

By: Representative Warren

To: Public Health and Human Services

HOUSE BILL NO. 544
(As Sent to Governor)

1 AN ACT TO REENACT SECTIONS 73-6-1 THROUGH 73-6-31,
2 MISSISSIPPI CODE OF 1972, WHICH CREATE AND EMPOWER THE STATE BOARD
3 OF CHIROPRACTIC EXAMINERS; TO AMEND SECTION 73-6-13, MISSISSIPPI
4 CODE OF 1972, TO CLARIFY THE ACCREDITING AGENCY FOR CHIROPRACTIC
5 SCHOOLS; TO AMEND SECTION 73-6-33, MISSISSIPPI CODE OF 1972, TO
6 EXTEND THE AUTOMATIC REPEALER ON THOSE STATUTES WHICH CREATE AND
7 EMPOWER THE STATE BOARD OF CHIROPRACTIC EXAMINERS; AND FOR RELATED
8 PURPOSES.

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

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

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

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

28 (3) Chiropractors licensed under this chapter may utilize
29 those electric therapeutic modalities described in subsection (2)
30 of this section only after the chiropractor has completed a course

31 of study containing a minimum of one hundred twenty (120) hours of
32 instruction in the proper utilization of those procedures in
33 accordance with the guidelines set forth by the Council on
34 Chiropractic Education, or its successor, and is qualified and so
35 certified in that proper utilization.

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

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

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

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

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

64 the chiropractor has completed a Mississippi Board of Veterinary
65 Medicine approved animal chiropractic course.

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

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

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

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

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

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

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

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

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

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

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

160 73-6-9. Each member of the State Board of Chiropractic
161 Examiners shall receive the per diem authorized under Section
162 25-3-69, for each day actually discharging his official duties,

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

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

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

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

188 **SECTION 7.** Section 73-6-13, Mississippi Code of 1972, is
189 reenacted and amended as follows:

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

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

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

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

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

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

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

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

245 **SECTION 8.** Section 73-6-15, Mississippi Code of 1972, is
246 reenacted as follows:

247 73-6-15. Every applicant shall file with the secretary of
248 the board an application, verified by oath, setting forth the
249 facts which entitle the applicant to examination under the
250 provisions of this chapter. The State Board of Chiropractic
251 Examiners shall hold at least two (2) examinations each year. In
252 case of failing to pass such examination, the applicant, after the
253 expiration of six (6) months and within two (2) years, shall have
254 the privilege of taking a second examination by the board with the
255 payment of an additional fee equal to that charged the State Board
256 of Chiropractors by the National Board of Chiropractic Examiners.
257 An applicant who fails the examination twice shall not be
258 permitted to retake the examination until completion of further
259 course of study to be outlined by the board and payment of the fee
260 for further examination. Every applicant who passed the
261 examination and otherwise complies with the provisions of this

262 chapter shall receive from the board, under its seal, a
263 certificate of licensure which entitles him to practice
264 chiropractic in this state; however, such certificate does not in
265 any way qualify a chiropractor to make application to practice on
266 the medical staff of any hospital licensed by the State Department
267 of Health. Nothing in this chapter may prevent a chiropractor
268 from making application to any hospital for chiropractic staff
269 privileges or as an allied health provider as outlined under the
270 Minimum Standards for the Operation of Hospitals. Such
271 certificate shall be duly registered in a record book which shall
272 be properly kept by the secretary of the board and which shall be
273 open to public inspection. A duly certified copy of said record
274 shall be competent evidence in all courts of this state to
275 establish licensure.

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

279 **SECTION 9.** Section 73-6-17, Mississippi Code of 1972, is
280 reenacted as follows:

281 73-6-17. The State Board of Chiropractic Examiners shall
282 charge the following fees for application, examination and
283 issuance of certificates: application, One Hundred Dollars
284 (\$100.00); examination and issuance of certificate, Two Hundred
285 Dollars (\$200.00) for all applicants; provided, however, that
286 resident and nonresident applicants shall have first successfully
287 completed parts 1, 2, 3 and 4 and the physical modality section of
288 the examination prepared by the National Board of Chiropractic
289 Examiners.

