

By: Senator(s) Burton, Dearing

To: Public Health and Welfare

SENATE BILL NO. 2988

1 AN ACT TO AMEND SECTIONS 73-25-3, 73-27-5, 73-26-3, 41-58-7,
2 73-25-32, 73-27-12 AND 73-25-14 MISSISSIPPI CODE OF 1972, TO
3 REQUIRE A CRIMINAL HISTORY CHECK ON APPLICANTS FOR MEDICAL
4 LICENSURE; OSTEOPATHIC LICENSURE; PODIATRIC LICENSURE; PHYSICIAN
5 ASSISTANT LICENSURE; RADIOLOGIST ASSISTANT LICENSURE; AND
6 REINSTATEMENT OF A LICENSE; AND FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 73-25-3, Mississippi Code of 1972, is
9 amended as follows:

10 73-25-3. Every person who desires to obtain a license to
11 practice medicine must apply therefor, in writing, to the State
12 Board of Medical Licensure at least ten (10) days before the date
13 of the examination and must be examined by said board according to
14 the methods deemed by it to be the most practical and expeditious
15 to test the applicants' qualifications, and if the applicant be
16 found by the board, upon examination, to possess sufficient
17 learning in said branches and to be of good moral character, the
18 board shall issue him a license to practice medicine; provided
19 that no applicant shall be granted a license unless said applicant
20 shall hold a diploma from a reputable medical college or college
21 of osteopathic medicine that requires a four-year course of at
22 least thirty-two (32) weeks for each session, or its equivalent.

23 To qualify for a Mississippi medical license, an applicant
24 must have successfully been cleared for licensure through an
25 investigation which shall consist of a determination as to good
26 moral character and verification that the prospective licensee is
27 not guilty of or in violation of any statutory ground for denial
28 of licensure as set forth in Sections 73-25-29 and 73-25-83. To
29 assist the board in conducting its licensure investigation, all

30 applicants shall undergo a fingerprint-based criminal history
31 check of the Mississippi central criminal database and the Federal
32 Bureau of Investigation criminal history database. Each applicant
33 shall submit a full set of the applicant's fingerprints in a form
34 and manner prescribed by the board which shall be forwarded to the
35 Mississippi Department of Public Safety (department) and the
36 Federal Bureau of Investigation Identification Division for this
37 purpose.

38 Any and all state or national criminal history record
39 information obtained by the board which is not already a matter of
40 public record shall be deemed nonpublic and confidential
41 information restricted to the exclusive use of the board, its
42 members, officers, investigators, agents and attorneys in
43 evaluating the applicant's eligibility or disqualification for
44 licensure. Except when introduced into evidence in a hearing
45 before the board to determine licensure, no such information or
46 records related thereto shall, except with the written consent of
47 the applicant or by order of a court of competent jurisdiction, be
48 released or otherwise disclosed by the board to any other person
49 or agency.

50 The board shall provide to the department the fingerprints of
51 the applicant, any additional information which may be required by
52 the department, and a form signed by the applicant consenting to
53 the check of the criminal record and to the use of the
54 fingerprints and other identifying information required by the
55 state or national repositories.

56 The board shall charge and collect from the applicant, in
57 addition to all other applicable fees and costs, such amount as
58 may be incurred by the board in requesting and obtaining state and
59 national criminal history record information on the applicant.

60 This section shall not apply to applicants for a special
61 volunteer medical license authorized under Section 73-25-18.

62 **SECTION 2.** Section 73-27-5, Mississippi Code of 1972, is
63 amended as follows:

64 73-27-5. All applicants for license shall have attained the
65 age of twenty-one (21) years, and shall be of good moral
66 character; they shall have had at least four (4) years high school
67 and be graduates of same; they shall have at least one (1) year
68 prepodiatry college education and be graduates of some college of
69 podiatry recognized as being in good standing by the State Board
70 of Medical Licensure. No college of podiatry or chiropody shall
71 be accredited by said board as a college of good standing which
72 does not require for graduation a course of study of at least four
73 (4) years (eight and one-half (8-1/2) months each) and be
74 recognized by the Council on Education of the American Podiatry
75 Association. Provided, however, that all podiatrists actively
76 engaged in the practice of podiatry in the State of Mississippi,
77 prior to January 1, 1938, whether graduates or not, shall, upon
78 furnishing proof thereof by displaying their state privilege tax
79 license to the Secretary of the State Board of Medical Licensure,
80 and upon payment of fee of Ten Dollars and Twenty-five Cents
81 (\$10.25) be entitled to a license without an examination, and
82 applications for said license shall be filed not later than sixty
83 (60) days after the passage of this chapter, and provided further,
84 that upon payment of a fee prescribed by the State Board of
85 Medical Licensure, not to exceed Five Hundred Dollars (\$500.00), a
86 license without examination may be issued to podiatrists of other
87 states maintaining equal statutory requirements for the practice
88 of podiatry and extending the same reciprocal privileges to this
89 state. It is further provided that the State Board of Medical
90 Licensure may affiliate with the National Board of Chiropody or
91 Podiatry Licensure in granting licenses to practice podiatry in
92 Mississippi, provided the written examination covers at least
93 two-thirds (2/3) of the subjects set forth in Section 73-27-9,
94 Mississippi Code of 1972.

95 To qualify for a Mississippi podiatry license, an applicant
96 must have successfully been cleared for licensure through an
97 investigation which shall consist of a determination as to good
98 moral character and verification that the prospective licensee is
99 not guilty of or in violation of any statutory ground for denial
100 of licensure as set forth in Sections 73-25-29 and 73-25-83. To
101 assist the board in conducting its licensure investigation, all
102 applicants shall undergo a fingerprint-based criminal history
103 check of the Mississippi central criminal database and the Federal
104 Bureau of Investigation criminal history database. Each applicant
105 shall submit a full set of the applicant's fingerprints in a form
106 and manner prescribed by the board which shall be forwarded to the
107 Mississippi Department of Public Safety (department) and the
108 Federal Bureau of Investigation Identification Division for this
109 purpose.

110 Any and all state or national criminal history record
111 information obtained by the board which is not already a matter of
112 public record shall be deemed nonpublic and confidential
113 information restricted to the exclusive use of the board, its
114 members, officers, investigators, agents and attorneys in
115 evaluating the applicant's eligibility or disqualification for
116 licensure. Except when introduced into evidence in a hearing
117 before the board to determine licensure, no such information or
118 records related thereto shall, except with the written consent of
119 the applicant or by order of a court of competent jurisdiction, be
120 released or otherwise disclosed by the board to any other person
121 or agency.

122 The board shall provide to the department the fingerprints of
123 the applicant, any additional information which may be required by
124 the department, and a form signed by the applicant consenting to
125 the check of the criminal record and to the use of the
126 fingerprints and other identifying information required by the
127 state or national repositories.

128 The board shall charge and collect from the applicant, in
129 addition to all other applicable fees and costs, such amount as
130 may be incurred by the board in requesting and obtaining state and
131 national criminal history record information on the applicant.

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

135 **SECTION 3.** Section 73-26-3, Mississippi Code of 1972, is
136 amended as follows:

137 73-26-3. (1) The State Board of Medical Licensure shall
138 license and regulate the practice of physician assistants in
139 accordance with the provisions of this chapter.

140 (2) All physician assistants who are employed as physician
141 assistants by a Department of Veterans Affairs health care
142 facility, a branch of the United States military or the Federal
143 Bureau of Prisons, and who are practicing as physician assistants
144 in a federal facility in Mississippi on July 1, 2000, and those
145 physician assistants who trained in a Mississippi physician
146 assistant program and have been continuously practicing as a
147 physician assistant in Mississippi since 1976, shall be eligible
148 for licensure if they submit an application for licensure to the
149 board by December 31, 2000. Physician assistants licensed under
150 this subsection will be eligible for license renewal so long as
151 they meet standard renewal requirements.

152 (3) Before December 31, 2004, applicants for physician
153 assistant licensure, except those licensed under subsection (2) of
154 this section, must be graduates of physician assistant educational
155 programs accredited by the Commission on Accreditation of Allied
156 Health Educational Programs or its predecessor or successor
157 agency, have passed the certification examination administered by
158 the National Commission on Certification of Physician Assistants
159 (NCCPA), have current NCCPA certification, and possess a minimum
160 of a baccalaureate degree. Physician assistants meeting these

161 licensure requirements will be eligible for license renewal so
162 long as they meet standard renewal requirements.

