

By: Senator(s) Kirby, Wiggins, Jones,
Jackson (11th)

To: Public Health and
Welfare; Judiciary, Division
B

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2670

1 AN ACT ENTITLED "THE PATIENT'S RIGHT TO INFORMED HEALTH CARE
2 CHOICES ACT"; TO PROVIDE DEFINITIONS; TO REGULATE AND PROVIDE
3 STANDARDS FOR HEALTH CARE PRACTITIONERS' ADVERTISEMENT PRACTICES
4 AND COMMUNICATIONS; TO PROVIDE PENALTIES FOR VIOLATION OF THIS
5 ACT; TO AMEND SECTIONS 73-9-61, 73-21-97, 73-25-29, 73-26-5,
6 73-27-13, 73-15-29, 73-19-23, 73-6-19 AND 73-39-77, MISSISSIPPI
7 CODE OF 1972, TO INCLUDE VIOLATIONS OF DECEPTIVE ADVERTISEMENT BY
8 HEALTH CARE PRACTITIONERS AS SPECIFIC GROUNDS FOR DISCIPLINARY
9 ACTION AGAINST LICENSEES; AND FOR RELATED PURPOSES.

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

11 **SECTION 1. Title.** This act shall be known and may be cited
12 as "The Patient's Right to Informed Health Care Choices Act."

13 **SECTION 2. Purpose.** The Legislature finds and declares
14 that:

15 (a) There are a multitude of professional degrees using
16 the term "doctor," including Medical Doctor (M.D.); Doctor of
17 Osteopathic Medicine (D.O.); Doctor of Dental Surgery (D.D.S.);
18 Doctor of Podiatric Medicine (D.P.M.); Doctor of Optometry (O.D.);
19 Doctor of Chiropractic (D.C.); Doctor of Nursing Practice
20 (D.N.P.); Doctor of Pharmacy (Pharm.D.); and other designations
21 which may be used by health care practitioners.

22 (b) Choosing a health care provider is one of the most
23 important decisions a patient makes, which should be supported by
24 full disclosure from their health care provider. There are
25 differences regarding the training and qualifications required to
26 earn the professional degrees described in and subject to this
27 act. These differences often concern the training and skills
28 necessary to correctly detect, diagnose, prevent and treat serious
29 health care conditions.



30 (c) There is a compelling state interest in patients
31 being promptly and clearly informed of the actual training and
32 qualifications of their health care practitioners who provide
33 health care services. This act aims to provide public protection
34 against potentially misleading and deceptive health care
35 advertising that cause patients to have undue expectations
36 regarding their medical treatments and outcomes.

37 **SECTION 3. Definitions.** For the purposes of this act:

38 (a) "Advertisement" means any communication or
39 statement, whether printed, electronic or oral, that names the
40 health care practitioner in relation to his or her practice,
41 profession, or institution in which the individual is employed,
42 volunteers or otherwise provides health care services. This
43 includes business cards, letterhead, patient brochures, email,
44 Internet, audio and video, and any other communication or
45 statement used in the course of business or any other definition
46 provided by regulations of the licensing board of proper
47 jurisdiction.

48 (b) "Deceptive" or "misleading" includes, but is not
49 limited to, any advertisement or affirmative communication or
50 representation that misstates, falsely describes, holds out or
51 falsely details the health care practitioner's profession, skills,
52 training, expertise, education, board certification or licensure
53 as determined by each respective licensing board.

54 (c) "Health care practitioner" means any person who
55 engages in acts that are the subject of licensure or regulation.
56 Categories of health care practitioner include:

57 (i) Practitioners of allopathic medicine,
58 signified by the letters "M.D." or the words surgeon, medical
59 doctor, or doctor of medicine by a person licensed to practice
60 medicine and surgery.

61 (ii) Practitioners of osteopathic medicine,
62 signified by the letters "D.O." or the words surgeon, osteopathic



63 surgeon, osteopath, doctor of osteopathy, or doctor of osteopathic
64 medicine.

65 (iii) Practitioners of nursing, signified by the
66 letters "D.N.P.," "N.P.," "R.N.," "L.P.N.," "C.R.N.A.," or any
67 other commonly used signifier to denote a doctorate of nursing
68 practice, nurse practitioner, registered nurse, licensed practical
69 nurse, or certified registered nurse anesthetist, respectively, as
70 appropriate to signify the appropriate degree of licensure and
71 degree earned from a regionally accredited institution of higher
72 education in the appropriate field of learning.

73 (iv) Practitioners of podiatry, signified by the
74 letters "D.P.M." or the words podiatrist, doctor of podiatry,
75 podiatric surgeon, or doctor of podiatric medicine.

76 (v) Practitioners of chiropractic, signified by
77 the letters "D.C." or the words chiropractor, doctor of
78 chiropractic or chiropractic physician.

79 (vi) Practitioners of dentistry, signified by the
80 letters "D.D.S." or "D.M.D.," as appropriate, or the words
81 dentist, doctor of dental surgery, or doctor of dental medicine,
82 as appropriate.

83 (vii) Practitioners of optometry, signified by the
84 letters "O.D." or the words optometrist or doctor of optometry.

85 (viii) Practitioners of pharmacy, signified by the
86 letters "BSc.Pharm" or "Pharm.D." or the words pharmacists or
87 doctor of pharmacy.

88 (ix) Physician assistants, signified by the
89 letters "P.A." or the words physician assistant.

90 (x) Medical assistants, signified by the letters
91 "M.A." or the words medical assistant.

92 (xi) Practitioners of audiology, signified by the
93 letters "Au.D.," "Sc.D." or "Ph.D.," or the words audiologist or
94 doctor of audiology.



95 (xii) Psychologists, therapists, speech-language
96 pathologists, counselors, or any other health care practitioner
97 not covered under this section, including, but not limited to,
98 those signified by the letters "Ph.D.," "Ed.D.," "P.T.," "M.P.T."
99 or "Psy.D.," or "Sc.D.," as appropriate to signify the appropriate
100 degree of licensure and degree earned from a regionally accredited
101 institution of higher education in the appropriate field of
102 learning.

103 (d) "Licensee" means a health care practitioner who
104 holds an active license with the licensing board governing his or
105 her practice in this state.

106 **SECTION 4. Requirements.** (1) An advertisement for health
107 care services that names a health care practitioner must identify
108 the type of license held according to the definitions under this
109 act. The advertisement shall be free from any and all deceptive
110 or misleading information.

111 (2) A health care practitioner providing health care
112 services in this state must conspicuously post in their office and
113 affirmatively communicate the practitioner's specific licensure as
114 defined under this act. This shall consist of the following: The
115 health care practitioner shall display in his or her office a
116 writing that clearly identifies the type of license held by the
117 health care practitioner. The writing must be of sufficient size
118 so as to be visible and apparent to all current and prospective
119 patients.