290 Every registered chiropractor in order to continue the
291 practice of chiropractic shall pay annually to the secretary of
292 the board a registration renewal fee of not more than Three
293 Hundred Dollars (\$300.00) and, in addition to such renewal fee,
294 shall be required to file with the secretary of the board a

295 certificate, certified by a state board and state association,
296 verifying his attendance at a course of study approved by the
297 board consisting of not less than twelve (12) hours of instruction
298 in the latest developments in the practice of chiropractic of
299 which at least three (3) hours shall be instruction in the subject
300 of risk management. Provided, that any chiropractor who has
301 reached the age of seventy-five (75) years and is not
302 participating in an active practice shall not be required to pay
303 said renewal fee or submit the twelve (12) hours of continuing
304 education. Any chiropractor who has received a certificate of
305 licensure in this state under the provisions of Section 73-6-21
306 shall be in good standing in the state of his original licensure
307 in order to renew his certificate in this state, and the board
308 shall refuse to renew the certificate of any such chiropractor
309 whose license has been suspended or revoked for cause in the state
310 of his original licensure. In case of failure to pay the renewal
311 fee, the board may revoke such certificate after giving sixty (60)
312 days' notice to the holder who, within such period, may renew such
313 certificate upon payment of the delinquent fee with a special
314 processing charge of not more than Three Hundred Dollars
315 (\$300.00). Lack of participation in active practice for a period
316 of less than two (2) years, except when a doctor is in active
317 military duty, shall not deprive the holder of the right to renew
318 such certificate, without examination, upon the payment of all
319 lapsed fees and proof of required continuing education hours.

320 **SECTION 10.** Section 73-6-19, Mississippi Code of 1972, is
321 reenacted as follows:

322 73-6-19. (1) The board shall refuse to grant a certificate
323 of licensure to any applicant or may cancel, revoke or suspend the
324 certificate upon the finding of any of the following facts
325 regarding the applicant or licensed practitioner:

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

328 (b) Violation of any of the provisions of this chapter
329 or any of the rules and regulations of the State Board of Health
330 pursuant to this chapter with regard to the operation and use of
331 x-rays;

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

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

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

339 (f) Unprofessional and unethical conduct;

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

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

346 (i) Advising a patient to use drugs, prescribing or
347 providing drugs for a patient, or advising a patient not to use a
348 drug prescribed by a licensed physician or dentist;

349 (j) Professional incompetency in the practice of
350 chiropractic;

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

353 (l) Offering to accept or accepting payment for
354 services rendered by assignment from any third-party payor after
355 offering to accept or accepting whatever the third-party payor
356 covers as payment in full, if the effect of the offering or
357 acceptance is to eliminate or give the impression of eliminating
358 the need for payment by an insured of any required deductions
359 applicable in the policy of the insured;

360 (m) Associating his practice with any chiropractor who
361 does not hold a valid chiropractic license in Mississippi, or
362 teach chiropractic manipulation to nonqualified persons under
363 Section 73-6-13;

364 (n) Failure to make payment on chiropractic student
365 loans;

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

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

371 (2) Any holder of such certificate or any applicant therefor
372 against whom is preferred any of the designated charges shall be
373 furnished a copy of the complaint and shall receive a formal
374 hearing in Jackson, Mississippi, before the board, at which time
375 he may be represented by counsel and examine witnesses. The board
376 is authorized to administer oaths as may be necessary for the
377 proper conduct of any such hearing. In addition, the board is
378 authorized and empowered to issue subpoenas for the attendance of
379 witnesses and the production of books and papers. The process
380 issued by the board shall extend to all parts of the state. Where
381 in any proceeding before the board any witness shall fail or
382 refuse to attend upon subpoena issued by the board, shall refuse
383 to testify, or shall refuse to produce any books and papers, the
384 production of which is called for by the subpoena, the attendance
385 of such witness and the giving of his testimony and the production
386 of the books and papers shall be enforced by any court of
387 competent jurisdiction of this state in the manner provided for
388 the enforcement of attendance and testimony of witnesses in civil
389 cases in the courts of this state.

390 (3) In addition to any other investigators the board
391 employs, the board shall appoint one or more licensed
392 chiropractors to act for the board in investigating the conduct

393 relating to the competency of a chiropractor, whenever
394 disciplinary action is being considered for professional
395 incompetence and unprofessional conduct.

