

By: Representative Warren

To: Public Health and Human Services

HOUSE BILL NO. 544

1 AN ACT TO REENACT SECTIONS 73-6-1 THROUGH 73-6-31,  
2 MISSISSIPPI CODE OF 1972, WHICH CREATE THE STATE BOARD OF  
3 CHIROPRACTIC EXAMINERS AND PRESCRIBE ITS DUTIES AND POWERS; TO  
4 AMEND SECTION 73-6-33, MISSISSIPPI CODE OF 1972, TO EXTEND THE  
5 DATE OF THE REPEALER ON THE REENACTED SECTIONS; AND FOR RELATED  
6 PURPOSES.

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

8 **SECTION 1.** Section 73-6-1, Mississippi Code of 1972, is  
9 reenacted as follows:

10 73-6-1. (1) The practice of chiropractic involves the  
11 analysis of any interference with normal nerve transmission and  
12 expression, and the procedure preparatory to and complementary to  
13 the correction thereof, by adjustment and/or manipulation of the  
14 articulations of the vertebral column and its immediate  
15 articulations for the restoration and maintenance of health  
16 without the use of drugs or surgery.

17 (2) The chiropractic adjustment and/or manipulation of the  
18 articulations of the human body may include manual adjustments  
19 and/or manipulations and adjustments and/or manipulations by means  
20 of electrical and mechanical devices which produce traction or  
21 vibration. Chiropractors licensed under this chapter may also use  
22 in conjunction with adjustments and/or manipulations of the spinal  
23 structures electrical therapeutic modalities which induce heat or  
24 electrical current beneath the skin, including therapeutic  
25 ultrasound, galvanism, diathermy and electromuscular stimulation.

26 (3) Chiropractors licensed under this chapter may utilize  
27 those electric therapeutic modalities described in subsection (2)  
28 of this section only after the chiropractor has completed a course  
29 of study containing a minimum of one hundred twenty (120) hours of

30 instruction in the proper utilization of those procedures in  
31 accordance with the guidelines set forth by the Council on  
32 Chiropractic Education, or its successor, and is qualified and so  
33 certified in that proper utilization.

34 (4) Chiropractors shall not prescribe or administer medicine  
35 to patients, perform surgery, practice obstetrics or osteopathy.  
36 Chiropractors shall be authorized to recommend, dispense or sell  
37 vitamins or food supplements.

38 (5) Chiropractors shall not use venipuncture, capillary  
39 puncture, acupuncture or any other technique which is invasive of  
40 the human body either by penetrating the skin or through any of  
41 the orifices of the body or through the use of colonics.

42 (6) A person professing to practice chiropractic for  
43 compensation must bring to the exercise of that person's  
44 profession a reasonable degree of care and skill. Any injury  
45 resulting from a want of such care and skill shall be a tort for  
46 which a recovery may be had. If a chiropractor performs upon a  
47 patient any act authorized to be performed under this chapter but  
48 which act also constitutes a standard procedure of the practice of  
49 medicine including, but not limited to, the use of modalities such  
50 as those described in subsection (2) of this section and x-rays,  
51 under similar circumstances, the chiropractor shall be held to the  
52 same standard of care as would licensed doctors of medicine who  
53 are qualified to and who actually perform those acts under similar  
54 conditions and like circumstances.

55 (7) Chiropractors licensed under this chapter are authorized  
56 to refer patients to licensed physical therapists for treatment.

57 (8) Doctors of chiropractic medicine may respond on a  
58 referral basis and under the direct and immediate supervision of a  
59 Mississippi licensed veterinarian to calls for animals requiring  
60 their professional services provided the chiropractor has a  
61 current license from the State Board of Chiropractic Examiners and

62 the chiropractor has completed a Mississippi Board of Veterinary  
63 Medicine approved animal chiropractic course.

