

By: Representatives White, Dixon, Brown

To: Public Health and Human Services

HOUSE BILL NO. 503

1 AN ACT TO REENACT SECTIONS 73-6-1 THROUGH 73-6-31,
2 MISSISSIPPI CODE OF 1972, WHICH CREATE THE STATE BOARD OF
3 CHIROPRACTIC EXAMINERS AND REGULATE THE PRACTICE OF CHIROPRACTIC;
4 TO AMEND REENACTED SECTION 73-6-15, MISSISSIPPI CODE OF 1972, TO
5 MAKE SOME MINOR NONSUBSTANTIVE CHANGES; TO AMEND SECTION 73-6-33,
6 MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON
7 THOSE SECTIONS; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 73-6-1, Mississippi Code of 1972, is
10 reenacted as follows:

11 73-6-1. (1) The practice of chiropractic involves the
12 analysis of any interference with normal nerve transmission and
13 expression, and the procedure preparatory to and complementary to
14 the correction thereof, by adjustment and/or manipulation of the
15 articulations of the vertebral column and for the restoration and
16 maintenance of health without the use of drugs or surgery.

17 (2) The chiropractic adjustment and/or manipulation of the
18 articulations of the human body may include manual adjustments
19 and/or manipulations and adjustments and/or manipulations by means
20 of electrical and/or mechanical manual devices. Chiropractors



21 licensed under this chapter may also use in conjunction with
22 adjustments and/or manipulations of the spinal structures
23 electrical therapeutic modalities which induce heat or electrical
24 current beneath the skin, including therapeutic ultrasound,
25 galvanism, diathermy and electromuscular stimulation and other
26 procedures taught by a chiropractic college approved by the
27 Council on Chiropractic Education, its successor or an equivalent
28 accrediting agency.

29 (3) Chiropractors licensed under this chapter may utilize
30 those electric therapeutic modalities described in subsection (2)
31 of this section only after the chiropractor has completed a course
32 of study containing a minimum of one hundred twenty (120) hours of
33 instruction in the proper utilization of those procedures in
34 accordance with the guidelines set forth by the Council on
35 Chiropractic Education, its successor or an equivalent accrediting
36 agency, and is qualified and so certified in that proper
37 utilization.

38 (4) Chiropractors shall not prescribe or administer medicine
39 to patients, perform surgery, practice obstetrics or osteopathy.
40 Chiropractors shall be authorized to recommend, dispense or sell
41 vitamins or food supplements.

42 (5) Chiropractors shall not use venipuncture, capillary
43 puncture, acupuncture or any other technique which is invasive of
44 the human body either by penetrating the skin or through any of
45 the orifices of the body or through the use of colonics.



46 (6) A person professing to practice chiropractic for
47 compensation must bring to the exercise of that person's
48 profession a reasonable degree of care and skill. Any injury
49 resulting from a want of such care and skill shall be a tort for
50 which a recovery may be had. If a chiropractor performs upon a
51 patient any act authorized to be performed under this chapter but
52 which act also constitutes a standard procedure of the practice of
53 medicine including, but not limited to, the use of modalities such
54 as those described in subsection (2) of this section and x-rays,
55 under similar circumstances, the chiropractor shall be held to the
56 same standard of care as would licensed doctors of medicine who
57 are qualified to and who actually perform those acts under similar
58 conditions and like circumstances.

59 (7) Chiropractors licensed under this chapter are authorized
60 to refer patients to licensed physical therapists for treatment.

61 (8) Doctors of chiropractic medicine may respond on a
62 referral basis and under the direct and immediate supervision of a
63 Mississippi licensed veterinarian to calls for animals requiring
64 their professional services provided the chiropractor has a
65 current license from the State Board of Chiropractic Examiners and
66 the chiropractor has completed a Mississippi Board of Veterinary
67 Medicine approved animal chiropractic course.

