HOUSE BILL NO. 1101

AN ACT ENTITLED THE UNIFORM EMERGENCY VOLUNTEER HEALTHCARE PRACTITIONERS ACT; TO PROVIDE DEFINITIONS; TO PROVIDE CONDITIONS APPLICABLE TO PROVIDING HEALTH CARE OR VETERINARY SERVICES WHILE AN EMERGENCY DECLARATION IS IN EFFECT; TO PROVIDE A VOLUNTEER HEALTHCARE PRACTITIONER REGISTRATION SYSTEM UNDER THE STATE DEPARTMENT OF HEALTH; TO PROVIDE FOR INTERSTATE LICENSURE RECOGNITION FOR VOLUNTEER HEALTHCARE PRACTITIONERS; TO PROVIDE ADMINISTRATIVE SANCTIONS FOR FAILURE TO ADHERE TO SCOPE OF PRACTICE REQUIREMENTS; TO CLARIFY THE EFFECT OF RECEIVING COMPENSATION ON THE VOLUNTEER STATUS OF THOSE PRACTITIONERS; TO AUTHORIZE THE STATE BOARD OF HEALTH TO PROMULGATE RULES TO IMPLEMENT THE PROVISIONS OF THIS ACT; TO PROVIDE LIABILITY LIMITATIONS; TO AMEND SECTIONS 73-9-1, 73-10-7, 73-15-3, 73-19-3, 73-21-83, 73-22-3, 73-23-35, 73-25-1, 73-25-35, 73-26-3, 73-30-25, 73-31-27, 73-39-59, 41-9-7, 41-59-9, 41-59-33, 41-75-5 AND 43-11-5, MISSISSIPPI CODE OF 1972, TO CONFORM HEALTHCARE PRACTITIONER LICENSURE STATUTES WITH THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

SECTION 1. Short title. This act may be cited as the "Uniform Emergency Volunteer Healthcare Practitioners Act."

SECTION 2. Definitions. As used in this act:

(a) "Biological agent" means a microorganism, virus, infectious substance, naturally occurring or bioengineered product, or other biological material that could cause death, disease or other harm to a human, an animal, a plant or another living organism.

(b) "Bioterrorism" means the intentional use or threatened use of a biological agent to harm or endanger members of the public.

(c) "Chemical agent" means a poisonous chemical agent that has the capacity to cause death, disease or other harm to a human, an animal, a plant or another living organism.
(d) "Chemical terrorism" means the intentional use or threatened use of a chemical agent to harm or endanger members of the public.

(e) "Chain of custody" means the methodology of tracking specimens for the purpose of maintaining control and accountability from initial collection to final disposition of the specimens and providing for accountability at each stage of collecting, handling, testing, storing and transporting the specimens and reporting test results.

(f) "Comprehensive health care facility" means a health care facility that provides comprehensive inpatient and outpatient health care services. The term includes tertiary care and teaching hospitals.

(g) "Contagious disease" means an infectious disease that can be transmitted from person to person, animal to person, or insect to person.

(h) "Coroners," "medical examiners" and "funeral directors" have the same meanings as provided in the laws of this state.

(i) "Department" means the State Department of Health or any person authorized to act on behalf of the State Department of Health.

(j) "Disaster relief organization" means an entity that provides emergency or disaster relief services that include health care or veterinary services provided by volunteer healthcare practitioners and that (i) is designated or recognized as a provider of those services under a disaster response and recovery plan adopted by an agency of the federal government or the department, or (ii) regularly plans and conducts its activities in coordination with an agency of the federal government or the department.

(k) "Emergency" means an event or condition that constitutes an emergency as defined by the declaration of
emergency by the Governor under Section 33-15-11(b)(6) and/or
(c)(1), a declared public health emergency, or other emergency
declaration that may require the provision of health care or
veterinary services.

(l) "Emergency declaration" means a declaration of an
emergency issued by a person authorized to do so by the laws of
this state.

(m) "Emergency Management Assistance Compact" refers to
the mutual aid agreement ratified by Congress and signed into law
in 1996 as Public Law 104-321, and later enacted by this state and
codified in Section 45-18-3.

(n) "Emergency System for Advance Registration of
Volunteer Health Professionals" means a registration system
established by a state and funded through the Health Resources
Services Administration under Section 107 of the federal Public
Health Security and Bioterrorism Preparedness and Response Act of
2002, Public Law 107-188.

(o) "Entity" means a person other than an individual.

(p) "Facility" means any real property, building,
structure, or other improvement to real property or any motor
vehicle, rolling stock, aircraft, watercraft or other means of
transportation.

(q) "Health care facility" means any nonfederal
institution, building, or agency or portion thereof, whether
public or private (for-profit or nonprofit) that is used, operated
or designed to provide health services, medical treatment, or
nursing, rehabilitative, or preventive care to any person or
persons, that is licensed by the State Department of Health. This
includes, but is not limited to, ambulatory surgical facilities,
health maintenance organizations, home health agencies, hospices,
hospitals, infirmaries, intermediate care facilities, kidney
treatment centers, long-term care facilities, medical assistance
facilities, mental health centers, outpatient facilities, public
health centers, rehabilitation facilities, residential treatment facilities, skilled nursing facilities, and adult day care centers. The term also includes, but is not limited to, the following related property when used for or in connection with the foregoing: laboratories, research facilities, pharmacies, laundry facilities, health personnel training and lodging facilities, and patient, guest, and health personnel food service facilities, and offices and office buildings for persons engaged in health care professions or services.