64 **SECTION 2.** Section 73-6-3, Mississippi Code of 1972, is  
65 reenacted as follows:

66 73-6-3. There is hereby created a State Board of  
67 Chiropractic Examiners. This board shall consist of six (6)  
68 members; one (1) of whom shall be the executive officer of the  
69 State Board of Health, or his designee, and one (1) from each  
70 congressional district as presently constituted, to be appointed  
71 by the Governor with the advice and consent of the Senate. Each  
72 member except the executive officer of the State Board of Health  
73 shall be a qualified elector of the State of Mississippi having  
74 been continuously engaged in the practice of chiropractic in  
75 Mississippi for at least five (5) years prior to appointment. No  
76 member shall be a stockholder in or member of the faculty or board  
77 of trustees of any school of chiropractic. Each member appointed  
78 to the board shall serve for five (5) years and until his  
79 successor is appointed and qualified; except the terms of the  
80 initial members appointed by the Governor shall expire one (1)  
81 each for five (5) years or until their successors are appointed  
82 and qualified. The members of the board as constituted on January  
83 1, 2003, whose terms have not expired shall serve the balance of  
84 their terms, after which time the membership of the board shall be  
85 appointed as follows: There shall be appointed one (1) member of  
86 the board from each of the four (4) Mississippi congressional  
87 districts as they currently exist, and one (1) from the state at  
88 large, and the Governor shall make appointments from the  
89 congressional district having the smallest number of board members  
90 until the membership includes one (1) member from each district as  
91 required. Vacancies on the board, except for the executive  
92 officer of the State Board of Health, or his designee, shall be  
93 filled by appointment of the Governor only for unexpired terms.  
94 Any member who shall not attend two (2) consecutive meetings of

95 the board shall be subject to removal by the Governor. The  
96 chairman of the board shall notify the Governor in writing when  
97 any such member has failed to attend two (2) consecutive regular  
98 meetings.

99 **SECTION 3.** Section 73-6-5, Mississippi Code of 1972, is  
100 reenacted as follows:

101 73-6-5. (1) The State Board of Chiropractic Examiners shall  
102 select by election from its membership a chairman and vice  
103 chairman who shall hold their respective offices for a period of  
104 one (1) year. A majority of the members of the board may select  
105 an executive secretary; and may hire such other employees,  
106 including an attorney, needed to implement the provisions of this  
107 chapter. The board shall hold regular meetings for examination  
108 beginning on the second week of January and July of each year; and  
109 may hold additional meetings at such times and places as it deems  
110 necessary, but not to exceed twelve (12) times during its initial  
111 calendar year and not more than four (4) times during any  
112 subsequent calendar year. The July meeting shall be held in the  
113 City of Jackson. A majority of the board shall constitute a  
114 quorum, and the concurrence of a majority of the members of the  
115 board shall be required to grant or revoke a license. The board  
116 shall make such rules and regulations as is necessary to carry out  
117 the provisions of this chapter, and a copy of these rules and  
118 regulations as well as all changes thereto shall, upon passage, be  
119 sent to all practitioners licensed hereunder.

120 (2) The State Board of Chiropractic Examiners shall be  
121 authorized to certify to the State Department of Health those  
122 chiropractic assistants who are exempt from registration under  
123 Section 41-58-3(7)(d) as having completed continuing education  
124 requirements and charge a fee of not more than Fifty Dollars  
125 (\$50.00) annually to each individual whom the board certifies, as  
126 required under Section 41-58-5(4)(f). The board shall be  
127 authorized to establish educational qualifications and continuing

128 education requirements for chiropractic assistants that  
129 participate in direct patient care. The board shall charge a fee  
130 not to exceed Fifty Dollars (\$50.00) annually for this  
131 certification and annual renewal. Likewise, a late fee of One  
132 Hundred Dollars (\$100.00) shall be charged on all chiropractic  
133 assistance and chiropractic radiological technologist not renewing  
134 on or before July 1 of each year. Chiropractic radiological  
135 technologists are not exempt from these continuing education  
136 requirements.

137 **SECTION 4.** Section 73-6-7, Mississippi Code of 1972, is  
138 reenacted as follows:

139 73-6-7. Before entering upon the discharge of the duties of  
140 his office, the Executive Secretary of the State Board of  
141 Chiropractic Examiners shall present a bond, approved by the  
142 board, to the state in the sum of Ten Thousand Dollars  
143 (\$10,000.00), conditioned upon the faithful discharge of the  
144 duties of his office. The premium for such bond shall be paid  
145 from the funds paid into the State Treasury by the secretary of  
146 the board. Such bond, with the approval of the board and oath of  
147 office endorsed thereon, shall be deposited with the Secretary of  
148 State.