120 (3) A health care practitioner who practices in more than
121 one (1) office shall be required to comply with these requirements
122 in each practice setting.

123 (4) Health care practitioners working in nonpatient care
124 settings, and who do not have any direct patient care
125 interactions, are not subject to the provisions of this act.



SECTION 5. Violations and enforcement.

(1) Failure to comply with any provision under this section shall constitute a violation under this act.

(2) Knowingly aiding, assisting, procuring, employing or advising any unlicensed person or entity to practice or engage in acts contrary to the health care practitioner's degree of licensure shall constitute a violation under this act.

(3) Delegating or contracting for the performance of health care services by a health care practitioner when the licensee delegating or contracting for performance knows, or has reason to know, the person does not have the required authority under the person's licensure, shall constitute a violation under this act.

(4) Violations of this act relating to practitioners of pharmacy shall be regulated in accordance with the restrictions on the use of business name for pharmacists in Section 73-21-109.

(5) Each day that this act is violated shall constitute a separate offense and shall be punishable as such.

(6) Any health care practitioner who violates any provision under this act is guilty of unprofessional conduct and subject to disciplinary action under the appropriate licensure provisions governing the respective health care practitioner.

(7) Any and all fees and other amounts billed to and paid by the patient may be effectively rescinded and refunded. This includes third parties contracted to collect fees on behalf of the health care practitioner, the health care practitioner's employer, or other entity contracting with the health care practitioner as determined by each respective licensing board.

(8) The imposition of professional sanctions, administrative fees or other disciplinary actions shall be publicly reported by the governmental administrative body of proper jurisdiction at its discretion.

(9) Notwithstanding the imposition of any penalty, a professional licensing board or other administrative agency with



159 jurisdiction may seek an injunction or other legal means as
160 appropriate against a person or entity violating this act as
161 determined by each respective licensing board.

162 (10) A licensing board may only enforce violations of this
163 act with licensees that are subject to its jurisdiction.

164 **SECTION 6.** Sections 1 through 5 of this act shall stand
165 repealed on July 1, 2016.

166 **SECTION 7.** Section 73-9-61, Mississippi Code of 1972, is
167 amended as follows:

168 73-9-61. (1) Upon satisfactory proof, and in accordance
169 with statutory provisions elsewhere set out for such hearings and
170 protecting the rights of the accused as well as the public, the
171 State Board of Dental Examiners may deny the issuance or renewal
172 of a license or may revoke or suspend the license of any licensed
173 dentist or dental hygienist practicing in the State of
174 Mississippi, or take any other action in relation to the license
175 as the board may deem proper under the circumstances, for any of
176 the following reasons:

177 (a) Misrepresentation in obtaining a license, or
178 attempting to obtain, obtaining, attempting to renew or renewing a
179 license or professional credential by making any material
180 misrepresentation, including the signing in his or her
181 professional capacity any certificate that is known to be false at
182 the time he or she makes or signs the certificate.

183 (b) Willful violation of any of the rules or
184 regulations duly promulgated by the board, or of any of the rules
185 or regulations duly promulgated by the appropriate dental
186 licensure agency of another state or jurisdiction.

187 (c) Being impaired in the ability to practice dentistry
188 or dental hygiene with reasonable skill and safety to patients by
189 reason of illness or use of alcohol, drugs, narcotics, chemicals,
190 or any other type of material or as a result of any mental or
191 physical condition.



192 (d) Administering, dispensing or prescribing any
193 prescriptive medication or drug outside the course of legitimate
194 professional dental practice.

195 (e) Being convicted or found guilty of or entering a
196 plea of nolo contendere to, regardless of adjudication, a
197 violation of any federal or state law regulating the possession,
198 distribution or use of any narcotic drug or any drug considered a
199 controlled substance under state or federal law, a certified copy
200 of the conviction order or judgment rendered by the trial court
201 being prima facie evidence thereof, notwithstanding the pendency
202 of any appeal.

203 (f) Practicing incompetently or negligently, regardless
204 of whether there is actual harm to the patient.

205 (g) Being convicted or found guilty of or entering a
206 plea of nolo contendere to, regardless of adjudication, a crime in
207 any jurisdiction that relates to the practice of dentistry or
208 dental hygiene, a certified copy of the conviction order or
209 judgment rendered by the trial court being prima facie evidence
210 thereof, notwithstanding the pendency of any appeal.

211 (h) Being convicted or found guilty of or entering a
212 plea of nolo contendere to, regardless of adjudication, a felony
213 in any jurisdiction, a certified copy of the conviction order or
214 judgment rendered by the trial court being prima facie evidence
215 thereof, notwithstanding the pendency of any appeal.

216 (i) Delegating professional responsibilities to a
217 person who is not qualified by training, experience or licensure
218 to perform them.

219 (j) The refusal of a licensing authority of another
220 state or jurisdiction to issue or renew a license, permit or
221 certificate to practice dentistry or dental hygiene in that
222 jurisdiction or the revocation, suspension or other restriction
223 imposed on a license, permit or certificate issued by the
224 licensing authority that prevents or restricts practice in that



225 jurisdiction, a certified copy of the disciplinary order or action
226 taken by the other state or jurisdiction being prima facie
227 evidence thereof, notwithstanding the pendency of any appeal.

228 (k) Surrender of a license or authorization to practice
229 dentistry or dental hygiene in another state or jurisdiction when
230 the board has reasonable cause to believe that the surrender is
231 made to avoid or in anticipation of a disciplinary action.

232 (l) Any unprofessional conduct to be determined by the
233 board on a case-by-case basis, which shall include, but not be
234 restricted to, the following:

235 (i) Committing any crime involving moral
236 turpitude.

237 (ii) Practicing deceit or other fraud upon the
238 public.

239 (iii) Practicing dentistry or dental hygiene under
240 a false or assumed name.

241 (iv) Advertising that is false, deceptive or
242 misleading.

243 (v) Announcing a specialized practice shall be
244 considered advertising that tends to deceive or mislead the public
245 unless the dentist announcing as a specialist conforms to other
246 statutory provisions and the duly promulgated rules or regulations
247 of the board pertaining to practice of dentistry in the State of
248 Mississippi.

249 (m) Failure to provide and maintain reasonable sanitary
250 facilities and conditions or failure to follow board rules
251 regarding infection control.

252 (n) Committing any act which would constitute sexual
253 misconduct upon a patient or upon ancillary staff. For purposes
254 of this subsection, the term sexual misconduct means:

255 (i) Use of the licensee-patient relationship to
256 engage or attempt to engage the patient in sexual activity; or



257 (ii) Conduct of a licensee that is intended to
258 intimidate, coerce, influence or trick any person employed by or
259 for the licensee in a dental practice or educational setting for
260 the purpose of engaging in sexual activity or activity intended
261 for the sexual gratification of the licensee.