68 **SECTION 2.** Section 73-6-3, Mississippi Code of 1972, is
69 reenacted as follows:



70 73-6-3. There is hereby created a State Board of
71 Chiropractic Examiners. This board shall consist of six (6)
72 members; one (1) of whom shall be the executive officer of the
73 State Board of Health, or his designee, and one (1) from each
74 congressional district as presently constituted, to be appointed
75 by the Governor with the advice and consent of the Senate. Each
76 member except the executive officer of the State Board of Health
77 shall be a qualified elector of the State of Mississippi having
78 been continuously engaged in the practice of chiropractic in
79 Mississippi for at least five (5) years prior to appointment. No
80 member shall be a stockholder in or member of the faculty or board
81 of trustees of any school of chiropractic. Each member appointed
82 to the board shall serve for five (5) years and until his
83 successor is appointed and qualified; except the terms of the
84 initial members appointed by the Governor shall expire one (1)
85 each for five (5) years or until their successors are appointed
86 and qualified. The members of the board as constituted on January
87 1, 2011, whose terms have not expired shall serve the balance of
88 their terms, after which time the membership of the board shall be
89 appointed as follows: There shall be appointed one (1) member of
90 the board from each of the four (4) Mississippi congressional
91 districts as they currently exist, and one (1) from the state at
92 large, and the Governor shall make appointments from the
93 congressional district having the smallest number of board members
94 until the membership includes one (1) member from each district as



95 required. Vacancies on the board, except for the Executive
96 Officer of the State Board of Health, or his designee, shall be
97 filled by appointment of the Governor only for unexpired terms.
98 Any member who shall not attend two (2) consecutive meetings of
99 the board shall be subject to removal by the Governor. The
100 chairman of the board shall notify the Governor in writing when
101 any such member has failed to attend two (2) consecutive regular
102 meetings.

103 **SECTION 3.** Section 73-6-5, Mississippi Code of 1972, is
104 reenacted as follows:

105 73-6-5. (1) The State Board of Chiropractic Examiners shall
106 select by election from its membership a chairman and vice
107 chairman who shall hold their respective offices for a period of
108 one (1) year. A majority of the members of the board may select
109 an executive secretary; and may hire such other employees,
110 including an attorney, needed to implement the provisions of this
111 chapter. The board shall hold regular meetings for examination
112 beginning on the second week of January and July of each year; and
113 may hold additional meetings at such times and places as it deems
114 necessary, but not to exceed twelve (12) times during its initial
115 calendar year and at least four (4) times during any subsequent
116 calendar year but may hold meetings at such times and places as it
117 deems necessary. The July meeting shall be held in the Jackson
118 Metropolitan area. A majority of the board shall constitute a
119 quorum, and the concurrence of a majority of the members of the



120 board shall be required to grant or revoke a license. The board
121 shall make such rules and regulations as is necessary to carry out
122 the provisions of this chapter; however, the board shall not adopt
123 any rule or regulation or impose any requirement regarding the
124 licensing of chiropractors that conflicts with the prohibitions in
125 Section 73-49-3. A copy of these rules and regulations as well as
126 all changes thereto shall, upon passage, be sent to all
127 practitioners licensed under this chapter.

128 (2) The State Board of Chiropractic Examiners shall be
129 authorized to certify to the State Department of Health those
130 chiropractic assistants who are exempt from registration under
131 Section 41-58-3(7) (d) as having completed continuing education
132 requirements and charge a fee of not more than Fifty Dollars
133 (\$50.00) annually to each individual whom the board certifies, as
134 required under Section 41-58-5(4) (f). The board shall be
135 authorized to establish educational qualifications and continuing
136 education requirements for chiropractic assistants that
137 participate in direct patient care. This section does not
138 prohibit a chiropractic assistant from rendering ancillary
139 services or procedures used in chiropractic practice, other than
140 the adjustments or manipulative techniques, if those services are
141 rendered under the supervision and control of a licensed
142 chiropractor as long as the chiropractic assistant has
143 successfully completed a training program recognized by the board.
144 "Supervision and control" may not be construed as requiring the



