereinafter against any person or firm practicing engineering or
2016 surveying, including nonregistrants, for any of the following
2017 reasons:

2018 (a) Violating any of the provisions of Sections 73-13-1
2019 through 73-13-45 or the implementing bylaws, rules, regulations,
2020 or standards of ethics or conduct duly adopted and promulgated by
2021 the board pertaining to the practice of engineering;

2022 (b) Fraud, deceit or misrepresentation in obtaining a
2023 certificate of licensure;

2024 (c) Gross negligence, malpractice or incompetency;

2025 (d) Any professional misconduct, as defined by the
2026 board through bylaws, rules and regulations, and standards of
2027 conduct and ethics;

2028 (e) Practicing or offering to practice engineering on
2029 an expired certificate or while under suspension or revocation of
2030 certificate unless said suspension or revocation be abated through
2031 probation, as provided for hereinafter; or

2032 (f) Addiction to or dependence on alcohol or other
2033 habit-forming drugs or being an habitual user of alcohol,
2034 narcotics, barbiturates, amphetamines, hallucinogens, or other
2035 drugs having similar effect.

2036 (2) Notwithstanding any provision of this chapter:

2037 (a) The board, acting on its own motion or, in the case
2038 of a default on a loan, on the recommendation of the agency,
2039 political subdivision or other public or private entity to which
2040 payments are due, shall suspend the certificate of registration of
2041 any person who defaults on or fails to comply with the
2042 requirements of an educational loan, service conditional
2043 scholarship or loan repayment program obligation that has been
2044 granted or guaranteed by any federal, state or local agency or
2045 political subdivision under which the person obtained any of the
2046 education necessary to qualify for a certificate of registration
2047 under this chapter. However, before an agency, political
2048 subdivision or other public or private entity may recommend the
2049 suspension of a certificate of registration due to the person's
2050 default on a loan, that agency, political subdivision or other
2051 public or private entity must provide the certificate holder with
2052 notice of its intention to recommend the suspension of the
2053 person's certificate of registration and an opportunity for the
2054 certificate holder to respond; and

2055 (b) The person's certificate of registration will
2056 remain suspended until the person has: (i) made arrangements
2057 satisfactory to the board for meeting the obligations of the loan,
2058 scholarship or loan repayment program; or (ii) in the case of a
2059 default on a loan, made arrangements satisfactory to the agency,

2060 political subdivision or other public or private entity to which
2061 payments are due for the repayment of the loan.

2062 (3) Any person may prefer charges against any other person
2063 practicing engineering or surveying, including nonlicensees, for
2064 committing any of the acts set forth in subsection (1). Such
2065 charges shall be sworn to, either upon actual knowledge or upon
2066 information and belief, and shall be filed with the board. In the
2067 event any person certified under Sections 73-13-1 through 73-13-45
2068 is expelled from membership in any Mississippi professional
2069 engineering society or association, the board shall thereafter
2070 cite said person to appear at a hearing before the board and to
2071 show cause why disciplinary action should not be taken against
2072 him.

2073 The board shall investigate all charges filed with it and,
2074 upon finding reasonable cause to believe that the charges are not
2075 frivolous, unfounded or filed in bad faith, may, in its
2076 discretion, cause a hearing to be held, at a time and place fixed
2077 by the board, regarding the charges and may compel the accused by
2078 subpoena to appear before the board to respond to said charges.

2079 No disciplinary action taken hereunder may be taken until the
2080 accused has been furnished both a statement of the charges against
2081 him and notice of the time and place of the hearing thereof, which
2082 shall be personally served on or mailed by registered or certified
2083 mail, return receipt requested, to the last-known business or
2084 residence address of the accused not less than thirty (30) days
2085 prior to the date fixed for the hearing.

2086 Notice on a firm shall be had by notice on the principal or
2087 officer designated by the firm as having management or supervision
2088 of the engineering/surveying practice, or on the registered agent
2089 in the case of a corporation not domiciled in Mississippi.

2090 (4) At any hearing held hereunder, the board shall have the
2091 power to subpoena witnesses and compel their attendance and may
2092 also require the production of books, papers, documents, etc., as

2093 provided elsewhere in this chapter. The board is authorized to
2094 designate or secure a hearing officer to conduct the hearing. All
2095 evidence shall be presented under oath, which may be administered
2096 by any member of the board, and thereafter the proceedings may, if
2097 necessary, be transcribed in full by the court reporter and filed
2098 as part of the record in the case. Copies of such transcriptions
2099 may be provided to any party to the proceedings at a cost to be
2100 fixed by the board.

2101 All witnesses who shall be subpoenaed and who shall appear in
2102 any proceedings before the board shall receive the same fees and
2103 mileage as allowed by law in judicial civil proceedings, and all
2104 such fees shall be taxed as part of the costs in the case.

2105 Where in any proceeding before the board any witness shall
2106 fail or refuse to attend upon subpoena issued by the board, shall
2107 refuse to testify or shall refuse to produce any books and papers,
2108 the production of which is called for by the subpoena, the
2109 attendance of such witness and the giving of his testimony and the
2110 production of the books and papers shall be enforced by any court
2111 of competent jurisdiction of this state in the manner provided for
2112 the enforcement of attendance and testimony of witnesses in civil
2113 cases in the courts of this state.

2114 The accused shall have the right to be present at the hearing
2115 in person, by counsel or other representative, or both. The board
2116 is authorized to continue or recess the hearing as may be
2117 necessary.

2118 (5) At the conclusion of the hearing, the board may either
2119 decide the issue at that time or take the case under advisement
2120 for further deliberation. The board shall render its decision not
2121 more than ninety (90) days after the close of the hearing, and
2122 shall forward to the last-known business or residence address of
2123 the accused, by certified or registered mail, return receipt
2124 requested, a written statement of the decision of the board.

2125 If a majority of the board finds the accused guilty of the
2126 charges filed, the board may: (a) issue a public or private
2127 reprimand; (b) require the guilty party to complete a course or
2128 courses, approved by the board, in ethics or other appropriate
2129 subjects; (c) suspend or revoke the certificate of the accused, if
2130 the accused is a licensee; and/or (d) in lieu of or in addition to
2131 such reprimand, course completion, suspension or revocation,
2132 assess and levy upon the guilty party a monetary penalty of not
2133 less than One Hundred Dollars (\$100.00) nor more than Five
2134 Thousand Dollars (\$5,000.00) for each violation.

2135 (6) A monetary penalty assessed and levied under this
2136 section shall be paid to the board upon the expiration of the
2137 period allowed for appeal of such penalties under this section, or
2138 may be paid sooner if the guilty party elects. Money collected by
2139 the board under this section shall be deposited to the credit of
2140 the board's special fund in the State Treasury.

2141 When payment of a monetary penalty assessed and levied by the
2142 board in accordance with this section is not paid when due, the
2143 board shall have the power to institute and maintain proceedings
2144 in its name for enforcement of payment in the chancery court of
2145 the county and judicial district of residence of the guilty party
2146 and if the guilty party be a nonresident of the State of
2147 Mississippi, such proceedings shall be in the Chancery Court of
2148 the First Judicial District of Hinds County, Mississippi.

2149 (7) When the board has taken a disciplinary action under
2150 this section, the board may, in its discretion, stay such action
2151 and place the guilty party on probation for a period not to exceed
2152 one (1) year upon the condition that the guilty party shall not
2153 further violate either the laws of the State of Mississippi
2154 pertaining to the practice of engineering or the bylaws, rules and
2155 regulations, or standards of conduct and ethics promulgated by the
2156 board.

2157 (8) The board, in its discretion, may assess and tax any
2158 part or all of the costs of any disciplinary proceedings conducted
2159 under this section against either the accused, the charging party,
2160 or both, as it may elect.

2161 (9) The power and authority of the board to assess and levy
2162 the monetary penalties provided for in this section shall not be
2163 affected or diminished by any other proceeding, civil or criminal,
2164 concerning the same violation or violations except as provided in
2165 this section.

2166 (10) The board, for sufficient cause, may reissue a revoked
2167 certificate of licensure or authority whenever a majority of the
2168 board members vote to do so.

2169 (11) Any person or firm aggrieved by an action of the board
2170 denying or revoking his certificate of licensure or authority or
2171 relicensure as a professional engineer or his certificate of
2172 enrollment as an engineer intern, or who is aggrieved by the
2173 action of the board as a result of disciplinary proceedings
2174 conducted under this section may appeal therefrom to the chancery
2175 court of either the county wherein the appellant resides or the
2176 Chancery Court of the First Judicial District of Hinds County, at
2177 the election of the appellant. If the appellant is a nonresident
2178 of this state, the appeal shall be made to the Chancery Court of
2179 the First Judicial District of Hinds County. Such appeal shall be
2180 perfected before the board by the filing with the board of a
2181 notice of appeal to the chancery court. The court shall require a
2182 bond in an amount not to exceed One Thousand Dollars (\$1,000.00)
2183 conditioned to pay all costs which may be adjudged against the
2184 appellant. The notice of appeal shall be filed not later than
2185 thirty (30) days after the decision of the board is forwarded to
2186 the guilty party, as provided hereinabove.

2187 All appeals perfected hereunder shall not act as a
2188 supersedeas, and shall be made to the chancery court solely upon
2189 the record made before the board during the disciplinary hearing.

2190 When the appeal shall have been properly perfected as provided
2191 herein, the board shall cause the record of the proceedings
2192 conducted before it to be compiled, certified and filed with the
2193 chancery court. The briefing schedule shall be the same as for
2194 appeals to the Supreme Court. The chancery court shall be
2195 required to rule on the case within sixty (60) days of the close
2196 of briefing. All procedures and penalties provided for in this
2197 section shall apply to nonlicensees as well as licensees.

2198 (12) In addition to the reasons specified in subsection (1)
2199 of this section, the board shall be authorized to suspend the
2200 certificate of licensure of any person for being out of compliance
2201 with an order for support, as defined in Section 93-11-153. The
2202 procedure for suspension of a certificate for being out of
2203 compliance with an order for support, and the procedure for the
2204 reissuance or reinstatement of a certificate suspended for that
2205 purpose, and the payment of any fees for the reissuance or
2206 reinstatement of a certificate suspended for that purpose, shall
2207 be governed by Section 93-11-157 or 93-11-163, as the case may be.
2208 Actions taken by the board in suspending a certificate when
2209 required by Section 93-11-157 or 93-11-163 are not actions from
2210 which an appeal may be taken under this section. Any appeal of a
2211 suspension of a certificate that is required by Section 93-11-157
2212 or 93-11-163 shall be taken in accordance with the appeal
2213 procedure specified in Section 93-11-157 or 93-11-163, as the case
2214 may be, rather than the procedure specified in this section. If
2215 there is any conflict between any provision of Section 93-11-157
2216 or 93-11-163 and any provision of this chapter, the provisions of
2217 Section 93-11-157 or 93-11-163, as the case may be, shall control.

2218 (13) Any board member whose objectivity in a disciplinary
2219 proceeding is impaired shall either recuse himself from sitting as
2220 a member of the board in a formal disciplinary hearing in that
2221 proceeding or be disqualified therefrom. In the event a
2222 disciplinary proceeding is brought against a member or former

2223 member of the board, no member of the board who has served
2224 concurrently with the respondent in the disciplinary proceeding
2225 shall sit as a member of the board in a formal disciplinary
2226 hearing in that proceeding. If, after recusal or disqualification
2227 of board members as provided herein, there does not remain a
2228 quorum of the board to sit for a disciplinary hearing, the board
2229 shall have the power to select, in accordance with duly
2230 promulgated regulations of the board, substitute panel members
2231 from slates of candidates established by the Mississippi
2232 Engineering Society and the Mississippi Association of
2233 Professional Surveyors to the extent necessary to achieve the
2234 number of panel members equivalent to a quorum of the board.
2235 Substitute panel members must meet the qualifications of board
2236 members as provided in Section 73-13-7 and shall receive
2237 compensation as provided for board members in Section 73-13-9.

2238 **SECTION 12.** Section 73-15-29, Mississippi Code of 1972, is
2239 amended as follows:

2240 73-15-29. (1) The board shall have power to revoke, suspend
2241 or refuse to renew any license issued by the board, or to revoke
2242 or suspend any privilege to practice, or to deny an application
2243 for a license, or to fine, place on probation and/or discipline a
2244 licensee, in any manner specified in this chapter, upon proof that
2245 the person:

2246 (a) Has committed fraud or deceit in securing or
2247 attempting to secure the license;

2248 (b) Has been convicted of felony, or a crime involving
2249 moral turpitude or has had accepted by a court a plea of nolo
2250 contendere to a felony or a crime involving moral turpitude (a
2251 certified copy of the judgment of the court of competent
2252 jurisdiction of the conviction or pleas shall be prima facie
2253 evidence of the conviction);

2254 (c) Has negligently or willfully acted in a manner
2255 inconsistent with the health or safety of the persons under the
2256 licensee's care;

2257 (d) Has had a license or privilege to practice as a
2258 registered nurse or a licensed practical nurse suspended or
2259 revoked in any jurisdiction, has voluntarily surrendered the
2260 license or privilege to practice in any jurisdiction, has been
2261 placed on probation as a registered nurse or licensed practical
2262 nurse in any jurisdiction or has been placed under a disciplinary
2263 order(s) in any manner as a registered nurse or licensed practical
2264 nurse in any jurisdiction, (a certified copy of the order of
2265 suspension, revocation, probation or disciplinary action shall be
2266 prima facie evidence of the action);

2267 (e) Has negligently or willfully practiced nursing in a
2268 manner that fails to meet generally accepted standards of that
2269 nursing practice;

2270 (f) Has negligently or willfully violated any order,
2271 rule or regulation of the board pertaining to nursing practice or
2272 licensure;

2273 (g) Has falsified or in a repeatedly negligent manner
2274 made incorrect entries or failed to make essential entries on
2275 records;

2276 (h) Is addicted to or dependent on alcohol or other
2277 habit-forming drugs or is a habitual user of narcotics,
2278 barbiturates, amphetamines, hallucinogens, or other drugs having
2279 similar effect, or has misappropriated any medication;

2280 (i) Has a physical, mental or emotional disability that
2281 renders the licensee unable to perform nursing services or duties
2282 with reasonable skill and safety;

2283 (j) Has engaged in any other conduct, whether of the
2284 same or of a different character from that specified in this
2285 chapter, that would constitute a crime as defined in Title 97 of
2286 the Mississippi Code of 1972, as now or hereafter amended, and

2287 that relates to the person's employment as a registered nurse or
2288 licensed practical nurse;

2289 (k) Engages in conduct likely to deceive, defraud or
2290 harm the public;

2291 (l) Engages in any unprofessional conduct as identified
2292 by the board in its rules; or

2293 (m) Has violated any provision of this chapter.

