

By: Representatives White, Sykes, Dixon

To: Public Health and Human Services

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 489

1 AN ACT TO REENACT SECTIONS 41-121-1 THROUGH 41-121-9,  
2 MISSISSIPPI CODE OF 1972, WHICH ARE THE "PATIENT'S RIGHT TO  
3 INFORMED HEALTH CARE CHOICES ACT" THAT PROHIBITS DECEPTIVE  
4 ADVERTISEMENT BY HEALTH CARE PRACTITIONERS; TO REPEAL SECTION  
5 41-121-11, MISSISSIPPI CODE OF 1972, WHICH IS THE REPEALER ON THAT  
6 ACT; TO AMEND SECTIONS 73-6-19, 73-9-61, 73-15-29, 73-19-23,  
7 73-21-97, 73-25-29, 73-26-5, 73-27-13 AND 73-39-77, MISSISSIPPI  
8 CODE OF 1972, TO DELETE THE REPEALERS ON THE PROVISIONS THAT MAKE  
9 VIOLATIONS OF THE PATIENT'S RIGHT TO INFORMED HEALTH CARE CHOICES  
10 ACT BY HEALTH CARE PRACTITIONERS AS SPECIFIC GROUNDS FOR  
11 DISCIPLINARY ACTION AGAINST LICENSEES; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** Section 41-121-1, Mississippi Code of 1972, is  
14 reenacted as follows:

15 41-121-1. This chapter shall be known and may be cited as  
16 "The Patient's Right to Informed Health Care Choices Act."

17 **SECTION 2.** Section 41-121-3, Mississippi Code of 1972, is  
18 reenacted as follows:

19 41-121-3. The Legislature finds and declares that:

20 (a) There are a multitude of professional degrees using  
21 the term "doctor," including Medical Doctor (M.D.); Doctor of  
22 Osteopathic Medicine (D.O.); Doctor of Dental Surgery (D.D.S.);



23 Doctor of Podiatric Medicine (D.P.M.); Doctor of Optometry (O.D.);  
24 Doctor of Chiropractic (D.C.); Doctor of Nursing Practice  
25 (D.N.P.); Doctor of Pharmacy (Pharm.D.); and other designations  
26 which may be used by health care practitioners.

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

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

42 **SECTION 3.** Section 41-121-5, Mississippi Code of 1972, is  
43 reenacted as follows:

44 41-121-5. For the purposes of this chapter:

45 (a) "Advertisement" means any communication or  
46 statement, whether printed, electronic or oral, that names the  
47 health care practitioner in relation to his or her practice,



48 profession, or institution in which the individual is employed,  
49 volunteers or otherwise provides health care services. This  
50 includes business cards, letterhead, patient brochures, email,  
51 Internet, audio and video, and any other communication or  
52 statement used in the course of business or any other definition  
53 provided by regulations of the licensing board of proper  
54 jurisdiction.

55 (b) "Deceptive" or "misleading" includes, but is not  
56 limited to, any advertisement or affirmative communication or  
57 representation that misstates, falsely describes, holds out or  
58 falsely details the health care practitioner's profession, skills,  
59 training, expertise, education, board certification or licensure  
60 as determined by each respective licensing board.

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

64 (i) Practitioners of allopathic medicine,  
65 signified by the letters "M.D." or the words surgeon, medical  
66 doctor, or doctor of medicine by a person licensed to practice  
67 medicine and surgery.

68 (ii) Practitioners of osteopathic medicine,  
69 signified by the letters "D.O." or the words surgeon, osteopathic  
70 surgeon, osteopath, doctor of osteopathy, or doctor of osteopathic  
71 medicine.



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

80 (iv) Practitioners of podiatry, signified by the  
81 letters "D.P.M." or the words podiatrist, doctor of podiatry,  
82 podiatric surgeon, or doctor of podiatric medicine.

83 (v) Practitioners of chiropractic, signified by  
84 the letters "D.C." or the words chiropractor, doctor of  
85 chiropractic or chiropractic physician.

86 (vi) Practitioners of dentistry, signified by the  
87 letters "D.D.S." or "D.M.D.," as appropriate, or the words  
88 dentist, doctor of dental surgery, or doctor of dental medicine,  
89 as appropriate.

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

92 (viii) Practitioners of pharmacy, signified by the  
93 letters "BSc.Pharm" or "Pharm.D." or the words pharmacists or  
94 doctor of pharmacy.

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



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

99 (xi) Practitioners of audiology, signified by the  
100 letters "Au.D.," "Sc.D." or "Ph.D.," or the words audiologist or  
101 doctor of audiology.

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

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

113 **SECTION 4.** Section 41-121-7, Mississippi Code of 1972, is  
114 reenacted as follows:

115 41-121-7. (1) An advertisement for health care services  
116 that names a health care practitioner must identify the type of  
117 license held according to the definitions under this chapter. The  
118 advertisement shall be free from any and all deceptive or  
119 misleading information.

120 (2) A health care practitioner providing health care  
121 services in this state must conspicuously post in their office and



122 affirmatively communicate the practitioner's specific licensure as  
123 defined under this chapter. This shall consist of the following:  
124 The health care practitioner shall display in his or her office a  
125 writing that clearly identifies the type of license held by the  
126 health care practitioner. The writing must be of sufficient size  
127 so as to be visible and apparent to all current and prospective  
128 patients.

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

132 (4) Health care practitioners working in nonpatient care  
133 settings, and who do not have any direct patient care  
134 interactions, are not subject to the provisions of this chapter.

135 **SECTION 5.** Section 41-121-9, Mississippi Code of 1972, is  
136 reenacted as follows:

137 41-121-9. (1) Failure to comply with any provision under  
138 this section shall constitute a violation under this chapter.