149 Each month, monies received by the secretary of the board  
150 shall be paid by him into the State Treasury and deposited in a  
151 fund to be known as the "State Board of Chiropractic Examiners  
152 Fund" for the use of the board in carrying out the provisions of  
153 this chapter. The board shall receive no appropriation from any  
154 state funds for its support, except from the special fund  
155 deposited into the State Treasury by the board.

156 **SECTION 5.** Section 73-6-9, Mississippi Code of 1972, is  
157 reenacted as follows:

158 73-6-9. Each member of the State Board of Chiropractic  
159 Examiners shall receive the per diem authorized under Section  
160 25-3-69, for each day actually discharging his official duties,

161 and shall receive reimbursement for mileage and necessary expense  
162 incurred, as provided in Section 25-3-41. The executive secretary  
163 shall receive an annual salary to be fixed by the board in  
164 addition to reimbursements for necessary expenses incurred in the  
165 discharge of his official duties.

166 The expenses of the board in carrying out the provisions of  
167 this chapter shall be paid upon requisitions signed by the  
168 chairman and secretary of the board and warrants signed by the  
169 State Auditor from the fund in the State Treasury for the use of  
170 the board. Said expenses shall not exceed the amount paid into  
171 the State Treasury under the provisions of this chapter.

172 **SECTION 6.** Section 73-6-11, Mississippi Code of 1972, is  
173 reenacted as follows:

174 73-6-11. The State Board of Chiropractic Examiners shall  
175 adopt an official seal and shall keep a record of its proceedings,  
176 persons licensed as chiropractors, and a record of licenses which  
177 have been revoked or suspended. The board shall keep on file all  
178 examination papers for a period of at least ninety (90) days after  
179 each examination. A transcript of an entry in such records,  
180 certified by the secretary under the seal of the board, shall be  
181 evidence of the facts therein stated. The board shall annually,  
182 on or before January 1, make a report to the Governor and  
183 Legislature of all its official acts during the preceding year,  
184 its receipts and disbursements, and a full and complete report of  
185 the conditions of chiropractic in this state.

186 **SECTION 7.** Section 73-6-13, Mississippi Code of 1972, is  
187 reenacted as follows:

188 73-6-13. (1) Any adult of good moral character who has (a)  
189 graduated from a school or college of chiropractic recognized by  
190 the State Board of Chiropractic Examiners, preceded by the  
191 successful completion of at least two (2) academic years at an  
192 accredited institution of higher learning, or accredited junior  
193 college, and (b) successfully completed parts 1, 2, 3 and 4 and

194 the physical modality section of the examination prepared by the  
195 National Board of Chiropractic Examiners, shall be entitled to  
196 take the examination for a license to practice chiropractic in  
197 Mississippi. The State Board of Chiropractic Examiners shall keep  
198 on file a list of schools or colleges of chiropractic which are so  
199 recognized. No chiropractic school shall be approved unless it is  
200 recognized and approved by the Council of Chiropractic Education,  
201 offers an accredited course of study of not less than four (4)  
202 academic years of at least nine (9) months in length, and requires  
203 its graduates to receive not less than forty (40) clock hours of  
204 instruction in the operation of x-ray machinery and not less than  
205 forty (40) clock hours of instruction in x-ray interpretation and  
206 diagnosis.

207 Any person who applies to take the examination for a  
208 chiropractic license who is not a citizen of the United States  
209 must include with the application to the board a signed affidavit  
210 stating that the person intends to meet the qualifications and  
211 apply for United States citizenship at the earliest date that he  
212 or she becomes eligible for citizenship.

213 (2) Except as otherwise provided in this section, the State  
214 Board of Health shall prescribe rules and regulations for the  
215 operation and use of x-ray machines.

216 (3) The examination to practice chiropractic used by the  
217 board shall consist of testing on the statutes and the rules and  
218 regulations regarding the practice of chiropractic in the State of  
219 Mississippi.