2294 (2) Notwithstanding any provision of this chapter:

2295 (a) The board, acting on its own motion or, in the case
2296 of a default on a loan, on the recommendation of the agency,
2297 political subdivision or other public or private entity to which
2298 payments are due, shall suspend the license of any person who
2299 defaults on or fails to comply with the requirements of an
2300 educational loan, service conditional scholarship or loan
2301 repayment program obligation that has been granted or guaranteed
2302 by any federal, state or local agency or political subdivision
2303 under which the person obtained any of the education necessary to
2304 qualify for a license under this chapter. However, before an
2305 agency, political subdivision or other public or private entity
2306 may recommend the suspension of a license due to the person's
2307 default on a loan, that agency, political subdivision or other
2308 public or private entity must provide the license holder with
2309 notice of its intention to recommend the suspension of the
2310 person's license and an opportunity for the license holder to
2311 respond; and

2312 (b) The person's license will remain suspended until
2313 the person has: (i) made arrangements satisfactory to the board
2314 for meeting the obligations of the loan, scholarship or loan
2315 repayment program; or (ii) in the case of a default on a loan,
2316 made arrangements satisfactory to the agency, political
2317 subdivision or other public or private entity to which payments
2318 are due for the repayment of the loan.

2319 (3) When the board finds any person unqualified because of
2320 any of the grounds set forth in subsection (1) of this section, it
2321 may enter an order imposing one or more of the following
2322 penalties:

2323 (a) Denying application for a license or other
2324 authorization to practice nursing or practical nursing;

2325 (b) Administering a reprimand;

2326 (c) Suspending or restricting the license or other
2327 authorization to practice as a registered nurse or licensed
2328 practical nurse for up to two (2) years without review;

2329 (d) Revoking the license or other authorization to
2330 practice nursing or practical nursing;

2331 (e) Requiring the discipline to submit to care,
2332 counseling or treatment by persons and/or agencies approved or
2333 designated by the board as a condition for initial, continued or
2334 renewed licensure or other authorization to practice nursing or
2335 practical nursing;

2336 (f) Requiring the discipline to participate in a
2337 program of education prescribed by the board as a condition for
2338 initial, continued or renewed licensure or other authorization to
2339 practice;

2340 (g) Requiring the discipline to practice under the
2341 supervision of a registered nurse for a specified period of time;

2342 or

2343 (h) Imposing a fine not to exceed Five Hundred Dollars
2344 (\$500.00).

2345 (4) In addition to the grounds specified in subsection (1)
2346 of this section, the board may suspend the license or privilege to
2347 practice of any licensee for being out of compliance with an order
2348 for support, as defined in Section 93-11-153. The procedure for
2349 suspension of a license or privilege to practice for being out of
2350 compliance with an order for support, and the procedure for the
2351 reissuance or reinstatement of a license or privilege to practice

2352 suspended for that purpose, and the payment of any fees for the
2353 reissuance or reinstatement of a license or privilege to practice
2354 suspended for that purpose, shall be governed by Section 93-11-157
2355 or 93-11-163, as the case may be. If there is any conflict
2356 between any provision of Section 93-11-157 or 93-11-163 and any
2357 provision of this chapter, the provisions of Section 93-11-157 or
2358 93-11-163, as the case may be, shall control.

2359 **SECTION 13.** Section 73-19-23, Mississippi Code of 1972, is
2360 amended as follows:

2361 73-19-23. (1) The board shall refuse to grant a certificate
2362 of licensure to any applicant and may cancel, revoke or suspend
2363 the operation of any certificate by it granted for any or all of
2364 the following reasons, to wit: unprofessional and unethical
2365 conduct or the conviction of a crime involving moral turpitude,
2366 habitual intemperance in the use of ardent spirits, or stimulants,
2367 narcotics, or any other substance that impairs the intellect and
2368 judgment to such an extent as to incapacitate one for the
2369 performance of the duties of an optometrist. The certificate of
2370 licensure of any person can be revoked for violating any section
2371 of this chapter.

2372 (2) The board may take disciplinary action against a
2373 licensee for any unlawful acts, which shall include violations of
2374 regulations promulgated by the board, as well as the following
2375 acts:

2376 (a) Fraud or misrepresentation in applying for or
2377 procuring an optometric license or in connection with applying for
2378 or procuring periodic renewal of an optometric license.

2379 (b) Cheating on or attempting to subvert the optometric
2380 licensing examination(s).

2381 (c) The conviction of a felony in this state or any
2382 other jurisdiction, or the entry of guilty or nolo contendere plea
2383 to a felony charge.

2384 (d) The conviction of a felony as defined by federal
2385 law, or the entry of a guilty or nolo contendere plea to a felony
2386 charge.

2387 (e) Conduct likely to deceive, defraud or harm the
2388 public.

2389 (f) Making a false or misleading statement regarding
2390 his or her skill or the efficacy or value of the medicine, device,
2391 treatment or remedy prescribed by him or her or used at his or her
2392 direction in the treatment of any disease or other condition.

2393 (g) Willfully or negligently violating the
2394 confidentiality between doctor and patient, except as required by
2395 law.

2396 (h) Negligence or gross incompetence in the practice of
2397 optometry as determined by the board.

2398 (i) Being found mentally incompetent or insane by any
2399 court of competent jurisdiction.

2400 (j) The use of any false, fraudulent, deceptive or
2401 misleading statement in any document connected with the practice
2402 of optometry.

2403 (k) Aiding or abetting the practice of optometry by an
2404 unlicensed, incompetent or impaired person.

2405 (l) Commission of any act of sexual abuse, misconduct
2406 or exploitation related to the licensee's practice of optometry.

2407 (m) Being addicted or habituated to a drug or
2408 intoxicant.

2409 (n) Violating any state or federal law or regulation
2410 relating to a drug legally classified as a controlled substance.

2411 (o) Obtaining any fee by fraud, deceit or
2412 misrepresentation.

2413 (p) Disciplinary action of another state or
2414 jurisdiction against a licensee or other authorization to practice
2415 optometry based upon acts or conduct by the licensee similar to
2416 acts or conduct that would constitute grounds for action as

2417 defined in this chapter, a certified copy of the record of the
2418 action taken by the other state or jurisdiction being conclusive
2419 evidence thereof.

2420 (q) Failure to report to the board the relocation of
2421 his or her office in or out of the jurisdiction, or to furnish
2422 floor plans as required by regulation.

2423 (r) Violation of any provision(s) of the Optometry
2424 Practice Act or the rules and regulations of the board or of an
2425 action, stipulation or agreement of the board.

2426 (s) To advertise in a manner that tends to deceive,
2427 mislead or defraud the public.

2428 (t) The designation of any person licensed under this
2429 chapter, other than by the terms "optometrist," "Doctor of
2430 Optometry" or "O.D."

2431 (u) To knowingly submit or cause to be submitted any
2432 misleading, deceptive or fraudulent representation on a claim
2433 form, bill or statement.

2434 (v) To practice or attempt to practice optometry while
2435 his or her license is suspended.

2436 (3) Notwithstanding any provision of this chapter:

2437 (a) The board, acting on its own motion or, in the case
2438 of a default on a loan, on the recommendation of the agency,
2439 political subdivision or other public or private entity to which
2440 payments are due, shall suspend the certificate of licensure of
2441 any person who defaults on or fails to comply with the
2442 requirements of an educational loan, service conditional
2443 scholarship or loan repayment program obligation that has been
2444 granted or guaranteed by any federal, state or local agency or
2445 political subdivision under which the person obtained any of the
2446 education necessary to qualify for a certificate of licensure
2447 under this chapter. However, before an agency, political
2448 subdivision or other public or private entity may recommend the
2449 suspension of a certificate of licensure due to the person's

2450 default on a loan, that agency, political subdivision or other
2451 public or private entity must provide the certificate holder with
2452 notice of its intention to recommend the suspension of the
2453 person's certificate of licensure and an opportunity for the
2454 certificate holder to respond; and

2455 (b) The person's certificate of licensure will remain
2456 suspended until the person has: (i) made arrangements
2457 satisfactory to the board for meeting the obligations of the loan,
2458 scholarship or loan repayment program; or (ii) in the case of a
2459 default on a loan, made arrangements satisfactory to the agency,
2460 political subdivision or other public or private entity to which
2461 payments are due for the repayment of the loan.

2462 (4) Any person who is holder of a certificate of licensure
2463 or who is an applicant for examination for a certificate of
2464 licensure, against whom is preferred any charges, shall be
2465 furnished by the board with a copy of the complaint and shall have
2466 a hearing in Jackson, Mississippi, before the board, at which
2467 hearing he may be represented by counsel. At the hearing
2468 witnesses may be examined for and against the accused respecting
2469 the * * * charges, and the hearing orders or appeals will be
2470 conducted according to the procedure now provided in Section
2471 73-25-27. The suspension of a certificate of licensure, by reason
2472 of the use of stimulants or narcotics may be removed when the
2473 holder thereof has been adjudged by the * * * board to be cured
2474 and capable of practicing optometry.

2475 (5) In addition to the reasons specified in subsections (1)
2476 and (2) of this section, the board may suspend the license of any
2477 licensee for being out of compliance with an order for support, as
2478 defined in Section 93-11-153. The procedure for suspension of a
2479 license for being out of compliance with an order for support, and
2480 the procedure for the reissuance or reinstatement of a license
2481 suspended for that purpose, and the payment of any fees for the
2482 reissuance or reinstatement of a license suspended for that

2483 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
2484 the case may be. If there is any conflict between any provision
2485 of Section 93-11-157 or 93-11-163 and any provision of this
2486 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
2487 case may be, shall control.

2488 **SECTION 14.** Section 73-21-97, Mississippi Code of 1972, is
2489 amended as follows:

2490 73-21-97. (1) The board may refuse to issue or renew, or
2491 may suspend, reprimand, revoke or restrict the license,
2492 registration or permit of any person upon one or more of the
2493 following grounds:

2494 (a) Unprofessional conduct as defined by the rules and
2495 regulations of the board;

2496 (b) Incapacity of a nature that prevents a pharmacist
2497 from engaging in the practice of pharmacy with reasonable skill,
2498 confidence and safety to the public;

2499 (c) Being found guilty by a court of competent
2500 jurisdiction of one or more of the following:

2501 (i) A felony;

2502 (ii) Any act involving moral turpitude or gross
2503 immorality; or

2504 (iii) Violation of pharmacy or drug laws of this
2505 state or rules or regulations pertaining thereto, or of statutes,
2506 rules or regulations of any other state or the federal government;

2507 (d) Fraud or intentional misrepresentation by a
2508 licensee or permit holder in securing the issuance or renewal of a
2509 license or permit;

2510 (e) Engaging or aiding and abetting an individual to
2511 engage in the practice of pharmacy without a license;

2512 (f) Violation of any of the provisions of this chapter
2513 or rules or regulations adopted under this chapter;

2514 (g) Failure to comply with lawful orders of the board;

2515 (h) Negligently or willfully acting in a manner
2516 inconsistent with the health or safety of the public;

2517 (i) Addiction to or dependence on alcohol or controlled
2518 substances or the unauthorized use or possession of controlled
2519 substances;

2520 (j) Misappropriation of any prescription drug;

2521 (k) Being found guilty by the licensing agency in
2522 another state of violating the statutes, rules or regulations of
2523 that jurisdiction; or

2524 (1) The unlawful or unauthorized possession of a
2525 controlled substance.

2526 (2) In lieu of suspension, revocation or restriction of a
2527 license as provided for above, the board may warn or reprimand the
2528 offending pharmacist.

2529 (3) Notwithstanding any provision of this chapter:

2530 (a) The board, acting on its own motion or, in the case
2531 of a default on a loan, on the recommendation of the agency,
2532 political subdivision or other public or private entity to which
2533 payments are due, shall suspend the pharmacist's license of any
2534 person who defaults on or fails to comply with the requirements of
2535 an educational loan, service conditional scholarship or loan
2536 repayment program obligation that has been granted or guaranteed
2537 by any federal, state or local agency or political subdivision
2538 under which the person obtained any of the education necessary to
2539 qualify for a pharmacist's license under this chapter. However,
2540 before an agency, political subdivision or other public or private
2541 entity may recommend the suspension of a pharmacist's license due
2542 to the person's default on a loan, that agency, political
2543 subdivision or other public or private entity must provide the
2544 license holder with notice of its intention to recommend the
2545 suspension of the person's pharmacist's license and an opportunity
2546 for the license holder to respond; and

2547 (b) The person's pharmacist's license will remain
2548 suspended until the person has: (i) made arrangements
2549 satisfactory to the board for meeting the obligations of the loan,
2550 scholarship or loan repayment program; or (ii) in the case of a
2551 default on a loan, made arrangements satisfactory to the agency,
2552 political subdivision or other public or private entity to which
2553 payments are due for the repayment of the loan.