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

143 (3) Delegating or contracting for the performance of health  
144 care services by a health care practitioner when the licensee  
145 delegating or contracting for performance knows, or has reason to  
146 know, the person does not have the required authority under the



147 person's licensure, shall constitute a violation under this  
148 chapter.

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

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

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

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

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

168 (9) Notwithstanding the imposition of any penalty, a  
169 professional licensing board or other administrative agency with  
170 jurisdiction may seek an injunction or other legal means as



171 appropriate against a person or entity violating this chapter as  
172 determined by each respective licensing board.

173 (10) A licensing board may only enforce violations of this  
174 chapter with licensees that are subject to its jurisdiction.

175 **SECTION 6.** Section 41-121-11, Mississippi Code of 1972,  
176 which is the repealer on the Patient's Right to Informed Health  
177 Care Choices Act, is repealed.

178 **SECTION 7.** Section 73-6-19, Mississippi Code of 1972, is  
179 amended as follows:

180 73-6-19. (1) The board shall refuse to grant a certificate  
181 of licensure to any applicant or may cancel, revoke or suspend the  
182 certificate upon the finding of any of the following facts  
183 regarding the applicant or licensed practitioner:

184 (a) Failure to comply with the rules and regulations  
185 adopted by the State Board of Chiropractic Examiners;

186 (b) Violation of any of the provisions of this chapter  
187 or any of the rules and regulations of the State Board of Health  
188 pursuant to this chapter with regard to the operation and use of  
189 x-rays;

190 (c) Fraud or deceit in obtaining a license;

191 (d) Addiction to the use of alcohol, narcotic drugs, or  
192 anything which would seriously interfere with the competent  
193 performance of his professional duties;



194 (e) Conviction by a court of competent jurisdiction of  
195 a felony, other than manslaughter or any violation of the United  
196 States Internal Revenue Code;

197 (f) Unprofessional and unethical conduct;

198 (g) Contraction of a contagious disease which may be  
199 carried for a prolonged period;

200 (h) Failure to report to the Mississippi Department of  
201 Human Services or the county attorney any case wherein there are  
202 reasonable grounds to believe that a child or vulnerable adult has  
203 been abused by its parent or person responsible for such person's  
204 welfare;

205 (i) Advising a patient to use drugs, prescribing or  
206 providing drugs for a patient, or advising a patient not to use a  
207 drug prescribed by a licensed physician or dentist;

208 (j) Professional incompetency in the practice of  
209 chiropractic;

210 (k) Having disciplinary action taken by his peers  
211 within any professional chiropractic association or society;

212 (l) Offering to accept or accepting payment for  
213 services rendered by assignment from any third-party payor after  
214 offering to accept or accepting whatever the third-party payor  
215 covers as payment in full, if the effect of the offering or  
216 acceptance is to eliminate or give the impression of eliminating  
217 the need for payment by an insured of any required deductions  
218 applicable in the policy of the insured;



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

223 (n) Failure to make payment on chiropractic student  
224 loans;

225 (o) Failure to follow record keeping requirements  
226 prescribed in Section 73-6-18;

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

230 (q) Violation(s) of the provisions of Sections 41-121-1  
231 through 41-121-9 relating to deceptive advertisement by health  
232 care practitioners. \* \* \*

233 (2) Any holder of such certificate or any applicant therefor  
234 against whom is preferred any of the designated charges shall be  
235 furnished a copy of the complaint and shall receive a formal  
236 hearing in Jackson, Mississippi, before the board, at which time  
237 he may be represented by counsel and examine witnesses. The board  
238 is authorized to administer oaths as may be necessary for the  
239 proper conduct of any such hearing. In addition, the board is  
240 authorized and empowered to issue subpoenas for the attendance of  
241 witnesses and the production of books and papers. The process  
242 issued by the board shall extend to all parts of the state. Where  
243 in any proceeding before the board any witness shall fail or



244 refuse to attend upon subpoena issued by the board, shall refuse  
245 to testify, or shall refuse to produce any books and papers, the  
246 production of which is called for by the subpoena, the attendance  
247 of such witness and the giving of his testimony and the production  
248 of the books and papers shall be enforced by any court of  
249 competent jurisdiction of this state in the manner provided for  
250 the enforcement of attendance and testimony of witnesses in civil  
251 cases in the courts of this state.

252 (3) In addition to any other investigators the board  
253 employs, the board shall appoint one or more licensed  
254 chiropractors to act for the board in investigating the conduct  
255 relating to the competency of a chiropractor, whenever  
256 disciplinary action is being considered for professional  
257 incompetence and unprofessional conduct.

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

263 (a) Deny his application for a license or other  
264 authorization to practice chiropractic;

265 (b) Administer a public or private reprimand;

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



268 (d) Revoke or cancel his license or other authorization  
269 to practice chiropractic;

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

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

276 (g) Require him to practice under the direction of a  
277 chiropractor designated by the board for a specified period of  
278 time.

279 (5) Any person whose application for a license or whose  
280 license to practice chiropractic has been cancelled, revoked or  
281 suspended by the board within thirty (30) days from the date of  
282 such final decision shall have the right of a de novo appeal to  
283 the circuit court of his county of residence or the Circuit Court  
284 of the First Judicial District of Hinds County, Mississippi. If  
285 there is an appeal, such appeal may, in the discretion of and on  
286 motion to the circuit court, act as a supersedeas. The circuit  
287 court shall dispose of the appeal and enter its decision promptly.  
288 The hearing on the appeal may, in the discretion of the circuit  
289 judge, be tried in vacation. Either party shall have the right of  
290 appeal to the Supreme Court as provided by law from any decision  
291 of the circuit court.



