

By: Representative Mims

To: Public Health and Human Services

HOUSE BILL NO. 204  
(As Sent to Governor)

1 AN ACT TO PROHIBIT THE CONDITIONING OF THE LICENSURE OF  
2 CERTAIN HEALTH CARE PROVIDERS UPON THE PROVIDER'S PARTICIPATION IN  
3 ANY PUBLIC OR PRIVATE INSURANCE PLAN, PUBLIC HEALTH CARE SYSTEM,  
4 PUBLIC SERVICE INITIATIVE, OR EMERGENCY ROOM COVERAGE; TO PROHIBIT  
5 THE CONDITIONING OF THE LICENSURE OF CERTAIN HEALTH CARE PROVIDERS  
6 UPON THE PROVIDER'S COMPLIANCE WITH THE "MEANINGFUL USE" OF  
7 ELECTRONIC HEALTH RECORDS AS SET FORTH IN FEDERAL REGULATIONS; TO  
8 AMEND SECTIONS 73-6-5, 73-9-13, 73-15-17, 73-19-9, 73-26-5 AND  
9 73-43-11, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING  
10 PROVISIONS; AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** (1) This section is applicable to licensed  
13 physicians, osteopaths, dentists, optometrists, chiropractors,  
14 advanced practice registered nurses and physician assistants.

15 (2) Licensure of providers named in subsection (1) of this  
16 section in this state shall not be conditioned upon or related to  
17 participation by the provider in any public or private insurance  
18 plan, public health care system, public service initiative, or  
19 emergency room coverage.

20 (3) Licensure of providers named in subsection (1) of this  
21 section in this state shall not be conditioned upon or related to



22 their compliance with the "meaningful use" of electronic health  
23 records as set forth in CFR 5 Part 170.

24 **SECTION 2.** Section 73-6-5, Mississippi Code of 1972, is  
25 amended as follows:

26 73-6-5. (1) The State Board of Chiropractic Examiners shall  
27 select by election from its membership a chairman and vice  
28 chairman who shall hold their respective offices for a period of  
29 one (1) year. A majority of the members of the board may select  
30 an executive secretary; and may hire such other employees,  
31 including an attorney, needed to implement the provisions of this  
32 chapter. The board shall hold regular meetings for examination  
33 beginning on the second week of January and July of each year; and  
34 may hold additional meetings at such times and places as it deems  
35 necessary, but not to exceed twelve (12) times during its initial  
36 calendar year and at least four (4) times during any subsequent  
37 calendar year but may hold meetings at such times and places as it  
38 deems necessary. The July meeting shall be held in the Jackson  
39 Metropolitan area. A majority of the board shall constitute a  
40 quorum, and the concurrence of a majority of the members of the  
41 board shall be required to grant or revoke a license. The board  
42 shall make such rules and regulations as is necessary to carry out  
43 the provisions of this chapter \* \* \*; however, the board shall not  
44 adopt any rule or regulation or impose any requirement regarding  
45 the licensing of chiropractors that conflicts with the  
46 prohibitions in Section 1 of this act. A copy of these rules and



47 regulations as well as all changes thereto shall, upon passage, be  
48 sent to all practitioners licensed \* \* \* under this chapter.

49 (2) The State Board of Chiropractic Examiners shall be  
50 authorized to certify to the State Department of Health those  
51 chiropractic assistants who are exempt from registration under  
52 Section 41-58-3(7)(d) as having completed continuing education  
53 requirements and charge a fee of not more than Fifty Dollars  
54 (\$50.00) annually to each individual whom the board certifies, as  
55 required under Section 41-58-5(4)(f). The board shall be  
56 authorized to establish educational qualifications and continuing  
57 education requirements for chiropractic assistants that  
58 participate in direct patient care. This section does not  
59 prohibit a chiropractic assistant from rendering ancillary  
60 services or procedures used in chiropractic practice, other than  
61 the adjustments or manipulative techniques, if those services are  
62 rendered under the supervision and control of a licensed  
63 chiropractor as long as the chiropractic assistant has  
64 successfully completed a training program recognized by the board.  
65 "Supervision and control" may not be construed as requiring the  
66 personal presence of the supervising and controlling chiropractor  
67 at the place where those services are rendered, unless physical  
68 presence is necessary to provide patient care of the same quality  
69 as provided by the chiropractor. This section does not prohibit a  
70 chiropractor from delegating to a chiropractic assistant certain  
71 activities relating to patient care and treatment when those



