

By: Representative Smith

To: Judiciary A

## HOUSE BILL NO. 676

1 AN ACT TO REQUIRE ALL LICENSING ENTITIES TO PROVIDE THE  
2 DEPARTMENT OF REVENUE CERTAIN INFORMATION FOR USE IN THE  
3 ENFORCEMENT AND COLLECTION OF FINALLY DETERMINED TAX LIABILITIES  
4 AND TO AUTHORIZE THE DEPARTMENT TO UTILIZE THIS INFORMATION TO  
5 DETERMINE IF A LICENSEE IS DELINQUENT ON PAYING A FINALLY  
6 DETERMINED TAX LIABILITY; TO PROVIDE FOR NOTICE TO THE LICENSEE OF  
7 THE DELINQUENCY; TO PROVIDE THE ACTIONS THAT A LICENSEE MAY TAKE  
8 UPON RECEIVING SUCH NOTICE; TO AUTHORIZE THE DEPARTMENT OF REVENUE  
9 TO NEGOTIATE WITH A LICENSEE TO ESTABLISH A PAYMENT PLAN; TO  
10 PROVIDE THAT IF THE LICENSEE HAS NOT ENTERED INTO A PAYMENT PLAN  
11 WITHIN 90 DAYS AFTER THE NOTICE, THE DEPARTMENT OF REVENUE MUST  
12 NOTIFY THE APPLICABLE LICENSING ENTITY TO SUSPEND THE LICENSEE'S  
13 LICENSE AND THE LICENSING ENTITY SHALL SUSPEND THE LICENSE; TO  
14 PROVIDE THE PROCEDURE FOR THE APPEAL OF SUCH SUSPENSIONS; TO  
15 PROVIDE FOR REINSTATEMENT OF A SUSPENDED LICENSE UPON THE  
16 LICENSING ENTITY BEING NOTIFIED BY THE DEPARTMENT OF REVENUE THAT  
17 THE LICENSEE NO LONGER HAS A DELINQUENT FINALLY DETERMINED TAX  
18 LIABILITY OR THAT THE LICENSEE HAS ENTERED INTO A PAYMENT PLAN  
19 WITH THE DEPARTMENT; TO AUTHORIZE LICENSING ENTITIES TO IMPOSE A  
20 FEE FOR THE REINSTATEMENT OF A LICENSE SUSPENDED UNDER THIS ACT;  
21 TO AMEND SECTIONS 37-3-2, 49-7-27, 49-15-325, 63-1-51, 63-1-216,  
22 73-1-29, 73-1-31, 73-1-33, 73-2-16, 73-3-321, 73-3-327, 73-3-329,  
23 73-3-331, 73-3-335, 73-4-19, 73-4-25, 73-5-25, 73-6-19, 73-7-27,  
24 73-9-61, 73-9-65, 73-10-21, 73-11-57, 73-13-37, 73-13-93,  
25 73-14-35, 73-14-39, 73-15-29, 73-17-15, 73-19-23, 73-19-45,  
26 73-21-101, 73-21-103, 73-23-59, 73-23-63, 73-23-64, 73-24-25,  
27 73-24-27, 73-25-27, 73-25-29, 73-27-13, 73-27-16, 73-29-31,  
28 73-29-39, 73-30-21, 73-31-21, 73-33-11, 73-34-35, 73-34-43,  
29 73-35-21, 73-35-25, 73-36-33, 73-38-27, 73-38-29, 73-42-13,  
30 73-43-14, 73-53-17, 73-53-23, 73-53-25, 73-55-19, 73-57-31,  
31 73-59-13, 73-63-43, 73-73-31, 73-75-19, 83-18-3 AND 83-39-15,  
32 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED  
33 PURPOSES.



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

35 **SECTION 1.** In addition to other requirements for holding a  
36 license, an individual who has a delinquent finally determined tax  
37 liability as defined in Sections 1 through 5 of this act also is  
38 subject to the provisions of this act.