292 (6) In a proceeding conducted under this section by the  
293 board for the revocation, suspension or cancellation of a license  
294 to practice chiropractic, after a hearing has been conducted as  
295 prescribed by this section, the board shall have the power and  
296 authority for the grounds stated in subsection (1) of this  
297 section, with the exception of paragraph (c) thereof, to assess  
298 and levy upon any person licensed to practice chiropractic in the  
299 state a monetary penalty in lieu of such revocation, suspension or  
300 cancellation, as follows:

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

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

308 The power and authority of the board to assess and levy such  
309 monetary penalties under this section shall not be affected or  
310 diminished by any other proceeding, civil or criminal, concerning  
311 the same violation or violations. A licensee shall have the right  
312 of appeal from the assessment and levy of a monetary penalty as  
313 provided in this section to the circuit court under the same  
314 conditions as a right of appeal is provided for in this section  
315 for appeals from an adverse ruling, or order, or decision of the  
316 board. Any monetary penalty assessed and levied under this



317 section shall not take effect until after the time for appeal has  
318 expired, and an appeal of the assessment and levy of such a  
319 monetary penalty shall act as a supersedeas.

320 (7) In addition to the grounds specified in subsection (1)  
321 of this section, the board shall be authorized to suspend the  
322 license of any licensee for being out of compliance with an order  
323 for support, as defined in Section 93-11-153. The procedure for  
324 suspension of a license for being out of compliance with an order  
325 for support, and the procedure for the reissuance or reinstatement  
326 of a license suspended for that purpose, and the payment of any  
327 fees for the reissuance or reinstatement of a license suspended  
328 for that purpose, shall be governed by Section 93-11-157 or  
329 93-11-163, as the case may be. Actions taken by the board in  
330 suspending a license when required by Section 93-11-157 or  
331 93-11-163 are not actions from which an appeal may be taken under  
332 this section. Any appeal of a license suspension that is required  
333 by Section 93-11-157 or 93-11-163 shall be taken in accordance  
334 with the appeal procedure specified in Section 93-11-157 or  
335 93-11-163, as the case may be, rather than the procedure specified  
336 in this section. If there is any conflict between any provision  
337 of Section 93-11-157 or 93-11-163 and any provision of this  
338 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
339 case may be, shall control.

340 **SECTION 8.** Section 73-9-61, Mississippi Code of 1972, is  
341 amended as follows:



342           73-9-61. (1) Upon satisfactory proof, and in accordance  
343 with statutory provisions elsewhere set out for such hearings and  
344 protecting the rights of the accused as well as the public, the  
345 State Board of Dental Examiners may deny the issuance or renewal  
346 of a license or may revoke or suspend the license of any licensed  
347 dentist or dental hygienist practicing in the State of  
348 Mississippi, or take any other action in relation to the license  
349 as the board may deem proper under the circumstances, for any of  
350 the following reasons:

351           (a) Misrepresentation in obtaining a license, or  
352 attempting to obtain, obtaining, attempting to renew or renewing a  
353 license or professional credential by making any material  
354 misrepresentation, including the signing in his or her  
355 professional capacity any certificate that is known to be false at  
356 the time he or she makes or signs the certificate.

357           (b) Willful violation of any of the rules or  
358 regulations duly promulgated by the board, or of any of the rules  
359 or regulations duly promulgated by the appropriate dental  
360 licensure agency of another state or jurisdiction.

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



366 (d) Administering, dispensing or prescribing any  
367 prescriptive medication or drug outside the course of legitimate  
368 professional dental practice.

369 (e) Being convicted or found guilty of or entering a  
370 plea of nolo contendere to, regardless of adjudication, a  
371 violation of any federal or state law regulating the possession,  
372 distribution or use of any narcotic drug or any drug considered a  
373 controlled substance under state or federal law, a certified copy  
374 of the conviction order or judgment rendered by the trial court  
375 being prima facie evidence thereof, notwithstanding the pendency  
376 of any appeal.

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

379 (g) Being convicted or found guilty of or entering a  
380 plea of nolo contendere to, regardless of adjudication, a crime in  
381 any jurisdiction that relates to the practice of dentistry or  
382 dental hygiene, a certified copy of the conviction order or  
383 judgment rendered by the trial court being prima facie evidence  
384 thereof, notwithstanding the pendency of any appeal.

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



390 (i) Delegating professional responsibilities to a  
391 person who is not qualified by training, experience or licensure  
392 to perform them.

393 (j) The refusal of a licensing authority of another  
394 state or jurisdiction to issue or renew a license, permit or  
395 certificate to practice dentistry or dental hygiene in that  
396 jurisdiction or the revocation, suspension or other restriction  
397 imposed on a license, permit or certificate issued by the  
398 licensing authority that prevents or restricts practice in that  
399 jurisdiction, a certified copy of the disciplinary order or action  
400 taken by the other state or jurisdiction being prima facie  
401 evidence thereof, notwithstanding the pendency of any appeal.

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

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

409 (i) Committing any crime involving moral  
410 turpitude.

411 (ii) Practicing deceit or other fraud upon the  
412 public.

413 (iii) Practicing dentistry or dental hygiene under  
414 a false or assumed name.



415 (iv) Advertising that is false, deceptive or  
416 misleading.

417 (v) Announcing a specialized practice shall be  
418 considered advertising that tends to deceive or mislead the public  
419 unless the dentist announcing as a specialist conforms to other  
420 statutory provisions and the duly promulgated rules or regulations  
421 of the board pertaining to practice of dentistry in the State of  
422 Mississippi.

423 (m) Failure to provide and maintain reasonable sanitary  
424 facilities and conditions or failure to follow board rules  
425 regarding infection control.

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

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

431 (ii) Conduct of a licensee that is intended to  
432 intimidate, coerce, influence or trick any person employed by or  
433 for the licensee in a dental practice or educational setting for  
434 the purpose of engaging in sexual activity or activity intended  
435 for the sexual gratification of the licensee.