163 (4) On or after December 31, 2004, applicants for physician
164 assistant licensure must meet all of the requirements in
165 subsection (3) of this section and, in addition, must have
166 obtained a minimum of a master's degree in a health-related or
167 science field.

168 (5) Applicants for licensure who meet all licensure
169 requirements except for the master's degree may be granted a
170 temporary license by the board so long as they can show proof of
171 enrollment in a master's program that will, when completed, meet
172 the master's degree requirement. The temporary license will be
173 valid for no longer than one (1) year, and may not be renewed.
174 This subsection shall take effect and be in force from and after
175 March 9, 2006. This subsection shall stand repealed on July 1,
176 2010.

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

182 (7) To qualify for a Mississippi physician assistant
183 license, an applicant must have successfully been cleared for
184 licensure through an investigation which shall consist of a
185 determination as to good moral character and verification that the
186 prospective licensee is not guilty of or in violation of any
187 statutory ground for denial of licensure as set forth in Sections
188 73-25-29 and 73-25-83. To assist the board in conducting its
189 licensure investigation, all applicants shall undergo a
190 fingerprint-based criminal history check of the Mississippi
191 central criminal database and the Federal Bureau of Investigation
192 criminal history database. Each applicant shall submit a full set
193 of the applicant's fingerprints in a form and manner prescribed by

194 the board which shall be forwarded to the Mississippi Department
195 of Public Safety (department) and the Federal Bureau of
196 Investigation Identification Division for this purpose.

197 Any and all state or national criminal history record
198 information obtained by the board which is not already a matter of
199 public record shall be deemed nonpublic and confidential
200 information restricted to the exclusive use of the board, its
201 members, officers, investigators, agents and attorneys in
202 evaluating the applicant's eligibility or disqualification for
203 licensure. Except when introduced into evidence in a hearing
204 before the board to determine licensure, no such information or
205 records related thereto shall, except with the written consent of
206 the applicant or by order of a court of competent jurisdiction, be
207 released or otherwise disclosed by the board to any other person
208 or agency.

209 The board shall provide to the department the fingerprints of
210 the applicant, any additional information which may be required by
211 the department, and a form signed by the applicant consenting to
212 the check of the criminal record and to the use of the
213 fingerprints and other identifying information required by the
214 state or national repositories.

215 The board shall charge and collect from the applicant, in
216 addition to all other applicable fees and costs, such amount as
217 may be incurred by the board in requesting and obtaining state and
218 national criminal history record information on the applicant.

219 **SECTION 4.** Section 41-58-7, Mississippi Code of 1972, is
220 amended as follows:

221 41-58-7. (1) The State Board of Medical Licensure shall
222 license and regulate the practice of radiologist assistants in
223 accordance with the provisions of this section.

224 (2) A radiologist may use the services of a radiologist
225 assistant to practice radiology assistance under the supervision

226 of the radiologist, provided that the radiologist assistant is
227 duly qualified and licensed as provided in this section.

228 (3) The board shall promulgate and publish reasonable rules
229 and regulations necessary to enable it to discharge its functions
230 and enforce the provisions of law regulating the practice of
231 radiologist assistants. Those rules and regulations shall
232 include, but are not limited to: qualifications for licensure for
233 radiologist assistants; scope of practice of radiologist
234 assistants; supervision of radiologist assistants; identification
235 of radiologist assistants; grounds for disciplinary actions and
236 discipline of radiologist assistants; and setting and charging
237 reasonable fees for licensure and license renewals for radiologist
238 assistants.

239 (4) Those rules and regulations adopted by the board
240 pertaining to the scope of practice and the educational
241 qualifications necessary to practice as a radiologist assistant
242 shall be consistent with guidelines adopted by the American
243 College of Radiology, the American Society of Radiologic
244 Technologists, and the American Registry of Radiologic
245 Technologists.