145 personal presence of the supervising and controlling chiropractor
146 at the place where those services are rendered, unless physical
147 presence is necessary to provide patient care of the same quality
148 as provided by the chiropractor. This section does not prohibit a
149 chiropractor from delegating to a chiropractic assistant certain
150 activities relating to patient care and treatment when those
151 activities are under supervision or direct order of the
152 chiropractor. The chiropractor delegating those activities to an
153 employee, to a program graduate, or to a participant in an
154 approved training program is legally liable for those activities
155 performed by such a chiropractic assistant and that chiropractic
156 assistant is considered to be the chiropractor's agent. The board
157 shall charge a fee not to exceed Fifty Dollars (\$50.00) annually
158 for this certification and annual renewal. Likewise, a late fee
159 of One Hundred Dollars (\$100.00) shall be charged on all
160 chiropractic assistants and chiropractic radiological
161 technologists not renewing on or before July 1 of each year.
162 Chiropractic radiological technologists are not exempt from these
163 continuing education requirements.

164 **SECTION 4.** Section 73-6-7, Mississippi Code of 1972, is
165 reenacted as follows:

166 73-6-7. Before entering upon the discharge of the duties of
167 his office, the Executive Secretary of the State Board of
168 Chiropractic Examiners shall present a bond, approved by the
169 board, to the state in the sum of Ten Thousand Dollars



170 (\$10,000.00), conditioned upon the faithful discharge of the
171 duties of his office. The premium for such bond shall be paid
172 from the funds paid into the State Treasury by the secretary of
173 the board. Such bond, with the approval of the board and oath of
174 office endorsed thereon, shall be deposited with the Secretary of
175 State.

176 Each month, monies received by the secretary of the board
177 shall be paid by him into the State Treasury and deposited in a
178 fund to be known as the "State Board of Chiropractic Examiners
179 Fund" for the use of the board in carrying out the provisions of
180 this chapter. The board shall receive no appropriation from any
181 state funds for its support, except from the special fund
182 deposited into the State Treasury by the board.

183 **SECTION 5.** Section 73-6-9, Mississippi Code of 1972, is
184 reenacted as follows:

185 73-6-9. Each member of the State Board of Chiropractic
186 Examiners shall receive the per diem authorized under Section
187 25-3-69, for each day actually discharging his official duties,
188 and shall receive reimbursement for mileage and necessary expense
189 incurred, as provided in Section 25-3-41. The executive secretary
190 shall receive an annual salary to be fixed by the board in
191 addition to reimbursements for necessary expenses incurred in the
192 discharge of his official duties.

193 The expenses of the board in carrying out the provisions of
194 this chapter shall be paid upon requisitions signed by the



195 chairman and secretary of the board and warrants signed by the
196 State Auditor from the fund in the State Treasury for the use of
197 the board. Said expenses shall not exceed the amount paid into
198 the State Treasury under the provisions of this chapter.

199 **SECTION 6.** Section 73-6-11, Mississippi Code of 1972, is
200 reenacted as follows:

201 73-6-11. The State Board of Chiropractic Examiners shall
202 adopt an official seal and shall keep a record of its proceedings,
203 persons licensed as chiropractors, and a record of licenses which
204 have been revoked or suspended. The board shall keep on file all
205 examination papers for a period of at least ninety (90) days after
206 each examination. A transcript of an entry in such records,
207 certified by the secretary under the seal of the board, shall be
208 evidence of the facts therein stated. The board shall annually,
209 on or before January 1, make a report to the Governor and
210 Legislature of all its official acts during the preceding year,
211 its receipts and disbursements, and a full and complete report of
212 the conditions of chiropractic in this state.

213 **SECTION 7.** Section 73-6-13, Mississippi Code of 1972, is
214 reenacted as follows:

215 73-6-13. (1) Any adult of good moral character who has (a)
216 graduated from a school or college of chiropractic recognized by
217 the State Board of Chiropractic Examiners, preceded by the
218 successful completion of at least two (2) academic years at an
219 accredited institution of higher learning, or accredited junior



220 college, and (b) successfully completed parts 1, 2, 3 and 4 and
221 the physical modality section of the examination prepared by the
222 National Board of Chiropractic Examiners, shall be entitled to
223 take the examination for a license to practice chiropractic in
224 Mississippi. The State Board of Chiropractic Examiners shall keep
225 on file a list of schools or colleges of chiropractic which are so
226 recognized. No chiropractic school shall be approved unless it is
227 recognized and approved by the Council on Chiropractic Education,
228 its successor or an equivalent accrediting agency, offers an
229 accredited course of study of not less than four (4) academic
230 years of at least nine (9) months in length, and requires its
231 graduates to receive not less than forty (40) clock hours of
232 instruction in the operation of x-ray machinery and not less than
233 forty (40) clock hours of instruction in x-ray interpretation and
234 diagnosis.