436 (o) Violation of a lawful order of the board previously  
437 entered in a disciplinary or licensure hearing; failure to  
438 cooperate with any lawful request or investigation by the board;  
439 or failure to comply with a lawfully issued subpoena of the board.



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

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

445 (r) Violation(s) of the provisions of Sections 41-121-1  
446 through 41-121-9 relating to deceptive advertisement by health  
447 care practitioners. \* \* \*

448 (2) In lieu of revocation of a license as provided for  
449 above, the board may suspend the license of the offending dentist  
450 or dental hygienist, suspend the sedation permit of the offending  
451 dentist, or take any other action in relation to his or her  
452 license as the board may deem proper under the circumstances.

453 (3) When a license to practice dentistry or dental hygiene  
454 is revoked or suspended by the board, the board may, in its  
455 discretion, stay the revocation or suspension and simultaneously  
456 place the licensee on probation upon the condition that the  
457 licensee shall not violate the laws of the State of Mississippi  
458 pertaining to the practice of dentistry or dental hygiene and  
459 shall not violate the rules and regulations of the board and shall  
460 not violate any terms in relation to his or her license as may be  
461 set by the board.

462 (4) In a proceeding conducted under this section by the  
463 board for the denial, revocation or suspension of a license to  
464 practice dentistry or dental hygiene, the board shall have the



465 power and authority for the grounds stated for that denial,  
466 revocation or suspension, and in addition thereto or in lieu of  
467 that denial, revocation or suspension may assess and levy upon any  
468 person licensed to practice dentistry or dental hygiene in the  
469 State of Mississippi, a monetary penalty, as follows:

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

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

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

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



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

495 (6) A licensee shall have the right of appeal from the  
496 assessment and levy of a monetary penalty as provided in this  
497 section under the same conditions as a right of appeal is provided  
498 elsewhere for appeals from an adverse ruling, order or decision of  
499 the board.

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

504 (8) A monetary penalty assessed and levied under this  
505 section shall be paid to the board by the licensee upon the  
506 expiration of the period allowed for appeal of those penalties  
507 under this section or may be paid sooner if the licensee elects.  
508 With the exception of subsection (4)(d) of this section, monetary  
509 penalties collected by the board under this section shall be  
510 deposited to the credit of the General Fund of the State Treasury.  
511 Any monies collected by the board under subsection (4)(d) of this  
512 section shall be deposited into the special fund operating account  
513 of the board.



514           (9) When payment of a monetary penalty assessed and levied  
515 by the board against a licensee in accordance with this section is  
516 not paid by the licensee when due under this section, the board  
517 shall have power to institute and maintain proceedings in its name  
518 for enforcement of payment in the chancery court of the county and  
519 judicial district of residence of the licensee, and if the  
520 licensee is a nonresident of the State of Mississippi, the  
521 proceedings shall be in the Chancery Court of the First Judicial  
522 District of Hinds County, Mississippi.

523           (10) In addition to the reasons specified in subsection (1)  
524 of this section, the board shall be authorized to suspend the  
525 license of any licensee for being out of compliance with an order  
526 for support, as defined in Section 93-11-153. The procedure for  
527 suspension of a license for being out of compliance with an order  
528 for support, and the procedure for the reissuance or reinstatement  
529 of a license suspended for that purpose, and the payment of any  
530 fees for the reissuance or reinstatement of a license suspended  
531 for that purpose, shall be governed by Section 93-11-157 or  
532 93-11-163, as the case may be. If there is any conflict between  
533 any provision of Section 93-11-157 or 93-11-163 and any provision  
534 of this chapter, the provisions of Section 93-11-157 or 93-11-163,  
535 as the case may be, shall control.

536           (11) All grounds for disciplinary action, including  
537 imposition of fines and assessment of costs as enumerated above,



538 shall also apply to any other license or permit issued by the  
539 board under this chapter or regulations duly adopted by the board.

540 **SECTION 9.** Section 73-15-29, Mississippi Code of 1972, is  
541 amended as follows:

542 73-15-29. (1) The board shall have power to revoke, suspend  
543 or refuse to renew any license issued by the board, or to revoke  
544 or suspend any privilege to practice, or to deny an application  
545 for a license, or to fine, place on probation and/or discipline a  
546 licensee, in any manner specified in this article, upon proof that  
547 such person:

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

550 (b) Has been convicted of felony, or a crime involving  
551 moral turpitude or has had accepted by a court a plea of nolo  
552 contendere to a felony or a crime involving moral turpitude (a  
553 certified copy of the judgment of the court of competent  
554 jurisdiction of such conviction or pleas shall be prima facie  
555 evidence of such conviction);

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

559 (d) Has had a license or privilege to practice as a  
560 registered nurse or a licensed practical nurse suspended or  
561 revoked in any jurisdiction, has voluntarily surrendered such  
562 license or privilege to practice in any jurisdiction, has been



563 placed on probation as a registered nurse or licensed practical  
564 nurse in any jurisdiction or has been placed under a disciplinary  
565 order(s) in any manner as a registered nurse or licensed practical  
566 nurse in any jurisdiction, (a certified copy of the order of  
567 suspension, revocation, probation or disciplinary action shall be  
568 prima facie evidence of such action);

569 (e) Has negligently or willfully practiced nursing in a  
570 manner that fails to meet generally accepted standards of such  
571 nursing practice;

572 (f) Has negligently or willfully violated any order,  
573 rule or regulation of the board pertaining to nursing practice or  
574 licensure;

575 (g) Has falsified or in a repeatedly negligent manner  
576 made incorrect entries or failed to make essential entries on  
577 records;

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

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

585 (j) Has engaged in any other conduct, whether of the  
586 same or of a different character from that specified in this  
587 article, that would constitute a crime as defined in Title 97 of



