## Adopted COMMITTEE AMENDMENT NO 1 PROPOSED TO

Senate Bill No. 2988

**BY: Committee** 

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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 the board according to the methods deemed by it to be the most practical and expeditious 14 to test the applicants' qualifications. If the applicant is found 15 16 by the board, upon examination, to possess sufficient learning in those branches and to be of good moral character, the board shall 17 issue him a license to practice medicine; however, no applicant 18 19 shall be granted a license unless the applicant \* \* \* holds a 20 diploma from a reputable medical college or college of osteopathic 21 medicine that requires a four-year course of at least thirty-two (32) weeks for each session, or its equivalent. 22

23 <u>To qualify for a Mississippi medical license, an applicant</u> 24 <u>must have successfully been cleared for licensure through an</u> 25 <u>investigation that shall consist of a determination as to good</u> 26 moral character and verification that the prospective licensee is

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07/HR40/SB2988A.J
PAGE 1
(RF)
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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	records check of the Mississippi central criminal database and the
32	Federal Bureau of Investigation criminal history database. Each
33	applicant shall submit a full set of the applicant's fingerprints
34	in a form and manner prescribed by the board, which shall be
35	forwarded to the Mississippi Department of Public Safety
36	(department) and the Federal Bureau of Investigation
37	Identification Division for this purpose.
38	Any and all state or national criminal history records
39	information obtained by the board that 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, and shall be exempt from the Mississippi Public Records
45	Act of 1983. Except when introduced into evidence in a hearing
46	before the board to determine licensure, no such information or
47	records related thereto shall, except with the written consent of
48	the applicant or by order of a court of competent jurisdiction, be
49	released or otherwise disclosed by the board to any other person
50	or agency.
51	The board shall provide to the department the fingerprints of
52	the applicant, any additional information that may be required by
53	the department, and a form signed by the applicant consenting to
54	the check of the criminal records and to the use of the
55	fingerprints and other identifying information required by the
56	state or national repositories.
57	The board shall charge and collect from the applicant, in
58	addition to all other applicable fees and costs, such amount as

59 may be incurred by the board in requesting and obtaining state and

60 national criminal history records information on the applicant.

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

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

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 68 and be graduates of same; they shall have at least one (1) year 69 prepodiatry college education and be graduates of some college of 70 podiatry recognized as being in good standing by the State Board 71 of Medical Licensure. No college of podiatry or chiropody shall 72 be accredited by the board as a college of good standing that does not require for graduation a course of study of at least four (4) 73 74 years (eight and one-half (8-1/2) months each) and be recognized 75 by the Council on Education of the American Podiatry Association. \* \* \* However, \* \* \* all podiatrists actively 76 77 engaged in the practice of podiatry in the State of Mississippi, 78 prior to January 1, 1938, whether graduates or not, shall, upon furnishing proof thereof by displaying their state privilege tax 79 80 license to the Secretary of the State Board of Medical Licensure, 81 and upon payment of fee of Ten Dollars and Twenty-five Cents (\$10.25), be entitled to a license without an examination, and 82 83 applications for the license shall be filed not later than sixty 84 (60) days after the passage of this chapter. Upon payment of a 85 fee prescribed by the State Board of Medical Licensure, not to exceed Five Hundred Dollars (\$500.00), a license without 86 examination may be issued to podiatrists of other states 87 88 maintaining equal statutory requirements for the practice of podiatry and extending the same reciprocal privileges to this 89 90 state. \* \* \* The State Board of Medical Licensure may affiliate

07/HR40/SB2988A.J PAGE 3 (RF)

91 with the National Board of Chiropody or Podiatry Licensure in 92 granting licenses to practice podiatry in Mississippi, provided 93 the written examination covers at least two-thirds (2/3) of the 94 subjects set forth in Section 73-27-9.

95 To qualify for a Mississippi podiatry license, an applicant 96 must have successfully been cleared for licensure through an 97 investigation that shall consist of a determination as to good moral character and verification that the prospective licensee is 98 99 not guilty of or in violation of any statutory ground for denial of licensure as set forth in Section 73-27-13. To assist the 100 101 board in conducting its licensure investigation, all applicants 102 shall undergo a fingerprint-based criminal history records check 103 of the Mississippi central criminal database and the Federal 104 Bureau of Investigation criminal history database. Each applicant shall submit a full set of the applicant's fingerprints in a form 105 106 and manner prescribed by the board, which shall be forwarded to 107 the 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 records 111 information obtained by the board that 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 licensure, and shall be exempt from the Mississippi Public Records 116 117 Act of 1983. Except when introduced into evidence in a hearing before the board to determine licensure, no such information or 118 records related thereto shall, except with the written consent of 119 120 the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person 121 122 or agency.