220 (4) Reciprocity privileges for a chiropractor from another  
221 state shall be granted at the board's option on an individual  
222 basis and by a majority vote of the State Board of Chiropractic  
223 Examiners to an adult of good moral character who (a) is currently  
224 an active competent practitioner for at least eight (8) years and  
225 holds an active chiropractic license in another state with no  
226 disciplinary proceeding or unresolved complaint pending anywhere

227 at the time a license is to be issued by this state, (b)  
228 demonstrates having obtained licensure as a chiropractor in  
229 another state under the same education requirements which were  
230 equivalent to the education requirements in this state to obtain a  
231 chiropractic license at the time the applicant obtained the  
232 license in the other state, (c) satisfactorily passes the  
233 examination administered by the State Board of Chiropractic  
234 Examiners and the Spec examination prepared by the National Board  
235 of Chiropractic Examiners, and (d) meets the requirements of  
236 Section 73-6-1(3) pertaining to therapeutic modalities.

237 Any person who applies for a chiropractic license by  
238 reciprocity who is not a citizen of the United States must include  
239 with the application to the board a signed affidavit stating that  
240 the person intends to meet the qualifications and apply for United  
241 States citizenship at the earliest date that he or she becomes  
242 eligible for citizenship.

243 **SECTION 8.** Section 73-6-14, Mississippi Code of 1972, is  
244 reenacted as follows:

245 73-6-14. (1) The State Board of Chiropractic Examiners is  
246 hereby authorized to establish a preceptorship and extern program  
247 whereby chiropractic students enrolled in their last year at a  
248 board-approved chiropractic college accredited by the Council on  
249 Chiropractic Education and recent chiropractic graduates of such  
250 schools may be issued a limited license to practice chiropractic  
251 in the State of Mississippi under the direct on premises  
252 supervision of a sponsoring licensed chiropractor, and in the case  
253 of chiropractic students, also under the general supervision of  
254 the student's school. The State Board of Chiropractic Examiners  
255 shall prohibit the use of more than one (1) such limited license  
256 student or graduate to one sponsor licensed to practice  
257 chiropractic. The State Board of Chiropractic Examiners is  
258 empowered to establish rules and regulations for the  
259 implementation of this subsection (1), including, but not limited



260 to, providing academic, professional and character requirements  
261 for eligible participants, defining the permitted scope of  
262 practice of the limited licensee, and prescribing fees for  
263 participation.

264 (2) The State Board of Chiropractic Examiners is hereby  
265 authorized to establish a travel to treat temporary license  
266 whereby nonresident chiropractors traveling with nonresident  
267 entities, including, but not limited to, sports teams, will be  
268 able to practice chiropractic on members of their entities while  
269 in the State of Mississippi. The board is empowered to establish  
270 rules and regulations for the implementation of this subsection  
271 (2), including, but not limited to, providing professional  
272 requirements for eligible participants, defining the permitted  
273 scope of practice of the traveling chiropractors and prescribing  
274 fees for participation.

275 (3) The State Board of Chiropractic Examiners is hereby  
276 authorized to establish an emergency license to nonresident  
277 chiropractors to practice in the place of a chiropractor licensed  
278 in the State of Mississippi. Such emergency license shall remain  
279 in force for a period not to exceed ninety (90) days, unless  
280 extended for an additional period of ninety (90) days by the board  
281 or until the licensed resident chiropractor is able to resume his  
282 practice. The board is empowered to establish rules and  
283 regulations for the implementation of this subsection (3),  
284 including, but not limited to, providing professional requirements  
285 for eligible participants, defining the scope of practice for  
286 emergency licensees and prescribing fees for participation.

287 **SECTION 9.** Section 73-6-15, Mississippi Code of 1972, is  
288 reenacted as follows:

289 73-6-15. Every applicant shall file with the secretary of  
290 the board an application, verified by oath, setting forth the  
291 facts which entitle the applicant to examination under the  
292 provisions of this chapter. The State Board of Chiropractic

293 Examiners shall hold at least two (2) examinations each year. In  
294 case of failing to pass such examination, the applicant, after the  
295 expiration of six (6) months and within two (2) years, shall have  
296 the privilege of taking a second examination by the board with the  
297 payment of an additional fee equal to that charged the State Board  
298 of Chiropractors by the National Board of Chiropractic Examiners.  
299 An applicant who fails the examination twice shall not be  
300 permitted to retake the examination until completion of further  
301 course of study to be outlined by the board and payment of the fee  
302 for further examination. Every applicant who passed the  
303 examination and otherwise complies with the provisions of this  
304 chapter shall receive from the board, under its seal, a  
305 certificate of licensure which entitles him to practice  
306 chiropractic in this state; however, such certificate does not in  
307 any way qualify a chiropractor to make application to practice on  
308 the medical staff of any hospital licensed by the State Department  
309 of Health. Nothing in this chapter may prevent a chiropractor  
310 from making application to any hospital for chiropractic staff  
311 privileges or as an allied health provider as outlined under the  
312 Minimum Standards for the Operation of Hospitals. Such  
313 certificate shall be duly registered in a record book which shall  
314 be properly kept by the secretary of the board and which shall be  
315 open to public inspection. A duly certified copy of said record  
316 shall be competent evidence in all courts of this state to  
317 establish licensure.