588 the Mississippi Code of 1972, as now or hereafter amended, and  
589 that relates to such person's employment as a registered nurse or  
590 licensed practical nurse;

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

593 (l) Engages in any unprofessional conduct as identified  
594 by the board in its rules;

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

596 (n) Violation(s) of the provisions of Sections 41-121-1  
597 through 41-121-9 relating to deceptive advertisement by health  
598 care practitioners. \* \* \*

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

603 (a) Denying application for a license or other  
604 authorization to practice nursing or practical nursing;

605 (b) Administering a reprimand;

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

609 (d) Revoking the license or other authorization to  
610 practice nursing or practical nursing;

611 (e) Requiring the discipline to submit to care,  
612 counseling or treatment by persons and/or agencies approved or



613 designated by the board as a condition for initial, continued or  
614 renewed licensure or other authorization to practice nursing or  
615 practical nursing;

616 (f) Requiring the discipline to participate in a  
617 program of education prescribed by the board as a condition for  
618 initial, continued or renewed licensure or other authorization to  
619 practice;

620 (g) Requiring the discipline to practice under the  
621 supervision of a registered nurse for a specified period of time;  
622 or

623 (h) Imposing a fine not to exceed Five Hundred Dollars  
624 (\$500.00).

625 (3) In addition to the grounds specified in subsection (1)  
626 of this section, the board shall be authorized to suspend the  
627 license or privilege to practice of any licensee for being out of  
628 compliance with an order for support, as defined in Section  
629 93-11-153. The procedure for suspension of a license or privilege  
630 to practice for being out of compliance with an order for support,  
631 and the procedure for the reissuance or reinstatement of a license  
632 or privilege to practice suspended for that purpose, and the  
633 payment of any fees for the reissuance or reinstatement of a  
634 license or privilege to practice suspended for that purpose, shall  
635 be governed by Section 93-11-157 or 93-11-163, as the case may be.  
636 If there is any conflict between any provision of Section  
637 93-11-157 or 93-11-163 and any provision of this article, the



638 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
639 shall control.

640 (4) If the public health, safety or welfare imperatively  
641 requires emergency action and the board incorporates a finding to  
642 that effect in an order, the board may order summary suspension of  
643 a license pending proceedings for revocation or other action.  
644 These proceedings shall be promptly instituted and determined by  
645 the board.

646 **SECTION 10.** Section 73-19-23, Mississippi Code of 1972, is  
647 amended as follows:

648 73-19-23. (1) The board shall refuse to grant a certificate  
649 of licensure to any applicant and may cancel, revoke or suspend  
650 the operation of any certificate by it granted for any or all of  
651 the following reasons: unprofessional and unethical conduct or  
652 the conviction of a crime involving moral turpitude, habitual  
653 intemperance in the use of ardent spirits, or stimulants,  
654 narcotics, or any other substance that impairs the intellect and  
655 judgment to such an extent as to incapacitate one for the  
656 performance of the duties of an optometrist. The certificate of  
657 licensure of any person can be revoked for violating any section  
658 of this chapter.

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



663 (a) Fraud or misrepresentation in applying for or  
664 procuring an optometric license or in connection with applying for  
665 or procuring periodic renewal of an optometric license.

666 (b) Cheating on or attempting to subvert the optometric  
667 licensing examination(s).

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

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

674 (e) Conduct likely to deceive, defraud or harm the  
675 public.

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

680 (g) Willfully or negligently violating the  
681 confidentiality between doctor and patient, except as required by  
682 law.

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

685 (i) Being found to be a person with mental illness or  
686 with an intellectual disability by any court of competent  
687 jurisdiction.



688           (j) The use of any false, fraudulent, deceptive or  
689 misleading statement in any document connected with the practice  
690 of optometry.

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

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

695           (m) Being addicted or habituated to a drug or  
696 intoxicant.

697           (n) Violating any state or federal law or regulation  
698 relating to a drug legally classified as a controlled substance.

699           (o) Obtaining any fee by fraud, deceit or  
700 misrepresentation.

701           (p) Disciplinary action of another state or  
702 jurisdiction against a licensee or other authorization to practice  
703 optometry based upon acts or conduct by the licensee similar to  
704 acts or conduct that would constitute grounds for action as  
705 defined in this chapter, a certified copy of the record of the  
706 action taken by the other state or jurisdiction being conclusive  
707 evidence thereof.

708           (q) Failure to report to the board the relocation of  
709 his or her office in or out of the jurisdiction, or to furnish  
710 floor plans as required by regulation.



711 (r) Violation of any provision(s) of the Optometry  
712 Practice Act or the rules and regulations of the board or of an  
713 action, stipulation or agreement of the board.

714 (s) To advertise in a manner that tends to deceive,  
715 mislead or defraud the public.

716 (t) The designation of any person licensed under this  
717 chapter, other than by the terms "optometrist," "Doctor of  
718 Optometry" or "O.D.," which \* \* \* shall include any violation(s)  
719 of the provisions of Sections 41-121-1 through 41-121-9 relating  
720 to deceptive advertisement by health care practitioners.

721 (u) To knowingly submit or cause to be submitted any  
722 misleading, deceptive or fraudulent representation on a claim  
723 form, bill or statement.

724 (v) To practice or attempt to practice optometry while  
725 his or her license is suspended.

726 (3) Any person who is holder of a certificate of licensure  
727 or who is an applicant for examination for a certificate of  
728 licensure, against whom is preferred any charges, shall be  
729 furnished by the board with a copy of the complaint and shall have  
730 a hearing in Jackson, Mississippi, before the board, at which  
731 hearing he may be represented by counsel. At the hearing,  
732 witnesses may be examined for and against the accused respecting  
733 those charges, and the hearing orders or appeals will be conducted  
734 according to the procedure now provided in Section 73-25-27. The  
735 suspension of a certificate of licensure by reason of the use of



736 stimulants or narcotics may be removed when the holder of the  
737 certificate has been adjudged by the board to be cured and capable  
738 of practicing optometry.