262 (o) Violation of a lawful order of the board previously
263 entered in a disciplinary or licensure hearing; failure to
264 cooperate with any lawful request or investigation by the board;
265 or failure to comply with a lawfully issued subpoena of the board.

266 (p) Willful, obstinate and continuing refusal to
267 cooperate with the board in observing its rules and regulations in
268 promptly paying all legal license or other fees required by law.

269 (q) Practicing dentistry or dental hygiene while the
270 person's license is suspended.

271 (r) Violation(s) of the provisions of Sections 1
272 through 5 of this act relating to deceptive advertisement by
273 health care practitioners. This paragraph shall stand repealed on
274 July 1, 2016.

275 (2) In lieu of revocation of a license as provided for
276 above, the board may suspend the license of the offending dentist
277 or dental hygienist, suspend the sedation permit of the offending
278 dentist, or take any other action in relation to his or her
279 license as the board may deem proper under the circumstances.

280 (3) When a license to practice dentistry or dental hygiene
281 is revoked or suspended by the board, the board may, in its
282 discretion, stay the revocation or suspension and simultaneously
283 place the licensee on probation upon the condition that the
284 licensee shall not violate the laws of the State of Mississippi
285 pertaining to the practice of dentistry or dental hygiene and
286 shall not violate the rules and regulations of the board and shall
287 not violate any terms in relation to his or her license as may be
288 set by the board.



289 (4) In a proceeding conducted under this section by the
290 board for the denial, revocation or suspension of a license to
291 practice dentistry or dental hygiene, the board shall have the
292 power and authority for the grounds stated for that denial,
293 revocation or suspension, and in addition thereto or in lieu of
294 that denial, revocation or suspension may assess and levy upon any
295 person licensed to practice dentistry or dental hygiene in the
296 State of Mississippi, a monetary penalty, as follows:

297 (a) For the first violation of any of subparagraph (a),
298 (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of subsection
299 (1) of this section, a monetary penalty of not less than Fifty
300 Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).

301 (b) For the second violation of any of subparagraph
302 (a), (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of
303 subsection (1) of this section, a monetary penalty of not less
304 than One Hundred Dollars (\$100.00) nor more than One Thousand
305 Dollars (\$1,000.00).

306 (c) For the third and any subsequent violation of any
307 of subparagraph (a), (b), (c), (d), (f), (i), (l), (m), (n), (o)
308 or (q) of subsection (1) of this section, a monetary penalty of
309 not less than Five Hundred Dollars (\$500.00) and not more than
310 Five Thousand Dollars (\$5,000.00).

311 (d) For any violation of any of subparagraphs (a)
312 through (q) of subsection (1) of this section, those reasonable
313 costs that are expended by the board in the investigation and
314 conduct of a proceeding for licensure revocation or suspension,
315 including, but not limited to, the cost of process service, court
316 reporters, expert witnesses and investigators.

317 (5) The power and authority of the board to assess and levy
318 monetary penalties under this section shall not be affected or
319 diminished by any other proceeding, civil or criminal, concerning
320 the same violation or violations except as provided in this
321 section.



322 (6) A licensee shall have the right of appeal from the
323 assessment and levy of a monetary penalty as provided in this
324 section under the same conditions as a right of appeal is provided
325 elsewhere for appeals from an adverse ruling, order or decision of
326 the board.

327 (7) Any monetary penalty assessed and levied under this
328 section shall not take effect until after the time for appeal has
329 expired. In the event of an appeal, the appeal shall act as a
330 supersedeas.

331 (8) A monetary penalty assessed and levied under this
332 section shall be paid to the board by the licensee upon the
333 expiration of the period allowed for appeal of those penalties
334 under this section or may be paid sooner if the licensee elects.
335 With the exception of subsection (4)(d) of this section, monetary
336 penalties collected by the board under this section shall be
337 deposited to the credit of the General Fund of the State Treasury.
338 Any monies collected by the board under subsection (4)(d) of this
339 section shall be deposited into the special fund operating account
340 of the board.

341 (9) When payment of a monetary penalty assessed and levied
342 by the board against a licensee in accordance with this section is
343 not paid by the licensee when due under this section, the board
344 shall have power to institute and maintain proceedings in its name
345 for enforcement of payment in the chancery court of the county and
346 judicial district of residence of the licensee, and if the
347 licensee is a nonresident of the State of Mississippi, the
348 proceedings shall be in the Chancery Court of the First Judicial
349 District of Hinds County, Mississippi.

350 (10) In addition to the reasons specified in subsection (1)
351 of this section, the board shall be authorized to suspend the
352 license of any licensee for being out of compliance with an order
353 for support, as defined in Section 93-11-153. The procedure for
354 suspension of a license for being out of compliance with an order



355 for support, and the procedure for the reissuance or reinstatement
356 of a license suspended for that purpose, and the payment of any
357 fees for the reissuance or reinstatement of a license suspended
358 for that purpose, shall be governed by Section 93-11-157 or
359 93-11-163, as the case may be. If there is any conflict between
360 any provision of Section 93-11-157 or 93-11-163 and any provision
361 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
362 as the case may be, shall control.

363 (11) All grounds for disciplinary action, including
364 imposition of fines and assessment of costs as enumerated above,
365 shall also apply to any other license or permit issued by the
366 board under this chapter or regulations duly adopted by the board.

367 **SECTION 8.** Section 73-21-97, Mississippi Code of 1972, is
368 amended as follows:

369 73-21-97. (1) The board may refuse to issue or renew, or
370 may suspend, reprimand, revoke or restrict the license,
371 registration or permit of any person upon one or more of the
372 following grounds:

373 (a) Unprofessional conduct as defined by the rules and
374 regulations of the board;

375 (b) Incapacity of a nature that prevents a pharmacist
376 from engaging in the practice of pharmacy with reasonable skill,
377 confidence and safety to the public;

378 (c) Being found guilty by a court of competent
379 jurisdiction of one or more of the following:

380 (i) A felony;

381 (ii) Any act involving moral turpitude or gross
382 immorality; or

383 (iii) Violation of pharmacy or drug laws of this
384 state or rules or regulations pertaining thereto, or of statutes,
385 rules or regulations of any other state or the federal government;



386 (d) Fraud or intentional misrepresentation by a
387 licensee or permit holder in securing the issuance or renewal of a
388 license or permit;

389 (e) Engaging or aiding and abetting an individual to
390 engage in the practice of pharmacy without a license;

391 (f) Violation of any of the provisions of this chapter
392 or rules or regulations adopted pursuant to this chapter;

393 (g) Failure to comply with lawful orders of the board;

394 (h) Negligently or willfully acting in a manner
395 inconsistent with the health or safety of the public;

396 (i) Addiction to or dependence on alcohol or controlled
397 substances or the unauthorized use or possession of controlled
398 substances;

399 (j) Misappropriation of any prescription drug;

400 (k) Being found guilty by the licensing agency in
401 another state of violating the statutes, rules or regulations of
402 that jurisdiction;

403 (l) The unlawful or unauthorized possession of a
404 controlled substance;

405 (m) Willful failure to submit drug monitoring
406 information or willful submission of incorrect dispensing
407 information as required by the Prescription Monitoring Program
408 under Section 73-21-127; * * *

409 (n) Failure to obtain the license, registration or
410 permit required by this chapter; or

411 (o) Violation(s) of the provisions of Sections 1
412 through 5 of this act relating to deceptive advertisement by
413 health care practitioners. This paragraph shall stand repealed on
414 July 1, 2016.