235 (2) Except as otherwise provided in this section, the State
236 Board of Health shall prescribe rules and regulations for the
237 operation and use of x-ray machines.

238 (3) The examination to practice chiropractic used by the
239 board shall consist of testing on the statutes and the rules and
240 regulations regarding the practice of chiropractic in the State of
241 Mississippi.

242 (4) Reciprocity privileges for a chiropractor from another
243 state shall be granted at the board's option on an individual
244 basis and by a majority vote of the State Board of Chiropractic



245 Examiners to an adult of good moral character who (a) is currently
246 an active competent practitioner for at least eight (8) years and
247 holds an active chiropractic license in another state with no
248 disciplinary proceeding or unresolved complaint pending anywhere
249 at the time a license is to be issued by this state, (b)
250 demonstrates having obtained licensure as a chiropractor in
251 another state under the same education requirements which were
252 equivalent to the education requirements in this state to obtain a
253 chiropractic license at the time the applicant obtained the
254 license in the other state, (c) satisfactorily passes the
255 examination administered by the State Board of Chiropractic
256 Examiners, and (d) meets the requirements of Section 73-6-1(3)
257 pertaining to therapeutic modalities. The issuance of a license
258 by reciprocity to a military-trained applicant or military spouse
259 shall be subject to the provisions of Section 73-50-1.

260 **SECTION 8.** Section 73-6-14, Mississippi Code of 1972, is
261 reenacted as follows:

262 73-6-14. (1) The State Board of Chiropractic Examiners is
263 hereby authorized to establish a preceptorship and extern program
264 whereby chiropractic students enrolled in their last year at a
265 board-approved chiropractic college accredited by the Council on
266 Chiropractic Education, its successor or an equivalent accrediting
267 agency, and recent chiropractic graduates of such schools may be
268 issued a limited license to practice chiropractic in the State of
269 Mississippi under the direct on-premises supervision of a



270 sponsoring licensed chiropractor, and in the case of chiropractic
271 students, also under the general supervision of the student's
272 school. The State Board of Chiropractic Examiners shall prohibit
273 the use of more than one (1) such limited license student or
274 graduate to one (1) sponsor licensed to practice chiropractic.
275 The State Board of Chiropractic Examiners is empowered to
276 establish rules and regulations for the implementation of this
277 subsection (1), including, but not limited to, providing academic,
278 professional and character requirements for eligible participants,
279 defining the permitted scope of practice of the limited licensee,
280 and prescribing fees for participation.

281 (2) The State Board of Chiropractic Examiners is hereby
282 authorized to establish a Travel to Treat temporary license
283 whereby nonresident chiropractors traveling with nonresident
284 entities, including, but not limited to sports teams, will be able
285 to practice chiropractic on members of their entities while in the
286 State of Mississippi. The board is empowered to establish rules
287 and regulations for the implementation of this subsection (2),
288 including, but not limited to, providing professional requirements
289 for eligible participants, defining the permitted scope of
290 practice of the traveling chiropractors, and prescribing fees for
291 participation.

292 (3) The State Board of Chiropractic Examiners is hereby
293 authorized to establish an emergency license to nonresident
294 chiropractors to practice in the place of a chiropractor licensed



295 in the State of Mississippi. Such emergency license shall remain
296 in force for a period not to exceed ninety (90) days, unless
297 extended for an additional period of ninety (90) days by the board
298 or until the licensed resident chiropractor is able to resume his
299 practice. The board is empowered to establish rules and
300 regulations for the implementation of this subsection (3),
301 including, but not limited to, providing professional requirements
302 for eligible participants, defining the scope of practice for
303 emergency licensees, and prescribing fees for participation.