39 **SECTION 2.** As used in Sections 1 through 5 of this act:

40 (a) "Licensing entity" or "entity" means any entity  
41 specified in Title 73, Mississippi Code of 1972, and the  
42 Mississippi Department of Public Safety with respect to driver's  
43 licenses, the Mississippi Department of Wildlife, Fisheries and  
44 Parks with respect to hunting and fishing licenses, and any other  
45 state agency that issues a license authorizing a person to engage  
46 in a business, occupation or profession.

47 (b) "License" means a license, certificate, permit  
48 credential, registration, or any other authorization issued by a  
49 licensing entity that allows a person to engage in a business,  
50 occupation or profession, to operate a motor vehicle or to hunt  
51 and fish.

52 (c) "Licensee" means any person holding a license  
53 issued by a licensing entity.

54 (d) "Finally determined tax liability" means any state  
55 tax, fee, penalty and/or interest owed by a person to the  
56 Mississippi Department of Revenue where the assessment of the  
57 liability is not subject to any further timely filed  
58 administrative or judicial review.



59           (e) "Delinquent on paying a finally determined tax  
60 liability" or "delinquent finally determined tax liability" means  
61 that the taxpayer is in arrears or delinquent in paying a finally  
62 determined tax liability and a notice of tax lien for the finally  
63 determined tax liability has been enrolled in the Uniform State  
64 Tax Lien Registry.

65           (f) "Department" means the Mississippi Department of  
66 Revenue.

67           **SECTION 3.** (1) In the manner and form prescribed by the  
68 department, all licensing entities shall provide to the  
69 department, on at least a quarterly basis, information on  
70 licensees for use in the enforcement and collection of finally  
71 determined tax liabilities. The licensee information shall  
72 include, but not limited to, name, address, social security  
73 number, Federal Employer Identification Number, type of license,  
74 effective date of the license, expiration date of the license, and  
75 active or inactive license status. Whenever technologically  
76 feasible, the department and licensing entities may seek to reach  
77 agreements to provide the information required by this section by  
78 way of electronic data media in a secure format.

79           (2) In lieu of providing the licensing information to the  
80 department as outlined in subsection (1) of this section and in  
81 the discretion of the licensing entity, the department may provide  
82 the identity of the individual who is delinquent in paying a  
83 finally determined tax liability to the licensing entity who will



84 then match that information with their records and provide the  
85 department with all necessary information for those individuals  
86 licensed by that entity.

87       **SECTION 4.** (1) The department shall review the information  
88 received from the licensing entity and any other information  
89 available to the department and shall determine if a licensee is  
90 delinquent on paying a finally determined tax liability. If a  
91 licensee is delinquent on a finally determined tax liability, the  
92 department shall notify the licensee by first-class mail that  
93 ninety (90) days after the licensee receives the notice of being  
94 delinquent, the licensing entity will be notified to immediately  
95 suspend the licensee's license unless the licensee pays the  
96 finally determined tax liability or enters into an adequate  
97 payment plan with the department. The licensee shall be presumed  
98 to have received the notice five (5) days after it is deposited in  
99 the mail.

100       (2) Upon receiving the notice provided in subsection (1) of  
101 this section the licensee may:

102           (a) Request a review with the department; however, the  
103 issues the licensee may raise at the review are limited to whether  
104 the licensee is the person required to pay the finally determined  
105 tax liability and whether the licensee is delinquent on paying a  
106 finally determined tax liability; or



107           (b) Request to participate in negotiations with the  
108 department for the purpose of establishing a payment plan for the  
109 arrearage.

110           (3) The department or the designees of the department may  
111 negotiate with a licensee to establish a payment plan. Payments  
112 made under a payment plan shall be in addition to the taxpayer's  
113 ongoing obligation to file and pay any taxes which become due  
114 after the payment plan is established.

115           (4) The notice given to a licensee that the licensee's  
116 license will be suspended in ninety (90) days must clearly state  
117 the remedies and procedures that are available to a licensee under  
118 this section.