(r) "Healthcare practitioner" means an individual licensed in this or another state to provide health care or veterinary services.

(s) "Health care provider" means any person or entity who provides health care services and is licensed by an agency of the State of Mississippi, including, but not limited to, hospitals, nursing homes, special care facilities, medical laboratories, physicians, pharmacists, dentists, physician assistants, nurse practitioners, registered and other nurses, paramedics, fire fighters who provide emergency medical care, emergency medical or laboratory technicians, and ambulance and emergency medical workers. This includes out-of-state medical laboratories, provided that the laboratories have agreed to the reporting requirements of Mississippi. Results must be reported by the laboratory that performs the test, but an in-state laboratory that sends specimens to an out-of-state laboratory also is responsible for reporting results.

(t) "Health care services" means the provision of care, services including advice or guidance, or supplies related to the health or death of individuals, or to populations, to the extent necessary to respond to an emergency, including (i) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care, and counseling, service, assessment, or procedure concerning the physical or mental condition, or functional status,
of an individual or that affects the structure or function of the body; (ii) sale or dispensing of a drug, device, equipment, or other item to an individual in accordance with a prescription; and (iii) funeral, cremation, cemetery, or other mortuary services.

(u) "Host entity" means an entity in this state that uses volunteer healthcare practitioners to respond to an emergency. 

(v) "Infectious disease" means a disease caused by a living organism or virus. An infectious disease may or may not be transmissible from person to person, animal to person, or insect to person.

(w) "Isolation" and "quarantine" mean the compulsory physical separation (including the restriction of movement or confinement) of individuals and/or groups believed to have been exposed to or known to have been infected with a contagious disease from individuals who are believed not to have been exposed or infected, in order to prevent or limit the transmission of the disease to others; if the context so requires, "quarantine" means compulsory physical separation, including restriction of movement, of populations or groups of healthy people who have been potentially exposed to a contagious disease, or to efforts to segregate these persons within specified geographic areas. "Isolation" means the separation and confinement of individuals known or suspected (via signs, symptoms or laboratory criteria) to be infected with a contagious disease to prevent them from transmitting disease to others.

(x) "License" means authorization granted by a state to engage in health care or veterinary services otherwise considered unlawful without that authorization. The term includes authorization granted by the laws of this state to an individual to provide health care or veterinary services based upon a national certification issued by a public or private entity.
(y) "Medical Reserve Corps" means a local unit consisting of trained and equipped emergency response, public health, and medical personnel formed under Section 2801 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, Public Law 107-188.

(z) "Person" means an individual or a corporation, business trust, trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency, or instrumentality, or any other legal or commercial organization.

(aa) "Protected health information" means any information, whether oral, written, electronic, visual, pictorial, physical or any other form, that relates to an individual's past, present, or future physical or mental health status, condition, treatment, service, products purchased, or provision of care, and that reveals the identity of the individual whose health care is the subject of the information, or where there is a reasonable basis to believe that the information could be utilized (either alone or with other information that is, or reasonably should be known to be, available to predictable recipients of the information) to reveal the identity of that individual.

(bb) "Public health emergency" means the occurrence or imminent risk of a qualifying health condition, and specifically includes a hurricane, tornado or other declared natural disaster.

(cc) "Public safety authority" means the Department of Public Safety or designated persons authorized to act on behalf of the Department of Public Safety, including, but not limited to, local governmental agencies that act principally to protect or preserve the public safety, or full-time commissioned law enforcement persons.

(dd) "Qualifying health condition" means an illness or health condition that may be caused by natural disaster, terrorism, epidemic or pandemic disease, or a novel infectious
agent or biological or chemical agent and that poses a substantial risk of a significant number of human fatalities, widespread illness, or serious economic impact to the agricultural sector, including food supply.

(ee) "Radioactive material" means a radioactive substance that has the capacity to cause bodily injury or death to a human, an animal, a plant, or another living organism.

(ff) "Radiological terrorism" means the intentional use or threatened use of a radioactive material to harm or endanger members of the public.

(gg) "Scope of practice" means the extent of the authorization to provide health care or veterinary services granted to a healthcare practitioner by a license issued to the practitioner in the state in which the principal part of the practitioner's services are rendered, including any conditions imposed by the licensing authority.

(hh) "Specimens," include, but are not limited to, blood, sputum, urine, stool, other bodily fluids, wastes, tissues, and cultures necessary to perform required tests, and environmental samples or other samples needed to diagnose potential chemical, biological or radiological contamination.

(ii) "State" means a state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(jj) "State Health Officer" means the Executive Director of the State Department of Health.

(kk) "Tests," include, but are not limited to, any diagnostic or investigative analyses necessary to prevent the spread of disease or protect the public's health, safety and welfare.

(ll) "Trial court" means the chancery court for the county in which the isolation or quarantine is to occur or to the
circuit court for the county in which a public health emergency has been declared.