415 (2) In lieu of suspension, revocation or restriction of a
416 license as provided for above, the board may warn or reprimand the
417 offending pharmacist.



418 (3) In addition to the grounds specified in subsection (1)
419 of this section, the board shall be authorized to suspend the
420 license, registration or permit of any person for being out of
421 compliance with an order for support, as defined in Section
422 93-11-153. The procedure for suspension of a license,
423 registration or permit for being out of compliance with an order
424 for support, and the procedure for the reissuance or reinstatement
425 of a license, registration or permit suspended for that purpose,
426 and the payment of any fees for the reissuance or reinstatement of
427 a license, registration or permit suspended for that purpose,
428 shall be governed by Section 93-11-157 or 93-11-163, as the case
429 may be. If there is any conflict between any provision of Section
430 93-11-157 or 93-11-163 and any provision of this chapter, the
431 provisions of Section 93-11-157 or 93-11-163, as the case may be,
432 shall control.

433 **SECTION 9.** Section 73-25-29, Mississippi Code of 1972, is
434 amended as follows:

435 73-25-29. The grounds for the nonissuance, suspension,
436 revocation or restriction of a license or the denial of
437 reinstatement or renewal of a license are:

438 (1) Habitual personal use of narcotic drugs, or any
439 other drug having addiction-forming or addiction-sustaining
440 liability.

441 (2) Habitual use of intoxicating liquors, or any
442 beverage, to an extent which affects professional competency.

443 (3) Administering, dispensing or prescribing any
444 narcotic drug, or any other drug having addiction-forming or
445 addiction-sustaining liability otherwise than in the course of
446 legitimate professional practice.

447 (4) Conviction of violation of any federal or state law
448 regulating the possession, distribution or use of any narcotic
449 drug or any drug considered a controlled substance under state or
450 federal law, a certified copy of the conviction order or judgment



451 rendered by the trial court being prima facie evidence thereof,
452 notwithstanding the pendency of any appeal.

453 (5) Procuring, or attempting to procure, or aiding in,
454 an abortion that is not medically indicated.

455 (6) Conviction of a felony or misdemeanor involving
456 moral turpitude, a certified copy of the conviction order or
457 judgment rendered by the trial court being prima facie evidence
458 thereof, notwithstanding the pendency of any appeal.

459 (7) Obtaining or attempting to obtain a license by
460 fraud or deception.

461 (8) Unprofessional conduct, which includes, but is not
462 limited to:

463 (a) Practicing medicine under a false or assumed
464 name or impersonating another practitioner, living or dead.

465 (b) Knowingly performing any act which in any way
466 assists an unlicensed person to practice medicine.

467 (c) Making or willfully causing to be made any
468 flamboyant claims concerning the licensee's professional
469 excellence.

470 (d) Being guilty of any dishonorable or unethical
471 conduct likely to deceive, defraud or harm the public.

472 (e) Obtaining a fee as personal compensation or
473 gain from a person on fraudulent representation of a disease or
474 injury condition generally considered incurable by competent
475 medical authority in the light of current scientific knowledge and
476 practice can be cured or offering, undertaking, attempting or
477 agreeing to cure or treat the same by a secret method, which he
478 refuses to divulge to the board upon request.

479 (f) Use of any false, fraudulent or forged
480 statement or document, or the use of any fraudulent, deceitful,
481 dishonest or immoral practice in connection with any of the
482 licensing requirements, including the signing in his professional



483 capacity any certificate that is known to be false at the time he
484 makes or signs such certificate.

485 (g) Failing to identify a physician's school of
486 practice in all professional uses of his name by use of his earned
487 degree or a description of his school of practice.

488 (9) The refusal of a licensing authority of another
489 state or jurisdiction to issue or renew a license, permit or
490 certificate to practice medicine in that jurisdiction or the
491 revocation, suspension or other restriction imposed on a license,
492 permit or certificate issued by such licensing authority which
493 prevents or restricts practice in that jurisdiction, a certified
494 copy of the disciplinary order or action taken by the other state
495 or jurisdiction being prima facie evidence thereof,
496 notwithstanding the pendency of any appeal.

497 (10) Surrender of a license or authorization to
498 practice medicine in another state or jurisdiction or surrender of
499 membership on any medical staff or in any medical or professional
500 association or society while under disciplinary investigation by
501 any of those authorities or bodies for acts or conduct similar to
502 acts or conduct which would constitute grounds for action as
503 defined in this section.

504 (11) Final sanctions imposed by the United States
505 Department of Health and Human Services, Office of Inspector
506 General or any successor federal agency or office, based upon a
507 finding of incompetency, gross misconduct or failure to meet
508 professionally recognized standards of health care; a certified
509 copy of the notice of final sanction being prima facie evidence
510 thereof. As used in this paragraph, the term "final sanction"
511 means the written notice to a physician from the United States
512 Department of Health and Human Services, Officer of Inspector
513 General or any successor federal agency or office, which
514 implements the exclusion.



515 (12) Failure to furnish the board, its investigators or
516 representatives information legally requested by the board.

517 (13) Violation of any provision(s) of the Medical
518 Practice Act or the rules and regulations of the board or of any
519 order, stipulation or agreement with the board.

520 (14) Violation(s) of the provisions of Sections 1
521 through 5 of this act relating to deceptive advertisement by
522 health care practitioners. This paragraph shall stand repealed on
523 July 1, 2016.

524 In addition to the grounds specified above, the board shall
525 be authorized to suspend the license of any licensee for being out
526 of compliance with an order for support, as defined in Section
527 93-11-153. The procedure for suspension of a license for being
528 out of compliance with an order for support, and the procedure for
529 the reissuance or reinstatement of a license suspended for that
530 purpose, and the payment of any fees for the reissuance or
531 reinstatement of a license suspended for that purpose, shall be
532 governed by Section 93-11-157 or 93-11-163, as the case may be.
533 If there is any conflict between any provision of Section
534 93-11-157 or 93-11-163 and any provision of this chapter, the
535 provisions of Section 93-11-157 or 93-11-163, as the case may be,
536 shall control.