304 **SECTION 9.** Section 73-6-15, Mississippi Code of 1972, is
305 reenacted and amended as follows:

306 73-6-15. Every applicant shall file with the secretary of
307 the board an application, verified by oath, setting forth the
308 facts which entitle the applicant to examination under the
309 provisions of this chapter. The State Board of Chiropractic
310 Examiners shall hold at least two (2) examinations each year. In
311 case of failing to pass such examination, the applicant, after the
312 expiration of six (6) months and within two (2) years, shall have
313 the privilege of taking a second examination by the board with the
314 payment of an additional fee equal to that charged the State Board
315 of Chiropractors by the National Board of Chiropractic Examiners.
316 An applicant who fails the examination twice shall not be
317 permitted to retake the examination until completion of further
318 course of study to be outlined by the board and payment of the fee
319 for further examination. Every applicant who passed the



320 examination and otherwise complies with the provisions of this
321 chapter shall receive from the board, under its seal, a
322 certificate of licensure which entitles him to practice
323 chiropractic in this state; however, such certificate does not in
324 any way qualify a chiropractor to make application to practice on
325 the medical staff of any hospital licensed by the State Department
326 of Health. Nothing in this chapter may prevent a chiropractor
327 from making application to any hospital for chiropractic staff
328 privileges or as an allied health provider as outlined under the
329 Minimum Standards * * * of Operation * * * for Mississippi
330 Hospitals. Such certificate shall be duly registered in a record
331 book which shall be properly kept by the secretary of the board
332 and which shall be open to public inspection. A duly certified
333 copy of said record shall be competent evidence in all courts of
334 this state to establish licensure.

335 Each application or filing made under this section shall
336 include the social security number(s) of the applicant in
337 accordance with Section 93-11-64 * * *.

338 **SECTION 10.** Section 73-6-17, Mississippi Code of 1972, is
339 reenacted as follows:

340 73-6-17. The State Board of Chiropractic Examiners shall
341 charge the following fees for application, examination and
342 issuance of certificates: application, One Hundred Dollars
343 (\$100.00); examination and issuance of certificate, Two Hundred
344 Dollars (\$200.00) for all applicants; provided, however, that



345 resident and nonresident applicants shall have first successfully
346 completed parts 1, 2, 3 and 4 and the physical modality section of
347 the examination prepared by the National Board of Chiropractic
348 Examiners.

349 Except as provided in Section 33-1-39, every registered
350 chiropractor in order to continue the practice of chiropractic
351 shall pay annually to the secretary of the board a registration
352 renewal fee of not more than Three Hundred Dollars (\$300.00) and,
353 in addition to such renewal fee, shall be required to file with
354 the secretary of the board a certificate, certified by a state
355 chiropractic board and state chiropractic association, verifying
356 his attendance at a course of study approved by the board
357 consisting of not less than twelve (12) hours of instruction in
358 the latest developments in the practice of chiropractic of which
359 at least three (3) hours shall be instruction in the subject of
360 risk management. Provided, that any chiropractor who has reached
361 the age of seventy-five (75) years and is not participating in an
362 active practice shall not be required to pay said renewal fee or
363 submit the twelve (12) hours of continuing education. Any
364 chiropractor who has received a certificate of licensure in this
365 state under the provisions of Section 73-6-13(4) shall be in good
366 standing in the state of his original licensure in order to renew
367 his certificate in this state, and the board shall refuse to renew
368 the certificate of any such chiropractor whose license has been
369 suspended or revoked for cause in the state of his original



370 licensure. In case of failure to pay the renewal fee, the board
371 may revoke such certificate after giving sixty (60) days' notice
372 to the holder who, within such period, may renew such certificate
373 upon payment of the delinquent fee with a special processing
374 charge of not more than Three Hundred Dollars (\$300.00). Lack of
375 participation in active practice for a period of less than two (2)
376 years, except when a doctor is in active military duty, shall not
377 deprive the holder of the right to renew such certificate, without
378 examination, upon the payment of all lapsed fees and proof of
379 required continuing education hours.