(mm) "Veterinary services" means the provision of care, services including advice or guidance, or supplies related to the health or death of an animal, or to animal populations, to the extent necessary to respond to an emergency, including (i) diagnosis, treatment, or prevention of any animal disease, injury, or other physical, dental, or mental condition by the prescription, administration, or dispensing of any vaccine, medicine, surgery, or therapy; (ii) the use of any procedure for reproductive management; and (iii) the monitoring and treatment of animal populations for diseases that have or demonstrate the potential to spread to humans.

(nn) "Volunteer healthcare practitioner" means a healthcare practitioner who provides health care or veterinary services in this state while an emergency declaration is in effect and who, if employed, is not precluded from that status under Section 7.

SECTION 3. Conditions applicable to providing health care or veterinary services. (1) This act applies to volunteer healthcare practitioners only if they are providing health care or veterinary services for a host entity while an emergency declaration is in effect.

(2) While an emergency declaration is in effect, the department may limit, restrict, or otherwise regulate (a) the duration of practice by volunteer healthcare practitioners, (b) the geographical areas in which volunteer healthcare practitioners may practice, (c) the types of volunteer healthcare practitioners who may practice, and (d) any other matters necessary to coordinate effectively the provision of health care or veterinary services during the emergency. Orders or directives issued under this section are not subject to the requirements of Section 25-43-3.
A host entity that uses volunteer healthcare practitioners to provide health care or veterinary services in this state must:

(a) Consult and coordinate its activities with the department to the extent practicable to provide for the efficient and effective use of volunteer healthcare practitioners; and

(b) Comply with any other applicable laws relating to the management of emergency health care or veterinary services.

SECTION 4. Volunteer healthcare practitioner registration systems. (1) In order to be a registration system, a system must:

(a) Accept applications for the registration of volunteer healthcare practitioners before or during an emergency;

(b) Include information about the licensure and good standing of practitioners that is accessible by authorized personnel; and

(c) Be capable of verifying the accuracy of information concerning whether a practitioner is licensed and in good standing before the time health care or veterinary services are provided under this act.

(2) This act applies to volunteer healthcare practitioners only if they are registered with a registration system that complies with subsection (1) and is:

(a) An Emergency System for Advance Registration of Volunteer Healthcare Professionals or a Medical Reserve Corps unit;

(b) Operated by a disaster relief organization, licensing board, national or regional association of licensing boards or healthcare practitioners, comprehensive health care facility, or governmental entity; or

(c) Designated by the department as a registration system for purposes of this act.
(3) While an emergency declaration is in effect, the department, a person or persons authorized to act on behalf of the department, or a host entity, are authorized to confirm whether volunteer healthcare practitioners utilized in this state are registered with a registration system. Confirmation is limited to obtaining notification from the registration system of the identities of the practitioners and determining whether the system indicates that they are licensed and in good standing.

(4) Upon request of personnel in this state authorized by subsection (3), or similarly authorized personnel in another state, a registration system located in this state must provide notification of the identities of volunteer healthcare practitioners and whether they are licensed and in good standing.

(5) A host entity is not required to use the services of a volunteer healthcare practitioner even if the practitioner is registered with a registration system that confirms that the practitioner is licensed and in good standing.

SECTION 5. Interstate licensure recognition for volunteer healthcare practitioners. (1) While an emergency declaration is in effect, a volunteer healthcare practitioner, registered under Section 4 and licensed and in good standing in another state, may practice in this state to the extent authorized by this act as if the person had been licensed in this state.

(2) A volunteer healthcare practitioner whose license is suspended, revoked, or subject to an agency order limiting or restricting practice privileges, or who has voluntarily terminated a license under threat of sanction, in any state is not entitled to the rights, privileges, and immunities authorized by this act.

(3) This act does not affect credentialing or privileging standards of a health care facility, nor does it preclude a health care facility from waiving or modifying those standards while an emergency declaration is in effect. For purposes of this subsection:
(a) Credentialing means obtaining, verifying and assessing the qualifications of a healthcare practitioner to provide patient care, treatment and services in or for a health care facility; and

(b) Privileging means the authorization granted by an appropriate authority, such as a governing body, to a healthcare practitioner to provide specific care, treatment, and services at a health care facility subject to limits based on factors that include license, education, training, experience, competence, health status, and specialized judgment.

SECTION 6. Provision of volunteer health care or veterinary services; administrative sanctions. (1) Subject to subsections (2) and (3), a volunteer healthcare practitioner must adhere to the scope of practice for a similarly licensed practitioner established by the licensing provisions, practice acts, or other laws of this state.

(2) Subject to subsection (3), nothing in this act authorizes a volunteer healthcare practitioner to provide services that are outside the practitioner's scope of practice even if a similarly licensed practitioner in this state would be permitted to provide the services.

(3) The department may modify or restrict the health care or veterinary care services that a volunteer healthcare practitioner may provide under this act. An order or directive modifying the services a practitioner may provide under this subsection is not subject to the requirements of Section 25-43-3.

(4) A host entity may restrict the health care or veterinary services that a volunteer healthcare practitioner may provide under this act.