739 (4) In addition to the reasons specified in subsections (1)  
740 and (2) of this section, the board shall be authorized to suspend  
741 the license of any licensee for being out of compliance with an  
742 order for support, as defined in Section 93-11-153. The procedure  
743 for suspension of a license for being out of compliance with an  
744 order for support, and the procedure for the reissuance or  
745 reinstatement of a license suspended for that purpose, and the  
746 payment of any fees for the reissuance or reinstatement of a  
747 license suspended for that purpose, shall be governed by Section  
748 93-11-157 or 93-11-163, as the case may be. If there is any  
749 conflict between any provision of Section 93-11-157 or 93-11-163  
750 and any provision of this chapter, the provisions of Section  
751 93-11-157 or 93-11-163, as the case may be, shall control.

752 **SECTION 11.** Section 73-21-97, Mississippi Code of 1972, is  
753 amended as follows:

754 73-21-97. (1) The board may refuse to issue or renew, or  
755 may suspend, reprimand, revoke or restrict the license,  
756 registration or permit of any person upon one or more of the  
757 following grounds:

758 (a) Unprofessional conduct as defined by the rules and  
759 regulations of the board;



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

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

765                   (i) A felony;

766                   (ii) Any act involving moral turpitude or gross  
767 immorality; or

768                   (iii) Violation of pharmacy or drug laws of this  
769 state or rules or regulations pertaining thereto, or of statutes,  
770 rules or regulations of any other state or the federal government;

771           (d) Fraud or intentional misrepresentation by a  
772 licensee or permit holder in securing the issuance or renewal of a  
773 license or permit;

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

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

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

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

781           (i) Addiction to or dependence on alcohol or controlled  
782 substances or the unauthorized use or possession of controlled  
783 substances;

784           (j) Misappropriation of any prescription drug;



785 (k) Being found guilty by the licensing agency in  
786 another state of violating the statutes, rules or regulations of  
787 that jurisdiction;

788 (l) The unlawful or unauthorized possession of a  
789 controlled substance;

790 (m) Willful failure to submit drug monitoring  
791 information or willful submission of incorrect dispensing  
792 information as required by the Prescription Monitoring Program  
793 under Section 73-21-127;

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

796 (o) Violation(s) of the provisions of Sections 41-121-1  
797 through 41-121-9 relating to deceptive advertisement by health  
798 care practitioners. \* \* \*

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

802 (3) In addition to the grounds specified in subsection (1)  
803 of this section, the board shall be authorized to suspend the  
804 license, registration or permit of any person for being out of  
805 compliance with an order for support, as defined in Section  
806 93-11-153. The procedure for suspension of a license,  
807 registration or permit for being out of compliance with an order  
808 for support, and the procedure for the reissuance or reinstatement  
809 of a license, registration or permit suspended for that purpose,



810 and the payment of any fees for the reissuance or reinstatement of  
811 a license, registration or permit suspended for that purpose,  
812 shall be governed by Section 93-11-157 or 93-11-163, as the case  
813 may be. If there is any conflict between any provision of Section  
814 93-11-157 or 93-11-163 and any provision of this chapter, the  
815 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
816 shall control.

817         **SECTION 12.** Section 73-25-29, Mississippi Code of 1972, is  
818 amended as follows:

819         73-25-29. The grounds for the nonissuance, suspension,  
820 revocation or restriction of a license or the denial of  
821 reinstatement or renewal of a license are:

822             (1) Habitual personal use of narcotic drugs, or any  
823 other drug having addiction-forming or addiction-sustaining  
824 liability.

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

827             (3) Administering, dispensing or prescribing any  
828 narcotic drug, or any other drug having addiction-forming or  
829 addiction-sustaining liability otherwise than in the course of  
830 legitimate professional practice.

831             (4) Conviction of violation of any federal or state law  
832 regulating the possession, distribution or use of any narcotic  
833 drug or any drug considered a controlled substance under state or  
834 federal law, a certified copy of the conviction order or judgment



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

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

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

843 (7) Obtaining or attempting to obtain a license by  
844 fraud or deception.

845 (8) Unprofessional conduct, which includes, but is not  
846 limited to:

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

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

851 (c) Making or willfully causing to be made any  
852 flamboyant claims concerning the licensee's professional  
853 excellence.

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

856 (e) Obtaining a fee as personal compensation or  
857 gain from a person on fraudulent representation of a disease or  
858 injury condition generally considered incurable by competent  
859 medical authority in the light of current scientific knowledge and



860 practice can be cured or offering, undertaking, attempting or  
861 agreeing to cure or treat the same by a secret method, which he  
862 refuses to divulge to the board upon request.

863 (f) Use of any false, fraudulent or forged  
864 statement or document, or the use of any fraudulent, deceitful,  
865 dishonest or immoral practice in connection with any of the  
866 licensing requirements, including the signing in his professional  
867 capacity any certificate that is known to be false at the time he  
868 makes or signs such certificate.

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

872 (9) The refusal of a licensing authority of another  
873 state or jurisdiction to issue or renew a license, permit or  
874 certificate to practice medicine in that jurisdiction or the  
875 revocation, suspension or other restriction imposed on a license,  
876 permit or certificate issued by such licensing authority which  
877 prevents or restricts practice in that jurisdiction, a certified  
878 copy of the disciplinary order or action taken by the other state  
879 or jurisdiction being prima facie evidence thereof,  
880 notwithstanding the pendency of any appeal.