2554 (4) In addition to the grounds specified in subsection (1)
2555 of this section, the board may suspend the license, registration
2556 or permit of any person for being out of compliance with an order
2557 for support, as defined in Section 93-11-153. The procedure for
2558 suspension of a license, registration or permit for being out of
2559 compliance with an order for support, and the procedure for the
2560 reissuance or reinstatement of a license, registration or permit
2561 suspended for that purpose, and the payment of any fees for the
2562 reissuance or reinstatement of a license, registration or permit
2563 suspended for that purpose, shall be governed by Section 93-11-157
2564 or 93-11-163, as the case may be. If there is any conflict
2565 between any provision of Section 93-11-157 or 93-11-163 and any
2566 provision of this chapter, the provisions of Section 93-11-157 or
2567 93-11-163, as the case may be, shall control.

2568 **SECTION 15.** Section 73-23-59, Mississippi Code of 1972, is
2569 amended as follows:

2570 73-23-59. (1) Licensees subject to this chapter shall
2571 conduct their activities, services and practice in accordance with
2572 this chapter and any rules promulgated pursuant hereto. Licensees
2573 may be subject to the exercise of the disciplinary sanction
2574 enumerated in Section 73-23-64 if the board finds that a licensee
2575 is guilty of any of the following:

2576 (a) Negligence in the practice or performance of
2577 professional services or activities;

2578 (b) Engaging in dishonorable, unethical or
2579 unprofessional conduct of a character likely to deceive, defraud

2580 or harm the public in the course of professional services or
2581 activities;

2582 (c) Perpetrating or cooperating in fraud or material
2583 deception in obtaining or renewing a license or attempting the
2584 same;

2585 (d) Being convicted of any crime that has a substantial
2586 relationship to the licensee's activities and services or an
2587 essential element of which is misstatement, fraud or dishonesty;

2588 (e) Being convicted of any crime that is a felony under
2589 the laws of this state or the United States;

2590 (f) Engaging in or permitting the performance of
2591 unacceptable services personally or by others working under the
2592 licensee's supervision due to the licensee's deliberate or
2593 negligent act or acts or failure to act, regardless of whether
2594 actual damage or damages to the public is established;

2595 (g) Continued practice although the licensee has become
2596 unfit to practice as a physical therapist or physical therapist
2597 assistant due to:

2598 (i) Failure to keep abreast of current
2599 professional theory or practice; * * *

2600 (ii) Physical or mental disability; the entry of
2601 an order or judgment by a court of competent jurisdiction that a
2602 licensee is in need of mental treatment or is incompetent shall
2603 constitute mental disability; or

2604 (iii) Addiction or severe dependency upon alcohol
2605 or other drugs that may endanger the public by impairing the
2606 licensee's ability to practice;

2607 (h) Having disciplinary action taken against the
2608 licensee's license in another state;

2609 (i) Making differential, detrimental treatment against
2610 any person because of race, color, creed, sex, religion or
2611 national origin;

2612 (j) Engaging in lewd conduct in connection with
2613 professional services or activities;

2614 (k) Engaging in false or misleading advertising;

2615 (l) Contracting, assisting or permitting unlicensed
2616 persons to perform services for which a license is required under
2617 this chapter;

2618 (m) Violation of any probation requirements placed on a
2619 license by the board;

2620 (n) Revealing confidential information except as may be
2621 required by law;

2622 (o) Failing to inform clients of the fact that the
2623 client no longer needs the services or professional assistance of
2624 the licensee;

2625 (p) Charging excessive or unreasonable fees or engaging
2626 in unreasonable collection practices;

2627 (q) For treating or attempting to treat ailments or
2628 other health conditions of human beings other than by physical
2629 therapy as authorized by this chapter;

2630 (r) For applying or offering to apply physical therapy,
2631 exclusive of initial evaluation or screening and exclusive of
2632 education or consultation for the prevention of physical and
2633 mental disability within the scope of physical therapy, other than
2634 upon the referral of a licensed physician, dentist, osteopath,
2635 podiatrist, chiropractor or nurse practitioner; or for acting as a
2636 physical therapist assistant other than under the direct, on-site
2637 supervision of a licensed physical therapist;

2638 (s) Violations of the current codes of conduct for
2639 physical therapists and physical therapy assistants adopted by the
2640 American Physical Therapy Association;

2641 (t) Violations of any rules or regulations promulgated
2642 under this chapter.

2643 (2) The board may order a licensee to submit to a reasonable
2644 physical or mental examination if the licensee's physical or

2645 mental capacity to practice safely is at issue in a disciplinary
2646 proceeding.

2647 (3) Failure to comply with a board order to submit to a
2648 physical or mental examination shall render a licensee subject to
2649 the summary suspension procedures described in Section 73-23-64.

2650 (4) Notwithstanding any provision of this chapter:

2651 (a) The board, acting on its own motion or, in the case
2652 of a default on a loan, on the recommendation of the agency,
2653 political subdivision or other public or private entity to which
2654 payments are due, shall suspend the license of any person who
2655 defaults on or fails to comply with the requirements of an
2656 educational loan, service conditional scholarship or loan
2657 repayment program obligation that has been granted or guaranteed
2658 by any federal, state or local agency or political subdivision
2659 under which the person obtained any of the education necessary to
2660 qualify for a license under this chapter. However, before an
2661 agency, political subdivision or other public or private entity
2662 may recommend the suspension of a license due to the person's
2663 default on a loan, that agency, political subdivision or other
2664 public or private entity must provide the license holder with
2665 notice of its intention to recommend the suspension of the
2666 person's license and an opportunity for the license holder to
2667 respond; and

2668 (b) The person's license will remain suspended until
2669 the person has: (i) made arrangements satisfactory to the board
2670 for meeting the obligations of the loan, scholarship or loan
2671 repayment program; or (ii) in the case of a default on a loan,
2672 made arrangements satisfactory to the agency, political
2673 subdivision or other public or private entity to which payments
2674 are due for the repayment of the loan.

2675 (5) In addition to the reasons specified in subsection (1)
2676 of this section, the board may suspend the license of any licensee
2677 for being out of compliance with an order for support, as defined

2678 in Section 93-11-153. The procedure for suspension of a license
2679 for being out of compliance with an order for support, and the
2680 procedure for the reissuance or reinstatement of a license
2681 suspended for that purpose, and the payment of any fees for the
2682 reissuance or reinstatement of a license suspended for that
2683 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
2684 the case may be. If there is any conflict between any provision
2685 of Section 93-11-157 or 93-11-163 and any provision of this
2686 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
2687 case may be, shall control.

2688 **SECTION 16.** Section 73-24-24, Mississippi Code of 1972, is
2689 amended as follows:

2690 73-24-24. (1) Licensees subject to this chapter shall
2691 conduct their activities, services and practice in accordance with
2692 this chapter and any rules promulgated pursuant hereto. Licenses
2693 may be subject to the exercise of the disciplinary sanction
2694 enumerated in Section 73-24-25 if the board finds that a licensee
2695 is guilty of any of the following:

2696 (a) Negligence in the practice or performance of
2697 professional services or activities;

2698 (b) Engaging in dishonorable, unethical or
2699 unprofessional conduct of a character likely to deceive, defraud
2700 or harm the public in the course of professional services or
2701 activities;

2702 (c) Perpetrating or cooperating in fraud or material
2703 deception in obtaining or renewing a license or attempting the
2704 same;

2705 (d) Being convicted of any crime that has a substantial
2706 relationship to the licensee's activities and services or an
2707 essential element of which is misstatement, fraud or dishonesty;

2708 (e) Being convicted of any crime that is a felony under
2709 the laws of this state or the United States;

2710 (f) Engaging in or permitting the performance of
2711 unacceptable services personally or by others working under the
2712 licensee's supervision due to the licensee's deliberate or
2713 negligent act or acts or failure to act, regardless of whether
2714 actual damage or damages to the public is established;

2715 (g) Continued practice although the licensee has become
2716 unfit to practice as an occupational therapist or occupational
2717 therapist assistant due to:

2718 (i) Failure to keep abreast of current
2719 professional theory or practice; * * *

2720 (ii) Physical or mental disability; the entry of
2721 an order or judgment by a court of competent jurisdiction that a
2722 licensee is in need of mental treatment or is incompetent shall
2723 constitute mental disability; or

2724 (iii) Addiction or severe dependency upon alcohol
2725 or other drugs that may endanger the public by impairing the
2726 licensee's ability to practice;

2727 (h) Having disciplinary action taken against the
2728 licensee's license in another state;

2729 (i) Making differential, detrimental treatment against
2730 any person because of race, color, creed, sex, religion or
2731 national origin;

2732 (j) Engaging in lewd conduct in connection with
2733 professional services or activities;

2734 (k) Engaging in false or misleading advertising;

2735 (l) Contracting, assisting or permitting unlicensed
2736 persons to perform services for which a license is required under
2737 this chapter;

2738 (m) Violation of any probation requirements placed on a
2739 license by the board;

2740 (n) Revealing confidential information except as may be
2741 required by law;

2742 (o) Failing to inform clients of the fact that the
2743 client no longer needs the services or professional assistance of
2744 the licensee;

2745 (p) Charging excessive or unreasonable fees or engaging
2746 in unreasonable collection practices;

2747 (q) For treating or attempting to treat ailments or
2748 other health conditions of human beings other than by occupational
2749 therapy as authorized by this chapter;

2750 (r) For practice or activities considered to be
2751 unprofessional conduct as defined by the rules and regulations;

2752 (s) Violations of the current codes of conduct for
2753 occupational therapists and occupational therapy assistants
2754 adopted by the American Occupational Therapy Association;

2755 (t) Violations of any rules or regulations promulgated
2756 pursuant to this chapter.

2757 (2) Notwithstanding any provision of this chapter:

2758 (a) The board, acting on its own motion or, in the case
2759 of a default on a loan, on the recommendation of the agency,
2760 political subdivision or other public or private entity to which
2761 payments are due, shall suspend the license of any person who
2762 defaults on or fails to comply with the requirements of an
2763 educational loan, service conditional scholarship or loan
2764 repayment program obligation that has been granted or guaranteed
2765 by any federal, state or local agency or political subdivision
2766 under which the person obtained any of the education necessary to
2767 qualify for a license under this chapter. However, before an
2768 agency, political subdivision or other public or private entity
2769 may recommend the suspension of a license due to the person's
2770 default on a loan, that agency, political subdivision or other
2771 public or private entity must provide the license holder with
2772 notice of its intention to recommend the suspension of the
2773 person's license and an opportunity for the license holder to
2774 respond; and

2775 (b) The person's license will remain suspended until
2776 the person has: (i) made arrangements satisfactory to the board
2777 for meeting the obligations of the loan, scholarship or loan
2778 repayment program; or (ii) in the case of a default on a loan,
2779 made arrangements satisfactory to the agency, political
2780 subdivision or other public or private entity to which payments
2781 are due for the repayment of the loan.

2782 (3) The board may order a licensee to submit to a reasonable
2783 physical or mental examination if the licensee's physical or
2784 mental capacity to practice safely is at issue in a disciplinary
2785 proceeding.

2786 (4) Failure to comply with a board order to submit to a
2787 physical or mental examination shall render a licensee subject to
2788 the summary suspension procedures described in Section 73-24-25.

2789 **SECTION 17.** Section 73-25-29, Mississippi Code of 1972, is
2790 amended as follows:

2791 73-25-29. (1) The grounds for the nonissuance, suspension,
2792 revocation or restriction of a license or the denial of
2793 reinstatement or renewal of a license are:

2794 (a) Habitual personal use of narcotic drugs, or any
2795 other drug having addiction-forming or addiction-sustaining
2796 liability.

2797 (b) Habitual use of intoxicating liquors, or any
2798 beverage, to an extent that affects professional competency.

2799 (c) Administering, dispensing or prescribing any
2800 narcotic drug, or any other drug having addiction-forming or
2801 addiction-sustaining liability otherwise than in the course of
2802 legitimate professional practice.

2803 (d) Conviction of violation of any federal or state law
2804 regulating the possession, distribution or use of any narcotic
2805 drug or any drug considered a controlled substance under state or
2806 federal law, a certified copy of the conviction order or judgment

2807 rendered by the trial court being prima facie evidence thereof,
2808 notwithstanding the pendency of any appeal.

2809 (e) Procuring, or attempting to procure, or aiding in,
2810 an abortion that is not medically indicated.

2811 (f) Conviction of a felony or misdemeanor involving
2812 moral turpitude, a certified copy of the conviction order or
2813 judgment rendered by the trial court being prima facie evidence
2814 thereof, notwithstanding the pendency of any appeal.

2815 (g) Obtaining or attempting to obtain a license by
2816 fraud or deception.

2817 (h) Unprofessional conduct, which includes, but is not
2818 limited to:

2819 (i) Practicing medicine under a false or assumed
2820 name or impersonating another practitioner, living or dead.

2821 (ii) Knowingly performing any act that in any way
2822 assists an unlicensed person to practice medicine.

2823 (iii) Making or willfully causing to be made any
2824 flamboyant claims concerning the licensee's professional
2825 excellence.