318 Each application or filing made under this section shall  
319 include the social security number(s) of the applicant in  
320 accordance with Section 93-11-64, Mississippi Code of 1972.

321 **SECTION 10.** Section 73-6-17, Mississippi Code of 1972, is  
322 reenacted as follows:

323 73-6-17. The State Board of Chiropractic Examiners shall  
324 charge the following fees for application, examination and  
325 issuance of certificates: application, One Hundred Dollars

326 (\$100.00); examination and issuance of certificate, Two Hundred  
327 Dollars (\$200.00) for all applicants; provided, however, that  
328 resident and nonresident applicants shall have first successfully  
329 completed parts 1, 2, 3 and 4 and the physical modality section of  
330 the examination prepared by the National Board of Chiropractic  
331 Examiners.

332 Every registered chiropractor in order to continue the  
333 practice of chiropractic shall pay annually to the secretary of  
334 the board a registration renewal fee of not more than Three  
335 Hundred Dollars (\$300.00) and, in addition to such renewal fee,  
336 shall be required to file with the secretary of the board a  
337 certificate, certified by a state board and state association,  
338 verifying his attendance at a course of study approved by the  
339 board consisting of not less than twelve (12) hours of instruction  
340 in the latest developments in the practice of chiropractic of  
341 which at least three (3) hours shall be instruction in the subject  
342 of risk management. Provided, that any chiropractor who has  
343 reached the age of seventy-five (75) years and is not  
344 participating in an active practice shall not be required to pay  
345 said renewal fee or submit the twelve (12) hours of continuing  
346 education. Any chiropractor who has received a certificate of  
347 licensure in this state under the provisions of Section 73-6-21  
348 shall be in good standing in the state of his original licensure  
349 in order to renew his certificate in this state, and the board  
350 shall refuse to renew the certificate of any such chiropractor  
351 whose license has been suspended or revoked for cause in the state  
352 of his original licensure. In case of failure to pay the renewal  
353 fee, the board may revoke such certificate after giving sixty (60)  
354 days' notice to the holder who, within such period, may renew such  
355 certificate upon payment of the delinquent fee with a special  
356 processing charge of not more than Three Hundred Dollars  
357 (\$300.00). Lack of participation in active practice for a period  
358 of less than two (2) years, except when a doctor is in active

359 military duty, shall not deprive the holder of the right to renew  
360 such certificate, without examination, upon the payment of all  
361 lapsed fees and proof of required continuing education hours.

362 **SECTION 11.** Section 73-6-18, Mississippi Code of 1972, is  
363 reenacted as follows:

364 73-6-18. These standards apply to all licensed chiropractors  
365 and chiropractic assistants. These standards also apply to those  
366 consultations and examinations advertised as a reduced fee or free  
367 (no charge) service:

368 (a) The chiropractor shall maintain records for  
369 patients which accurately, legibly and completely reflect the  
370 evaluation and treatment of the patient.

371 (b) All patient records shall include patient history,  
372 symptomatology, examination, diagnosis, prognosis and treatment.  
373 If abbreviations or symbols are used in daily record keeping, a  
374 key must be provided.

375 (c) In the event that the board takes disciplinary  
376 action against a chiropractor for any reason, these minimum record  
377 keeping standards will apply. It is understood that these  
378 procedures are the accepted standard(s) and anything less than  
379 this shall be considered unprofessional conduct in the practice of  
380 chiropractic.