881 (10) Surrender of a license or authorization to  
882 practice medicine in another state or jurisdiction or surrender of  
883 membership on any medical staff or in any medical or professional  
884 association or society while under disciplinary investigation by



885 any of those authorities or bodies for acts or conduct similar to  
886 acts or conduct which would constitute grounds for action as  
887 defined in this section.

888 (11) Final sanctions imposed by the United States  
889 Department of Health and Human Services, Office of Inspector  
890 General or any successor federal agency or office, based upon a  
891 finding of incompetency, gross misconduct or failure to meet  
892 professionally recognized standards of health care; a certified  
893 copy of the notice of final sanction being prima facie evidence  
894 thereof. As used in this paragraph, the term "final sanction"  
895 means the written notice to a physician from the United States  
896 Department of Health and Human Services, Officer of Inspector  
897 General or any successor federal agency or office, which  
898 implements the exclusion.

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

901 (13) Violation of any provision(s) of the Medical  
902 Practice Act or the rules and regulations of the board or of any  
903 order, stipulation or agreement with the board.

904 (14) Violation(s) of the provisions of Sections  
905 41-121-1 through 41-121-9 relating to deceptive advertisement by  
906 health care practitioners. \* \* \*

907 (15) Performing or inducing an abortion on a woman in  
908 violation of any provision of Sections 41-41-131 through  
909 41-41-145.



910 In addition to the grounds specified above, the board shall  
911 be authorized to suspend the license of any licensee for being out  
912 of compliance with an order for support, as defined in Section  
913 93-11-153. The procedure for suspension of a license for being  
914 out of compliance with an order for support, and the procedure for  
915 the reissuance or reinstatement of a license suspended for that  
916 purpose, and the payment of any fees for the reissuance or  
917 reinstatement of a license suspended for that purpose, shall be  
918 governed by Section 93-11-157 or 93-11-163, as the case may be.  
919 If there is any conflict between any provision of Section  
920 93-11-157 or 93-11-163 and any provision of this chapter, the  
921 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
922 shall control.

923 **SECTION 13.** Section 73-26-5, Mississippi Code of 1972, is  
924 amended as follows:

925 73-26-5. (1) The board shall promulgate and publish  
926 reasonable rules and regulations necessary to enable it to  
927 discharge its functions and to enforce the provisions of law  
928 regulating the practice of physician assistants. Those rules  
929 shall include, but are not limited to: qualifications for  
930 licensure for physician assistants; scope of practice of physician  
931 assistants; supervision of physician assistants; identification of  
932 physician assistants; grounds for disciplinary actions and  
933 discipline of physician assistants, which \* \* \* shall specifically  
934 include discipline for violation(s) of the provisions of Sections



935 41-121-1 through 41-121-9 relating to deceptive advertisement by  
936 health care practitioners; and setting and charging reasonable  
937 fees for licensure and license renewals for physician assistants.  
938 However, nothing in this chapter or in rules adopted by the board  
939 shall authorize physician assistants to administer or monitor  
940 general inhaled anesthesia, epidural anesthesia, spinal anesthesia  
941 or monitored anesthesia as utilized in surgical procedures. In  
942 addition, the board shall not adopt any rule or regulation or  
943 impose any requirement regarding the licensing of physician  
944 assistants that conflicts with the prohibitions in Section  
945 73-49-3. The board shall promulgate rules for licensure and  
946 license renewals in accordance with Section 33-1-39.

947 (2) If the board appoints a task force or committee to  
948 address physician assistant regulation, at least one (1) member of  
949 the task force shall be a nurse practitioner who is a member of  
950 the Mississippi Board of Nursing or a nurse practitioner appointee  
951 selected by the board from a list of three (3) recommendations  
952 submitted by the Mississippi Nurses Association, and at least one  
953 (1) member shall be a physician assistant selected by the board  
954 from a list of three (3) recommendations submitted by the  
955 Mississippi Academy of Physician Assistants.

956 **SECTION 14.** Section 73-27-13, Mississippi Code of 1972, is  
957 amended as follows:

958 73-27-13. (1) The State Board of Medical Licensure may  
959 refuse to issue, suspend, revoke or otherwise restrict any license



960 provided for in this chapter, with the advice of the advisory  
961 committee, based upon the following grounds:

962 (a) Habitual personal use of narcotic drugs, or any  
963 other drug having addiction-forming or addiction-sustaining  
964 liability.

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

967 (c) Administering, dispensing or prescribing any  
968 narcotic drug, or any other drug having addiction-forming or  
969 addiction-sustaining liability otherwise than in the course of  
970 legitimate professional practice.

971 (d) Conviction of violation of any federal or state law  
972 regulating the possession, distribution or use of any narcotic  
973 drug or any drug considered a controlled substance under state or  
974 federal law.

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

977 (f) Conviction of a felony or misdemeanor involving  
978 moral turpitude.

979 (g) Obtaining or attempting to obtain a license by  
980 fraud or deception.

981 (h) Unprofessional conduct, which includes, but is not  
982 limited to:

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



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

987 (iii) Making or willfully causing to be made any  
988 flamboyant claims concerning the licensee's professional  
989 excellence.

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

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

999 (vi) Use of any false, fraudulent or forged  
1000 statement or document, or the use of any fraudulent, deceitful,  
1001 dishonest or immoral practice in connection with any of the  
1002 licensing requirements, including the signing in his professional  
1003 capacity any certificate that is known to be false at the time he  
1004 makes or signs such certificate.

1005 (vii) Failing to identify a podiatrist's school of  
1006 practice in all professional uses of his name by use of his earned  
1007 degree or a description of his school of practice.

1008 (i) The refusal of a licensing authority of another  
1009 state to issue or renew a license, permit or certificate to



1010 practice podiatry in that state or the revocation, suspension or  
1011 other restriction imposed on a license, permit or certificate  
1012 issued by such licensing authority which prevents or restricts  
1013 practice in that state.