246 (5) Applicants for licensure as a radiologist assistant must
247 be: (a) credentialed to provide radiology services under the
248 supervision of a radiologist; (b) a radiologic technologist
249 registered under Sections 41-58-1 through 41-58-5; and (c)
250 certified and registered with the American Registry of Radiologic
251 Technologists.

252 (6) A radiologist assistant may not interpret images, make
253 diagnoses or prescribe medications or therapies.

254 (7) To qualify for a Mississippi radiologist assistant
255 license, an applicant must have successfully been cleared for
256 licensure through an investigation which shall consist of a
257 determination as to good moral character and verification that the
258 prospective licensee is not guilty of or in violation of any

259 statutory ground for denial of licensure as set forth in Sections
260 73-25-29 and 73-25-83. To assist the board in conducting its
261 licensure investigation, all applicants shall undergo a
262 fingerprint-based criminal history check of the Mississippi
263 central criminal database and the Federal Bureau of Investigation
264 criminal history database. Each applicant shall submit a full set
265 of the applicant's fingerprints in a form and manner prescribed by
266 the board which shall be forwarded to the Mississippi Department
267 of Public Safety (department) and the Federal Bureau of
268 Investigation Identification Division for this purpose.

269 Any and all state or national criminal history record
270 information obtained by the board which is not already a matter of
271 public record shall be deemed nonpublic and confidential
272 information restricted to the exclusive use of the board, its
273 members, officers, investigators, agents and attorneys in
274 evaluating the applicant's eligibility or disqualification for
275 licensure. Except when introduced into evidence in a hearing
276 before the board to determine licensure, no such information or
277 records related thereto shall, except with the written consent of
278 the applicant or by order of a court of competent jurisdiction, be
279 released or otherwise disclosed by the board to any other person
280 or agency.

281 The board shall provide to the department the fingerprints of
282 the applicant, any additional information which may be required by
283 the department, and a form signed by the applicant consenting to
284 the check of the criminal record and to the use of the
285 fingerprints and other identifying information required by the
286 state or national repositories.

287 The board shall charge and collect from the applicant, in
288 addition to all other applicable fees and costs, such amount as
289 may be incurred by the board in requesting and obtaining state and
290 national criminal history record information on the applicant.

291 **SECTION 5.** Section 73-25-32, Mississippi Code of 1972, is
292 amended as follows:

293 73-25-32. (1) A person whose license to practice medicine
294 or osteopathy has been revoked or suspended may petition the
295 Mississippi State Board of Medical Licensure to reinstate this
296 license after a period of not less than one (1) year has elapsed
297 from the date of the revocation or suspension. The procedure for
298 the reinstatement of a license that is suspended for being out of
299 compliance with an order for support, as defined in Section 2 of
300 this act, shall be governed by Section 4 or 7 of this act, as the
301 case may be.

302 (2) The petition shall be accompanied by two (2) or more
303 verified recommendations from physicians or osteopaths licensed by
304 the Board of Medical Licensure to which the petition is addressed
305 and by two (2) or more recommendations from citizens each having
306 personal knowledge of the activities of the petitioner since the
307 disciplinary penalty was imposed and such facts as may be required
308 by the Board of Medical Licensure.

309 The petition may be heard at the next regular meeting of the
310 Board of Medical Licensure but not earlier than thirty (30) days
311 after the petition was filed. No petition shall be considered
312 while the petitioner is under sentence for any criminal offense,
313 including any period during which he is under probation or parole.
314 The hearing may be continued from time to time as the Board of
315 Medical Licensure finds necessary.

316 (3) In determining whether the disciplinary penalty should
317 be set aside and the terms and conditions, if any, which should be
318 imposed if the disciplinary penalty is set aside, the Board of
319 Medical Licensure may investigate and consider all activities of
320 the petitioner since the disciplinary action was taken against
321 him, the offense for which he was disciplined, his activity during
322 the time his certificate was in good standing, his general

323 reputation for truth, professional ability and good character; and
324 it may require the petitioner to pass an oral examination.