537 **SECTION 10.** Section 73-26-5, Mississippi Code of 1972, is
538 amended as follows:

539 73-26-5. (1) The board shall promulgate and publish
540 reasonable rules and regulations necessary to enable it to
541 discharge its functions and to enforce the provisions of law
542 regulating the practice of physician assistants. Those rules
543 shall include, but are not limited to: qualifications for
544 licensure for physician assistants; scope of practice of physician
545 assistants; supervision of physician assistants; identification of
546 physician assistants; grounds for disciplinary actions and
547 discipline of physician assistants, which through June 30, 2016,



548 shall specifically include discipline for violation(s) of the
549 provisions of Sections 1 through 5 of this act relating to
550 deceptive advertisement by health care practitioners; and setting
551 and charging reasonable fees for licensure and license renewals
552 for physician assistants. However, nothing in this chapter or in
553 rules adopted by the board shall authorize physician assistants to
554 administer or monitor general inhaled anesthesia, epidural
555 anesthesia, spinal anesthesia or monitored anesthesia as utilized
556 in surgical procedures. The board shall promulgate rules for
557 licensure and license renewals in accordance with Section 33-1-39.

558 (2) If the board appoints a task force or committee to
559 address physician assistant regulation, at least one (1) member of
560 the task force shall be a nurse practitioner who is a member of
561 the Mississippi Board of Nursing or a nurse practitioner appointee
562 selected by the board from a list of three (3) recommendations
563 submitted by the Mississippi Nurses Association, and at least one
564 (1) member shall be a physician assistant selected by the board
565 from a list of three (3) recommendations submitted by the
566 Mississippi Academy of Physician Assistants.

567 **SECTION 11.** Section 73-27-13, Mississippi Code of 1972, is
568 amended as follows:

569 73-27-13. (1) The State Board of Medical Licensure may
570 refuse to issue, suspend, revoke or otherwise restrict any license
571 provided for in this chapter, with the advice of the advisory
572 committee, based upon the following grounds:

573 (a) Habitual personal use of narcotic drugs, or any
574 other drug having addiction-forming or addiction-sustaining
575 liability.

576 (b) Habitual use of intoxicating liquors, or any
577 beverage, to an extent which affects professional competency.

578 (c) Administering, dispensing or prescribing any
579 narcotic drug, or any other drug having addiction-forming or



580 addiction-sustaining liability otherwise than in the course of
581 legitimate professional practice.

582 (d) Conviction of violation of any federal or state law
583 regulating the possession, distribution or use of any narcotic
584 drug or any drug considered a controlled substance under state or
585 federal law.

586 (e) Performing any medical diagnosis or treatment
587 outside the scope of podiatry as defined in Section 73-27-1.

588 (f) Conviction of a felony or misdemeanor involving
589 moral turpitude.

590 (g) Obtaining or attempting to obtain a license by
591 fraud or deception.

592 (h) Unprofessional conduct, which includes, but is not
593 limited to:

594 (i) Practicing medicine under a false or assumed
595 name or impersonating another practitioner, living or dead.

596 (ii) Knowingly performing any act which in any way
597 assists an unlicensed person to practice podiatry.

598 (iii) Making or willfully causing to be made any
599 flamboyant claims concerning the licensee's professional
600 excellence.

601 (iv) Being guilty of any dishonorable or unethical
602 conduct likely to deceive, defraud or harm the public.

603 (v) Obtaining a fee as personal compensation or
604 gain from a person on fraudulent representation a disease or
605 injury condition generally considered incurable by competent
606 medical authority in the light of current scientific knowledge and
607 practice can be cured or offering, undertaking, attempting or
608 agreeing to cure or treat the same by a secret method, which he
609 refuses to divulge to the board upon request.

610 (vi) Use of any false, fraudulent or forged
611 statement or document, or the use of any fraudulent, deceitful,
612 dishonest or immoral practice in connection with any of the



613 licensing requirements, including the signing in his professional
614 capacity any certificate that is known to be false at the time he
615 makes or signs such certificate.

616 (vii) Failing to identify a podiatrist's school of
617 practice in all professional uses of his name by use of his earned
618 degree or a description of his school of practice.

619 (i) The refusal of a licensing authority of another
620 state to issue or renew a license, permit or certificate to
621 practice podiatry in that state or the revocation, suspension or
622 other restriction imposed on a license, permit or certificate
623 issued by such licensing authority which prevents or restricts
624 practice in that state.

625 (j) Violation(s) of the provisions of Sections 1
626 through 5 of this act relating to deceptive advertisement by
627 health care practitioners. This paragraph shall stand repealed on
628 July 1, 2016.

629 (2) Upon the nonissuance, suspension or revocation of a
630 license to practice podiatry, the board may, in its discretion and
631 with the advice of the advisory committee, reissue a license after
632 a lapse of six (6) months. No advertising shall be permitted
633 except regular professional cards.

634 (3) In its investigation of whether the license of a
635 podiatrist should be suspended, revoked or otherwise restricted,
636 the board may inspect patient records in accordance with the
637 provisions of Section 73-25-28.

638 (4) In addition to the grounds specified in subsection (1)
639 of this section, the board shall be authorized to suspend the
640 license of any licensee for being out of compliance with an order
641 for support, as defined in Section 93-11-153. The procedure for
642 suspension of a license for being out of compliance with an order
643 for support, and the procedure for the reissuance or reinstatement
644 of a license suspended for that purpose, and the payment of any
645 fees for the reissuance or reinstatement of a license suspended



646 for that purpose, shall be governed by Section 93-11-157 or
647 93-11-163, as the case may be. If there is any conflict between
648 any provision of Section 93-11-157 or 93-11-163 and any provision
649 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
650 as the case may be, shall control.

651 **SECTION 12.** Section 73-15-29, Mississippi Code of 1972, is
652 amended as follows:

653 73-15-29. (1) The board shall have power to revoke, suspend
654 or refuse to renew any license issued by the board, or to revoke
655 or suspend any privilege to practice, or to deny an application
656 for a license, or to fine, place on probation and/or discipline a
657 licensee, in any manner specified in this article, upon proof that
658 such person:

659 (a) Has committed fraud or deceit in securing or
660 attempting to secure such license;

661 (b) Has been convicted of felony, or a crime involving
662 moral turpitude or has had accepted by a court a plea of nolo
663 contendere to a felony or a crime involving moral turpitude (a
664 certified copy of the judgment of the court of competent
665 jurisdiction of such conviction or pleas shall be prima facie
666 evidence of such conviction);

667 (c) Has negligently or willfully acted in a manner
668 inconsistent with the health or safety of the persons under the
669 licensee's care;

670 (d) Has had a license or privilege to practice as a
671 registered nurse or a licensed practical nurse suspended or
672 revoked in any jurisdiction, has voluntarily surrendered such
673 license or privilege to practice in any jurisdiction, has been
674 placed on probation as a registered nurse or licensed practical
675 nurse in any jurisdiction or has been placed under a disciplinary
676 order(s) in any manner as a registered nurse or licensed practical
677 nurse in any jurisdiction, (a certified copy of the order of