123 The board shall provide to the department the fingerprints of 124 the applicant, any additional information that may be required by the department, and a form signed by the applicant consenting to 125 126 the check of the criminal records and to the use of the 127 fingerprints and other identifying information required by the 128 state or national repositories. The board shall charge and collect from the applicant, in 129 addition to all other applicable fees and costs, such amount as 130

131 may be incurred by the board in requesting and obtaining state and
 132 national criminal history records information on the applicant.
 133 Each application or filing made under this section shall

134 include the social security number(s) of the applicant in 135 accordance with Section 93-11-64.

136 SECTION 3. Section 73-26-3, Mississippi Code of 1972, is 137 amended as follows:

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

141 (2) All physician assistants who are employed as physician 142 assistants by a Department of Veterans Affairs health care facility, a branch of the United States military or the Federal 143 144 Bureau of Prisons, and who are practicing as physician assistants 145 in a federal facility in Mississippi on July 1, 2000, and those 146 physician assistants who trained in a Mississippi physician 147 assistant program and have been continuously practicing as a 148 physician assistant in Mississippi since 1976, shall be eligible 149 for licensure if they submit an application for licensure to the board by December 31, 2000. Physician assistants licensed under 150 this subsection will be eligible for license renewal so long as 151 152 they meet standard renewal requirements.

(3) Before December 31, 2004, applicants for physicianassistant licensure, except those licensed under subsection (2) of

07/HR40/SB2988A.J \* H PAGE 5 (RF)

this section, must be graduates of physician assistant educational 155 156 programs accredited by the Commission on Accreditation of Allied Health Educational Programs or its predecessor or successor 157 158 agency, have passed the certification examination administered by 159 the National Commission on Certification of Physician Assistants 160 (NCCPA), have current NCCPA certification, and possess a minimum 161 of a baccalaureate degree. Physician assistants meeting these licensure requirements will be eligible for license renewal so 162 long as they meet standard renewal requirements. 163

164 (4) On or after December 31, 2004, applicants for physician 165 assistant licensure must meet all of the requirements in 166 subsection (3) of this section and, in addition, must have 167 obtained a minimum of a master's degree in a health-related or 168 science field.

169 (5) Applicants for licensure who meet all licensure 170 requirements except for the master's degree may be granted a 171 temporary license by the board so long as they can show proof of 172 enrollment in a master's program that will, when completed, meet 173 the master's degree requirement. The temporary license will be 174 valid for no longer than one (1) year, and may not be renewed. 175 This subsection shall take effect and be in force from and after 176 March 9, 2006. This subsection shall stand repealed on July 1, 177 2010.

178 (6) For new graduate physician assistants and all physician 179 assistants receiving initial licenses in the state, except those 180 licensed under subsection (2) of this section, supervision shall 181 require the on-site presence of a supervising physician for one 182 hundred twenty (120) days.

183 (7) To qualify for a Mississippi physician assistant
184 license, an applicant must have successfully been cleared for
185 licensure through an investigation that shall consist of a

186 determination as to good moral character and verification that the

187 prospective licensee is not guilty of or in violation of any statutory ground for denial of licensure. To assist the board in 188 189 conducting its licensure investigation, all applicants shall 190 undergo a fingerprint-based criminal history records check of the 191 Mississippi central criminal database and the Federal Bureau of Investigation criminal history database. Each applicant shall 192 submit a full set of the applicant's fingerprints in a form and 193 manner prescribed by the board, which shall be forwarded to the 194 195 Mississippi Department of Public Safety (department) and the Federal Bureau of Investigation Identification Division for this 196 197 purpose. 198 Any and all state or national criminal history records 199 information obtained by the board that is not already a matter of 200 public record shall be deemed nonpublic and confidential 201 information restricted to the exclusive use of the board, its 202 members, officers, investigators, agents and attorneys in 203 evaluating the applicant's eligibility or disqualification for 204 licensure, and shall be exempt from the Mississippi Public Records 205 Act of 1983. Except when introduced into evidence in a hearing 206 before the board to determine licensure, no such information or records related thereto shall, except with the written consent of 207 208 the applicant or by order of a court of competent jurisdiction, be 209 released or otherwise disclosed by the board to any other person 210 or agency. 211 The board shall provide to the department the fingerprints of the applicant, any additional information that may be required by 212 213 the department, and a form signed by the applicant consenting to the check of the criminal records and to the use of the 214 fingerprints and other identifying information required by the 215 216 state or national repositories. The board shall charge and collect from the applicant, in 217 addition to all other applicable fees and costs, such amount as 218

219 may be incurred by the board in requesting and obtaining state and

220 national criminal history records information on the applicant.