380 **SECTION 11.** Section 73-6-18, Mississippi Code of 1972, is
381 reenacted as follows:

382 73-6-18. These standards apply to all licensed chiropractors
383 and chiropractic assistants. These standards also apply to those
384 consultations and examinations advertised as a reduced fee or free
385 (no charge) service:

386 (a) The chiropractor shall maintain records for
387 patients which accurately, legibly and completely reflect the
388 evaluation and treatment of the patient.

389 (b) All patient records shall include patient history,
390 symptomatology, examination, diagnosis, prognosis and treatment.
391 If abbreviations or symbols are used in daily record keeping, a
392 key must be provided.

393 (c) In the event that the board takes disciplinary
394 action against a chiropractor for any reason, these minimum record



395 keeping standards will apply. It is understood that these
396 procedures are the accepted standard(s) and anything less than
397 this shall be considered unprofessional conduct in the practice of
398 chiropractic.

399 **SECTION 12.** Section 73-6-19, Mississippi Code of 1972, is
400 reenacted as follows:

401 73-6-19. (1) The board shall refuse to grant a certificate
402 of licensure to any applicant or may cancel, revoke or suspend the
403 certificate upon the finding of any of the following facts
404 regarding the applicant or licensed practitioner:

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

407 (b) Violation of any of the provisions of this chapter
408 or any of the rules and regulations of the State Board of Health
409 pursuant to this chapter with regard to the operation and use of
410 x-rays;

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

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

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

418 (f) Unprofessional and unethical conduct;



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

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

426 (i) Advising a patient to use drugs, prescribing or
427 providing drugs for a patient, or advising a patient not to use a
428 drug prescribed by a licensed physician or dentist;

429 (j) Professional incompetency in the practice of
430 chiropractic;

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

433 (l) Offering to accept or accepting payment for
434 services rendered by assignment from any third-party payor after
435 offering to accept or accepting whatever the third-party payor
436 covers as payment in full, if the effect of the offering or
437 acceptance is to eliminate or give the impression of eliminating
438 the need for payment by an insured of any required deductions
439 applicable in the policy of the insured;

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



444 (n) Failure to make payment on chiropractic student
445 loans;

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

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

451 (q) Violation(s) of the provisions of Sections 41-121-1
452 through 41-121-9 relating to deceptive advertisement by health
453 care practitioners. This paragraph shall stand repealed on July
454 1, 2016.

455 (2) Any holder of such certificate or any applicant therefor
456 against whom is preferred any of the designated charges shall be
457 furnished a copy of the complaint and shall receive a formal
458 hearing in Jackson, Mississippi, before the board, at which time
459 he may be represented by counsel and examine witnesses. The board
460 is authorized to administer oaths as may be necessary for the
461 proper conduct of any such hearing. In addition, the board is
462 authorized and empowered to issue subpoenas for the attendance of
463 witnesses and the production of books and papers. The process
464 issued by the board shall extend to all parts of the state. Where
465 in any proceeding before the board any witness shall fail or
466 refuse to attend upon subpoena issued by the board, shall refuse
467 to testify, or shall refuse to produce any books and papers, the
468 production of which is called for by the subpoena, the attendance



469 of such witness and the giving of his testimony and the production
470 of the books and papers shall be enforced by any court of
471 competent jurisdiction of this state in the manner provided for
472 the enforcement of attendance and testimony of witnesses in civil
473 cases in the courts of this state.

474 (3) In addition to any other investigators the board
475 employs, the board shall appoint one or more licensed
476 chiropractors to act for the board in investigating the conduct
477 relating to the competency of a chiropractor, whenever
478 disciplinary action is being considered for professional
479 incompetence and unprofessional conduct.

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

485 (a) Deny his application for a license or other
486 authorization to practice chiropractic;

487 (b) Administer a public or private reprimand;

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

490 (d) Revoke or cancel his license or other authorization
491 to practice chiropractic;

492 (e) Require him to submit to care, counseling or
493 treatment by physicians or chiropractors designated by the board,



494 as a condition for initial, continued or renewal of licensure or
495 other authorization to practice chiropractic;

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

498 (g) Require him to practice under the direction of a
499 chiropractor designated by the board for a specified period of
500 time.