2826 (iv) Being guilty of any dishonorable or unethical
2827 conduct likely to deceive, defraud or harm the public.

2828 (v) Obtaining a fee as personal compensation or
2829 gain from a person on fraudulent representation a disease or
2830 injury condition generally considered incurable by competent
2831 medical authority in the light of current scientific knowledge and
2832 practice can be cured or offering, undertaking, attempting or
2833 agreeing to cure or treat the same by a secret method, which he
2834 refuses to divulge to the board upon request.

2835 (vi) Use of any false, fraudulent or forged
2836 statement or document, or the use of any fraudulent, deceitful,
2837 dishonest or immoral practice in connection with any of the
2838 licensing requirements, including the signing in his professional

2839 capacity any certificate that is known to be false at the time he
2840 makes or signs the certificate.

2841 (vii) Failing to identify a physician's school of
2842 practice in all professional uses of his name by use of his earned
2843 degree or a description of his school of practice.

2844 (i) The refusal of a licensing authority of another
2845 state or jurisdiction to issue or renew a license, permit or
2846 certificate to practice medicine in that jurisdiction or the
2847 revocation, suspension or other restriction imposed on a license,
2848 permit or certificate issued by that licensing authority which
2849 prevents or restricts practice in that jurisdiction, a certified
2850 copy of the disciplinary order or action taken by the other state
2851 or jurisdiction being prima facie evidence thereof,
2852 notwithstanding the pendency of any appeal.

2853 (j) Surrender of a license or authorization to practice
2854 medicine in another state or jurisdiction or surrender of
2855 membership on any medical staff or in any medical or professional
2856 association or society while under disciplinary investigation by
2857 any of those authorities or bodies for acts or conduct similar to
2858 acts or conduct that would constitute grounds for action as
2859 defined in this section.

2860 (k) Final sanctions imposed by the United States
2861 Department of Health and Human Services, Office of Inspector
2862 General or any successor federal agency or office, based upon a
2863 finding of incompetency, gross misconduct or failure to meet
2864 professionally recognized standards of health care; a certified
2865 copy of the notice of final sanction being prima facie evidence
2866 thereof. As used in this paragraph, the term "final sanction"
2867 means the written notice to a physician from the United States
2868 Department of Health and Human Services, Officer of Inspector
2869 General or any successor federal agency or office, that implements
2870 the exclusion.

2871 (1) Failure to furnish the board, its investigators or
2872 representatives information legally requested by the board.

2873 (m) Violation of any provision(s) of the Medical
2874 Practice Act or the rules and regulations of the board or of any
2875 order, stipulation or agreement with the board.

2876 (2) Notwithstanding any provision of this chapter:

2877 (a) The board, acting on its own motion or, in the case
2878 of a default on a loan, on the recommendation of the agency,
2879 political subdivision or other public or private entity to which
2880 payments are due, shall suspend the license of any person who
2881 defaults on or fails to comply with the requirements of an
2882 educational loan, service conditional scholarship or loan
2883 repayment program obligation that has been granted or guaranteed
2884 by any federal, state or local agency or political subdivision
2885 under which the person obtained any of the education necessary to
2886 qualify for a license under this chapter. However, before an
2887 agency, political subdivision or other public or private entity
2888 may recommend the suspension of a license due to the person's
2889 default on a loan, that agency, political subdivision or other
2890 public or private entity must provide the license holder with
2891 notice of its intention to recommend the suspension of the
2892 person's license and an opportunity for the license holder to
2893 respond; and

2894 (b) The person's license will remain suspended until
2895 the person has: (i) made arrangements satisfactory to the board
2896 for meeting the obligations of the loan, scholarship or loan
2897 repayment program; or (ii) in the case of a default on a loan,
2898 made arrangements satisfactory to the agency, political
2899 subdivision or other public or private entity to which payments
2900 are due for the repayment of the loan.

2901 (3) In addition to the grounds specified in subsection (1)
2902 of this section, the board may suspend the license of any licensee
2903 for being out of compliance with an order for support, as defined

2904 in Section 93-11-153. The procedure for suspension of a license
2905 for being out of compliance with an order for support, and the
2906 procedure for the reissuance or reinstatement of a license
2907 suspended for that purpose, and the payment of any fees for the
2908 reissuance or reinstatement of a license suspended for that
2909 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
2910 the case may be. If there is any conflict between any provision
2911 of Section 93-11-157 or 93-11-163 and any provision of this
2912 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
2913 case may be, shall control.

2914 **SECTION 18.** Section 73-26-5, Mississippi Code of 1972, is
2915 amended as follows:

2916 73-26-5. (1) The board shall promulgate and publish
2917 reasonable rules and regulations necessary to enable it to
2918 discharge its functions and to enforce the provisions of law
2919 regulating the practice of physician assistants. Those rules
2920 shall include, but are not limited to:

2921 (a) Qualifications for licensure for physician
2922 assistants;

2923 (b) Scope of practice of physician assistants;

2924 (c) Supervision of physician assistants;

2925 (d) Identification of physician assistants;

2926 (e) Grounds for disciplinary actions and discipline of
2927 physician assistants; and

2928 (f) Setting and charging reasonable fees for licensure
2929 and license renewals for physician assistants. However, nothing
2930 in this chapter or in rules adopted by the board shall authorize
2931 physician assistants to administer or monitor general inhaled
2932 anesthesia, epidural anesthesia, spinal anesthesia or monitored
2933 anesthesia as utilized in surgical procedures.

2934 (2) Notwithstanding any provision of this chapter:

2935 (a) The board, acting on its own motion or, in the case
2936 of a default on a loan, on the recommendation of the agency,

2937 political subdivision or other public or private entity to which
2938 payments are due, shall suspend the license of any person who
2939 defaults on or fails to comply with the requirements of an
2940 educational loan, service conditional scholarship or loan
2941 repayment program obligation that has been granted or guaranteed
2942 by any federal, state or local agency or political subdivision
2943 under which the person obtained any of the education necessary to
2944 qualify for a license under this chapter. However, before an
2945 agency, political subdivision or other public or private entity
2946 may recommend the suspension of a license due to the person's
2947 default on a loan, that agency, political subdivision or other
2948 public or private entity must provide the license holder with
2949 notice of its intention to recommend the suspension of the
2950 person's license and an opportunity for the license holder to
2951 respond; and

2952 (b) The person's license will remain suspended until
2953 the person has: (i) made arrangements satisfactory to the board
2954 for meeting the obligations of the loan, scholarship or loan
2955 repayment program; or (ii) in the case of a default on a loan,
2956 made arrangements satisfactory to the agency, political
2957 subdivision or other public or private entity to which payments
2958 are due for the repayment of the loan.

2959 (3) If the board appoints a task force or committee to
2960 address physician assistant regulation, at least one (1) member of
2961 the task force shall be a nurse practitioner who is a member of
2962 the Mississippi Board of Nursing or a nurse practitioner appointee
2963 selected by the board from a list of three (3) recommendations
2964 submitted by the Mississippi Nurses Association, and at least one
2965 (1) member shall be a physician assistant selected by the board
2966 from a list of three (3) recommendations submitted by the
2967 Mississippi Academy of Physician Assistants.

2968 **SECTION 19.** Section 73-27-13, Mississippi Code of 1972, is
2969 amended as follows:

2970 73-27-13. (1) The State Board of Medical Licensure may
2971 refuse to issue, suspend, revoke or otherwise restrict any license
2972 provided for in this chapter, with the advice of the advisory
2973 committee, based upon the following grounds:

2974 (a) Habitual personal use of narcotic drugs, or any
2975 other drug having addiction-forming or addiction-sustaining
2976 liability.

2977 (b) Habitual use of intoxicating liquors, or any
2978 beverage, to an extent that affects professional competency.

2979 (c) Administering, dispensing or prescribing any
2980 narcotic drug, or any other drug having addiction-forming or
2981 addiction-sustaining liability otherwise than in the course of
2982 legitimate professional practice.

2983 (d) Conviction of violation of any federal or state law
2984 regulating the possession, distribution or use of any narcotic
2985 drug or any drug considered a controlled substance under state or
2986 federal law.

2987 (e) Performing any medical diagnosis or treatment
2988 outside the scope of podiatry as defined in Section 73-27-1.

2989 (f) Conviction of a felony or misdemeanor involving
2990 moral turpitude.

2991 (g) Obtaining or attempting to obtain a license by
2992 fraud or deception.

2993 (h) Unprofessional conduct, which includes, but is not
2994 limited to:

2995 (i) Practicing medicine under a false or assumed
2996 name or impersonating another practitioner, living or dead.

2997 (ii) Knowingly performing any act that in any way
2998 assists an unlicensed person to practice podiatry.

2999 (iii) Making or willfully causing to be made any
3000 flamboyant claims concerning the licensee's professional
3001 excellence.

3002 (iv) Being guilty of any dishonorable or unethical
3003 conduct likely to deceive, defraud or harm the public.

3004 (v) Obtaining a fee as personal compensation or
3005 gain from a person on fraudulent representation a disease or
3006 injury condition generally considered incurable by competent
3007 medical authority in the light of current scientific knowledge and
3008 practice can be cured or offering, undertaking, attempting or
3009 agreeing to cure or treat the same by a secret method, which he
3010 refuses to divulge to the board upon request.

3011 (vi) Use of any false, fraudulent or forged
3012 statement or document, or the use of any fraudulent, deceitful,
3013 dishonest or immoral practice in connection with any of the
3014 licensing requirements, including the signing in his professional
3015 capacity any certificate that is known to be false at the time he
3016 makes or signs the certificate.

3017 (vii) Failing to identify a podiatrist's school of
3018 practice in all professional uses of his name by use of his earned
3019 degree or a description of his school of practice.

3020 (i) The refusal of a licensing authority of another
3021 state to issue or renew a license, permit or certificate to
3022 practice podiatry in that state or the revocation, suspension or
3023 other restriction imposed on a license, permit or certificate
3024 issued by that licensing authority which prevents or restricts
3025 practice in that state.

3026 (2) Notwithstanding any provision of this chapter:

3027 (a) The board, acting on its own motion or, in the case
3028 of a default on a loan, on the recommendation of the agency,
3029 political subdivision or other public or private entity to which
3030 payments are due, shall suspend the license of any person who
3031 defaults on or fails to comply with the requirements of an
3032 educational loan, service conditional scholarship or loan
3033 repayment program obligation that has been granted or guaranteed
3034 by any federal, state or local agency or political subdivision

3035 under which the person obtained any of the education necessary to
3036 qualify for a license under this chapter. However, before an
3037 agency, political subdivision or other public or private entity
3038 may recommend the suspension of a license due to the person's
3039 default on a loan, that agency, political subdivision or other
3040 public or private entity must provide the license holder with
3041 notice of its intention to recommend the suspension of the
3042 person's license and an opportunity for the license holder to
3043 respond; and

3044 (b) The person's license will remain suspended until
3045 the person has: (i) made arrangements satisfactory to the board
3046 for meeting the obligations of the loan, scholarship or loan
3047 repayment program; or (ii) in the case of a default on a loan,
3048 made arrangements satisfactory to the agency, political
3049 subdivision or other public or private entity to which payments
3050 are due for the repayment of the loan.

3051 (3) Upon the nonissuance, suspension or revocation of a
3052 license to practice podiatry, the board may, in its discretion and
3053 with the advice of the advisory committee, reissue a license after
3054 a lapse of six (6) months. No advertising shall be permitted
3055 except regular professional cards.

3056 (4) In its investigation of whether the license of a
3057 podiatrist should be suspended, revoked or otherwise restricted,
3058 the board may inspect patient records in accordance with the
3059 provisions of Section 73-25-28.

3060 (5) In addition to the grounds specified in subsection (1)
3061 of this section, the board may suspend the license of any licensee
3062 for being out of compliance with an order for support, as defined
3063 in Section 93-11-153. The procedure for suspension of a license
3064 for being out of compliance with an order for support, and the
3065 procedure for the reissuance or reinstatement of a license
3066 suspended for that purpose, and the payment of any fees for the
3067 reissuance or reinstatement of a license suspended for that

3068 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
3069 the case may be. If there is any conflict between any provision
3070 of Section 93-11-157 or 93-11-163 and any provision of this
3071 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
3072 case may be, shall control.

3073 **SECTION 20.** Section 73-30-21, Mississippi Code of 1972, is
3074 amended as follows:

3075 73-30-21. (1) The board may, after notice and opportunity
3076 for a hearing, suspend, revoke or refuse to issue or renew a
3077 license or may reprimand the license holder, upon a determination
3078 by the board that the license holder or applicant for licensure
3079 has:

3080 (a) Been adjudged by any court to be mentally
3081 incompetent or have had a guardian of person appointed;

3082 (b) Been convicted of a felony;

3083 (c) Sworn falsely under oath or affirmation;

3084 (d) Obtained a license or certificate by fraud, deceit
3085 or other misrepresentation;

3086 (e) Engaged in the conduct of professional counseling
3087 in a grossly negligent or incompetent manner;

3088 (f) Intentionally violated any provision of this
3089 chapter;

3090 (g) Violated any rules or regulations of the board; or

3091 (h) Aided or assisted another in falsely obtaining a
3092 license under this chapter.