381 **SECTION 12.** Section 73-6-19, Mississippi Code of 1972, is  
382 reenacted as follows:

383 73-6-19. (1) The board shall refuse to grant a certificate  
384 of licensure to any applicant or may cancel, revoke or suspend the  
385 certificate upon the finding of any of the following facts  
386 regarding the applicant or licensed practitioner:

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

389 (b) Violation of any of the provisions of this chapter  
390 or any of the rules and regulations of the State Board of Health

391 pursuant to this chapter with regard to the operation and use of  
392 x-rays;

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

394 (d) Addiction to the use of alcohol, narcotic drugs, or  
395 anything which would seriously interfere with the competent  
396 performance of his professional duties;

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

400 (f) Unprofessional and unethical conduct;

401 (g) Contraction of a contagious disease which may be  
402 carried for a prolonged period;

403 (h) Failure to report to the Mississippi Department of  
404 Human Services or the county attorney any case wherein there are  
405 reasonable grounds to believe that a child has been abused by its  
406 parent or person responsible for such child's welfare;

407 (i) Advising a patient to use drugs, prescribing or  
408 providing drugs for a patient, or advising a patient not to use a  
409 drug prescribed by a licensed physician or dentist;

410 (j) Professional incompetency in the practice of  
411 chiropractic;

412 (k) Having disciplinary action taken by his peers  
413 within any professional chiropractic association or society;

414 (l) Offering to accept or accepting payment for  
415 services rendered by assignment from any third-party payor after  
416 offering to accept or accepting whatever the third-party payor  
417 covers as payment in full, if the effect of the offering or  
418 acceptance is to eliminate or give the impression of eliminating  
419 the need for payment by an insured of any required deductions  
420 applicable in the policy of the insured;

421 (m) Associating his practice with any chiropractor who  
422 does not hold a valid chiropractic license in Mississippi, or

423 teach chiropractic manipulation to nonqualified persons under  
424 Section 73-6-13;

425 (n) Failure to make payment on chiropractic student  
426 loans;

427 (o) Failure to follow record keeping requirements  
428 prescribed in Section 73-6-18; or

429 (p) If the practitioner is certified to provide animal  
430 chiropractic treatment, failure to follow guidelines approved by  
431 the Mississippi Board of Veterinary Medicine.

432 (2) Any holder of such certificate or any applicant therefor  
433 against whom is preferred any of the designated charges shall be  
434 furnished a copy of the complaint and shall receive a formal  
435 hearing in Jackson, Mississippi, before the board, at which time  
436 he may be represented by counsel and examine witnesses. The board  
437 is authorized to administer oaths as may be necessary for the  
438 proper conduct of any such hearing. In addition, the board is  
439 authorized and empowered to issue subpoenas for the attendance of  
440 witnesses and the production of books and papers. The process  
441 issued by the board shall extend to all parts of the state. Where  
442 in any proceeding before the board any witness shall fail or  
443 refuse to attend upon subpoena issued by the board, shall refuse  
444 to testify, or shall refuse to produce any books and papers, the  
445 production of which is called for by the subpoena, the attendance  
446 of such witness and the giving of his testimony and the production  
447 of the books and papers shall be enforced by any court of  
448 competent jurisdiction of this state in the manner provided for  
449 the enforcement of attendance and testimony of witnesses in civil  
450 cases in the courts of this state.

451 (3) In addition to any other investigators the board  
452 employs, the board shall appoint one or more licensed  
453 chiropractors to act for the board in investigating the conduct  
454 relating to the competency of a chiropractor, whenever

455 disciplinary action is being considered for professional  
456 incompetence and unprofessional conduct.

457 (4) Whenever the board finds any person unqualified to  
458 practice chiropractic because of any of the grounds set forth in  
459 subsection (1) of this section, after a hearing has been conducted  
460 as prescribed by this section, the board may enter an order  
461 imposing one or more of the following:

462 (a) Deny his application for a license or other  
463 authorization to practice chiropractic;

464 (b) Administer a public or private reprimand;

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

467 (d) Revoke or cancel his license or other authorization  
468 to practice chiropractic;

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

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

475 (g) Require him to practice under the direction of a  
476 chiropractor designated by the board for a specified period of  
477 time.