(5) A volunteer healthcare practitioner shall not be found to be engaged in unauthorized practice unless the practitioner had reason to know of any limitations, modifications or restrictions under subsection (1), (3) or (4) or that a similarly licensed
practitioner in this state would not be permitted to provide the
services. For the purposes of this subsection, a volunteer
healthcare practitioner has reason to know if the practitioner (a)
has actual knowledge of a modification or restriction, or (b) from
all the facts and circumstances known to the practitioner at the
time in question, a reasonable person would conclude that a
modification or restriction exists.

(6) A licensing board or other disciplinary authority in
this state:
(a) May impose administrative sanctions upon a
healthcare practitioner licensed in this state for wrongful
conduct in response to an emergency that occurs outside this
state;
(b) May impose administrative sanctions upon a
practitioner not licensed in this state for wrongful conduct in
response to an emergency that occurs in this state; and
(c) Must report any administrative sanctions imposed
upon a practitioner licensed in another state to the appropriate
licensing board or other disciplinary authority in any other state
in which the practitioner is known to be licensed.

(7) In determining whether to impose administrative
sanctions under subsection (6), a licensing board or other
disciplinary authority shall consider any exigent circumstances in
which the conduct took place, the practitioner's scope of
practice, and the practitioner's education, training, experience,
and specialized judgment.

SECTION 7. Effect of compensation on volunteer status. (1)
Subject to subsection (2), the prospective, concurrent, or
retroactive payment of monetary or other compensation to a
healthcare practitioner by any person for the provision of health
care or veterinary services while an emergency declaration is in
effect does not preclude the practitioner from being a volunteer
healthcare practitioner under this act.
(2) Subsection (1) does not apply if compensation is provided to a healthcare practitioner under a preexisting employment relationship with the host entity or an affiliate of the host entity that requires the practitioner to provide health care or veterinary services in this state.

(3) Subsection (2) does not apply to a healthcare practitioner who is not a resident of this state and who is employed by a disaster relief organization providing services in this state while an emergency declaration is in effect.

SECTION 8. Relation to other laws. (1) This act does not limit rights, privileges, or immunities provided to volunteer healthcare practitioners by other laws. Except as provided in subsection (2), this act does not affect requirements for the use of volunteer healthcare practitioners under the Emergency Management Assistance Compact.

(2) The department may incorporate into state forces under the Emergency Management Assistance Compact a volunteer healthcare practitioner who is not an employee of this state, a political subdivision of this state, or a municipality or other local government within this state.

SECTION 9. Regulatory authority. The department is authorized to promulgate administrative rules to implement the provisions of this act. In doing so, the department shall consult with, and consider the recommendations of, the Mississippi Emergency Management Agency, and any other agency established to coordinate the implementation of the Emergency Management Assistance Compact and shall also consult with, and consider the regulations promulgated by, similarly empowered agencies in other states in order to promote uniformity of application of this act and thereby make the emergency response systems in the various states reasonably compatible.

SECTION 10. Duration of emergency; liability limitation. (1) (a) The appointment of out-of-state emergency health care
providers under this section may be for a limited or unlimited
time, but must not exceed the termination of the state of public
health emergency. The department or other appropriate licensing
authority may terminate the out-of-state appointments at any time
or for any reason provided that any termination will not
jeopardize the health, safety, and welfare of the people of this
state.

(b) The appropriate licensing authority may waive any
or all licensing requirements, permits or fees required by law and
applicable orders, rules or regulations for health care providers
from other jurisdictions to practice in this state.

(c) Any out-of-state emergency health care provider
appointed under this section shall not be held liable for any
civil damages as a result of medical care or treatment related to
the emergency response unless the damages result from providing,
or failing to provide, medical care or treatment under
circumstances demonstrating a reckless disregard for the
consequences so as to affect the life or health of the

(2) (a) The appointment of emergency assistant medical
examiners or coroners under this section may be for a limited or
unlimited time, but must not exceed the termination of the state
of public health emergency. The medical examiner or coroner may
terminate the emergency appointments at any time or for any
reason, provided that any such termination will not impede the
performance of the duties of the office.

(b) The medical examiner or coroner may waive any or
all licensing requirements, permits, or fees required by law and
applicable orders, rules or regulations for the performance of
these duties.

(c) Any person appointed under this section who in good
faith performs the assigned duties is not liable for any civil
damages for any personal injury as the result of any act or
omission, except acts or omissions amounting to gross negligence
or willful or wanton misconduct.

SECTION 11. Section 73-9-1, Mississippi Code of 1972, is
amended as follows:
73-9-1. Every person who desires to practice dentistry or
dental hygiene in this state must obtain a license to do so as
hereinafter provided; but this section shall not apply to dentists
or dental hygienists now holding permanent licenses to practice
provided the same have been recorded as required by law. However,
this section shall not be construed to prohibit a licensed
volunteer dentist from acting within his scope of practice during
an emergency declaration under the conditions of the Uniform

SECTION 12. Section 73-10-7, Mississippi Code of 1972, is
amended as follows:
73-10-7. It shall be unlawful for any person, corporation or
association to, in any manner, represent himself or itself as a
dietitian or nutritionist, send out billings as providing services
covered in Section 73-10-3(j), or use in connection with his or
its name, the titles "dietitian," "dietician" or "nutritionist" or
use the letters "LD," "LN" or any other facsimile thereof when he
or she is not licensed in accordance with the provisions of this
chapter or meets the exemptions in paragraph (c) of Section
73-10-13. Notwithstanding any other provision of this chapter, a
dietitian registered by the Commission on Dietetic Registration
(CDR) shall have the right to use the title "Registered Dietitian"
and the designation "R.D." Registered dietitians shall be
licensed according to the provisions of this chapter to practice
dietetics or provide medical nutrition therapy. However, this
section shall not be construed to prohibit a licensed volunteer
dietitian from acting within his or her scope of practice during
an emergency declaration under the conditions of the Uniform
SECTION 13. Section 73-15-3, Mississippi Code of 1972, is amended as follows:

73-15-3. In order to safeguard life and health, any person practicing or offering to practice as a registered nurse or a licensed practical nurse in Mississippi for compensation shall hereafter be required to submit evidence of qualifications to practice and shall be licensed or hold the privilege to practice as hereinafter provided. It shall be unlawful for any person not licensed or holding the privilege to practice under the provisions of this article:

(a) To practice or offer to practice as a registered nurse or a licensed practical nurse;

(b) To use a sign, card or device to indicate that such person is a registered nurse or a licensed practical nurse.

Any person offering to practice nursing in Mississippi must be licensed or otherwise authorized to practice as provided in this article. However, this section shall not be construed to prohibit a licensed volunteer nurse from acting within his or her scope of practice during an emergency declaration under the conditions of the Uniform Emergency Volunteer Healthcare Practitioners Act.

SECTION 14. Section 73-19-3, Mississippi Code of 1972, is amended as follows:

73-19-3. It shall not be lawful for any person in this state to engage in the practice of optometry or to hold himself out as a practitioner of optometry, or attempt to determine by an examination of the eyes the kind of glasses needed by any person, or to hold himself out as able to examine the eyes of any person for the purpose of fitting the same with glasses, excepting those hereinafter exempted, unless he has first fulfilled the requirements of this chapter and has received a certificate of licensure from the State Board of Optometry created by this chapter, nor shall it be lawful for any person in this state to
represent that he is the lawful holder of a certificate of licensure such as provided for in this chapter, when in fact he is not such lawful holder or to impersonate any licensed practitioner of optometry, or to fail to register the certificate as provided by law. However, this section shall not be construed to prohibit a licensed volunteer optometrist from acting within his or her scope of practice during an emergency declaration under the conditions of the Uniform Emergency Volunteer Healthcare Practitioners Act.

SECTION 15. Section 73-21-83, Mississippi Code of 1972, is amended as follows:

73-21-83. (1) The board shall be responsible for the control and regulation of the practice of pharmacy, to include the regulation of pharmacy externs or interns and pharmacist technicians, in this state, the regulation of the wholesaler distribution of drugs and devices as defined in Section 73-21-73, and the distribution of sample drugs or devices by manufacturer's distributors as defined in Section 73-21-73 by persons other than the original manufacturer or distributor in this state.

(2) A license for the practice of pharmacy shall be obtained by all persons prior to their engaging in the practice of pharmacy. However, the provisions of this chapter shall not apply to physicians, dentists, veterinarians, osteopaths or other practitioners of the healing arts who are licensed under the laws of the State of Mississippi and are authorized to dispense and administer prescription drugs in the course of their professional practice. However, this section shall not be construed to prohibit a licensed volunteer pharmacist from acting within his or her scope of practice during an emergency declaration under the conditions of the Uniform Emergency Volunteer Healthcare Practitioners Act.

(3) The initial licensure fee shall be set by the board but shall not exceed Two Hundred Dollars ($200.00).
(4) All students actively enrolled in a professional school of pharmacy accredited by the American Council on Pharmaceutical Education who are making satisfactory progress toward graduation and who act as an extern or intern under the direct supervision of a pharmacist in a location permitted by the Board of Pharmacy must obtain a pharmacy student registration prior to engaging in such activity. The student registration fee shall be set by the board but shall not exceed One Hundred Dollars ($100.00).

(5) All persons licensed to practice pharmacy prior to July 1, 1991, by the State Board of Pharmacy under Section 73-21-89 shall continue to be licensed under the provisions of Section 73-21-91.

SECTION 16. Section 73-22-3, Mississippi Code of 1972, is amended as follows:

73-22-3. (1) No person shall practice orthotics or prosthetics in the state unless he or she is certified as an orthotist, prosthetist, or both, by the American Board for Certification in Orthotics and Prosthetics. However, nothing in this chapter shall be construed to prevent any person licensed, registered or certified in this state from engaging in the profession or occupation for which he is licensed, registered or certified, as long as he does not represent himself as an orthotist or prosthetist, and nothing in this chapter shall be construed to prevent any physician licensed in this state from performing any activities included within the definition of orthotics or prosthetics in the normal course of his practice as a physician, as long as he does not represent himself as an orthotist or prosthetist. In addition, nothing in this chapter shall be construed to prevent the practice of orthotics or prosthetics by any person who has engaged in the practice of orthotics or prosthetics for a period of twenty-five (25) or more consecutive years before July 1, 1991, and is engaged in the practice of orthotics or prosthetics on July 1, 1991.
(2) It is unlawful for any orthotist or prosthetist, or any person on behalf of an orthotist or prosthetist, to solicit the patronage of individual patients for the orthotist or prosthetist by direct contact with a potential customer outside of the place of business of the orthotist or prosthetist.