3093 (2) Notwithstanding any provision of this chapter:

3094 (a) The board, acting on its own motion or, in the case
3095 of a default on a loan, on the recommendation of the agency,
3096 political subdivision or other public or private entity to which
3097 payments are due, shall suspend the license of any person who
3098 defaults on or fails to comply with the requirements of an
3099 educational loan, service conditional scholarship or loan
3100 repayment program obligation that has been granted or guaranteed

3101 by any federal, state or local agency or political subdivision
3102 under which the person obtained any of the education necessary to
3103 qualify for a license under this chapter. However, before an
3104 agency may recommend the suspension of a license due to the
3105 person's default on a loan, that agency, political subdivision or
3106 other public or private entity must provide the license holder
3107 with notice of its intention to recommend the suspension of the
3108 person's license and an opportunity for the license holder to
3109 respond; and

3110 (b) The person's license will remain suspended until
3111 the person has: (i) made arrangements satisfactory to the board
3112 for meeting the obligations of the loan, scholarship or loan
3113 repayment program; or (ii) in the case of a default on a loan,
3114 made arrangements satisfactory to the agency, political
3115 subdivision or other public or private entity to which payments
3116 are due for the repayment of the loan.

3117 (3) No revoked license may be reinstated within twelve (12)
3118 months after the revocation. Reinstatement thereafter shall be
3119 upon such conditions as the board may prescribe, which may
3120 include, without being limited to, successful passing of the
3121 examination required by this chapter.

3122 (4) A license certificate issued by the board is the
3123 property of the board and must be surrendered on demand.

3124 (5) The chancery court is * * * vested with the jurisdiction
3125 and power to enjoin the unlawful practice of counseling and/or the
3126 false representation as a licensed counselor in a proceeding
3127 brought by the board or any members thereof or by any citizen of
3128 this state.

3129 (6) In addition to the reasons specified in subsection (1)
3130 of this section, the board may suspend the license of any licensee
3131 for being out of compliance with an order for support, as defined
3132 in Section 93-11-153. The procedure for suspension of a license
3133 for being out of compliance with an order for support, and the

3134 procedure for the reissuance or reinstatement of a license
3135 suspended for that purpose, and the payment of any fees for the
3136 reissuance or reinstatement of a license suspended for that
3137 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
3138 the case may be. If there is any conflict between any provision
3139 of Section 93-11-157 or 93-11-163 and any provision of this
3140 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
3141 case may be, shall control.

3142 **SECTION 21.** Section 73-31-21, Mississippi Code of 1972, is
3143 amended as follows:

3144 73-31-21. (1) The board, by an affirmative vote of at least
3145 four (4) of its seven (7) members, shall withhold, deny, revoke or
3146 suspend any license issued or applied for in accordance with the
3147 provisions of this chapter, or otherwise discipline a licensed
3148 psychologist, upon proof that the applicant or licensed
3149 psychologist:

3150 (a) Has violated the current code of ethics of the
3151 American Psychological Association or other codes of ethical
3152 standards adopted by the board; or

3153 (b) Has been convicted of a felony or any offense
3154 involving moral turpitude, the record of conviction being
3155 conclusive evidence thereof; or

3156 (c) Is using any narcotic or any alcoholic beverage to
3157 an extent or in a manner dangerous to any other person or the
3158 public, or to an extent that the use impairs his ability to
3159 perform the work of a professional psychologist with safety to the
3160 public; or

3161 (d) Has impersonated another person holding a
3162 psychologist license or allowed another person to use his license;
3163 or

3164 (e) Has used fraud or deception in applying for a
3165 license or in taking an examination provided for in this chapter;
3166 or

3167 (f) Has accepted commissions or rebates or other forms
3168 of remuneration for referring clients to other professional
3169 persons; or

3170 (g) Has allowed his name or license issued under this
3171 chapter to be used in connection with any person or persons who
3172 perform psychological services outside of the area of their
3173 training, experience or competence; or

3174 (h) Is legally adjudicated mentally incompetent, the
3175 record of the adjudication being conclusive evidence thereof; or

3176 (i) Has willfully or negligently violated any of the
3177 provisions of this chapter. The board may recover from any person
3178 disciplined under this chapter, the costs of investigation,
3179 prosecution, and adjudication of the disciplinary action.

3180 (2) Notwithstanding any provision of this chapter:

3181 (a) The board, acting on its own motion or, in the case
3182 of a default on a loan, on the recommendation of the agency,
3183 political subdivision or other public or private entity to which
3184 payments are due, shall suspend the license of any person who
3185 defaults on or fails to comply with the requirements of an
3186 educational loan, service conditional scholarship or loan
3187 repayment program obligation that has been granted or guaranteed
3188 by an federal, state or local agency or political subdivision
3189 under which the person obtained any of the education necessary to
3190 qualify for a license under this chapter. However, before an
3191 agency, political subdivision or other public or private entity
3192 may recommend the suspension of a license due to the person's
3193 default on a loan, that agency, political subdivision or other
3194 public or private entity must provide the license holder with
3195 notice of its intention to recommend the suspension of the
3196 person's license and an opportunity for the license holder to
3197 respond; and

3198 (b) The person's license will remain suspended until
3199 the person has: (i) made arrangements satisfactory to the board

3200 for meeting the obligations of the loan, scholarship or loan
3201 repayment program; or (ii) in the case of a default on a loan,
3202 made arrangements satisfactory to the agency, political
3203 subdivision or other public or private entity to which payments
3204 are due for the repayment of the loan.

3205 (3) Notice shall be effected by registered mail or personal
3206 service setting forth the particular reasons for the proposed
3207 action and fixing a date not less than thirty (30) days nor more
3208 than sixty (60) days from the date of the mailing or the service,
3209 at which time the applicant or licentiate shall be given an
3210 opportunity for a prompt and fair hearing. For the purpose of the
3211 hearing the board, acting by and through its executive secretary,
3212 may subpoena persons and papers on its own behalf and on behalf of
3213 the applicant or licentiate, may administer oaths and may take
3214 testimony. That testimony, when properly transcribed, together
3215 with the papers and exhibits, shall be admissible in evidence for
3216 or against the applicant or licentiate. At the hearing applicant
3217 or licentiate may appear by counsel and personally in his own
3218 behalf. Any person sworn and examined by a witness in the hearing
3219 shall not be held to answer criminally, nor shall any papers or
3220 documents produced by the witness be competent evidence in any
3221 criminal proceedings against the witness other than for perjury in
3222 delivering his evidence. On the basis of any such hearing, or
3223 upon default of applicant or licentiate, the board shall make a
3224 determination specifying its findings of fact and conclusions of
3225 law. A copy of that determination shall be sent by registered
3226 mail or served personally upon the applicant or licentiate. The
3227 decision of the board denying, revoking or suspending the license
3228 shall become final thirty (30) days after so mailed or served
3229 unless within that period the licentiate appeals the decision to
3230 the chancery court, under the provisions hereof, and the
3231 proceedings in chancery shall be conducted as other matters coming
3232 before the court. All proceedings and evidence, together with

3233 exhibits, presented at the hearing before the board if there is an
3234 appeal shall be admissible in evidence in the court.

3235 (4) The board may subpoena persons and papers on its own
3236 behalf and on behalf of the respondent, may administer oaths and
3237 may compel the testimony of witnesses. It may issue commissions
3238 to take testimony, and testimony so taken and sworn to shall be
3239 admissible in evidence for and against the respondent. The board
3240 shall be entitled to the assistance of the chancery court or the
3241 chancellor in vacation, which, on petition by the board, shall
3242 issue ancillary subpoenas and petitions and may punish as for
3243 contempt of court if there is noncompliance therewith.

3244 (5) Every order and judgment of the board shall take effect
3245 immediately on its promulgation unless the board in the order or
3246 judgment fixes a probationary period for applicant or licentiate.
3247 The order and judgment shall continue in effect unless upon appeal
3248 the court by proper order or decree terminates it earlier. The
3249 board may make public its order and judgments in such manner and
3250 form as it deems proper. It shall, in event of the suspension or
3251 revocation of a license, direct the clerk of the circuit court of
3252 the county in which that license was recorded to cancel the
3253 record.

3254 (6) Nothing in this section shall be construed as limiting
3255 or revoking the authority of any court or of any licensing or
3256 registering officer or board, other than the Mississippi Board of
3257 Psychology, to suspend, revoke and reinstate licenses and to
3258 cancel registrations under the provisions of Section 41-29-311.

3259 (7) Suspension by the board of the license of a psychologist
3260 shall be for a period not exceeding one (1) year. At the end of
3261 this period the board shall reevaluate the suspension, and shall
3262 either reinstate or revoke the license. A person whose license
3263 has been revoked under the provisions of this section may reapply
3264 for license after more than two (2) years have elapsed from the
3265 date the denial or revocation is legally effective.

3266 (8) In addition to the reasons specified in subsection (1)
3267 of this section, the board may be authorized to suspend the
3268 license of any licensee for being out of compliance with an order
3269 for support, as defined in Section 93-11-153. The procedure for
3270 suspension of a license for being out of compliance with an order
3271 for support, and the procedure for the reissuance or reinstatement
3272 of a license suspended for that purpose, and the payment of any
3273 fees for the reissuance or reinstatement of a license suspended
3274 for that purpose, shall be governed by Section 93-11-157. Actions
3275 taken by the board in suspending a license when required by
3276 Section 93-11-157 or 93-11-163 are not actions from which an
3277 appeal may be taken under this section. Any appeal of a license
3278 suspension that is required by Section 93-11-157 or 93-11-163
3279 shall be taken in accordance with the appeal procedure specified
3280 in Section 93-11-157 or 93-11-163, as the case may be, rather than
3281 the procedure specified in this section. If there is any conflict
3282 between any provision of Section 93-11-157 or 93-11-163 and any
3283 provision of this chapter, the provisions of Section 93-11-157 or
3284 93-11-163, as the case may be, shall control.

3285 (9) This section shall stand repealed from and after July 1,
3286 2011.

3287 **SECTION 22.** Section 73-33-11, Mississippi Code of 1972, is
3288 amended as follows:

3289 73-33-11. (1) The Mississippi State Board of Public
3290 Accountancy may revoke, suspend or take other appropriate action
3291 with respect to any license or permit issued under this chapter
3292 for any unprofessional conduct by the licensee or permit holder,
3293 or for other sufficient cause, provided written notice has been
3294 sent by registered mail (with the addressee's receipt required) to
3295 the holder thereof, twenty (20) days before any hearing thereon,
3296 stating the cause for the contemplated action and appointing a day
3297 and a place for a full hearing thereon by the board. No
3298 certificate or license may be cancelled or revoked until a hearing

3299 has been given to the holder thereof according to law. * * * After
3300 the hearing, the board may, in its discretion, suspend such a
3301 certified public accountant from practice as a certified public
3302 accountant in this state.

3303 (2) The members of the board may sit as a trial board; * * *
3304 administer oaths (or affirmations); * * * summon any witness
3305 and * * * compel his attendance and/or his testimony, under oath
3306 (or affirmation) before the board; * * * compel the production
3307 before it, of any book, paper or document by the owner or
3308 custodian thereof; and/or * * * compel any officer to produce,
3309 at the hearing a copy of any public record (not privileged from
3310 public inspection by law) in his official custody, certified to,
3311 by him. The board shall elect one (1) of its members to serve as
3312 clerk, to issue summons and other processes, and to certify copies
3313 of its records or, the board may delegate those duties to the
3314 executive director.

3315 (3) The accused may appear in person and/or by counsel or,
3316 in the instance of a firm permit holder through its manager and/or
3317 counsel to defend the charges. If the accused does not appear or
3318 answer, judgment may be entered by default, provided the board
3319 finds that proper service was made on the accused.

3320 (4) The minutes of the board shall be recorded in an
3321 appropriate minute book permanently maintained by the board at its
3322 office.

3323 (5) In a proceeding conducted under this section by the
3324 board for disciplinary action against a licensee or permit holder,
3325 those reasonable costs that are expended by the board in the
3326 investigation and conduct of a proceeding for discipline,
3327 including, but not limited to, the cost of service of process,
3328 court reporters, expert witnesses, investigators and legal fees
3329 may be imposed by the board on the accused, the charging party or
3330 both.

3331 Those costs shall be paid to the board upon the expiration of
3332 the period allowed for appeal of the penalties under this section,
3333 or may be paid sooner if the guilty party elects.

3334 (6) Money collected by the board under this section shall be
3335 deposited to the credit of the board's special fund in the State
3336 Treasury. When payment of a monetary penalty assessed by the
3337 board under this section is not paid when due, the board shall
3338 have the power to institute and maintain proceedings in its name
3339 for enforcement of payment in the Chancery Court of the First
3340 Judicial District of Hinds County, Mississippi, or in the chancery
3341 court of the county where the respondent resides.

3342 (7) In case of a decision adverse to the accused, appeal
3343 shall be made within thirty (30) days from the day on which the
3344 decision is made to the Circuit Court of the First Judicial
3345 District of Hinds County, Mississippi, or in the circuit court of
3346 the county in which the accused resides. In the case of a
3347 nonresident licensee, the appeal shall be made to the First
3348 Judicial District of Hinds County, Mississippi. The order of the
3349 board shall not take effect until the expiration of the thirty
3350 (30) days.

3351 (8) In case of an appeal, bond for costs in the circuit
3352 court shall be given as in other cases; and the order of the board
3353 shall not take effect until the appeal has been finally disposed
3354 of by the court or courts.

3355 (9) The board may, at any time, reinstate a license or
3356 permit if it finds that the reinstatement is justified.