72 activities are under supervision or direct order of the  
73 chiropractor. The chiropractor delegating those activities to an  
74 employee, to a program graduate, or to a participant in an  
75 approved training program is legally liable for those activities  
76 performed by such a chiropractic assistant and that chiropractic  
77 assistant is considered to be the chiropractor's agent. The board  
78 shall charge a fee not to exceed Fifty Dollars (\$50.00) annually  
79 for this certification and annual renewal. Likewise, a late fee  
80 of One Hundred Dollars (\$100.00) shall be charged on all  
81 chiropractic assistants and chiropractic radiological  
82 technologists not renewing on or before July 1 of each year.  
83 Chiropractic radiological technologists are not exempt from these  
84 continuing education requirements.

85 **SECTION 3.** Section 73-9-13, Mississippi Code of 1972, is  
86 amended as follows:

87 73-9-13. The State Board of Dental Examiners shall each year  
88 elect from their number a president, vice president and  
89 secretary-treasurer to serve for the coming year and until their  
90 successors are qualified. Only dentist members of the board may  
91 hold the offices of president and vice president. The board shall  
92 have a seal with appropriate wording to be kept at the offices of  
93 the board. The secretary and the executive director of the board  
94 shall be required to make bond in such sum and with such surety as  
95 the board may determine. It shall be the duty of the executive  
96 director to keep a complete record of the acts and proceedings of



97 the board and to preserve all papers, documents and correspondence  
98 received by the board relating to its duties and office.

99 The board shall have the following powers and duties:

100 (a) To carry out the purposes and provisions of the  
101 state laws pertaining to dentistry and dental hygiene, and the  
102 practice thereof and matters related thereto, particularly  
103 Sections 73-9-1 through 73-9-117, together with all amendments and  
104 additions thereto.

105 (b) To regulate the practice of dentistry and dental  
106 hygiene and to promulgate reasonable regulations as are necessary  
107 or convenient for the protection of the public; however, the board  
108 shall not adopt any rule or regulation or impose any requirement  
109 regarding the licensing of dentists that conflicts with the  
110 prohibitions in Section 1 of this act.

111 (c) To make rules and regulations by which clinical  
112 facilities within institutions, schools, colleges, universities  
113 and other agencies may be recognized and approved for the practice  
114 of dentistry or of dental hygiene by unlicensed persons therein,  
115 as a precondition to their being excepted from the dental practice  
116 act and authorized in accordance with Section 73-9-3(g) and (h).

117 (d) To provide for the enforcement of and to enforce  
118 the laws of the State of Mississippi and the rules and regulations  
119 of the State Board of Dental Examiners.

120 (e) To compile at least once each calendar year and to  
121 maintain an adequate list of prospective dentist and dental



122 hygienist appointees for approval by the Governor as provided for  
123 elsewhere by law.

124 (f) To issue licenses and permits to applicants when  
125 found to be qualified.

126 (g) To provide for reregistration of all licenses and  
127 permits duly issued by the board.

128 (h) To maintain an up-to-date list of all licensees and  
129 permit holders in the state, together with their addresses.

130 (i) To examine applicants for the practice of dentistry  
131 or dental hygiene at least annually.

132 (j) To issue licenses or duplicates and  
133 reregistration/renewal certificates, and to collect and account  
134 for fees for same.

135 (k) To maintain an office adequately staffed insofar as  
136 funds are available for the purposes of carrying out the powers  
137 and duties of the board.

138 (l) To provide by appropriate rules and regulations,  
139 within the provisions of the state laws, for revoking or  
140 suspending licenses and permits and a system of fines for lesser  
141 penalties.

142 (m) To prosecute, investigate or initiate prosecution  
143 for violations of the laws of the state pertaining to practice of  
144 dentistry or dental hygiene, or matters affecting the rights and  
145 duties, or related thereto.



146           (n) To provide by rules for the conduct of as much  
147 board business as practicable by mail, which, when so done, shall  
148 be and have the same force and effect as if done in a regular  
149 meeting duly organized.

150           (o) To adopt rules and regulations providing for the  
151 reasonable regulation of advertising by dentists and dental  
152 hygienists.

153           (p) To employ, in its discretion, a duly licensed  
154 attorney to represent the board in individual cases.