(3) Whenever any person employs or utilizes the services of an orthotist or prosthetist in connection with the person's business, the measuring, fitting, adjusting and approval of any orthotic or prosthetic device furnished to a patient shall be performed only under the direct supervision of a board certified orthotist, in the case of orthotic patients, or under the direct supervision of a board certified prosthetist, in the case of prosthetic patients. "Direct supervision" means involvement by the certified practitioner in each and every case.

(4) Any person violating any provision of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than Two Hundred Dollars ($200.00) nor more than One Thousand Dollars ($1,000.00), and may be imprisoned in the county jail for not more than six (6) months. In addition, any person sustaining damages as a result of a violation of any provision of this section may recover the amount of those damages, plus a civil penalty of One Thousand Five Hundred Dollars ($1,500.00) per incident, in any court of competent jurisdiction.

(5) This section shall not be construed to prohibit a licensed volunteer orthotist or prosthetist from acting within his or her scope of practice during an emergency declaration under the conditions of the Uniform Emergency Volunteer Healthcare Practitioners Act.

SECTION 17. Section 73-23-35, Mississippi Code of 1972, is amended as follows:

73-23-35. (1) It shall be unlawful for any person, corporation or association to, in any manner, represent himself or itself as a physical therapist, a physical therapist assistant or
someone who provides physical therapy services, or use in connection with his or its name the words or letters physiotherapist, registered physical therapist, R.P.T., licensed physical therapist assistant, L.P.T.A., or any other letters, words, abbreviations or insignia, indicating or implying that he or it is a physical therapist, a physical therapist assistant or provides physical therapy services, without a valid existing license as a physical therapist or as a physical therapist assistant, as the case may be, issued to him or it pursuant to this chapter. It shall be unlawful to employ an unlicensed physical therapist or physical therapist assistant to provide physical therapy services.

(2) The board shall aid the state's attorneys of the various counties in the enforcement of the provisions of this chapter and the prosecution of any violations thereof. In addition to the criminal penalties provided by this chapter, the civil remedy of injunction shall be available to restrain and enjoin violations of any provisions of this chapter without proof of actual damages sustained by any person.

(3) A physical therapist licensed under this chapter shall not perform physical therapy services without a prescription or referral from a person licensed as a physician, dentist, osteopath, podiatrist, chiropractor or nurse practitioner. However, a physical therapist licensed under this chapter may perform physical therapy services without a prescription or referral under the following circumstances:

(a) To children with a diagnosed developmental disability pursuant to the patient's plan of care.

(b) As part of a home health care agency pursuant to the patient's plan of care.

(c) To a patient in a nursing home pursuant to the patient's plan of care.
(d) Related to conditioning or to providing education or activities in a wellness setting for the purpose of injury prevention, reduction of stress or promotion of fitness.

(e) (i) To an individual for a previously diagnosed condition or conditions for which physical therapy services are appropriate after informing the health care provider rendering the diagnosis. The diagnosis must have been made within the previous one hundred eighty (180) days. The physical therapist shall provide the health care provider who rendered the diagnosis with a plan of care for physical therapy services within the first fifteen (15) days of physical therapy intervention.

(ii) Nothing in this chapter shall create liability of any kind for the health care provider rendering the diagnosis under this paragraph (e) for a condition, illness or injury that manifested itself after the diagnosis, or for any alleged damages as a result of physical therapy services performed without a prescription or referral from a person licensed as a physician, dentist, osteopath, podiatrist, chiropractor or nurse practitioner, the diagnosis and/or prescription for physical therapy services having been rendered with reasonable care.

(4) Physical therapy services performed without a prescription or referral from a person licensed as a physician, dentist, osteopath, podiatrist, chiropractor or nurse practitioner shall not be construed to mandate coverage for physical therapy services under any health care plan, insurance policy, or workers' compensation or circumvent any requirement for preauthorization of services in accordance with any health care plan, insurance policy or workers' compensation.

(5) Nothing in this section shall restrict the Division of Medicaid from setting rules and regulations regarding the coverage of physical therapy services and nothing in this section shall amend or change the Division of Medicaid's schedule of benefits, exclusions and/or limitations related to physical therapy services...
as determined by state or federal regulations and state and
federal law.

   (6) This section shall not be construed to prohibit a
licensed volunteer physical therapist from acting within his or
her scope of practice during an emergency declaration under the
conditions of the Uniform Emergency Volunteer Healthcare
Practitioners Act.

   (7) This section shall stand repealed on July 1, 2008.

SECTION 18. Section 73-25-1, Mississippi Code of 1972, is
amended as follows:

   73-25-1. Every person who desires to practice medicine must
first obtain a license to do so from the State Board of Medical
Licensure, but this section shall not apply to physicians now
holding permanent license, the same having been recorded as
required by law. However, this section shall not be construed to
prohibit a licensed volunteer physician from acting within his or
her scope of practice during an emergency declaration under the
conditions of the Uniform Emergency Volunteer Healthcare
Practitioners Act.