3357 (10) Notwithstanding any provision of this chapter:

3358 (a) The board, acting on its own motion or, in the case
3359 of a default on a loan, on the recommendation of the agency,
3360 political subdivision or other public or private entity to which
3361 payments are due, shall suspend the license of any person who
3362 defaults on or fails to comply with the requirements of an
3363 educational loan, service conditional scholarship or loan

3364 repayment program obligation that has been granted or guaranteed
3365 by any federal, state or local agency or political subdivision
3366 under which the person obtained any of the education necessary to
3367 qualify for a license under this chapter. However, before an
3368 agency, political subdivision or other public or private entity
3369 may recommend the suspension of a license due to the person's
3370 default on a loan, that agency, political subdivision or other
3371 public or private entity must provide the license holder with
3372 notice of its intention to recommend the suspension of the
3373 person's license and an opportunity for the license holder to
3374 respond; and

3375 (b) The person's license will remain suspended until
3376 the person has: (i) made arrangements satisfactory to the board
3377 for meeting the obligations of the loan, scholarship or loan
3378 repayment program; or (ii) in the case of a default on a loan,
3379 made arrangements satisfactory to the agency, political
3380 subdivision or other public or private entity to which payments
3381 are due for the repayment of the loan.

3382 (11) In addition to the reasons specified in subsection (1)
3383 of this section, the board may suspend the license of any licensee
3384 for being out of compliance with an order for support, as defined
3385 in Section 93-11-153. The procedure for suspension of a license
3386 for being out of compliance with an order for support, and the
3387 procedure for the reissuance or reinstatement of a license
3388 suspended for that purpose, and the payment of any fees for the
3389 reissuance or reinstatement of a license suspended for that
3390 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
3391 the case may be. Actions taken by the board in suspending a
3392 license when required by Section 93-11-157 or 93-11-163 are not
3393 actions from which an appeal may be taken under this section. Any
3394 appeal of a license suspension that is required by Section
3395 93-11-157 or 93-11-163 shall be taken in accordance with the
3396 appeal procedure specified in Section 93-11-157 or 93-11-163, as

3397 the case may be, rather than the procedure specified in this
3398 section. If there is any conflict between any provision of
3399 Section 93-11-157 or 93-11-163 and any provision of this chapter,
3400 the provisions of Section 93-11-157 or 93-11-163, as the case may
3401 be, shall control.

3402 **SECTION 23.** Section 73-36-33, Mississippi Code of 1972, is
3403 amended as follows:

3404 73-36-33. (1) The board shall have the power, after notice
3405 and hearing, to suspend or revoke the license of any registrant
3406 who (a) is found guilty by the board of fraud or gross negligence
3407 in the practice of professional forestry; (b) fails to comply with
3408 board rules and regulations; (c) is found guilty by the board of
3409 unprofessional or unethical conduct; or (d) has had his license
3410 suspended or revoked for cause in another jurisdiction.

3411 (2) Notwithstanding any provision of this chapter:

3412 (a) The board, acting on its own motion or, in the case
3413 of a default on a loan, on the recommendation of the agency,
3414 political subdivision or other public or private entity to which
3415 payments are due, shall suspend the license of any person who
3416 defaults on or fails to comply with the requirements of an
3417 educational loan, service conditional scholarship or loan
3418 repayment program obligation that has been granted or guaranteed
3419 by any federal, state or local agency or political subdivision
3420 under which the person obtained any of the education necessary to
3421 qualify for a license under this chapter. However, before an
3422 agency, political subdivision or other public or private entity
3423 may recommend the suspension of a license due to the person's
3424 default on a loan, that agency, political subdivision or other
3425 public or private entity must provide the license holder with
3426 notice of its intention to recommend the suspension of the
3427 person's license and an opportunity for the license holder to
3428 respond; and

3429 (b) The person's license will remain suspended until
3430 the person has: (i) made arrangements satisfactory to the board
3431 for meeting the obligations of the loan, scholarship or loan
3432 repayment program; or (ii) in the case of a default on a loan,
3433 made arrangements satisfactory to the agency, political
3434 subdivision or other public or private entity to which payments
3435 are due for the repayment of the loan.

3436 (3) Any person may prefer charges of fraud or gross
3437 negligence in connection with any forestry practice against any
3438 registrant. Such charges shall be in writing, shall be sworn to
3439 by the person making them, and shall be filed with the secretary
3440 of the board. All charges shall be heard by the board pursuant to
3441 its rules and regulations without undue delay.

3442 (4) Any applicant whose license is suspended or revoked by
3443 the board may apply for a review of the proceedings with reference
3444 to such suspension or revocation by appealing to the Chancery
3445 Court of the First Judicial District of Hinds County, Mississippi,
3446 provided a notice of appeal is filed by such applicant with the
3447 clerk of said court within sixty (60) days from entry of an order
3448 by the board suspending or revoking his license, provided said
3449 applicant files with said notice of appeal a bond to be approved
3450 by the court assuring the prompt payment of any and all costs of
3451 said appeal, said amount to be fixed by the court. Upon the
3452 filing of such notice of appeal and posting of such bond, the
3453 clerk of the said court shall notify the secretary of the board
3454 thereof and the record of the proceedings involved shall be
3455 prepared by the secretary and forwarded to the court within a
3456 period of sixty (60) days from such notice by the clerk. The
3457 court shall thereupon review the proceedings on the record
3458 presented and may hear such additional testimony as to the court
3459 may appear material and dispose of the appeal in termtime or in
3460 vacation, and the court may sustain or dismiss the appeal, or
3461 modify or vacate the order complained of, but in case the order is

3462 modified or vacated, the court may also, in its discretion, remand
3463 the matter to the board for such further proceedings not
3464 inconsistent with the court's order as, in the opinion of the
3465 court, justice may require. The decision of the chancery court
3466 may be appealed as other cases to the Supreme Court.

3467 (5) The board is authorized to secure, by contract, the
3468 services of an investigator when deemed necessary by the board to
3469 properly consider any charge then before it. The board may, at
3470 its discretion, establish a program of routine inspections.

3471 (6) In addition to the reasons specified in subsection (1)
3472 of this section, the board shall be authorized to suspend the
3473 license of any licensee for being out of compliance with an order
3474 for support, as defined in Section 93-11-153. The procedure for
3475 suspension of a license for being out of compliance with an order
3476 for support, and the procedure for the reissuance or reinstatement
3477 of a license suspended for that purpose, and the payment of any
3478 fees for the reissuance or reinstatement of a license suspended
3479 for that purpose, shall be governed by Section 93-11-157 or
3480 93-11-163, as the case may be. Actions taken by the board in
3481 suspending a license when required by Section 93-11-157 or
3482 93-11-163 are not actions from which an appeal may be taken under
3483 this section. Any appeal of a license suspension that is required
3484 by Section 93-11-157 or 93-11-163 shall be taken in accordance
3485 with the appeal procedure specified in Section 93-11-157 or
3486 93-11-163, as the case may be, rather than the procedure specified
3487 in this section. If there is any conflict between any provision
3488 of Section 93-11-157 or 93-11-163 and any provision of this
3489 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
3490 case may be, shall control.

3491 **SECTION 24.** Section 73-38-27, Mississippi Code of 1972, is
3492 amended as follows:

3493 73-38-27. (1) The board may refuse to issue or renew a
3494 license, or may suspend or revoke a license where the licensee or

3495 applicant for license has been guilty of unprofessional conduct
3496 which has endangered or is likely to endanger the health, welfare
3497 or safety of the public. Such unprofessional conduct may result
3498 from:

3499 (a) Negligence in the practice or performance of
3500 professional services or activities;

3501 (b) Engaging in dishonorable, unethical or
3502 unprofessional conduct of a character likely to deceive, defraud
3503 or harm the public in the course of professional services or
3504 activities;

3505 (c) Perpetrating or cooperating in fraud or material
3506 deception in obtaining or renewing a license or attempting the
3507 same;

3508 (d) Being convicted of any crime which has a
3509 substantial relationship to the licensee's activities and services
3510 or an essential element of which is misstatement, fraud or
3511 dishonesty;

3512 (e) Being convicted of any crime which is a felony
3513 under the laws of this state or the United States;

3514 (f) Engaging in or permitting the performance of
3515 unacceptable services personally or by others working under the
3516 licensee's supervision due to the licensee's deliberate or
3517 negligent act or acts or failure to act, regardless of whether
3518 actual damage or damages to the public is established;

3519 (g) Continued practice although the licensee has become
3520 unfit to practice as a speech-language pathologist or audiologist
3521 due to: (i) failure to keep abreast of current professional
3522 theory or practice; or (ii) physical or mental disability; the
3523 entry of an order or judgment by a court of competent jurisdiction
3524 that a licensee is in need of mental treatment or is incompetent
3525 shall constitute mental disability; or (iii) addiction or severe
3526 dependency upon alcohol or other drugs which may endanger the
3527 public by impairing the licensee's ability to practice;

3528 (h) Having disciplinary action taken against the
3529 licensee's license in another state;

3530 (i) Making differential, detrimental treatment against
3531 any person because of race, color, creed, sex, religion or
3532 national origin;

3533 (j) Engaging in lewd conduct in connection with
3534 professional services or activities;

3535 (k) Engaging in false or misleading advertising;

3536 (l) Contracting, assisting or permitting unlicensed
3537 persons to perform services for which a license is required under
3538 this chapter;

3539 (m) Violation of any probation requirements placed on a
3540 license by the board;

3541 (n) Revealing confidential information except as may be
3542 required by law;

3543 (o) Failing to inform clients of the fact that the
3544 client no longer needs the services or professional assistance of
3545 the licensee;

3546 (p) Charging excessive or unreasonable fees or engaging
3547 in unreasonable collection practices;

3548 (q) For treating or attempting to treat ailments or
3549 other health conditions of human beings other than by speech or
3550 audiology therapy as authorized by this chapter;

3551 (r) For applying or offering to apply speech or
3552 audiology therapy, exclusive of initial evaluation or screening
3553 and exclusive of education or consultation for the prevention of
3554 physical and mental disability within the scope of speech or
3555 audiology therapy, or for acting as a speech-language pathologist
3556 or audiologist, or speech-language pathologist or audiologist aide
3557 other than under the direct, on-site supervision of a licensed
3558 speech-language pathologist or audiologist;

3559 (s) Violations of the current codes of conduct for
3560 speech-language pathologists or audiologists, and speech-language

3561 pathologist or audiologist assistants adopted by the American
3562 Speech-Language-Hearing Association;

3563 (t) Violations of any rules or regulations promulgated
3564 pursuant to this chapter.

3565 (2) Notwithstanding any provision of this chapter:

3566 (a) The board, acting on its own motion or, in the case
3567 of a default on a loan, on the recommendation of the agency,
3568 political subdivision or other public or private entity to which
3569 payments are due, shall suspend the license of any person who
3570 defaults on or fails to comply with the requirements of an
3571 educational loan, service conditional scholarship or loan
3572 repayment program obligation that has been granted or guaranteed
3573 by any federal, state or local agency or political subdivision
3574 under which the person obtained any of the education necessary to
3575 qualify for a license under this chapter. However, before an
3576 agency, political subdivision or other public or private entity
3577 may recommend the suspension of a license due to the person's
3578 default on a loan, that agency, political subdivision or other
3579 public or private entity must provide the license holder with
3580 notice of its intention to recommend the suspension of the
3581 person's license and an opportunity for the license holder to
3582 respond; and

3583 (b) The person's license will remain suspended until
3584 the person has: (i) made arrangements satisfactory to the board
3585 for meeting the obligations of the loan, scholarship or loan
3586 repayment program; or (ii) in the case of a default on a loan,
3587 made arrangements satisfactory to the agency, political
3588 subdivision or other public or private entity to which payments
3589 are due for the repayment of the loan.

3590 (3) The board may order a licensee to submit to a reasonable
3591 physical or mental examination if the licensee's physical or
3592 mental capacity to practice safely is at issue in a disciplinary
3593 proceeding.

3594 (4) In addition to the reasons specified in subsection (1)
3595 of this section, the board shall be authorized to suspend the
3596 license of any licensee for being out of compliance with an order
3597 for support, as defined in Section 93-11-153. The procedure for
3598 suspension of a license for being out of compliance with an order
3599 for support, and the procedure for the reissuance or reinstatement
3600 of a license suspended for that purpose, and the payment of any
3601 fees for the reissuance or reinstatement of a license suspended
3602 for that purpose, shall be governed by Section 93-11-157 or
3603 93-11-163, as the case may be. If there is any conflict between
3604 any provision of Section 93-11-157 or 93-11-163 and any provision
3605 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
3606 as the case may be, shall control.