325 (4) The investigation shall require the petitioner to
326 undergo a fingerprint-based criminal history check of the
327 Mississippi central criminal database and the Federal Bureau of
328 Investigation criminal history database. Each petitioner shall
329 submit a full set of the petitioner's fingerprints in a form and
330 manner prescribed by the board which shall be forwarded to the
331 Mississippi Department of Public Safety (department) and the
332 Federal Bureau of Investigation Identification Division for this
333 purpose.

334 Any and all state or national criminal history record
335 information obtained by the board which is not already a matter of
336 public record shall be deemed nonpublic and confidential
337 information restricted to the exclusive use of the board, its
338 members, officers, investigators, agents and attorneys in
339 evaluating the applicant's eligibility or disqualification for
340 licensure. Except when introduced into evidence in a hearing
341 before the board to determine licensure, no such information or
342 records related thereto shall, except with the written consent of
343 the applicant or by order of a court of competent jurisdiction, be
344 released or otherwise disclosed by the board to any other person
345 or agency.

346 The board shall provide to the department the fingerprints of
347 the petitioner, any additional information which may be required
348 by the department, and a form signed by the petitioner consenting
349 to the check of the criminal record and to the use of the
350 fingerprints and other identifying information required by the
351 state or national repositories.

352 The board shall charge and collect from the petitioner, in
353 addition to all other applicable fees and costs, such amount as
354 may be incurred by the board in requesting and obtaining state and
355 national criminal history record information on the applicant.

356 (5) The Secretary-Treasurer of the Board of Medical
357 Licensure shall enter into his records of the case all actions of
358 the board in setting aside a disciplinary penalty under this
359 section and he shall certify notices to the proper court clerk.
360 The clerk shall make such changes on his records as may be
361 necessary.

362 **SECTION 6.** Section 73-27-12, Mississippi Code of 1972, is
363 amended as follows:

364 73-27-12. (1) The license of every person licensed to
365 practice podiatry in the State of Mississippi shall be renewed
366 annually.

367 On or before May 1 of each year, the board shall mail a
368 notice of renewal of license to every podiatrist to whom a license
369 was issued or renewed during the current licensing year. The
370 notice shall provide instructions for obtaining and submitting
371 applications for renewal. The State Board of Medical Licensure is
372 authorized to make applications for renewal available via
373 electronic means. The applicant shall obtain and complete the
374 application and submit it to the board in the manner prescribed by
375 the board in the notice before June 30 with the renewal fee of an
376 amount established by the board, but not to exceed Two Hundred
377 Dollars (\$200.00), a portion of which fee shall be used to support
378 a program to aid impaired podiatrists. Upon receipt of the
379 application and fee, the board shall verify the accuracy of the
380 application and issue to applicant a certificate of renewal for
381 the ensuing year, beginning July 1 and expiring June 30 of the
382 succeeding calendar year. That renewal shall render the holder
383 thereof a legal practitioner as stated on the renewal form.

384 (2) Any podiatrist practicing in Mississippi who allows his
385 or her license to lapse by failing to renew the license as
386 provided in subsection (1) may be reinstated by the board on
387 satisfactory explanation for the failure to renew, by completion
388 of a reinstatement form, and upon payment of the renewal fee for

389 the current year, and shall be assessed a fine of Twenty-five
390 Dollars (\$25.00) plus an additional fine of Five Dollars (\$5.00)
391 for each month thereafter that the license renewal remains
392 delinquent.

393 (3) Any podiatrist not practicing in Mississippi who allows
394 his or her license to lapse by failing to renew the license as
395 provided in subsection (1) may be reinstated by the board on
396 satisfactory explanation for the failure to renew, by completion
397 of a reinstatement form and upon payment of the arrearages for the
398 previous five (5) years and the renewal fee for the current year.

399 (4) Any podiatrist who allows his or her license to lapse
400 shall be notified by the board within thirty (30) days of that
401 lapse.

402 (5) Any person practicing as a licensed podiatrist during
403 the time his or her license has lapsed shall be considered an
404 illegal practitioner and shall be subject to penalties set forth
405 in Section 73-27-17, provided that he or she has not submitted the
406 required reinstatement form and fee within fifteen (15) days after
407 notification by the board of the lapse.