155           (q) To employ, in its discretion, technical and  
156 professional personnel to conduct dental office sedation site  
157 visits, administer and monitor state board examinations and carry  
158 out the powers and duties of the board.

159           **SECTION 4.** Section 73-15-17, Mississippi Code of 1972, is  
160 amended as follows:

161           73-15-17. The Mississippi Board of Nursing is authorized and  
162 empowered to:

163           (a) Adopt and from time to time revise such rules and  
164 regulations consistent with the law as shall be necessary to  
165 govern its proceedings and carry into effect the provisions of  
166 this article; however, the board shall not adopt any rule or  
167 regulation or impose any requirement regarding the licensing or  
168 certification of advanced practice registered nurses that  
169 conflicts with the prohibitions in Section 1 of this act.



170           (b) Require the secretary to keep records of all  
171 meetings of the board and keep a record of all proceedings, and to  
172 prepare a register of registered nurses and a register of licensed  
173 practical nurses, all nurses appearing thereon to be duly licensed  
174 under this article, and which registers shall be open for public  
175 inspection at all reasonable times.

176           (c) Issue subpoenas, require attendance of witnesses,  
177 and administer oaths of persons giving testimony.

178           (d) Cause the prosecution of all persons violating the  
179 provisions of this article, and incur such necessary expenses  
180 therefor.

181           (e) Conduct hearings upon charges calling for  
182 discipline of a licensee or revocation of a license or of the  
183 privilege to practice.

184           (f) Present a true and full report to the Governor and  
185 the Legislature, together with statement of receipts and  
186 disbursements on or before February 1 of each year.

187           (g) Maintain an office in the greater Jackson area for  
188 the administration of this article.

189           (h) File an annual list of all certificates of  
190 registration issued by the board with the Secretary of State's  
191 office for both registered nurses and licensed practical nurses.

192           (i) File an annual list of all certificates of  
193 registration issued by the board to registered nurses, including  
194 addresses of the persons with the Mississippi Nurses' Association;





195 and file a similar list of all certificates of registration issued  
196 to licensed practical nurses, including addresses of the persons,  
197 with the Mississippi Federation of Licensed Practical Nurses and  
198 the Mississippi Licensed Practical Nurses Association.

199 (j) Adopt a seal which shall be in the form of a circle  
200 with the image of an eagle in the center, and around the margin  
201 the words "Mississippi Board of Nursing," and under the image of  
202 the eagle the word "Official." The seal shall be affixed to  
203 certificates and warrants issued by the board, and to all records  
204 sent up on appeal from its decisions.

205 (k) Schedule dates and locations for state board  
206 examinations for examining qualified applicants for licensure.

207 (l) Examine, license and renew licenses of duly  
208 qualified applicants.

209 (m) Appoint and employ a qualified person who shall not  
210 be a member of the board to serve as executive director, define  
211 the duties, fix the compensation, and delegate to him or her those  
212 activities that will expedite the functions of the board. The  
213 executive director shall meet all the qualifications for board  
214 members, and shall in addition:

215 (i) Have had at least a master's degree in  
216 nursing, eight (8) years' experience as a registered nurse, five  
217 (5) of which shall be in teaching or in administration, or a  
218 combination thereof; and



219 (ii) Have been actively engaged in nursing for at  
220 least five (5) years immediately preceding appointment.

221 (n) Employ, discharge, define duties, and fix  
222 compensation of such other persons as may be necessary to carry  
223 out the provisions of this article.

224 (o) Secure the services of research consultants as  
225 deemed necessary who shall receive a per diem, travel and other  
226 necessary expenses incurred while engaged by the board.

227 (p) Enter into contracts with any other state or  
228 federal agency or with any private person, organization or group  
229 capable of contracting, if it finds such action to be in the  
230 public interest and in the furtherance of its responsibilities.

231 (q) Upon reasonable suspicion that a holder of a  
232 license issued under this article has violated any statutory  
233 ground for denial of licensure as set forth in Section 73-15-29 or  
234 is guilty of any offense specified in Section 73-15-33, require  
235 the license holder to undergo a fingerprint-based criminal history  
236 records check of the Mississippi central criminal database and the  
237 Federal Bureau of Investigation criminal history database, in the  
238 same manner as required for applicants for licensure under  
239 Sections 73-15-19(1) and 73-15-21(1).