3607 **SECTION 25.** Section 73-53-17, Mississippi Code of 1972, is
3608 amended as follows:

3609 73-53-17. (1) Licensees subject to this chapter shall
3610 conduct their activities, services and practice in accordance with
3611 this chapter and any rules promulgated pursuant hereto. Licensees
3612 may be subject to the exercise of the disciplinary sanctions
3613 enumerated in Section 73-53-23 if the board finds that a licensee
3614 is guilty of any of the following:

3615 (a) Negligence in the practice or performance of
3616 professional services or activities;

3617 (b) Engaging in dishonorable, unethical or
3618 unprofessional conduct of a character likely to deceive, defraud
3619 or harm the public in the course of professional services or
3620 activities;

3621 (c) Perpetrating or cooperating in fraud or material
3622 deception in obtaining or renewing a license or attempting the
3623 same;

3624 (d) Being convicted of any crime that has a substantial
3625 relationship to the licensee's activities and services or an
3626 essential element of which is misstatement, fraud or dishonesty;

3627 (e) Being convicted of any crime that is a felony under
3628 the laws of this state or of the United States;

3629 (f) Engaging in or permitting the performance of
3630 unacceptable services personally or by assistants working under
3631 the licensee's supervision due to the licensee's deliberate or
3632 grossly negligent act or acts or failure to act, regardless of
3633 whether actual damage or damages to the public is established;

3634 (g) Continued practice although the licensee has become
3635 unfit to practice social work due to: (i) failure to keep abreast
3636 of current professional theory or practice; or (ii) physical or
3637 mental disability; the entry of an order or judgment by a court of
3638 competent jurisdiction that a licensee is in need of mental
3639 treatment or is incompetent shall constitute mental disability; or
3640 (iii) addiction or severe dependency upon alcohol or other drugs
3641 that may endanger the public by impairing the licensee's ability
3642 to practice;

3643 (h) Having disciplinary action taken against the
3644 licensee's license in another state;

3645 (i) Making differential, detrimental treatment against
3646 any person because of race, color, creed, sex, religion or
3647 national origin;

3648 (j) Engaging in lewd conduct in connection with
3649 professional services or activities;

3650 (k) Engaging in false or misleading advertising;

3651 (l) Contracting, assisting or permitting unlicensed
3652 persons to perform services for which a license is required under
3653 this chapter;

3654 (m) Violation of any probation requirements placed on a
3655 licensee by the board;

3656 (n) Revealing confidential information except as may be
3657 required by law;

3658 (o) Failing to inform clients of the fact that the
3659 client no longer needs the services or professional assistance of
3660 the licensee;

3661 (p) Charging excessive or unreasonable fees or engaging
3662 in unreasonable collection practices.

3663 (2) Notwithstanding any provision of this chapter:

3664 (a) The board, acting on its own motion or, in the case
3665 of a default on a loan, on the recommendation of the agency,
3666 political subdivision or other public or private entity to which
3667 payments are due, shall suspend the license of any person who
3668 defaults on or fails to comply with the requirements of an
3669 educational loan, service conditional scholarship or loan
3670 repayment program obligation that has been granted or guaranteed
3671 by any federal, state or local agency or political subdivision
3672 under which the person obtained any of the education necessary to
3673 qualify for a license under this chapter. However, before an
3674 agency, political subdivision or other public or private entity
3675 may recommend the suspension of a license due to the person's
3676 default on a loan, that agency, political subdivision or other
3677 public or private entity must provide the license holder with
3678 notice of its intention to recommend the suspension of the
3679 person's license and an opportunity for the license holder to
3680 respond; and

3681 (b) The person's license will remain suspended until
3682 the person has: (i) made arrangements satisfactory to the board
3683 for meeting the obligations of the loan, scholarship or loan
3684 repayment program; or (ii) in the case of a default on a loan,
3685 made arrangements satisfactory to the agency, political
3686 subdivision or other public or private entity to which payments
3687 are due for the repayment of the loan.

3688 (3) The board may order a licensee to submit to a reasonable
3689 physical or mental examination if the licensee's physical or

3690 mental capacity to practice safely is at issue in a disciplinary
3691 proceeding.

3692 (4) Failure to comply with a board order to submit to a
3693 physical or mental examination shall render a licensee subject to
3694 the summary suspension procedures described in Section 73-53-23.

3695 (5) In addition to the reasons specified in subsection (1)
3696 of this section, the board may suspend the license of any licensee
3697 for being out of compliance with an order for support, as defined
3698 in Section 93-11-153. The procedure for suspension of a license
3699 for being out of compliance with an order for support, and the
3700 procedure for the reissuance or reinstatement of a license
3701 suspended for that purpose, and the payment of any fees for the
3702 reissuance or reinstatement of a license suspended for that
3703 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
3704 the case may be. If there is any conflict between any provision
3705 of Section 93-11-157 or 93-11-163 and any provision of this
3706 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
3707 case may be, shall control.

3708 **SECTION 26.** Section 73-54-29, Mississippi Code of 1972, is
3709 amended as follows:

3710 73-54-29. (1) Licensees subject to this chapter shall
3711 conduct their activities, services and practice in accordance with
3712 this chapter and any rules promulgated pursuant under this
3713 chapter. Licensees may be subject to the exercise of the
3714 disciplinary sanctions enumerated in Section 73-53-23 if the board
3715 finds that a licensee is guilty of any of the actions listed in
3716 Section 73-53-17(1) or is guilty of any of the following:

3717 (a) Violation of any provision of this chapter or any
3718 rules or regulations of the board adopted under the provisions of
3719 this chapter.

3720 (b) Other just and sufficient cause that renders a
3721 person unfit to practice marriage and family therapy as determined
3722 by the board but not limited to:

3723 (i) Habitual use of alcohol or drugs to an extent
3724 that affects professional competence;
3725 (ii) Adjudication as being mentally incompetent by
3726 a court of competent jurisdiction;
3727 (iii) Practicing in a manner detrimental to the
3728 public health and welfare;
3729 (iv) Revocation of a license or certification by a
3730 licensing agency or by a certifying professional organization; or
3731 (v) Any other violation of this chapter or the
3732 code of ethical standards of the American Association of Marriage
3733 and Family Therapy or other ethical standards adopted by the board
3734 under the provisions of this chapter.

3735 (2) Notwithstanding any provision of this chapter:

3736 (a) The board, acting on its own motion or, in the case
3737 of a default on a loan, on the recommendation of the agency,
3738 political subdivision or other public or private entity to which
3739 payments are due, shall suspend the license of any person who
3740 defaults on or fails to comply with the requirements of an
3741 educational loan, service conditional scholarship or loan
3742 repayment program obligation that has been granted or guaranteed
3743 by any federal, state or local agency or political subdivision
3744 under which the person obtained any of the education necessary to
3745 qualify for a license under this chapter. However, before an
3746 agency, political subdivision or other public or private entity
3747 may recommend the suspension of a license due to the person's
3748 default on a loan, that agency, political subdivision or other
3749 public or private entity must provide the license holder with
3750 notice of its intention to recommend the suspension of the
3751 person's license and an opportunity for the license holder to
3752 respond; and

3753 (b) The person's license will remain suspended until
3754 the person has: (i) made arrangements satisfactory to the board
3755 for meeting the obligations of the loan, scholarship or loan

3756 repayment program; or (ii) in the case of a default on a loan,
3757 made arrangements satisfactory to the agency, political
3758 subdivision or other public or private entity to which payments
3759 are due for the repayment of the loan.

3760 **SECTION 27.** Section 73-57-31, Mississippi Code of 1972, is
3761 amended as follows:

3762 73-57-31. (1) The board may revoke, suspend or refuse to
3763 renew any license or permit, or place on probation, or otherwise
3764 reprimand a licensee or permit holder, or deny a license to an
3765 applicant if it finds that person:

3766 (a) Is guilty of fraud or deceit in procuring or
3767 attempting to procure a license or renewal of a license to
3768 practice respiratory care.

3769 (b) Is unfit or incompetent by reason of negligence,
3770 habits or other causes of incompetency.

3771 (c) Is habitually intemperate in the use of alcoholic
3772 beverages.

3773 (d) Is addicted to, or has improperly obtained,
3774 possessed, used or distributed habit-forming drugs or narcotics.

3775 (e) Is guilty of dishonest or unethical conduct.

3776 (f) Has practiced respiratory care after his license or
3777 permit has expired or has been suspended.

3778 (g) Has practiced respiratory care under cover of any
3779 permit or license illegally or fraudulently obtained or issued.

3780 (h) Has violated or aided or abetted others in
3781 violation of any provision of this chapter.

3782 (2) Notwithstanding any provision of this chapter:

3783 (a) The board, acting on its own motion or, in the case
3784 of a default on a loan, on the recommendation of the agency,
3785 political subdivision or other public or private entity to which
3786 payments are due, shall suspend the license of any person who
3787 defaults on or fails to comply with the requirements of an
3788 educational loan, service conditional scholarship or loan

3789 repayment program obligation that has been granted or guaranteed
3790 by any federal, state or local agency or political subdivision
3791 under which the person obtained any of the education necessary to
3792 qualify for a license under this chapter. However, before an
3793 agency, political subdivision or other public or private entity
3794 may recommend the suspension of a license due to the person's
3795 default on a loan, that agency, political subdivision or other
3796 public or private entity must provide the license holder with
3797 notice of its intention to recommend the suspension of the
3798 person's license and an opportunity for the license holder to
3799 respond; and

3800 (b) The person's license will remain suspended until
3801 the person has: (i) made arrangements satisfactory to the board
3802 for meeting the obligations of the loan, scholarship or loan
3803 repayment program; or (ii) in the case of a default on a loan,
3804 made arrangements satisfactory to the agency, political
3805 subdivision or other public or private entity to which payments
3806 are due for the repayment of the loan.

3807 (3) In addition to the reasons specified in subsection (1)
3808 of this section, the board may suspend the license or permit of
3809 any licensee or permit holder for being out of compliance with an
3810 order for support, as defined in Section 93-11-153. The procedure
3811 for suspension of a license or permit for being out of compliance
3812 with an order for support, and the procedure for the reissuance or
3813 reinstatement of a license or permit suspended for that purpose,
3814 and the payment of any fees for the reissuance or reinstatement of
3815 a license or permit suspended for that purpose, shall be governed
3816 by Section 93-11-157 or 93-11-163, as the case may be. If there
3817 is any conflict between any provision of Section 93-11-157 or
3818 93-11-163 and any provision of this chapter, the provisions of
3819 Section 93-11-157 or 93-11-163, as the case may be, shall control.

3820 **SECTION 28.** Section 73-63-43, Mississippi Code of 1972, is
3821 amended as follows:

3822 73-63-43. (1) The board, upon satisfactory proof and in
3823 accordance with this chapter and rules and regulations of the
3824 board, may take the disciplinary actions provided under this
3825 chapter against any person for the following reasons:

3826 (a) Violation of this chapter, any rule or regulation
3827 or written order of the board, any condition of registration or
3828 standards of professional conduct;

3829 (b) Fraud, deceit or misrepresentation in obtaining a
3830 certificate of registration as a registered professional geologist
3831 or certificate of enrollment as a geologist-in-training;

3832 (c) Gross negligence, malpractice, incompetency,
3833 misconduct, or repeated incidents of simple negligence in or
3834 related to the practice of geology;

3835 (d) Practicing or offering to practice geology, or
3836 holding oneself out as being registered or qualified to practice
3837 geology, by an individual who is not registered under this
3838 chapter, or by any other person not employing a registered
3839 professional geologist as required by this chapter;

3840 (e) Using the seal of another, or using or allowing use
3841 of one's seal on geologic work not performed by or under the
3842 supervision of the registered professional geologist, or otherwise
3843 aiding or abetting any person in the violation of this chapter; or

3844 (f) Disciplinary action by any state agency, board of
3845 registration or similar licensing agency for geologists or any
3846 profession or occupation related to the practice of geology. The
3847 sanction imposed by the board shall not exceed in severity or
3848 duration the sanction upon which that action is based.

3849 (2) Notwithstanding any provision of this chapter:

3850 (a) The board, acting on its own motion or, in the case
3851 of a default on a loan, on the recommendation of the agency,
3852 political subdivision or other public or private entity to which
3853 payments are due, shall suspend the license of any person who
3854 defaults on or fails to comply with the requirements of an

3855 educational loan, service conditional scholarship or loan
3856 repayment program obligation that has been granted or guaranteed
3857 by any federal, state or local agency or political subdivision
3858 under which the person obtained any of the education necessary to
3859 qualify for a license under this chapter. However, before an
3860 agency, political subdivision or other public or private entity
3861 may recommend the suspension of a license due to the person's
3862 default on a loan, that agency, political subdivision or other
3863 public or private entity must provide the license holder with
3864 notice of its intention to recommend the suspension of the
3865 person's license and an opportunity for the license holder to
3866 respond; and

3867 (b) The person's license will remain suspended until
3868 the person has: (i) made arrangements satisfactory to the board
3869 for meeting the obligations of the loan, scholarship or loan
3870 repayment program; or (ii) in the case of a default on a loan,
3871 made arrangements satisfactory to the agency, political
3872 subdivision or other public or private entity to which payments
3873 are due for the repayment of the loan.

3874 (3) Any person may bring a complaint alleging a violation of
3875 this chapter, any rule or regulation or written order of the
3876 board, any condition of registration or standards of professional
3877 conduct. Complaints shall be made in writing, sworn to by the
3878 person filing the complaint, and filed with the board. The board
3879 shall investigate all complaints and upon finding a basis for that
3880 complaint, shall notify the accused in writing specifying the
3881 provisions of this chapter, rule, regulation or order of the board
3882 or the condition or standard alleged to be violated and the facts
3883 alleged to constitute the violation. The notice shall require the
3884 accused to appear before the board at a time and place to answer
3885 the charges. The time of appearance shall be at least thirty (30)
3886 days from the date of service of the notice. Notice shall be made
3887 by service on the person or by registered or certified mail,

3888 return receipt requested, to last known business or residence
3889 address of the accused, as shown on the records of the board.
3890 Within fifteen (15) days following receipt of that notice, the
3891 accused shall file a written response, admitting, denying, or
3892 taking exception to the charges. In the absence of a response or
3893 if the charges are admitted or if no exception is taken, the board
3894 may take disciplinary action without holding a hearing. A
3895 disciplinary action may be settled by the board and the accused,
3896 either before or after a hearing has begun.

3897 A person who reports or provides information to the board in
3898 good faith is not subject to an action for civil damages.

3899 (4) Any hearing under this section may be conducted by the
3900 board itself at a regular or special meeting of the board or by a
3901 hearing officer designated by the board. The hearing officer may
3902 conduct the hearings in the name of the board at any time and
3903 place as conditions and circumstances may warrant. The hearing
3904 officer or any member of the board may administer oaths or
3905 affirmations to witnesses appearing before the hearing officer or
3906 the board.