408 (6) Any podiatrist practicing in the State of Mississippi
409 whose license has lapsed and is deemed an illegal practitioner
410 under subsection (5) of this section may petition the board for
411 reinstatement of his or her license on a retroactive basis, if the
412 podiatrist was unable to meet the June 30 deadline due to
413 extraordinary or other legitimate reasons, and retroactive
414 reinstatement of licensure shall be granted or may be denied by
415 the board only for good cause. Failure to advise the board of
416 change of address shall not be considered a basis for
417 reinstatement.

418 (7) Fees collected under the provisions of this section
419 shall be used by the board to defray expenses of administering the
420 licensure provisions of Title 73, Chapter 27, Mississippi Code of

421 1972, and to support a program to aid impaired podiatrists in an
422 amount determined by the board.

423 (8) In order for a podiatrist whose podiatric medical
424 license has been expired for five (5) years or more to qualify for
425 reinstatement of license, the podiatrist must have successfully
426 been cleared for reinstatement through an investigation which
427 shall consist of a determination as to good moral character and
428 verification that the prospective licensee is not guilty of or in
429 violation of any statutory ground for denial of licensure as set
430 forth in Sections 73-25-29 and 73-25-83. To assist the board in
431 conducting its licensure investigation, all applicants shall
432 undergo a fingerprint-based criminal history check of the
433 Mississippi central criminal database and the Federal Bureau of
434 Investigation criminal history database. Each applicant shall
435 submit a full set of the applicant's fingerprints in a form and
436 manner prescribed by the board which shall be forwarded to the
437 Mississippi Department of Public Safety (department) and the
438 Federal Bureau of Investigation Identification Division for this
439 purpose.

440 Any and all state or national criminal history record
441 information obtained by the board which is not already a matter of
442 public record shall be deemed nonpublic and confidential
443 information restricted to the exclusive use of the board, its
444 members, officers, investigators, agents and attorneys in
445 evaluating the applicant's eligibility or disqualification for
446 licensure. Except when introduced into evidence in a hearing
447 before the board to determine licensure, no such information or
448 records related thereto shall, except with the written consent of
449 the applicant or by order of a court of competent jurisdiction, be
450 released or otherwise disclosed by the board to any other person
451 or agency.

452 The board shall provide to the department the fingerprints of
453 the applicant, any additional information which may be required by

454 the department, and a form signed by the applicant consenting to
455 the check of the criminal record and to the use of the
456 fingerprints and other identifying information required by the
457 state or national repositories.

458 The board shall charge and collect from the applicant, in
459 addition to all other applicable fees and costs, such amount as
460 may be incurred by the board in requesting and obtaining state and
461 national criminal history record information on the applicant.

462 **SECTION 7.** Section 73-25-14, Mississippi Code of 1972, is
463 amended as follows:

464 73-25-14. (1) The license of every person licensed to
465 practice medicine or osteopathy in the State of Mississippi shall
466 be renewed annually.

467 On or before May 1 of each year, the State Board of Medical
468 Licensure shall mail a notice of renewal of license to every
469 physician or osteopath to whom a license was issued or renewed
470 during the current licensing year. The notice shall provide
471 instructions for obtaining and submitting applications for
472 renewal. The State Board of Medical Licensure is authorized to
473 make applications for renewal available via electronic means. The
474 applicant shall obtain and complete the application and submit it
475 to the board in the manner prescribed by the board in the notice
476 before June 30 with the renewal fee of an amount established by
477 the board, but not to exceed Two Hundred Dollars (\$200.00), a
478 portion of which fee shall be used to support a program to aid
479 impaired physicians and osteopaths. The payment of the annual
480 license renewal fee shall be optional with all physicians over the
481 age of seventy (70) years. Upon receipt of the application and
482 fee, the board shall verify the accuracy of the application and
483 issue to applicant a certificate of renewal for the ensuing year,
484 beginning July 1 and expiring June 30 of the succeeding calendar
485 year. That renewal shall render the holder thereof a legal
486 practitioner as stated on the renewal form.

