

By: Senator(s) Kirby

To: Public Health and Welfare

SENATE BILL NO. 2090

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

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

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

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

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

20 41-121-3. The Legislature finds and declares that:

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



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

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

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

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

45 41-121-5. For the purposes of this chapter:

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



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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

176 **SECTION 6.** Section 41-121-11, Mississippi Code of 1972,
177 which is the automatic repealer on "The Patient's Right To
178 Informed Health Care Choices Act," is hereby repealed.

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

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

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

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

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

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



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

198 (f) Unprofessional and unethical conduct;

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

266 (b) Administer a public or private reprimand;

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



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

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

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

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

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



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

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

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

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



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

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

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



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

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

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

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



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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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



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

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

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

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



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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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

606 (b) Administering a reprimand;

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

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

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



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

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

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

624 (h) Imposing a fine not to exceed Five Hundred Dollars
625 (\$500.00).

626 (3) In addition to the grounds specified in subsection (1)
627 of this section, the board shall be authorized to suspend the
628 license or privilege to practice of any licensee for being out of
629 compliance with an order for support, as defined in Section
630 93-11-153. The procedure for suspension of a license or privilege
631 to practice for being out of compliance with an order for support,
632 and the procedure for the reissuance or reinstatement of a license
633 or privilege to practice suspended for that purpose, and the
634 payment of any fees for the reissuance or reinstatement of a
635 license or privilege to practice suspended for that purpose, shall
636 be governed by Section 93-11-157 or 93-11-163, as the case may be.
637 If there is any conflict between any provision of Section
638 93-11-157 or 93-11-163 and any provision of this article, the



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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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



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

740 (4) In addition to the reasons specified in subsections (1)
741 and (2) of this section, the board shall be authorized to suspend
742 the license of any licensee for being out of compliance with an
743 order for support, as defined in Section 93-11-153. The procedure
744 for suspension of a license for being out of compliance with an
745 order for support, and the procedure for the reissuance or
746 reinstatement of a license suspended for that purpose, and the
747 payment of any fees for the reissuance or reinstatement of a
748 license suspended for that purpose, shall be governed by Section
749 93-11-157 or 93-11-163, as the case may be. If there is any
750 conflict between any provision of Section 93-11-157 or 93-11-163
751 and any provision of this chapter, the provisions of Section
752 93-11-157 or 93-11-163, as the case may be, shall control.

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

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

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



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

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

766 (i) A felony;

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

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

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

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

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

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

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

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

785 (j) Misappropriation of any prescription drug;



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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

908 (15) Performing or inducing an abortion on a woman in
909 violation of any provision of Sections 41-41-131 through
910 41-41-145.



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

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

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



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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

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

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

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

1000 (vi) Use of any false, fraudulent or forged
1001 statement or document, or the use of any fraudulent, deceitful,
1002 dishonest or immoral practice in connection with any of the
1003 licensing requirements, including the signing in his professional
1004 capacity any certificate that is known to be false at the time he
1005 makes or signs such certificate.

1006 (vii) Failing to identify a podiatrist's school of
1007 practice in all professional uses of his name by use of his earned
1008 degree or a description of his school of practice.

1009 (i) The refusal of a licensing authority of another
1010 state to issue or renew a license, permit or certificate to



1011 practice podiatry in that state or the revocation, suspension or
1012 other restriction imposed on a license, permit or certificate
1013 issued by such licensing authority which prevents or restricts
1014 practice in that state.

1015 (j) Violation(s) of the provisions of Sections 41-121-1
1016 through 41-121-9 relating to deceptive advertisement by health
1017 care practitioners. * * *

1018 (2) Upon the nonissuance, suspension or revocation of a
1019 license to practice podiatry, the board may, in its discretion and
1020 with the advice of the advisory committee, reissue a license after
1021 a lapse of six (6) months. No advertising shall be permitted
1022 except regular professional cards.

1023 (3) In its investigation of whether the license of a
1024 podiatrist should be suspended, revoked or otherwise restricted,
1025 the board may inspect patient records in accordance with the
1026 provisions of Section 73-25-28.

1027 (4) In addition to the grounds specified in subsection (1)
1028 of this section, the board shall be authorized to suspend the
1029 license of any licensee for being out of compliance with an order
1030 for support, as defined in Section 93-11-153. The procedure for
1031 suspension of a license for being out of compliance with an order
1032 for support, and the procedure for the reissuance or reinstatement
1033 of a license suspended for that purpose, and the payment of any
1034 fees for the reissuance or reinstatement of a license suspended
1035 for that purpose, shall be governed by Section 93-11-157 or



1036 93-11-163, as the case may be. If there is any conflict between
1037 any provision of Section 93-11-157 or 93-11-163 and any provision
1038 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
1039 as the case may be, shall control.