SECTION 19. Section 73-25-35, Mississippi Code of 1972, is
amended as follows:

   73-25-35. Registered nurses who are licensed and certified
by the Mississippi Board of Nursing as nurse practitioners are not
prohibited from such nursing practice, but are entitled to engage
therein without a physician's license. However, this section
shall not be construed to prohibit a licensed volunteer nurse
practitioner from acting within his or her scope of practice
during an emergency declaration under the conditions of the

SECTION 20. Section 73-26-3, Mississippi Code of 1972, is
amended as follows:
722 73-26-3. (1) The State Board of Medical Licensure shall
723 license and regulate the practice of physician assistants in
724 accordance with the provisions of this chapter.
725 (2) All physician assistants who are employed as physician
726 assistants by a Department of Veterans Affairs health care
727 facility, a branch of the United States military or the Federal
728 Bureau of Prisons, and who are practicing as physician assistants
729 in a federal facility in Mississippi on July 1, 2000, and those
730 physician assistants who trained in a Mississippi physician
731 assistant program and have been continuously practicing as a
732 physician assistant in Mississippi since 1976, shall be eligible
733 for licensure if they submit an application for licensure to the
734 board by December 31, 2000. Physician assistants licensed under
735 this subsection will be eligible for license renewal so long as
736 they meet standard renewal requirements.
737 (3) Before December 31, 2004, applicants for physician
738 assistant licensure, except those licensed under subsection (2) of
739 this section, must be graduates of physician assistant educational
740 programs accredited by the Commission on Accreditation of Allied
741 Health Educational Programs or its predecessor or successor
742 agency, have passed the certification examination administered by
743 the National Commission on Certification of Physician Assistants
744 (NCCPA), have current NCCPA certification, and possess a minimum
745 of a baccalaureate degree. Physician assistants meeting these
746 licensure requirements will be eligible for license renewal so
747 long as they meet standard renewal requirements.
748 (4) On or after December 31, 2004, applicants for physician
749 assistant licensure must meet all of the requirements in
750 subsection (3) of this section and, in addition, must have
751 obtained a minimum of a master's degree in a health-related or
752 science field.
753 (5) Applicants for licensure who meet all licensure
754 requirements except for the master's degree may be granted a
temporary license by the board so long as they can show proof of
enrollment in a master's program that will, when completed, meet
the master's degree requirement. The temporary license will be
valid for no longer than one (1) year, and may not be renewed.
This subsection shall take effect and be in force from and after
March 9, 2006. This subsection shall stand repealed on July 1,
2010.

(6) For new graduate physician assistants and all physician
assistants receiving initial licenses in the state, except those
licensed under subsection (2) of this section, supervision shall
require the on-site presence of a supervising physician for one
hundred twenty (120) days.

(7) This section shall not be construed to prohibit a
licensed volunteer physician assistant from acting within his or
her scope of practice during an emergency declaration under the
conditions of the Uniform Emergency Volunteer Healthcare
Practitioners Act.

SECTION 21. Section 73-30-25, Mississippi Code of 1972, is
amended as follows:

73-30-25. It is not the intent of this chapter to regulate
against members of other duly regulated professions in this state
who do counseling in the normal course of the practice of their
own profession. This chapter does not apply to:

(a) Any person registered, certified or licensed by the
state to practice any other occupation or profession while
rendering counseling services in the performance of the occupation
or profession for which he is registered, certified or licensed;

(b) Certified school counselors when they are
practicing counseling within the scope of their employment;

(c) Certified vocational counselors when they are
practicing vocational counseling within the scope of their
employment;
(d) Counselors in post-secondary institutions when they are practicing within the scope of their employment;

(e) Student interns or trainees in counseling pursuing a course of study in counseling in a regionally or nationally accredited institution of higher learning or training institution if activities and services constitute a part of the supervised course of study, provided that such persons be designated a counselor intern;

(f) Professionals employed by regionally or nationally accredited post-secondary institutions as counselor educators when they are practicing counseling within the scope of their employment;

(g) Professionals registered, certified or licensed by a recognized state or national professional association that has a published code of ethics and requires adherence to same;

(h) Duly ordained ministers or clergy while functioning in their ministerial capacity and duly accredited Christian Science practitioners;

(i) Professional employees of regional mental health centers, state mental hospitals, vocational rehabilitation institutions, youth court counselors and employees of the Mississippi Department of Employment Security or other governmental agency so long as they practice within the scope of their employment;

(j) Professional employees of alcohol or drug abuse centers or treatment facilities, whether privately or publicly funded, so long as they practice within the scope of their employment;

(k) Private employment counselors;

(l) Any nonresident temporarily employed in this state to render counseling services for not more than thirty (30) days in any year, if in the opinion of the board the person would qualify for a license under this chapter and if the person holds
any license required for counselors in his home state or country;

and

(m) Any social workers holding a master's degree in social work from a school accredited by the Council on Social Work Education and who do counseling in the normal course of the practice of their own profession.

(n) Any licensed volunteer nonresident or other individual rendering counseling services within his or her scope of practice during an emergency declaration under the conditions of the Uniform Emergency Volunteer Healthcare Practitioners Act.