221 SECTION 4. Section 73-25-32, Mississippi Code of 1972, is 222 amended as follows:

223 73-25-32. (1) A person whose license to practice medicine 224 or osteopathy has been revoked or suspended may petition the Mississippi State Board of Medical Licensure to reinstate this 225 226 license after a period of not less than one (1) year has elapsed 227 from the date of the revocation or suspension. The procedure for 228 the reinstatement of a license that is suspended for being out of 229 compliance with an order for support, as defined in Section 230 93-11-153, shall be governed by Section 93-11-157 or 93-11-163, as 231 the case may be.

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

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

(3) In determining whether the disciplinary penalty should be set aside and the terms and conditions, if any, <u>that</u> should be imposed if the disciplinary penalty is set aside, the Board of Medical Licensure may investigate and consider all activities of the petitioner since the disciplinary action was taken against

07/HR40/SB2988A.J PAGE 8 (RF)

him, the offense for which he was disciplined, his activity during the time his certificate was in good standing, his general reputation for truth, professional ability and good character; and it may require the petitioner to pass an oral examination.

255 (4) The investigation shall require the petitioner to 256 undergo a fingerprint-based criminal history records check of the 257 Mississippi central criminal database and the Federal Bureau of Investigation criminal history database. Each petitioner shall 258 259 submit a full set of the petitioner's fingerprints in a form and manner prescribed by the board, which shall be forwarded to the 260 261 Mississippi Department of Public Safety (department) and the Federal Bureau of Investigation Identification Division for this 262 263 purpose.

264 Any and all state or national criminal history records 265 information obtained by the board that is not already a matter of 266 public record shall be deemed nonpublic and confidential 267 information restricted to the exclusive use of the board, its 268 members, officers, investigators, agents and attorneys in 269 evaluating the applicant's eligibility or disqualification for 270 licensure, and shall be exempt from the Mississippi Public Records Act of 1983. Except when introduced into evidence in a hearing 271 272 before the board to determine licensure, no such information or 273 records related thereto shall, except with the written consent of 274 the applicant or by order of a court of competent jurisdiction, be 275 released or otherwise disclosed by the board to any other person 276 or agency. 277 The board shall provide to the department the fingerprints of 278 the petitioner, any additional information that may be required by the department, and a form signed by the petitioner consenting to 279 280 the check of the criminal records and to the use of the

281 fingerprints and other identifying information required by the

282 state or national repositories.

283 The board shall charge and collect from the petitioner, in 284 addition to all other applicable fees and costs, such amount as 285 may be incurred by the board in requesting and obtaining state and 286 national criminal history records information on the applicant.

287 (5) The Secretary-Treasurer of the Board of Medical
288 Licensure shall enter into his records of the case all actions of
289 the board in setting aside a disciplinary penalty under this
290 section and he shall certify notices to the proper court clerk.
291 The clerk shall make such changes on his records as may be
292 necessary.

293 **SECTION 5.** Section 73-27-12, Mississippi Code of 1972, is 294 amended as follows:

295 73-27-12. (1) The license of every person licensed to 296 practice podiatry in the State of Mississippi shall be renewed 297 annually.

On or before May 1 of each year, the board shall mail a 298 299 notice of renewal of license to every podiatrist to whom a license 300 was issued or renewed during the current licensing year. The 301 notice shall provide instructions for obtaining and submitting 302 applications for renewal. The State Board of Medical Licensure is 303 authorized to make applications for renewal available via 304 electronic means. The applicant shall obtain and complete the 305 application and submit it to the board in the manner prescribed by 306 the board in the notice before June 30 with the renewal fee of an 307 amount established by the board, but not to exceed Two Hundred 308 Dollars (\$200.00), a portion of which fee shall be used to support 309 a program to aid impaired podiatrists. Upon receipt of the 310 application and fee, the board shall verify the accuracy of the application and issue to applicant a certificate of renewal for 311 312 the ensuing year, beginning July 1 and expiring June 30 of the succeeding calendar year. That renewal shall render the holder 313 314 thereof a legal practitioner as stated on the renewal form.