678 suspension, revocation, probation or disciplinary action shall be
679 prima facie evidence of such action);

680 (e) Has negligently or willfully practiced nursing in a
681 manner that fails to meet generally accepted standards of such
682 nursing practice;

683 (f) Has negligently or willfully violated any order,
684 rule or regulation of the board pertaining to nursing practice or
685 licensure;

686 (g) Has falsified or in a repeatedly negligent manner
687 made incorrect entries or failed to make essential entries on
688 records;

689 (h) Is addicted to or dependent on alcohol or other
690 habit-forming drugs or is a habitual user of narcotics,
691 barbiturates, amphetamines, hallucinogens, or other drugs having
692 similar effect, or has misappropriated any medication;

693 (i) Has a physical, mental or emotional condition that
694 renders the licensee unable to perform nursing services or duties
695 with reasonable skill and safety;

696 (j) Has engaged in any other conduct, whether of the
697 same or of a different character from that specified in this
698 article, that would constitute a crime as defined in Title 97 of
699 the Mississippi Code of 1972, as now or hereafter amended, and
700 that relates to such person's employment as a registered nurse or
701 licensed practical nurse;

702 (k) Engages in conduct likely to deceive, defraud or
703 harm the public;

704 (l) Engages in any unprofessional conduct as identified
705 by the board in its rules; * * *

706 (m) Has violated any provision of this article; or

707 (n) Violation(s) of the provisions of Sections 1
708 through 5 of this act relating to deceptive advertisement by
709 health care practitioners. This paragraph shall stand repealed on
710 July 1, 2016.



711 (2) When the board finds any person unqualified because of
712 any of the grounds set forth in subsection (1) of this section, it
713 may enter an order imposing one or more of the following
714 penalties:

715 (a) Denying application for a license or other
716 authorization to practice nursing or practical nursing;

717 (b) Administering a reprimand;

718 (c) Suspending or restricting the license or other
719 authorization to practice as a registered nurse or licensed
720 practical nurse for up to two (2) years without review;

721 (d) Revoking the license or other authorization to
722 practice nursing or practical nursing;

723 (e) Requiring the discipline to submit to care,
724 counseling or treatment by persons and/or agencies approved or
725 designated by the board as a condition for initial, continued or
726 renewed licensure or other authorization to practice nursing or
727 practical nursing;

728 (f) Requiring the discipline to participate in a
729 program of education prescribed by the board as a condition for
730 initial, continued or renewed licensure or other authorization to
731 practice;

732 (g) Requiring the discipline to practice under the
733 supervision of a registered nurse for a specified period of time;

734 or

735 (h) Imposing a fine not to exceed Five Hundred Dollars
736 (\$500.00).

737 (3) In addition to the grounds specified in subsection (1)
738 of this section, the board shall be authorized to suspend the
739 license or privilege to practice of any licensee for being out of
740 compliance with an order for support, as defined in Section
741 93-11-153. The procedure for suspension of a license or privilege
742 to practice for being out of compliance with an order for support,
743 and the procedure for the reissuance or reinstatement of a license



744 or privilege to practice suspended for that purpose, and the
745 payment of any fees for the reissuance or reinstatement of a
746 license or privilege to practice suspended for that purpose, shall
747 be governed by Section 93-11-157 or 93-11-163, as the case may be.
748 If there is any conflict between any provision of Section
749 93-11-157 or 93-11-163 and any provision of this article, the
750 provisions of Section 93-11-157 or 93-11-163, as the case may be,
751 shall control.

752 (4) If the public health, safety or welfare imperatively
753 requires emergency action and the board incorporates a finding to
754 that effect in an order, the board may order summary suspension of
755 a license pending proceedings for revocation or other action.
756 These proceedings shall be promptly instituted and determined by
757 the board.

758 **SECTION 13.** Section 73-19-23, Mississippi Code of 1972, is
759 amended as follows:

760 73-19-23. (1) The board shall refuse to grant a certificate
761 of licensure to any applicant and may cancel, revoke or suspend
762 the operation of any certificate by it granted for any or all of
763 the following reasons: unprofessional and unethical conduct or
764 the conviction of a crime involving moral turpitude, habitual
765 intemperance in the use of ardent spirits, or stimulants,
766 narcotics, or any other substance that impairs the intellect and
767 judgment to such an extent as to incapacitate one for the
768 performance of the duties of an optometrist. The certificate of
769 licensure of any person can be revoked for violating any section
770 of this chapter.

771 (2) The board shall further be authorized to take
772 disciplinary action against a licensee for any unlawful acts,
773 which shall include violations of regulations promulgated by the
774 board, as well as the following acts:



775 (a) Fraud or misrepresentation in applying for or
776 procuring an optometric license or in connection with applying for
777 or procuring periodic renewal of an optometric license.

778 (b) Cheating on or attempting to subvert the optometric
779 licensing examination(s).

780 (c) The conviction of a felony in this state or any
781 other jurisdiction, or the entry of a guilty or nolo contendere
782 plea to a felony charge.

783 (d) The conviction of a felony as defined by federal
784 law, or the entry of a guilty or nolo contendere plea to a felony
785 charge.

786 (e) Conduct likely to deceive, defraud or harm the
787 public.

788 (f) Making a false or misleading statement regarding
789 his or her skill or the efficacy or value of the medicine, device,
790 treatment or remedy prescribed by him or her or used at his or her
791 direction in the treatment of any disease or other condition.

792 (g) Willfully or negligently violating the
793 confidentiality between doctor and patient, except as required by
794 law.

795 (h) Negligence or gross incompetence in the practice of
796 optometry as determined by the board.

797 (i) Being found to be a person with mental illness or
798 with an intellectual disability by any court of competent
799 jurisdiction.

800 (j) The use of any false, fraudulent, deceptive or
801 misleading statement in any document connected with the practice
802 of optometry.

803 (k) Aiding or abetting the practice of optometry by an
804 unlicensed, incompetent or impaired person.

805 (l) Commission of any act of sexual abuse, misconduct
806 or exploitation related to the licensee's practice of optometry.