SECTION 22. Section 73-31-27, Mississippi Code of 1972, is amended as follows:

73-31-27. (1) Nothing in this chapter shall be construed to limit:

(a) The activities, services, and use of an official title on the part of a person in the employ of a federal, state, county or municipal agency, or of other political subdivisions, or any educational institution chartered by the state, insofar as such activities, services and use of an official title are a part of the duties of his office or position with such agency or institution; or

(b) The activities, services and use of an official title on the part of a person in the employ of an exempt organization (in any state) who may be employed by another exempt organization for a consulting fee; or

(c) The activities and services of a student, intern or trainee in psychology pursuing a course of study in psychology at an institution of higher education, if these activities and services constitute a part of his supervised course of study; or

(d) The services and activities of members of other professional groups licensed or certified by the State of Mississippi who perform work of a psychological nature consistent with their training, work experience history, and with any code of
ethics of their respective professions, provided they do not hold
themselves out to be psychologists. The practice of psychology as
defined by this act overlaps with the activities of other
professional groups and it is not the intent of this act to
regulate the activities of these professional groups.

(e) A licensed volunteer psychologist from acting
within his or her scope of practice during an emergency
declaration under the conditions of the Uniform Emergency
Volunteer Healthcare Practitioners Act.

(2) Individuals certified by the Mississippi State
Department of Education may use appropriate titles such as "school
psychologist," "certified school psychologist," "educational
psychologist" or "psychometrist" only when they are employed by
or under contract with a school district and practicing in school
or educational settings.

(3) Lecturers from any school or college may utilize their
academic or research title when invited to present lectures to
institutions or organizations.

This section shall stand repealed from and after July 1,
2011.

SECTION 23. Section 73-39-59, Mississippi Code of 1972, is
amended as follows:

73-39-59. (1) No person may practice veterinary medicine in
the state who is not a licensed veterinarian or the holder of a
valid temporary permit issued by the board unless otherwise exempt
under this chapter. However, this section shall not be construed
to prohibit a licensed volunteer veterinarian from acting within
his or her scope of practice during an emergency declaration under
the conditions of the Uniform Emergency Volunteer Healthcare
Practitioners Act.

(2) No person may practice veterinary medicine in the state
except within the context of a veterinarian-client-patient
relationship.
A veterinarian-client-patient relationship cannot be established solely by telephonic or other electronic means.

SECTION 24. Section 41-9-7, Mississippi Code of 1972, is amended as follows:

41-9-7. No person or governmental unit, acting severally or jointly with any other person or governmental unit shall establish, conduct, or maintain a hospital in this state without a license as provided for in Section 41-9-11. No license so granted shall permit, approve or allow child placement activities by any person or governmental unit licensed hereunder. However, this section shall not be construed to prohibit a hospital or a licensed volunteer healthcare practitioner from acting within his or her scope of practice during an emergency declaration under the conditions of the Uniform Emergency Volunteer Healthcare Practitioners Act.

SECTION 25. Section 41-59-9, Mississippi Code of 1972, is amended as follows:

41-59-9. From and after October 1, 1974, no person, firm, corporation, association, county, municipality, or metropolitan government or agency, either as owner, agent or otherwise, shall hereafter furnish, operate, conduct, maintain, advertise or otherwise engage in the business of service of transporting patients upon the streets, highways or airways of Mississippi unless he holds a currently valid license and permit, for each ambulance, issued by the board. However, this section shall not be construed to prohibit a licensed ambulance service or a volunteer healthcare practitioner from acting within his or her scope of practice during an emergency declaration under the conditions of the Uniform Emergency Volunteer Healthcare Practitioners Act.

SECTION 26. Section 41-59-33, Mississippi Code of 1972, is amended as follows:
41-59-33. Any person desiring certification as an emergency medical technician shall apply to the board using forms prescribed by the board. Each application for an emergency medical technician certificate shall be accompanied by a certificate fee to be fixed by the board, which shall be paid to the board. Upon the successful completion of the board's approved emergency medical technical training program, the board shall make a determination of the applicant's qualifications as an emergency medical technician as set forth in the regulations promulgated by the board, and shall issue an emergency medical technician certificate to the applicant. However, this section shall not be construed to prohibit a certified volunteer emergency medical technician from acting within his or her scope of practice during an emergency declaration under the conditions of the Uniform Emergency Volunteer Healthcare Practitioners Act.

SECTION 27. Section 41-75-5, Mississippi Code of 1972, is amended as follows:

41-75-5. No person as defined in Section 41-7-173, of the Mississippi Code of 1972, acting severally or jointly with any other person, shall establish, conduct, operate or maintain an ambulatory surgical facility or an abortion facility in this state without a license under this chapter. However, this section shall not be construed to prohibit an ambulatory surgical facility or a licensed volunteer healthcare practitioner from acting within his or her scope of practice during an emergency declaration under the conditions of the Uniform Emergency Volunteer Healthcare Practitioners Act.

SECTION 28. Section 43-11-5, Mississippi Code of 1972, is amended as follows:

43-11-5. No person, acting severally or jointly with any other person, shall establish, conduct, or maintain an institution for the aged or infirm in this state without a license under this chapter. However, this section shall not be construed to prohibit
ST: Uniform Emergency Volunteer Health Care Practitioners Act; enact.

a licensed nursing home or a volunteer healthcare practitioner from acting within his or her scope of practice during an emergency declaration under the conditions of the Uniform Emergency Volunteer Healthcare Practitioners Act.

SECTION 29. This act shall take effect and be in force from and after July 1, 2007.