487 (2) Any physician or osteopath practicing in Mississippi who
488 allows his or her license to lapse by failing to renew the license
489 as provided in subsection (1) may be reinstated by the board on
490 satisfactory explanation for the failure to renew, by completion
491 of a reinstatement form, and upon payment of the renewal fee for
492 the current year, and shall be assessed a fine of Twenty-five
493 Dollars (\$25.00) plus an additional fine of Five Dollars (\$5.00)
494 for each month thereafter that the license renewal remains
495 delinquent.

496 (3) Any physician or osteopath not practicing in Mississippi
497 who allows his or her license to lapse by failing to renew the
498 license as provided in subsection (1) may be reinstated by the
499 board on satisfactory explanation for the failure to renew, by
500 completion of a reinstatement form and upon payment of the
501 arrearages for the previous five (5) years and the renewal fee for
502 the current year.

503 (4) Any physician or osteopath who allows his or her license
504 to lapse shall be notified by the board within thirty (30) days of
505 that lapse.

506 (5) Any person practicing as a licensed physician or
507 osteopath during the time his or her license has lapsed shall be
508 considered an illegal practitioner and shall be subject to
509 penalties provided for violation of the Medical Practice Act,
510 provided that he or she had not submitted the required
511 reinstatement form and fee within fifteen (15) days after
512 notification by the board of the lapse.

513 (6) Any physician or osteopath practicing in the State of
514 Mississippi whose license has lapsed and is deemed an illegal
515 practitioner under subsection (5) of this section may petition the
516 board for reinstatement of his or her license on a retroactive
517 basis, if the physician or osteopath was unable to meet the June
518 30 deadline due to extraordinary or other legitimate reasons, and
519 retroactive reinstatement of licensure shall be granted or may be

520 denied by the board only for good cause. Failure to advise the
521 board of change of address shall not be considered a basis of
522 reinstatement.

523 (7) None of the fees or fines provided for in this section
524 shall be applicable to the renewal of a special volunteer medical
525 license authorized under Section 73-25-18.

526 (8) Fees collected under the provisions of this section
527 shall be used by the board to defray expenses of administering the
528 licensure provisions of the Medical Practice Act (Title 73,
529 Chapter 25, Mississippi Code of 1972) and to support a program to
530 aid impaired physicians and osteopaths in an amount determined by
531 the board.

532 (9) In order for a physician or osteopath whose medical
533 license has been expired for five (5) years or more to qualify for
534 reinstatement of license, the physician or osteopath must have
535 successfully been cleared for reinstatement through an
536 investigation which shall consist of a determination as to good
537 moral character and verification that the prospective licensee is
538 not guilty of or in violation of any statutory ground for denial
539 of licensure as set forth in Sections 73-25-29 and 73-25-83. To
540 assist the board in conducting its licensure investigation, all
541 applicants shall undergo a fingerprint-based criminal history
542 check of the Mississippi central criminal database and the Federal
543 Bureau of Investigation criminal history database. Each applicant
544 shall submit a full set of the applicant's fingerprints in a form
545 and manner prescribed by the board which shall be forwarded to the
546 Mississippi Department of Public Safety (department) and the
547 Federal Bureau of Investigation Identification Division for this
548 purpose.

549 Any and all state or national criminal history record
550 information obtained by the board which is not already a matter of
551 public record shall be deemed nonpublic and confidential
552 information restricted to the exclusive use of the board, its

553 members, officers, investigators, agents and attorneys in
554 evaluating the applicant's eligibility or disqualification for
555 licensure. Except when introduced into evidence in a hearing
556 before the board to determine licensure, no such information or
557 records related thereto shall, except with the written consent of
558 the applicant or by order of a court of competent jurisdiction, be
559 released or otherwise disclosed by the board to any other person
560 or agency.

561 The board shall provide to the department the fingerprints of
562 the applicant, any additional information which may be required by
563 the department, and a form signed by the applicant consenting to
564 the check of the criminal record and to the use of the
565 fingerprints and other identifying information required by the
566 state or national repositories.

567 The board shall charge and collect from the applicant, in
568 addition to all other applicable fees and costs, such amount as
569 may be incurred by the board in requesting and obtaining state and
570 national criminal history record information on the applicant.

571 **SECTION 8.** This act shall take effect and be in force from
572 and after July 1, 2007.