- 807 (m) Being addicted or habituated to a drug or
808 intoxicant.
- 809 (n) Violating any state or federal law or regulation
810 relating to a drug legally classified as a controlled substance.
- 811 (o) Obtaining any fee by fraud, deceit or
812 misrepresentation.
- 813 (p) Disciplinary action of another state or
814 jurisdiction against a licensee or other authorization to practice
815 optometry based upon acts or conduct by the licensee similar to
816 acts or conduct that would constitute grounds for action as
817 defined in this chapter, a certified copy of the record of the
818 action taken by the other state or jurisdiction being conclusive
819 evidence thereof.
- 820 (q) Failure to report to the board the relocation of
821 his or her office in or out of the jurisdiction, or to furnish
822 floor plans as required by regulation.
- 823 (r) Violation of any provision(s) of the Optometry
824 Practice Act or the rules and regulations of the board or of an
825 action, stipulation or agreement of the board.
- 826 (s) To advertise in a manner that tends to deceive,
827 mislead or defraud the public.
- 828 (t) The designation of any person licensed under this
829 chapter, other than by the terms "optometrist," "Doctor of
830 Optometry" or "O.D.," which through June 30, 2016, shall include
831 any violation(s) of the provisions of Sections 1 through 5 of this
832 act relating to deceptive advertisement by health care
833 practitioners.
- 834 (u) To knowingly submit or cause to be submitted any
835 misleading, deceptive or fraudulent representation on a claim
836 form, bill or statement.
- 837 (v) To practice or attempt to practice optometry while
838 his or her license is suspended.



839 (3) Any person who is holder of a certificate of licensure
840 or who is an applicant for examination for a certificate of
841 licensure, against whom is preferred any charges, shall be
842 furnished by the board with a copy of the complaint and shall have
843 a hearing in Jackson, Mississippi, before the board, at which
844 hearing he may be represented by counsel. At the hearing,
845 witnesses may be examined for and against the accused respecting
846 those charges, and the hearing orders or appeals will be conducted
847 according to the procedure now provided in Section 73-25-27. The
848 suspension of a certificate of licensure by reason of the use of
849 stimulants or narcotics may be removed when the holder of the
850 certificate has been adjudged by the board to be cured and capable
851 of practicing optometry.

852 (4) In addition to the reasons specified in subsections (1)
853 and (2) of this section, the board shall be authorized to suspend
854 the license of any licensee for being out of compliance with an
855 order for support, as defined in Section 93-11-153. The procedure
856 for suspension of a license for being out of compliance with an
857 order for support, and the procedure for the reissuance or
858 reinstatement of a license suspended for that purpose, and the
859 payment of any fees for the reissuance or reinstatement of a
860 license suspended for that purpose, shall be governed by Section
861 93-11-157 or 93-11-163, as the case may be. If there is any
862 conflict between any provision of Section 93-11-157 or 93-11-163
863 and any provision of this chapter, the provisions of Section
864 93-11-157 or 93-11-163, as the case may be, shall control.

865 **SECTION 14.** Section 73-6-19, Mississippi Code of 1972, is
866 amended as follows:

867 73-6-19. (1) The board shall refuse to grant a certificate
868 of licensure to any applicant or may cancel, revoke or suspend the
869 certificate upon the finding of any of the following facts
870 regarding the applicant or licensed practitioner:



- 871 (a) Failure to comply with the rules and regulations
872 adopted by the State Board of Chiropractic Examiners;
- 873 (b) Violation of any of the provisions of this chapter
874 or any of the rules and regulations of the State Board of Health
875 pursuant to this chapter with regard to the operation and use of
876 x-rays;
- 877 (c) Fraud or deceit in obtaining a license;
- 878 (d) Addiction to the use of alcohol, narcotic drugs, or
879 anything which would seriously interfere with the competent
880 performance of his professional duties;
- 881 (e) Conviction by a court of competent jurisdiction of
882 a felony, other than manslaughter or any violation of the United
883 States Internal Revenue Code;
- 884 (f) Unprofessional and unethical conduct;
- 885 (g) Contraction of a contagious disease which may be
886 carried for a prolonged period;
- 887 (h) Failure to report to the Mississippi Department of
888 Human Services or the county attorney any case wherein there are
889 reasonable grounds to believe that a child or vulnerable adult has
890 been abused by its parent or person responsible for such person's
891 welfare;
- 892 (i) Advising a patient to use drugs, prescribing or
893 providing drugs for a patient, or advising a patient not to use a
894 drug prescribed by a licensed physician or dentist;
- 895 (j) Professional incompetency in the practice of
896 chiropractic;
- 897 (k) Having disciplinary action taken by his peers
898 within any professional chiropractic association or society;
- 899 (l) Offering to accept or accepting payment for
900 services rendered by assignment from any third-party payor after
901 offering to accept or accepting whatever the third-party payor
902 covers as payment in full, if the effect of the offering or
903 acceptance is to eliminate or give the impression of eliminating



904 the need for payment by an insured of any required deductions
905 applicable in the policy of the insured;

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

910 (n) Failure to make payment on chiropractic student
911 loans;

912 (o) Failure to follow record keeping requirements
913 prescribed in Section 73-6-18; * * *

914 (p) If the practitioner is certified to provide animal
915 chiropractic treatment, failure to follow guidelines approved by
916 the Mississippi Board of Veterinary Medicine; or

917 (q) Violation(s) of the provisions of Sections 1
918 through 5 of this act relating to deceptive advertisement by
919 health care practitioners. This paragraph shall stand repealed on
920 July 1, 2016.

921 (2) Any holder of such certificate or any applicant therefor
922 against whom is preferred any of the designated charges shall be
923 furnished a copy of the complaint and shall receive a formal
924 hearing in Jackson, Mississippi, before the board, at which time
925 he may be represented by counsel and examine witnesses. The board
926 is authorized to administer oaths as may be necessary for the
927 proper conduct of any such hearing. In addition, the board is
928 authorized and empowered to issue subpoenas for the attendance of
929 witnesses and the production of books and papers. The process
930 issued by the board shall extend to all parts of the state. Where
931 in any proceeding before the board any witness shall fail or
932 refuse to attend upon subpoena issued by the board, shall refuse
933 to testify, or shall refuse to produce any books and papers, the
934 production of which is called for by the subpoena, the attendance
935 of such witness and the giving of his testimony and the production
936 of the books and papers shall be enforced by any court of



937 competent jurisdiction of this state in the manner provided for
938 the enforcement of attendance and testimony of witnesses in civil
939 cases in the courts of this state.

940 (3) In addition to any other investigators the board
941 employs, the board shall appoint one or more licensed
942 chiropractors to act for the board in investigating the conduct
943 relating to the competency of a chiropractor, whenever
944 disciplinary action is being considered for professional
945 incompetence and unprofessional conduct.

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

951 (a) Deny his application for a license or other
952 authorization to practice chiropractic;

953 (b) Administer a public or private reprimand;

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

956 (d) Revoke or cancel his license or other authorization
957 to practice chiropractic;

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

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

964 (g) Require him to practice under the direction of a
965 chiropractor designated by the board for a specified period of
966 time.