501 (5) Any person whose application for a license or whose
502 license to practice chiropractic has been cancelled, revoked or
503 suspended by the board within thirty (30) days from the date of
504 such final decision shall have the right of a de novo appeal to
505 the circuit court of his county of residence or the Circuit Court
506 of the First Judicial District of Hinds County, Mississippi. If
507 there is an appeal, such appeal may, in the discretion of and on
508 motion to the circuit court, act as a supersedeas. The circuit
509 court shall dispose of the appeal and enter its decision promptly.
510 The hearing on the appeal may, in the discretion of the circuit
511 judge, be tried in vacation. Either party shall have the right of
512 appeal to the Supreme Court as provided by law from any decision
513 of the circuit court.

514 (6) In a proceeding conducted under this section by the
515 board for the revocation, suspension or cancellation of a license
516 to practice chiropractic, after a hearing has been conducted as
517 prescribed by this section, the board shall have the power and
518 authority for the grounds stated in subsection (1) of this



519 section, with the exception of paragraph (c) thereof, to assess
520 and levy upon any person licensed to practice chiropractic in the
521 state a monetary penalty in lieu of such revocation, suspension or
522 cancellation, as follows:

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

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

530 The power and authority of the board to assess and levy such
531 monetary penalties under this section shall not be affected or
532 diminished by any other proceeding, civil or criminal, concerning
533 the same violation or violations. A licensee shall have the right
534 of appeal from the assessment and levy of a monetary penalty as
535 provided in this section to the circuit court under the same
536 conditions as a right of appeal is provided for in this section
537 for appeals from an adverse ruling, or order, or decision of the
538 board. Any monetary penalty assessed and levied under this
539 section shall not take effect until after the time for appeal has
540 expired, and an appeal of the assessment and levy of such a
541 monetary penalty shall act as a supersedeas.

542 (7) In addition to the grounds specified in subsection (1)
543 of this section, the board shall be authorized to suspend the



544 license of any licensee for being out of compliance with an order
545 for support, as defined in Section 93-11-153. The procedure for
546 suspension of a license for being out of compliance with an order
547 for support, and the procedure for the reissuance or reinstatement
548 of a license suspended for that purpose, and the payment of any
549 fees for the reissuance or reinstatement of a license suspended
550 for that purpose, shall be governed by Section 93-11-157 or
551 93-11-163, as the case may be. Actions taken by the board in
552 suspending a license when required by Section 93-11-157 or
553 93-11-163 are not actions from which an appeal may be taken under
554 this section. Any appeal of a license suspension that is required
555 by Section 93-11-157 or 93-11-163 shall be taken in accordance
556 with the appeal procedure specified in Section 93-11-157 or
557 93-11-163, as the case may be, rather than the procedure specified
558 in this section. If there is any conflict between any provision
559 of Section 93-11-157 or 93-11-163 and any provision of this
560 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
561 case may be, shall control.

562 **SECTION 13.** Section 73-6-23, Mississippi Code of 1972, is
563 reenacted as follows:

564 73-6-23. Nothing in this chapter shall be construed as
565 conferring upon the holder of such certificate the right to
566 practice medicine and surgery as a physician or osteopathic
567 physician as defined by statute, to engage in the practice of
568 physical therapy as defined by statute, to advise or prescribe the



569 use of drugs by his patients, or to advise a patient not to use a
570 drug prescribed by a licensed physician or dentist.

571 **SECTION 14.** Section 73-6-25, Mississippi Code of 1972, is
572 reenacted as follows:

573 73-6-25. (1) The members of the chiropractic profession,
574 licensed or unlicensed, are hereby prohibited from:

575 (a) Making use of any public statement of a character
576 tending to mislead the public in regard to the health services of
577 the chiropractic profession or of an individual chiropractor, or
578 use of any other professional designation other than the term
579 "chiropractor," "doctor of chiropractic," "D.C." or "chiropractic
580 physician"; however, the use of the title "chiropractic physician"
581 authorized in this paragraph (a) shall not be construed as
582 conferring upon the holder of a license to practice chiropractic
583 any right or responsibility given to a "physician" by any other
584 Mississippi statute, unless the statute specifically confers the
585 right or responsibility on a "chiropractor" or a "chiropractic
586 physician";

587 (b) Offering discounts or inducements to prospective
588 patients by means of coupons or otherwise to perform professional
589 services during any period of time for a lesser or more attractive
590 price without providing a disclaimer to the public indicating the
591 usual price for other services;

592 (c) Advertising or promising to guarantee any
593 professional service or to perform any operation painlessly;



594 (d) Violating any of the provisions of this chapter or
595 any of the rules and regulations of the State Board of Health
596 pursuant to this chapter with regard to the operation and use of
597 x-rays.