240 **SECTION 5.** Section 73-19-9, Mississippi Code of 1972, is  
241 amended as follows:



242 73-19-9. The State Board of Optometry shall organize by the  
243 election from its members of a president and a secretary, who  
244 shall hold their respective offices for one (1) year.

245 It shall hold regular meetings for examination, beginning on  
246 the second week of January and July of each year, and additional  
247 meetings at such times and places as the board shall determine,  
248 said additional meetings not to exceed ten (10) meeting days  
249 annually, but the July meeting shall be held in the City of  
250 Jackson.

251 A majority of the board shall constitute a quorum, but a less  
252 number may adjourn from time to time.

253 The board shall make such rules and regulations as may be  
254 necessary to carry out the provisions of this chapter; \* \* \*  
255 however, \* \* \* the board shall not adopt any rule or regulation or  
256 impose any requirement regarding the licensing of optometrists  
257 that conflicts with the prohibitions in Section 1 of this act.

258 **SECTION 6.** Section 73-26-5, Mississippi Code of 1972, is  
259 amended as follows:

260 73-26-5. (1) The board shall promulgate and publish  
261 reasonable rules and regulations necessary to enable it to  
262 discharge its functions and to enforce the provisions of law  
263 regulating the practice of physician assistants. Those rules  
264 shall include, but are not limited to: qualifications for  
265 licensure for physician assistants; scope of practice of physician  
266 assistants; supervision of physician assistants; identification of



267 physician assistants; grounds for disciplinary actions and  
268 discipline of physician assistants, which through June 30, 2016,  
269 shall specifically include discipline for violation(s) of the  
270 provisions of Sections 41-121-1 through 41-121-9 relating to  
271 deceptive advertisement by health care practitioners; and setting  
272 and charging reasonable fees for licensure and license renewals  
273 for physician assistants. However, nothing in this chapter or in  
274 rules adopted by the board shall authorize physician assistants to  
275 administer or monitor general inhaled anesthesia, epidural  
276 anesthesia, spinal anesthesia or monitored anesthesia as utilized  
277 in surgical procedures. In addition, the board shall not adopt  
278 any rule or regulation or impose any requirement regarding the  
279 licensing of physician assistants that conflicts with the  
280 prohibitions in Section 1 of this act. The board shall promulgate  
281 rules for licensure and license renewals in accordance with  
282 Section 33-1-39.

283 (2) If the board appoints a task force or committee to  
284 address physician assistant regulation, at least one (1) member of  
285 the task force shall be a nurse practitioner who is a member of  
286 the Mississippi Board of Nursing or a nurse practitioner appointee  
287 selected by the board from a list of three (3) recommendations  
288 submitted by the Mississippi Nurses Association, and at least one  
289 (1) member shall be a physician assistant selected by the board  
290 from a list of three (3) recommendations submitted by the  
291 Mississippi Academy of Physician Assistants.



292           **SECTION 7.** Section 73-43-11, Mississippi Code of 1972, is  
293 amended as follows:

294           73-43-11. The State Board of Medical Licensure shall have  
295 the following powers and responsibilities:

296                   (a) Setting policies and professional standards  
297 regarding the medical practice of physicians, osteopaths,  
298 podiatrists and physician assistants practicing with physician  
299 supervision;

300                   (b) Considering applications for licensure;

301                   (c) Conducting examinations for licensure;

302                   (d) Investigating alleged violations of the medical  
303 practice act;

304                   (e) Conducting hearings on disciplinary matters  
305 involving violations of state and federal law, probation,  
306 suspension and revocation of licenses;

307                   (f) Considering petitions for termination of  
308 probationary and suspension periods, and restoration of revoked  
309 licenses;

310                   (g) To promulgate and publish reasonable rules and  
311 regulations necessary to enable it to discharge its functions and  
312 to enforce the provisions of law regulating the practice of  
313 medicine; however, the board shall not adopt any rule or  
314 regulation or impose any requirement regarding the licensing of  
315 physicians or osteopaths that conflicts with the prohibitions in  
316 Section 1 of this act;



317                   (h) To enter into contracts with any other state or  
318 federal agency, or with any private person, organization or group  
319 capable of contracting, if it finds such action to be in the  
320 public interest and in the furtherance of its responsibilities;  
321 and

322                   (i) Perform the duties prescribed by Sections 73-26-1  
323 through 73-26-5.

324                   **SECTION 8.** This act shall take effect and be in force from  
325 and after July 1, 2015.