07/HR40/SB2988A.J PAGE 10 (RF)

315 (2) Any podiatrist practicing in Mississippi who allows his 316 or her license to lapse by failing to renew the license as 317 provided in subsection (1) may be reinstated by the board on 318 satisfactory explanation for the failure to renew, by completion 319 of a reinstatement form, and upon payment of the renewal fee for 320 the current year, and shall be assessed a fine of Twenty-five Dollars (\$25.00) plus an additional fine of Five Dollars (\$5.00) 321 322 for each month thereafter that the license renewal remains 323 delinquent.

324 (3) Any podiatrist not practicing in Mississippi who allows 325 his or her license to lapse by failing to renew the license as provided in subsection (1) may be reinstated by the board on 326 327 satisfactory explanation for the failure to renew, by completion 328 of a reinstatement form and upon payment of the arrearages for the 329 previous five (5) years and the renewal fee for the current year. 330 (4) Any podiatrist who allows his or her license to lapse 331 shall be notified by the board within thirty (30) days of that 332 lapse.

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

339 (6) Any podiatrist practicing in the State of Mississippi 340 whose license has lapsed and is deemed an illegal practitioner 341 under subsection (5) of this section may petition the board for reinstatement of his or her license on a retroactive basis, if the 342 podiatrist was unable to meet the June 30 deadline due to 343 344 extraordinary or other legitimate reasons, and retroactive 345 reinstatement of licensure shall be granted or may be denied by 346 the board only for good cause. Failure to advise the board of

07/HR40/SB2988A.J PAGE 11 (RF)

347 change of address shall not be considered a basis for 348 reinstatement.

349 (7) Fees collected under the provisions of this section 350 shall be used by the board to defray expenses of administering the 351 licensure provisions of Title 73, Chapter 27, Mississippi Code of 352 1972, and to support a program to aid impaired podiatrists in an 353 amount determined by the board.

354 (8) In order for a podiatrist whose podiatric medical 355 license has been expired for five (5) years or more to qualify for 356 reinstatement of license, the podiatrist must have successfully 357 been cleared for reinstatement through an investigation that shall consist of a determination as to good moral character and 358 359 verification that the prospective licensee is not guilty of or in 360 violation of any statutory ground for denial of licensure as set forth in Section 73-27-13. To assist the board in conducting its 361 362 licensure investigation, all applicants shall undergo a 363 fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of 364 365 Investigation criminal history database. Each applicant shall 366 submit a full set of the applicant's fingerprints in a form and manner prescribed by the board, which shall be forwarded to the 367 368 Mississippi Department of Public Safety (department) and the 369 Federal Bureau of Investigation Identification Division for this 370 purpose. 371 Any and all state or national criminal history records 372 information obtained by the board that is not already a matter of 373 public record shall be deemed nonpublic and confidential 374 information restricted to the exclusive use of the board, its members, officers, investigators, agents and attorneys in 375 376 evaluating the applicant's eligibility or disqualification for 377 licensure, and shall be exempt from the Mississippi Public Records 378 Act of 1983. Except when introduced into evidence in a hearing

379 before the board to determine licensure, no such information or 380 records related thereto shall, except with the written consent of 381 the applicant or by order of a court of competent jurisdiction, be 382 released or otherwise disclosed by the board to any other person 383 or agency.

The board shall provide to the department the fingerprints of the applicant, any additional information that may be required by the department, and a form signed by the applicant consenting to the check of the criminal records and to the use of the fingerprints and other identifying information required by the state or national repositories.

390 The board shall charge and collect from the applicant, in 391 addition to all other applicable fees and costs, such amount as 392 may be incurred by the board in requesting and obtaining state and 393 national criminal history records information on the applicant. 394 SECTION 6. Section 73-25-14, Mississippi Code of 1972, is

395 amended as follows:

396 73-25-14. (1) The license of every person licensed to 397 practice medicine or osteopathy in the State of Mississippi shall 398 be renewed annually.