3907 If any witness fails or refuses to attend upon subpoena
3908 issued by the board, refuses to testify or refuses to produce
3909 books, papers, reports, documents and similar material, the
3910 production of which is called for by a subpoena, the attendance of
3911 any witness and the giving of that person's testimony and the
3912 production of books, papers, reports, documents and similar
3913 material shall be enforced by any court of competent jurisdiction
3914 of this state in the manner provided for the enforcement of the
3915 attendance and testimony of witnesses in civil cases in the courts
3916 of this state.

3917 All hearings before the board shall be recorded either by a
3918 court reporter or by tape or mechanical recorders and subject to
3919 transcription upon order of the board or any interested person.

3920 If the request for transcription originates with an interested
3921 person, that person shall pay the cost of transcription.

3922 The accused shall have the right to be present at the hearing
3923 in person, by counsel or other representative, or both. The board
3924 may continue or recess the hearing as may be necessary.

3925 (5) If a hearing officer conducts the hearing on behalf of
3926 the board, the hearing officer shall upon completion have the
3927 record of that hearing prepared. The record shall be submitted to
3928 the board along with that hearing officer's findings of fact and
3929 recommended decision. Upon receipt and review of the record of
3930 the hearing and the hearing officer's findings of fact and
3931 recommended decision, the board shall render its final decision as
3932 provided in subsection (6) of this section.

3933 Any person ordered to appear for an alleged violation may
3934 request a hearing before a majority of the board. A verbatim
3935 record of any previous hearings on that matter shall be filed with
3936 the board, together with findings of fact and conclusions of law
3937 made by the board based on the record.

3938 (6) At the conclusion of the hearing, the board may either
3939 decide the issue at that time or take the case under advisement
3940 for further deliberation. The board shall render its decision not
3941 more than ninety (90) days after the close of the hearing, and
3942 shall forward to the last known business or residence address of
3943 the accused, by certified or registered mail, return receipt
3944 requested, a written statement of the decision of the board.

3945 If a majority of the board finds the accused guilty of the
3946 charges filed, the board may take any combination of the following
3947 actions:

3948 (a) Deny the renewal of a certificate of registration
3949 or certificate of enrollment;

3950 (b) Suspend the certificate of registration or
3951 certificate of enrollment of any registrant for a specified period

3952 of time, not to exceed three (3) years, or revoke the certificate
3953 of registration or certificate of enrollment of any registrant;

3954 (c) Censure, reprimand or issue a public or private
3955 admonishment to an applicant, a registrant or any other person
3956 engaged in the practice of geology under this chapter;

3957 (d) Impose limitations, conditions or restrictions upon
3958 the practice of an applicant, a registrant or upon any other
3959 person engaged in the practice of geology;

3960 (e) Require the guilty party to complete a course,
3961 approved by the board, in ethics;

3962 (f) Impose probation upon a registrant, requiring
3963 regular reporting to the board;

3964 (g) Require restitution, in whole or in part, of the
3965 compensation or fees earned by a registrant or by any other person
3966 engaging in the practice of geology; or

3967 (h) Assess and levy upon the guilty party a monetary
3968 penalty not to exceed Five Thousand Dollars (\$5,000.00) for each
3969 violation.

3970 (7) Any monetary penalty assessed and levied under this
3971 section shall be paid to the board upon the expiration of the
3972 period allowed for appeal of that penalty, or may be paid sooner
3973 if the guilty party elects. Money collected by the board under
3974 this section shall be deposited to the credit of the registered
3975 professional geologists fund.

3976 When payment of a monetary penalty assessed and levied by the
3977 board in accordance with this section is not paid when due, the
3978 board may begin and maintain proceedings in its name for
3979 enforcement of payment in the chancery court of the county and
3980 judicial district of residence of the guilty party and if the
3981 guilty party is a nonresident of the State of Mississippi, the
3982 proceedings shall be in the Chancery Court of the First Judicial
3983 District of Hinds County, Mississippi.

3984 (8) The board may assess and impose the costs of any
3985 disciplinary proceedings conducted under this section against
3986 either the accused, the charging party, or both, as it may elect.

3987 (9) The authority of the board to assess and levy the
3988 monetary penalties under this section shall not be affected or
3989 diminished by any other proceeding, civil or criminal, concerning
3990 the same violation or violations, unless provided in this section.

3991 (10) If the board determines there is an imminent danger to
3992 the public welfare, the board may issue an order for the immediate
3993 suspension of a certificate of registration or a certificate of
3994 enrollment. The registrant may request a hearing on the matter
3995 within fifteen (15) days after receipt of the order of suspension.
3996 The board shall file charges as provided in this section within
3997 thirty (30) days after the issuance of an order, or the suspension
3998 shall be of no further force and effect. If charges are filed,
3999 the order of suspension shall remain in effect until disposition
4000 of all charges.

4001 (11) The board, for sufficient cause, may reissue a revoked
4002 certificate of registration or certificate of enrollment, upon
4003 written application to the board by the applicant. The
4004 application shall be made not less than three (3) years after the
4005 revocation. The board may impose reasonable conditions or
4006 limitations in connection with any reissuance.

4007 (12) In addition to the reasons named in subsection (1) of
4008 this section, the board may suspend the certificate of
4009 registration or certificate of enrollment of any person for being
4010 out of compliance with an order for support, as defined in Section
4011 93-11-153. The procedure for suspension of a certificate for
4012 being out of compliance with an order for support, and the
4013 procedure for the reissuance or reinstatement of a certificate
4014 suspended for that purpose, and the payment of any fees for the
4015 reissuance or reinstatement of a certificate suspended for that
4016 purpose, shall be governed by Section 93-11-157 or 93-11-163, as

4017 the case may be. Actions taken by the board in suspending a
4018 certificate when required by Section 93-11-157 or 93-11-163 are
4019 not actions from which an appeal may be taken under Section
4020 73-63-49. Any appeal of a suspension of a certificate that is
4021 required by Section 93-11-157 or 93-11-163 shall be taken in
4022 accordance with the appeal procedure specified in Section
4023 93-11-157 or 93-11-163, as the case may be, rather than the
4024 procedure specified in Section 73-63-49. If there is any conflict
4025 between Section 93-11-157 or 93-11-163 and this chapter, Section
4026 93-11-157 or 93-11-163, as the case may be, shall control.

4027 **SECTION 29.** Section 73-65-13, Mississippi Code of 1972, is
4028 amended as follows:

4029 73-65-13. (1) The board may deny any application, or
4030 suspend or revoke any license held or applied for under the
4031 provisions of Section 73-65-7 if the person:

4032 (a) Is found guilty of fraud, deceit, or
4033 misrepresentation in procuring or attempting to procure a license
4034 to practice art therapy;

4035 (b) Is adjudicated mentally incompetent;

4036 (c) Is found guilty of a felony or misdemeanor
4037 involving moral turpitude;

4038 (d) Is found guilty of unprofessional or unethical
4039 conduct in this or any other jurisdiction;

4040 (e) Has been using any controlled substance or
4041 alcoholic beverage to an extent or in a manner dangerous to the
4042 person, any other person, or the public, or to an extent that the
4043 use impairs the ability to perform as a licensed professional art
4044 therapist;

4045 (f) Has violated any provision of this chapter; or

4046 (g) Willfully or negligently divulges a professional
4047 confidence.

4048 (2) A certified copy of the record of conviction shall be
4049 conclusive evidence of the conviction.

4050 (3) Disciplinary proceedings may be initiated upon the
4051 receipt by the board of a sworn complaint by any person, including
4052 members of the board.

4053 (4) Notwithstanding any provision of this chapter:

4054 (a) The board, acting on its own motion or, in the case
4055 of a default on a loan, on the recommendation of the agency,
4056 political subdivision or other public or private entity to which
4057 payments are due, shall suspend the license of any person who
4058 defaults on or fails to comply with the requirements of an
4059 educational loan, service conditional scholarship or loan
4060 repayment program obligation that has been granted or guaranteed
4061 by any federal, state or local agency or political subdivision
4062 under which the person obtained any of the education necessary to
4063 qualify for a license under this chapter. However, before an
4064 agency, political subdivision or other public or private entity
4065 may recommend the suspension of a license due to the person's
4066 default on a loan, that agency, political subdivision or other
4067 public or private entity must provide the license holder with
4068 notice of its intention to recommend the suspension of the
4069 person's license and an opportunity for the license holder to
4070 respond; and

4071 (b) The person's license will remain suspended until
4072 the person has: (i) made arrangements satisfactory to the board
4073 for meeting the obligations of the loan, scholarship or loan
4074 repayment program; or (ii) in the case of a default on a loan,
4075 made arrangements satisfactory to the agency, political
4076 subdivision or other public or private entity to which payments
4077 are due for the repayment of the loan.

4078 **SECTION 30.** Section 73-67-27, Mississippi Code of 1972, is
4079 amended as follows:

4080 73-67-27. (1) The board may refuse to issue or renew or may
4081 deny, suspend or revoke any certificate of registration held or

4082 applied for under this chapter upon finding that the holder of a
4083 certificate of registration or applicant:

4084 (a) Is guilty of fraud, deceit or misrepresentation in
4085 procuring or attempting to procure any certificate of registration
4086 provided for in this chapter;

4087 (b) Attempted to use as his own the certificate of
4088 registration of another;

4089 (c) Allowed the use of his certificate of registration
4090 by another;

4091 (d) Has been adjudicated as mentally incompetent by
4092 regularly constituted authorities;

4093 (e) Has been convicted of a crime, or has charges or
4094 disciplinary action pending that directly relates to the practice
4095 of massage therapy or to the ability to practice massage therapy.
4096 Any plea of nolo contendere shall be considered a conviction for
4097 the purposes of this section;

4098 (f) Is guilty of unprofessional or unethical conduct as
4099 defined by the code of ethics;

4100 (g) Is guilty of false, misleading or deceptive
4101 advertising, or is guilty of aiding or assisting in the
4102 advertising of any unregistered or unpermitted person in the
4103 practice of massage therapy;

4104 (h) Is grossly negligent or incompetent in the practice
4105 of massage therapy;

4106 (i) Has had rights, credentials or one or more
4107 license(s) to practice massage therapy revoked, suspended or
4108 denied in any jurisdiction, territory or possession of the United
4109 States or another country for acts of the licensee similar to acts
4110 described in this section. A certified copy of the record of the
4111 jurisdiction making such a revocation, suspension or denial shall
4112 be conclusive evidence thereof; or

4113 (j) Has been convicted of any felony, other than a
4114 violation of federal or state tax laws.

4115 (2) Notwithstanding any provision of this chapter:

4116 (a) The board, acting on its own motion or, in the case
4117 of a default on a loan, on the recommendation of the agency,
4118 political subdivision or other public or private entity to which
4119 payments are due, shall suspend the certificate of registration of
4120 any person who defaults on or fails to comply with the
4121 requirements of an educational loan, service conditional
4122 scholarship or loan repayment program obligation that has been
4123 granted or guaranteed by any federal, state or local agency or
4124 political subdivision under which the person obtained any of the
4125 education necessary to qualify for a certificate of registration
4126 under this chapter. However, before an agency, political
4127 subdivision or other public or private entity may recommend the
4128 suspension of a certificate of registration due to the person's
4129 default on a loan, that agency, political subdivision or other
4130 public or private entity must provide the certificate holder with
4131 notice of its intention to recommend the suspension of the
4132 person's certificate of registration and an opportunity for the
4133 certificate holder to respond; and

4134 (b) The person's certificate of registration will
4135 remain suspended until the person has: (i) made arrangements
4136 satisfactory to the board for meeting the obligations of the loan,
4137 scholarship or loan repayment program; or (ii) in the case of a
4138 default on a loan, made arrangements satisfactory to the agency,
4139 political subdivision or other public or private entity to which
4140 payments are due for the repayment of the loan.

4141 (3) Investigative proceedings may be implemented by a
4142 complaint by any person, including members of the board.

4143 (4) (a) Any person(s) found guilty of prostitution using as
4144 any advertisement, claim or insignia of being an actual registered
4145 massage therapist or to be practicing massage therapy by using the
4146 word "massage" or any other description indicating the same,
4147 whether or not the person(s) have one or more such certificate of

4148 registration for person(s) or establishment(s), shall be guilty of
4149 a misdemeanor, and upon conviction, shall be punished by a fine of
4150 not less than One Thousand Dollars (\$1,000.00), nor more than Five
4151 Thousand Dollars (\$5,000.00), or imprisonment of up to six (6)
4152 months, or both, per offense, per person.

4153 (b) Any person who knowingly participates in receiving
4154 illegal service(s) of any person found guilty as described in
4155 paragraph (a) of this subsection, upon conviction, shall be
4156 punished by a fine not exceeding Five Hundred Dollars (\$500.00),
4157 or imprisonment for up to one (1) month, or both. Persons
4158 officially designated to investigate complaints are exempt.

4159 (c) Any person who violates any provision of this
4160 chapter, other than violation(s) of paragraph (a) of this
4161 subsection, is guilty of a misdemeanor, and upon conviction, shall
4162 be punished by a fine not exceeding Five Hundred Dollars
4163 (\$500.00), or imprisonment for up to one (1) month in jail, or
4164 both, per offense.

4165 (d) The board, in its discretion, may assess and tax
4166 any part or all of the costs of any disciplinary proceedings
4167 conducted against either the accused, the charging party, or both,
4168 as it may elect.

4169 **SECTION 31.** This act shall take effect and be in force from
4170 and after July 1, 2006.