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

401 (a) Deny his application for a license or other
402 authorization to practice chiropractic;

403 (b) Administer a public or private reprimand;

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

406 (d) Revoke or cancel his license or other authorization
407 to practice chiropractic;

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

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

414 (g) Require him to practice under the direction of a
415 chiropractor designated by the board for a specified period of
416 time.

417 (5) Any person whose application for a license or whose
418 license to practice chiropractic has been cancelled, revoked or
419 suspended by the board within thirty (30) days from the date of
420 such final decision shall have the right of a de novo appeal to
421 the circuit court of his county of residence or the Circuit Court
422 of the First Judicial District of Hinds County, Mississippi. If
423 there is an appeal, such appeal may, in the discretion of and on
424 motion to the circuit court, act as a supersedeas. The circuit
425 court shall dispose of the appeal and enter its decision promptly.

426 The hearing on the appeal may, in the discretion of the circuit
427 judge, be tried in vacation. Either party shall have the right of
428 appeal to the Supreme Court as provided by law from any decision
429 of the circuit court.

430 (6) In a proceeding conducted under this section by the
431 board for the revocation, suspension or cancellation of a license
432 to practice chiropractic, after a hearing has been conducted as
433 prescribed by this section, the board shall have the power and
434 authority for the grounds stated in subsection (1) of this
435 section, with the exception of paragraph (c) thereof, to assess
436 and levy upon any person licensed to practice chiropractic in the
437 state a monetary penalty in lieu of such revocation, suspension or
438 cancellation, as follows:

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

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

446 The power and authority of the board to assess and levy such
447 monetary penalties under this section shall not be affected or
448 diminished by any other proceeding, civil or criminal, concerning
449 the same violation or violations. A licensee shall have the right
450 of appeal from the assessment and levy of a monetary penalty as
451 provided in this section to the circuit court under the same
452 conditions as a right of appeal is provided for in this section
453 for appeals from an adverse ruling, or order, or decision of the
454 board. Any monetary penalty assessed and levied under this
455 section shall not take effect until after the time for appeal has
456 expired, and an appeal of the assessment and levy of such a
457 monetary penalty shall act as a supersedeas.

458 (7) In addition to the grounds specified in subsection (1)
459 of this section, the board shall be authorized to suspend the
460 license of any licensee for being out of compliance with an order
461 for support, as defined in Section 93-11-153. The procedure for
462 suspension of a license for being out of compliance with an order
463 for support, and the procedure for the reissuance or reinstatement
464 of a license suspended for that purpose, and the payment of any
465 fees for the reissuance or reinstatement of a license suspended
466 for that purpose, shall be governed by Section 93-11-157 or
467 93-11-163, as the case may be. Actions taken by the board in
468 suspending a license when required by Section 93-11-157 or
469 93-11-163 are not actions from which an appeal may be taken under
470 this section. Any appeal of a license suspension that is required
471 by Section 93-11-157 or 93-11-163 shall be taken in accordance
472 with the appeal procedure specified in Section 93-11-157 or
473 93-11-163, as the case may be, rather than the procedure specified
474 in this section. If there is any conflict between any provision
475 of Section 93-11-157 or 93-11-163 and any provision of this
476 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
477 case may be, shall control.

478 **SECTION 11.** Section 73-6-23, Mississippi Code of 1972, is
479 reenacted as follows:

480 73-6-23. Nothing in this chapter shall be construed as
481 conferring upon the holder of such certificate the right to
482 practice medicine and surgery as a physician or osteopathic
483 physician as defined by statute, to engage in the practice of
484 physical therapy as defined by statute, to advise or prescribe the
485 use of drugs by his patients, or to advise a patient not to use a
486 drug prescribed by a licensed physician or dentist.