1040 **SECTION 15.** Section 73-39-77, Mississippi Code of 1972, is
1041 amended as follows:

1042 73-39-77. (1) Upon a written complaint sworn to by any
1043 person, the board, in its sole discretion, may, after a hearing,
1044 revoke, suspend or limit for a certain time a license, impose an
1045 administrative fine not to exceed One Thousand Dollars (\$1,000.00)
1046 for each separate offense, or otherwise discipline any licensed
1047 veterinarian for any of the following reasons:

1048 (a) The employment of fraud, misrepresentation or
1049 deception in obtaining a license.

1050 (b) The inability to practice veterinary medicine with
1051 reasonable skill and safety because of a physical or mental
1052 disability, including deterioration of mental capacity, loss of
1053 motor skills or abuse of drugs or alcohol of sufficient degree to
1054 diminish the person's ability to deliver competent patient care.

1055 (c) The use of advertising or solicitation that is
1056 false or misleading.

1057 (d) Conviction of the following in any federal court or
1058 in the courts of this state or any other jurisdiction, regardless
1059 of whether the sentence is deferred:

1060 (i) Any felony;



1061 (ii) Any crime involving cruelty, abuse or neglect
1062 of animals, including bestiality;

1063 (iii) Any crime of moral turpitude;

1064 (iv) Any crime involving unlawful sexual contact,
1065 child abuse, the use or threatened use of a weapon, the infliction
1066 of injury, indecent exposure, perjury, false reporting, criminal
1067 impersonation, forgery and any other crime involving a lack of
1068 truthfulness, veracity or honesty, intimidation of a victim or
1069 witness, larceny, or alcohol or drugs.

1070 For the purposes of this paragraph, a plea of guilty or a
1071 plea of nolo contendere accepted by the court shall be considered
1072 as a conviction.

1073 (e) Incompetence, gross negligence or other malpractice
1074 in the practice of veterinary medicine.

1075 (f) Aiding the unlawful practice of veterinary
1076 medicine.

1077 (g) Fraud or dishonesty in the application or reporting
1078 of any test for disease in animals.

1079 (h) Failure to report, as required by law, or making
1080 false or misleading report of, any contagious or infectious
1081 disease.

1082 (i) Failure to keep accurate patient records.

1083 (j) Dishonesty or gross negligence in the performance
1084 of food safety inspections or in the issuance of any health or
1085 inspection certificates.



1086 (k) Failure to keep veterinary premises and equipment,
1087 including practice vehicles, in a clean and sanitary condition.

1088 (l) Failure to permit the board or its agents to enter
1089 and inspect veterinary premises and equipment, including practice
1090 vehicles, as set by rules promulgated by the board.

1091 (m) Revocation, suspension or limitation of a license
1092 to practice veterinary medicine by another state, territory or
1093 district of the United States.

1094 (n) Loss or suspension of accreditation by any federal
1095 or state agency.

1096 (o) Unprofessional conduct as defined in regulations
1097 adopted by the board.

1098 (p) The dispensing, distribution, prescription or
1099 administration of any veterinary prescription drug, or the
1100 extralabel use of any drug in the absence of a
1101 veterinarian-client-patient relationship.

1102 (q) Violations of state or federal drug laws.

1103 (r) Violations of any order of the board.

1104 (s) Violations of this chapter or of the rules
1105 promulgated under this chapter.

1106 (t) Violation(s) of the provisions of Sections 41-121-1
1107 through 41-121-9 relating to deceptive advertisement by health
1108 care practitioners. * * *

1109 (2) A certified copy of any judgment of conviction or
1110 finding of guilt by a court of competent jurisdiction or by a



1111 governmental agency, or agency authorized to issue licenses or
1112 permits, including the United States Department of Agriculture,
1113 Animal and Plant Health Inspection Service, the Mississippi Board
1114 of Animal Health and the Mississippi Board of Health, of a
1115 veterinarian or veterinary technician of any matters listed in
1116 this section shall be admissible in evidence in any hearing held
1117 by the board to discipline such veterinarian or technician and
1118 shall constitute prima facie evidence of the commission of any
1119 such act.

1120 **SECTION 16.** This act shall take effect and be in force from
1121 and after July 1, 2016.