478 (5) Any person whose application for a license or whose  
479 license to practice chiropractic has been cancelled, revoked or  
480 suspended by the board within thirty (30) days from the date of  
481 such final decision shall have the right of a de novo appeal to  
482 the circuit court of his county of residence or the Circuit Court  
483 of the First Judicial District of Hinds County, Mississippi. If  
484 there is an appeal, such appeal may, in the discretion of and on  
485 motion to the circuit court, act as a supersedeas. The circuit  
486 court shall dispose of the appeal and enter its decision promptly.  
487 The hearing on the appeal may, in the discretion of the circuit

488 judge, be tried in vacation. Either party shall have the right of  
489 appeal to the Supreme Court as provided by law from any decision  
490 of the circuit court.

491 (6) In a proceeding conducted under this section by the  
492 board for the revocation, suspension or cancellation of a license  
493 to practice chiropractic, after a hearing has been conducted as  
494 prescribed by this section, the board shall have the power and  
495 authority for the grounds stated in subsection (1) of this  
496 section, with the exception of paragraph (c) thereof, to assess  
497 and levy upon any person licensed to practice chiropractic in the  
498 state a monetary penalty in lieu of such revocation, suspension or  
499 cancellation, as follows:

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

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

507 The power and authority of the board to assess and levy such  
508 monetary penalties under this section shall not be affected or  
509 diminished by any other proceeding, civil or criminal, concerning  
510 the same violation or violations. A licensee shall have the right  
511 of appeal from the assessment and levy of a monetary penalty as  
512 provided in this section to the circuit court under the same  
513 conditions as a right of appeal is provided for in this section  
514 for appeals from an adverse ruling, or order, or decision of the  
515 board. Any monetary penalty assessed and levied under this  
516 section shall not take effect until after the time for appeal has  
517 expired, and an appeal of the assessment and levy of such a  
518 monetary penalty shall act as a supersedeas.

519 (7) In addition to the grounds specified in subsection (1)  
520 of this section, the board shall be authorized to suspend the



521 license of any licensee for being out of compliance with an order  
522 for support, as defined in Section 93-11-153. The procedure for  
523 suspension of a license for being out of compliance with an order  
524 for support, and the procedure for the reissuance or reinstatement  
525 of a license suspended for that purpose, and the payment of any  
526 fees for the reissuance or reinstatement of a license suspended  
527 for that purpose, shall be governed by Section 93-11-157 or  
528 93-11-163, as the case may be. Actions taken by the board in  
529 suspending a license when required by Section 93-11-157 or  
530 93-11-163 are not actions from which an appeal may be taken under  
531 this section. Any appeal of a license suspension that is required  
532 by Section 93-11-157 or 93-11-163 shall be taken in accordance  
533 with the appeal procedure specified in Section 93-11-157 or  
534 93-11-163, as the case may be, rather than the procedure specified  
535 in this section. If there is any conflict between any provision  
536 of Section 93-11-157 or 93-11-163 and any provision of this  
537 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
538 case may be, shall control.

539 **SECTION 13.** Section 73-6-23, Mississippi Code of 1972, is  
540 reenacted as follows:

541 73-6-23. Nothing in this chapter shall be construed as  
542 conferring upon the holder of such certificate the right to  
543 practice medicine and surgery as a physician or osteopathic  
544 physician as defined by statute, to engage in the practice of  
545 physical therapy as defined by statute, to advise or prescribe the  
546 use of drugs by his patients, or to advise a patient not to use a  
547 drug prescribed by a licensed physician or dentist.

548 **SECTION 14.** Section 73-6-25, Mississippi Code of 1972, is  
549 reenacted as follows:

550 73-6-25. (1) The members of the chiropractic profession,  
551 licensed or unlicensed, are hereby prohibited from:

552 (a) Making use of any public statement of a character  
553 tending to mislead the public in regard to the health services of

554 the chiropractic profession or of an individual chiropractor, or  
555 use of any other professional designation other than the term  
556 "chiropractor," "doctor of chiropractic," "D.C." or "chiropractic  
557 physician"; however, the use of the title "chiropractic physician"  
558 authorized in this paragraph (a) shall not be construed as  
559 conferring upon the holder of a license to practice chiropractic  
560 any right or responsibility given to a "physician" by any other  
561 Mississippi statute, unless the statute specifically confers the  
562 right or responsibility on a "chiropractor" or a "chiropractic  
563 physician";

564 (b) Offering discounts or inducements to prospective  
565 patients by means of coupons or otherwise to perform professional  
566 services during any period of time for a lesser or more attractive  
567 price without providing a disclaimer to the public indicating the  
568 usual price for other services;

569 (c) Advertising or promising to guarantee any  
570 professional service or to perform any operation painlessly;

571 (d) Violating any of the provisions of this chapter or  
572 any of the rules and regulations of the State Board of Health  
573 pursuant to this chapter with regard to the operation and use of  
574 x-rays.