967 (5) Any person whose application for a license or whose
968 license to practice chiropractic has been cancelled, revoked or
969 suspended by the board within thirty (30) days from the date of



970 such final decision shall have the right of a de novo appeal to
971 the circuit court of his county of residence or the Circuit Court
972 of the First Judicial District of Hinds County, Mississippi. If
973 there is an appeal, such appeal may, in the discretion of and on
974 motion to the circuit court, act as a supersedeas. The circuit
975 court shall dispose of the appeal and enter its decision promptly.
976 The hearing on the appeal may, in the discretion of the circuit
977 judge, be tried in vacation. Either party shall have the right of
978 appeal to the Supreme Court as provided by law from any decision
979 of the circuit court.

980 (6) In a proceeding conducted under this section by the
981 board for the revocation, suspension or cancellation of a license
982 to practice chiropractic, after a hearing has been conducted as
983 prescribed by this section, the board shall have the power and
984 authority for the grounds stated in subsection (1) of this
985 section, with the exception of paragraph (c) thereof, to assess
986 and levy upon any person licensed to practice chiropractic in the
987 state a monetary penalty in lieu of such revocation, suspension or
988 cancellation, as follows:

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

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

996 The power and authority of the board to assess and levy such
997 monetary penalties under this section shall not be affected or
998 diminished by any other proceeding, civil or criminal, concerning
999 the same violation or violations. A licensee shall have the right
1000 of appeal from the assessment and levy of a monetary penalty as
1001 provided in this section to the circuit court under the same
1002 conditions as a right of appeal is provided for in this section



1003 for appeals from an adverse ruling, or order, or decision of the
1004 board. Any monetary penalty assessed and levied under this
1005 section shall not take effect until after the time for appeal has
1006 expired, and an appeal of the assessment and levy of such a
1007 monetary penalty shall act as a supersedeas.

1008 (7) In addition to the grounds specified in subsection (1)
1009 of this section, the board shall be authorized to suspend the
1010 license of any licensee for being out of compliance with an order
1011 for support, as defined in Section 93-11-153. The procedure for
1012 suspension of a license for being out of compliance with an order
1013 for support, and the procedure for the reissuance or reinstatement
1014 of a license suspended for that purpose, and the payment of any
1015 fees for the reissuance or reinstatement of a license suspended
1016 for that purpose, shall be governed by Section 93-11-157 or
1017 93-11-163, as the case may be. Actions taken by the board in
1018 suspending a license when required by Section 93-11-157 or
1019 93-11-163 are not actions from which an appeal may be taken under
1020 this section. Any appeal of a license suspension that is required
1021 by Section 93-11-157 or 93-11-163 shall be taken in accordance
1022 with the appeal procedure specified in Section 93-11-157 or
1023 93-11-163, as the case may be, rather than the procedure specified
1024 in this section. If there is any conflict between any provision
1025 of Section 93-11-157 or 93-11-163 and any provision of this
1026 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
1027 case may be, shall control.

1028 **SECTION 15.** Section 73-39-77, Mississippi Code of 1972, is
1029 amended as follows:

1030 73-39-77. (1) Upon a written complaint sworn to by any
1031 person, the board, in its sole discretion, may, after a hearing,
1032 revoke, suspend or limit for a certain time a license, impose an
1033 administrative fine not to exceed One Thousand Dollars (\$1,000.00)
1034 for each separate offense, or otherwise discipline any licensed
1035 veterinarian for any of the following reasons:



1036 (a) The employment of fraud, misrepresentation or
1037 deception in obtaining a license.

1038 (b) The inability to practice veterinary medicine with
1039 reasonable skill and safety because of a physical or mental
1040 disability, including deterioration of mental capacity, loss of
1041 motor skills or abuse of drugs or alcohol of sufficient degree to
1042 diminish the person's ability to deliver competent patient care.

1043 (c) The use of advertising or solicitation that is
1044 false or misleading.

1045 (d) Conviction of the following in any federal court or
1046 in the courts of this state or any other jurisdiction, regardless
1047 of whether the sentence is deferred:

1048 (i) Any felony;

1049 (ii) Any crime involving cruelty, abuse or neglect
1050 of animals, including bestiality;

1051 (iii) Any crime of moral turpitude;

1052 (iv) Any crime involving unlawful sexual contact,
1053 child abuse, the use or threatened use of a weapon, the infliction
1054 of injury, indecent exposure, perjury, false reporting, criminal
1055 impersonation, forgery and any other crime involving a lack of
1056 truthfulness, veracity or honesty, intimidation of a victim or
1057 witness, larceny, or alcohol or drugs.

1058 For the purposes of this paragraph, a plea of guilty or a
1059 plea of nolo contendere accepted by the court shall be considered
1060 as a conviction.

1061 (e) Incompetence, gross negligence or other malpractice
1062 in the practice of veterinary medicine.

1063 (f) Aiding the unlawful practice of veterinary
1064 medicine.

1065 (g) Fraud or dishonesty in the application or reporting
1066 of any test for disease in animals.



1067 (h) Failure to report, as required by law, or making
1068 false or misleading report of, any contagious or infectious
1069 disease.

1070 (i) Failure to keep accurate patient records.

1071 (j) Dishonesty or gross negligence in the performance
1072 of food safety inspections or in the issuance of any health or
1073 inspection certificates.

1074 (k) Failure to keep veterinary premises and equipment,
1075 including practice vehicles, in a clean and sanitary condition.

1076 (l) Failure to permit the board or its agents to enter
1077 and inspect veterinary premises and equipment, including practice
1078 vehicles, as set by rules promulgated by the board.

1079 (m) Revocation, suspension or limitation of a license
1080 to practice veterinary medicine by another state, territory or
1081 district of the United States.

1082 (n) Loss or suspension of accreditation by any federal
1083 or state agency.

1084 (o) Unprofessional conduct as defined in regulations
1085 adopted by the board.

1086 (p) The dispensing, distribution, prescription or
1087 administration of any veterinary prescription drug, or the
1088 extralabel use of any drug in the absence of a
1089 veterinarian-client-patient relationship.

1090 (q) Violations of state or federal drug laws.

1091 (r) Violations of any order of the board.

1092 (s) Violations of this chapter or of the rules
1093 promulgated under this chapter.

1094 (t) Violation(s) of the provisions of Sections 1
1095 through 5 of this act relating to deceptive advertisement by
1096 health care practitioners. This paragraph shall stand repealed on
1097 July 1, 2016.

1098 (2) A certified copy of any judgment of conviction or
1099 finding of guilt by a court of competent jurisdiction or by a



1100 governmental agency, or agency authorized to issue licenses or
1101 permits, including the United States Department of Agriculture,
1102 Animal and Plant Health Inspection Service, the Mississippi Board
1103 of Animal Health and the Mississippi Board of Health, of a
1104 veterinarian or veterinary technician of any matters listed in
1105 this section shall be admissible in evidence in any hearing held
1106 by the board to discipline such veterinarian or technician and
1107 shall constitute prima facie evidence of the commission of any
1108 such act.

1109 **SECTION 16.** This act shall take effect and be in force from
1110 and after July 1, 2012.