487 **SECTION 12.** Section 73-6-25, Mississippi Code of 1972, is
488 reenacted as follows:

489 73-6-25. (1) The members of the chiropractic profession,
490 licensed or unlicensed, are hereby prohibited from:

491 (a) Making use of any public statement of a character
492 tending to mislead the public in regard to the health services of
493 the chiropractic profession or of an individual chiropractor, or
494 use of any other professional designation other than the term
495 "chiropractor," "doctor of chiropractic," "D.C." or "chiropractic
496 physician"; however, the use of the title "chiropractic physician"
497 authorized in this paragraph (a) shall not be construed as
498 conferring upon the holder of a license to practice chiropractic
499 any right or responsibility given to a "physician" by any other
500 Mississippi statute, unless the statute specifically confers the
501 right or responsibility on a "chiropractor" or a "chiropractic
502 physician";

503 (b) Offering discounts or inducements to prospective
504 patients by means of coupons or otherwise to perform professional
505 services during any period of time for a lesser or more attractive
506 price without providing a disclaimer to the public indicating the
507 usual price for other services;

508 (c) Advertising or promising to guarantee any
509 professional service or to perform any operation painlessly;

510 (d) Violating any of the provisions of this chapter or
511 any of the rules and regulations of the State Board of Health
512 pursuant to this chapter with regard to the operation and use of
513 x-rays.

514 (2) Nothing herein shall be construed to prohibit a licensed
515 practitioner of chiropractic from allowing or causing his name,
516 address and telephone number to be inserted in the classified
517 section of a telephone directory under a classification denoting
518 the practitioner's profession; however, the listing of licensed
519 practitioners of chiropractic shall not be in the same section or
520 classification that lists doctors of medicine (M.D.) or doctors of
521 osteopathy (D.O.). Nothing herein shall be construed to prohibit
522 a licensed practitioner from mailing letters to his clients, but

523 such letters shall otherwise be subject to the provisions of this
524 section.

525 **SECTION 13.** Section 73-6-27, Mississippi Code of 1972, is
526 reenacted as follows:

527 73-6-27. Any person who has graduated from a college
528 approved by the International Chiropractors Association or
529 American Chiropractic Association and who was engaged in the
530 full-time practice of chiropractic in Mississippi prior to January
531 1, 1970, or was engaged in the full-time practice of chiropractic
532 in Mississippi for a period of eight (8) years prior to April 16,
533 1973, shall be entitled to a license hereunder by making
534 application to the State Board of Chiropractic Examiners without
535 being required to take the examination of the State Board of
536 Chiropractic Examiners, provided he applies for such license
537 within ninety (90) days after the appointment of the initial
538 board, submits reasonable evidence to the board establishing his
539 eligibility for such exemption, and pays a Twenty-five Dollar
540 (\$25.00) registration fee. All other persons practicing
541 chiropractic within the State of Mississippi on April 16, 1973,
542 shall be eligible to take the approved examination.

543 **SECTION 14.** Section 73-6-29, Mississippi Code of 1972, is
544 reenacted as follows:

545 73-6-29. Anyone failing to comply with the provisions of
546 this chapter shall be guilty of a misdemeanor and upon conviction
547 thereof shall be punished by a fine of not less than Five Hundred
548 Dollars (\$500.00) nor more than Two Thousand Five Hundred Dollars
549 (\$2,500.00), and/or by imprisonment in the county jail for not
550 less than thirty (30) days nor more than one (1) year.

551 All subsequent offenses shall be separate and distinct
552 offenses, and punishable in like manner.

553 The State Board of Chiropractic Examiners or the district
554 attorney or county attorney of the county in which the defendant
555 may reside or the Attorney General of Mississippi may institute

556 legal action as provided by law against any person violating the
557 provisions of this chapter, and the chancery court of the county
558 in which any such violation occurred or in which any such person
559 resides or practices shall have jurisdiction to grant injunctive
560 relief against the continuation of any such violation.

561 **SECTION 15.** Section 73-6-31, Mississippi Code of 1972, is
562 reenacted as follows:

563 73-6-31. No person shall engage in the practice of
564 chiropractic from and after January 1, 1974, unless he has a valid
565 license issued pursuant to this chapter.

566 **SECTION 16.** Section 73-6-33, Mississippi Code of 1972, is
567 amended as follows:

568 73-6-33. Sections 73-6-1 through 73-6-31, Mississippi Code
569 of 1972, which create the State Board of Chiropractic Examiners
570 and prescribe its duties and powers, shall stand repealed as of
571 July 1, 2011.

572 **SECTION 17.** This act shall take effect and be in force from
573 and after June 30, 2006.