598 (2) Nothing herein shall be construed to prohibit a licensed
599 practitioner of chiropractic from allowing or causing his name,
600 address and telephone number to be inserted in the classified
601 section of a telephone directory under a classification denoting
602 the practitioner's profession. Nothing herein shall be construed
603 to prohibit a licensed practitioner from mailing letters to his
604 clients, but such letters shall otherwise be subject to the
605 provisions of this section.

606 **SECTION 15.** Section 73-6-26, Mississippi Code of 1972, is
607 reenacted as follows:

608 73-6-26. It shall be unlawful for any person, corporation or
609 association to, in any manner, make claim, verbally, in writing,
610 or by way of advertising, that they perform chiropractic
611 adjustments/manipulation to the articulations of the human spine
612 unless they hold a valid license to practice chiropractic (D.C.)
613 in the State of Mississippi.

614 **SECTION 16.** Section 73-6-27, Mississippi Code of 1972, is
615 reenacted as follows:

616 73-6-27. Any person who has graduated from a college
617 approved by the International Chiropractors Association or
618 American Chiropractic Association and who was engaged in the



619 full-time practice of chiropractic in Mississippi prior to January
620 1, 1970, or was engaged in the full-time practice of chiropractic
621 in Mississippi for a period of eight (8) years prior to April 16,
622 1973, shall be entitled to a license hereunder by making
623 application to the State Board of Chiropractic Examiners without
624 being required to take the examination of the State Board of
625 Chiropractic Examiners, provided he applies for such license
626 within ninety (90) days after the appointment of the initial
627 board, submits reasonable evidence to the board establishing his
628 eligibility for such exemption, and pays a Twenty-five-Dollar
629 registration fee. All other persons practicing chiropractic
630 within the State of Mississippi on April 16, 1973, shall be
631 eligible to take the approved examination.

632 **SECTION 17.** Section 73-6-29, Mississippi Code of 1972, is
633 reenacted as follows:

634 73-6-29. Anyone failing to comply with the provisions of
635 this chapter shall be guilty of a misdemeanor and upon conviction
636 thereof shall be punished by a fine of not less than Five Hundred
637 Dollars (\$500.00) nor more than Two Thousand Five Hundred Dollars
638 (\$2,500.00), and/or by imprisonment in the county jail for not
639 less than thirty (30) days nor more than one (1) year.

640 All subsequent offenses shall be separate and distinct
641 offenses, and punishable in like manner.

642 The State Board of Chiropractic Examiners or the district
643 attorney or county attorney of the county in which the defendant



644 may reside or the Attorney General of Mississippi may institute
645 legal action as provided by law against any person violating the
646 provisions of this chapter, and the chancery court of the county
647 in which any such violation occurred or in which any such person
648 resides or practices shall have jurisdiction to grant injunctive
649 relief against the continuation of any such violation.

650 **SECTION 18.** Section 73-6-31, Mississippi Code of 1972, is
651 reenacted as follows:

652 73-6-31. No person shall engage in the practice of
653 chiropractic from and after January 1, 1974, unless he has a valid
654 license issued pursuant to this chapter.

655 **SECTION 19.** Section 73-6-33, Mississippi Code of 1972, is
656 amended as follows:

657 73-6-33. Sections 73-6-1 through 73-6-31, Mississippi Code
658 of 1972, which create the State Board of Chiropractic Examiners
659 and prescribe its duties and powers, shall stand repealed as of
660 July 1, * * * 2019.

661 **SECTION 20.** This act shall take effect and be in force from
662 and after July 1, 2016.