On or before May 1 of each year, the State Board of Medical 399 400 Licensure shall mail a notice of renewal of license to every 401 physician or osteopath to whom a license was issued or renewed 402 during the current licensing year. The notice shall provide 403 instructions for obtaining and submitting applications for 404 The State Board of Medical Licensure is authorized to renewal. make applications for renewal available via electronic means. The 405 406 applicant shall obtain and complete the application and submit it 407 to the board in the manner prescribed by the board in the notice 408 before June 30 with the renewal fee of an amount established by 409 the board, but not to exceed Two Hundred Dollars (\$200.00), a 410 portion of which fee shall be used to support a program to aid

411 impaired physicians and osteopaths. The payment of the annual 412 license renewal fee shall be optional with all physicians over the 413 age of seventy (70) years. Upon receipt of the application and 414 fee, the board shall verify the accuracy of the application and 415 issue to applicant a certificate of renewal for the ensuing year, 416 beginning July 1 and expiring June 30 of the succeeding calendar year. That renewal shall render the holder thereof a legal 417 practitioner as stated on the renewal form. 418

419 Any physician or osteopath practicing in Mississippi who (2) 420 allows his or her license to lapse by failing to renew the license 421 as provided in subsection (1) may be reinstated by the board on satisfactory explanation for the failure to renew, by completion 422 423 of a reinstatement form, and upon payment of the renewal fee for 424 the current year, and shall be assessed a fine of Twenty-five 425 Dollars (\$25.00) plus an additional fine of Five Dollars (\$5.00) 426 for each month thereafter that the license renewal remains 427 delinguent.

428 (3) Any physician or osteopath not practicing in Mississippi 429 who allows his or her license to lapse by failing to renew the 430 license as provided in subsection (1) may be reinstated by the 431 board on satisfactory explanation for the failure to renew, by 432 completion of a reinstatement form and upon payment of the 433 arrearages for the previous five (5) years and the renewal fee for 434 the current year.

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

(5) Any person practicing as a licensed physician or osteopath during the time his or her license has lapsed shall be considered an illegal practitioner and shall be subject to penalties provided for violation of the Medical Practice Act, <u>if</u> he or she had not submitted the required reinstatement form and

443 fee within fifteen (15) days after notification by the board of 444 the lapse.

(6) Any physician or osteopath practicing in the State of 445 446 Mississippi whose license has lapsed and is deemed an illegal 447 practitioner under subsection (5) of this section may petition the board for reinstatement of his or her license on a retroactive 448 449 basis, if the physician or osteopath was unable to meet the June 450 30 deadline due to extraordinary or other legitimate reasons, and 451 retroactive reinstatement of licensure shall be granted or may be 452 denied by the board only for good cause. Failure to advise the 453 board of change of address shall not be considered a basis of 454 reinstatement.

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

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

464 (9) In order for a physician or osteopath whose medical 465 license has been expired for five (5) years or more to qualify for 466 reinstatement of license, the physician or osteopath must have 467 successfully been cleared for reinstatement through an 468 investigation that shall consist of a determination as to good 469 moral character and verification that the prospective licensee is 470 not guilty of or in violation of any statutory ground for denial of licensure as set forth in Sections 73-25-29 and 73-25-83. To 471 472 assist the board in conducting its licensure investigation, all applicants shall undergo a fingerprint-based criminal history 473 474 records check of the Mississippi central criminal database and the

07/HR40/SB2988A.J PAGE 15 (RF)

Federal Bureau of Investigation criminal history database. Each 475 applicant shall submit a full set of the applicant's fingerprints 476 477 in a form and manner prescribed by the board, which shall be 478 forwarded to the Mississippi Department of Public Safety 479 (department) and the Federal Bureau of Investigation Identification Division for this purpose. 480 481 Any and all state or national criminal history records 482 information obtained by the board that is not already a matter of 483 public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the board, its 484 members, officers, investigators, agents and attorneys in 485 evaluating the applicant's eligibility or disqualification for 486 487 licensure, and shall be exempt from the Mississippi Public Records 488 Act of 1983. Except when introduced into evidence in a hearing before the board to determine licensure, no such information or 489 records related thereto shall, except with the written consent of 490 491 the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person 492 493 or agency. The board shall provide to the department the fingerprints of 494 495 the applicant, any additional information that may be required by the department, and a form signed by the applicant consenting to 496 497 the check of the criminal records and to the use of the 498 fingerprints and other identifying information required by the 499 state or national repositories. 500 The board shall charge and collect from the applicant, in 501 addition to all other applicable fees and costs, such amount as 502 may be incurred by the board in requesting and obtaining state and national criminal history records information on the applicant. 503 504 SECTION 7. This act shall take effect and be in force from 505 and after July 1, 2007.

07/HR40/SB2988A.J	* HR40/ SB2988A. J*
PAGE 16	
(RF)	

## Further, amend by striking the title in its entirety and inserting in lieu thereof the following:

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