1014 (j) Violation(s) of the provisions of Sections 41-121-1  
1015 through 41-121-9 relating to deceptive advertisement by health  
1016 care practitioners. \* \* \*

1017 (2) Upon the nonissuance, suspension or revocation of a  
1018 license to practice podiatry, the board may, in its discretion and  
1019 with the advice of the advisory committee, reissue a license after  
1020 a lapse of six (6) months. No advertising shall be permitted  
1021 except regular professional cards.

1022 (3) In its investigation of whether the license of a  
1023 podiatrist should be suspended, revoked or otherwise restricted,  
1024 the board may inspect patient records in accordance with the  
1025 provisions of Section 73-25-28.

1026 (4) In addition to the grounds specified in subsection (1)  
1027 of this section, the board shall be authorized to suspend the  
1028 license of any licensee for being out of compliance with an order  
1029 for support, as defined in Section 93-11-153. The procedure for  
1030 suspension of a license for being out of compliance with an order  
1031 for support, and the procedure for the reissuance or reinstatement  
1032 of a license suspended for that purpose, and the payment of any  
1033 fees for the reissuance or reinstatement of a license suspended  
1034 for that purpose, shall be governed by Section 93-11-157 or



1035 93-11-163, as the case may be. If there is any conflict between  
1036 any provision of Section 93-11-157 or 93-11-163 and any provision  
1037 of this chapter, the provisions of Section 93-11-157 or 93-11-163,  
1038 as the case may be, shall control.

1039 **SECTION 15.** Section 73-39-77, Mississippi Code of 1972, is  
1040 amended as follows:

1041 73-39-77. (1) Upon a written complaint sworn to by any  
1042 person, the board, in its sole discretion, may, after a hearing,  
1043 revoke, suspend or limit for a certain time a license, impose an  
1044 administrative fine not to exceed One Thousand Dollars (\$1,000.00)  
1045 for each separate offense, or otherwise discipline any licensed  
1046 veterinarian for any of the following reasons:

1047 (a) The employment of fraud, misrepresentation or  
1048 deception in obtaining a license.

1049 (b) The inability to practice veterinary medicine with  
1050 reasonable skill and safety because of a physical or mental  
1051 disability, including deterioration of mental capacity, loss of  
1052 motor skills or abuse of drugs or alcohol of sufficient degree to  
1053 diminish the person's ability to deliver competent patient care.

1054 (c) The use of advertising or solicitation that is  
1055 false or misleading.

1056 (d) Conviction of the following in any federal court or  
1057 in the courts of this state or any other jurisdiction, regardless  
1058 of whether the sentence is deferred:

1059 (i) Any felony;



1060 (ii) Any crime involving cruelty, abuse or neglect  
1061 of animals, including bestiality;

1062 (iii) Any crime of moral turpitude;

1063 (iv) Any crime involving unlawful sexual contact,  
1064 child abuse, the use or threatened use of a weapon, the infliction  
1065 of injury, indecent exposure, perjury, false reporting, criminal  
1066 impersonation, forgery and any other crime involving a lack of  
1067 truthfulness, veracity or honesty, intimidation of a victim or  
1068 witness, larceny, or alcohol or drugs.

1069 For the purposes of this paragraph, a plea of guilty or a  
1070 plea of nolo contendere accepted by the court shall be considered  
1071 as a conviction.

1072 (e) Incompetence, gross negligence or other malpractice  
1073 in the practice of veterinary medicine.

1074 (f) Aiding the unlawful practice of veterinary  
1075 medicine.

1076 (g) Fraud or dishonesty in the application or reporting  
1077 of any test for disease in animals.

1078 (h) Failure to report, as required by law, or making  
1079 false or misleading report of, any contagious or infectious  
1080 disease.

1081 (i) Failure to keep accurate patient records.

1082 (j) Dishonesty or gross negligence in the performance  
1083 of food safety inspections or in the issuance of any health or  
1084 inspection certificates.



1085 (k) Failure to keep veterinary premises and equipment,  
1086 including practice vehicles, in a clean and sanitary condition.

1087 (l) Failure to permit the board or its agents to enter  
1088 and inspect veterinary premises and equipment, including practice  
1089 vehicles, as set by rules promulgated by the board.

1090 (m) Revocation, suspension or limitation of a license  
1091 to practice veterinary medicine by another state, territory or  
1092 district of the United States.

1093 (n) Loss or suspension of accreditation by any federal  
1094 or state agency.

1095 (o) Unprofessional conduct as defined in regulations  
1096 adopted by the board.

1097 (p) The dispensing, distribution, prescription or  
1098 administration of any veterinary prescription drug, or the  
1099 extralabel use of any drug in the absence of a  
1100 veterinarian-client-patient relationship.

1101 (q) Violations of state or federal drug laws.

1102 (r) Violations of any order of the board.

1103 (s) Violations of this chapter or of the rules  
1104 promulgated under this chapter.

1105 (t) Violation(s) of the provisions of Sections 41-121-1  
1106 through 41-121-9 relating to deceptive advertisement by health  
1107 care practitioners. \* \* \*

1108 (2) A certified copy of any judgment of conviction or  
1109 finding of guilt by a court of competent jurisdiction or by a



1110 governmental agency, or agency authorized to issue licenses or  
1111 permits, including the United States Department of Agriculture,  
1112 Animal and Plant Health Inspection Service, the Mississippi Board  
1113 of Animal Health and the Mississippi Board of Health, of a  
1114 veterinarian or veterinary technician of any matters listed in  
1115 this section shall be admissible in evidence in any hearing held  
1116 by the board to discipline such veterinarian or technician and  
1117 shall constitute prima facie evidence of the commission of any  
1118 such act.

1119         **SECTION 16.** This act shall take effect and be in force from  
1120 and after July 1, 2016.