575 (2) Nothing herein shall be construed to prohibit a licensed  
576 practitioner of chiropractic from allowing or causing his name,  
577 address and telephone number to be inserted in the classified  
578 section of a telephone directory under a classification denoting  
579 the practitioner's profession; however, the listing of licensed  
580 practitioners of chiropractic shall not be in the same section or  
581 classification that lists doctors of medicine (M.D.) or doctors of  
582 osteopathy (D.O.). Nothing herein shall be construed to prohibit  
583 a licensed practitioner from mailing letters to his clients, but  
584 such letters shall otherwise be subject to the provisions of this  
585 section.

586           **SECTION 15.** Section 73-6-26, Mississippi Code of 1972, is  
587 reenacted as follows:

588           73-6-26. It shall be unlawful for any person, corporation or  
589 association to, in any manner, make claim, verbally, in writing,  
590 or by way of advertising, that they perform chiropractic  
591 adjustments/manipulation to the articulations of the human spine  
592 unless they hold a valid license to practice chiropractic (D.C.)  
593 in the State of Mississippi.

594           **SECTION 16.** Section 73-6-27, Mississippi Code of 1972, is  
595 reenacted as follows:

596           73-6-27. Any person who has graduated from a college  
597 approved by the International Chiropractors Association or  
598 American Chiropractic Association and who was engaged in the  
599 full-time practice of chiropractic in Mississippi prior to January  
600 1, 1970, or was engaged in the full-time practice of chiropractic  
601 in Mississippi for a period of eight (8) years prior to April 16,  
602 1973, shall be entitled to a license hereunder by making  
603 application to the State Board of Chiropractic Examiners without  
604 being required to take the examination of the State Board of  
605 Chiropractic Examiners, provided he applies for such license  
606 within ninety (90) days after the appointment of the initial  
607 board, submits reasonable evidence to the board establishing his  
608 eligibility for such exemption, and pays a Twenty-five Dollar  
609 (\$25.00) registration fee. All other persons practicing  
610 chiropractic within the State of Mississippi on April 16, 1973,  
611 shall be eligible to take the approved examination.

612           **SECTION 17.** Section 73-6-29, Mississippi Code of 1972, is  
613 reenacted as follows:

614           73-6-29. Anyone failing to comply with the provisions of  
615 this chapter shall be guilty of a misdemeanor and upon conviction  
616 thereof shall be punished by a fine of not less than Five Hundred  
617 Dollars (\$500.00) nor more than Two Thousand Five Hundred Dollars

618 (\$2,500.00), and/or by imprisonment in the county jail for not  
619 less than thirty (30) days nor more than one (1) year.

620 All subsequent offenses shall be separate and distinct  
621 offenses, and punishable in like manner.

622 The State Board of Chiropractic Examiners or the district  
623 attorney or county attorney of the county in which the defendant  
624 may reside or the Attorney General of Mississippi may institute  
625 legal action as provided by law against any person violating the  
626 provisions of this chapter, and the chancery court of the county  
627 in which any such violation occurred or in which any such person  
628 resides or practices shall have jurisdiction to grant injunctive  
629 relief against the continuation of any such violation.

630 **SECTION 18.** Section 73-6-31, Mississippi Code of 1972, is  
631 reenacted as follows:

632 73-6-31. No person shall engage in the practice of  
633 chiropractic from and after January 1, 1974, unless he has a valid  
634 license issued pursuant to this chapter.

635 **SECTION 19.** Section 73-6-33, Mississippi Code of 1972, is  
636 amended as follows:

637 73-6-33. Sections 73-6-1 through 73-6-31, Mississippi Code  
638 of 1972, which create the State Board of Chiropractic Examiners  
639 and prescribe its duties and powers, shall stand repealed as of  
640 July 1, 2008.

641 **SECTION 20.** This act shall take effect and be in force from  
642 and after July 1, 2006.