119           (5) If at the end of the ninety (90) days the licensee has a  
120 delinquent finally determined tax liability for which he was  
121 previously sent notice, and the licensee has not entered into a  
122 payment plan, the department shall immediately notify all  
123 applicable licensing entities in writing to suspend the licensee's  
124 license, and the licensing entities shall immediately suspend the  
125 license and shall within three (3) business days mail notification  
126 to the licensee and the licensee's employer, where known, of the  
127 license suspension and the date of such suspension by certified  
128 mail, return receipt requested. Within forty-eight (48) hours of  
129 receipt of a request in writing delivered personally, by mail, or  
130 by electronic means, the department shall furnish to the licensee,  
131 licensee's attorney or other authorized representative a copy of



132 the department's accounting records of the licensee's payment  
133 history. A licensing entity shall immediately reinstate the  
134 suspended license upon the department notifying the licensing  
135 entities in writing that the licensee no longer has a delinquent  
136 finally determined tax liability or that the licensee has entered  
137 into a payment plan with the department.

138 (6) Within thirty (30) days after a licensing entity  
139 suspends the licensee's license at the direction of the department  
140 under subsection (5) of this section, the licensee may appeal the  
141 license suspension to the chancery court of the county in which  
142 the licensee resides or to the Chancery Court of the First  
143 Judicial District of Hinds County, Mississippi, upon giving bond  
144 with sufficient sureties in the amount of Two Hundred Dollars  
145 (\$200.00), approved by the clerk of the chancery court and  
146 conditioned to pay any costs that may be adjudged against the  
147 licensee. Notice of appeal shall be filed in the office of the  
148 clerk of the chancery court. If there is an appeal, the appeal  
149 may, in the discretion of and on motion to the chancery clerk, act  
150 as supersedeas of the license suspension. The department shall be  
151 the appellee in the appeal, and the licensing entity shall not be  
152 a party in the appeal. The chancery court shall dispose of the  
153 appeal and enter its decision within thirty (30) days of the  
154 filing of the appeal. The hearing on the appeal may, in the  
155 discretion of the chancellor, be tried in vacation. The decision  
156 of the chancery court may be appealed to the Supreme Court in the



157 manner provided by the rules of the Supreme Court. In the  
158 discretion of and on motion to the chancery court, no person shall  
159 be allowed to practice any business, occupation or profession or  
160 take any other action under the authority of any license the  
161 suspension of which has been affirmed by the chancery court while  
162 an appeal to the Supreme Court from the decision of the chancery  
163 court is pending.

164 (7) If a licensee has entered into an adequate payment plan  
165 under this section and subsequently is out of compliance with the  
166 plan, the department may immediately notify the licensing entity  
167 to suspend the licensee's license. The licensing entity shall  
168 immediately suspend the license without a hearing and shall within  
169 three (3) business days notify the licensee in writing of the  
170 license suspension. In the case of a license suspension under the  
171 provisions of this subsection, the procedures provided for under  
172 subsections (1) and (2) of this section are not required; however,  
173 the appeal provisions of subsection (6) of this section still  
174 apply. After suspension of the license, if the licensee  
175 subsequently enters into a payment plan, the department shall  
176 within seven (7) days notify in writing the licensing entity that  
177 the licensee is in compliance. Upon receipt of that notice from  
178 the department, a licensing entity shall immediately reinstate the  
179 license of the licensee and shall within three (3) days notify the  
180 licensee of the reinstatement.



181           (8) If a license is suspended under the provisions of this  
182 section, the licensing entity is not required to refund any fees  
183 paid by a licensee in connection with obtaining or renewing a  
184 license.

185           (9) The requirement of a licensing entity to suspend a  
186 license under this section does not affect the power of the  
187 licensing entity to deny, suspend, revoke or terminate a license  
188 for any other reason.

189           (10) The procedure for suspension of a license for being  
190 delinquent on paying a finally determined tax liability, and the  
191 procedure for the reissuance or reinstatement of a license  
192 suspended for that purpose, shall be governed by this section and  
193 not by the general licensing and disciplinary provisions  
194 applicable to a licensing entity. Actions taken by a licensing  
195 entity in suspending a license when required by this section are  
196 not actions from which an appeal may be taken under the general  
197 licensing and disciplinary provisions applicable to the licensing  
198 entity. Any appeal of a license suspension that is required by  
199 this section shall be taken in accordance with the appeal  
200 procedure in subsection (6) of this section rather than any  
201 procedure specified in the general licensing and disciplinary  
202 provisions applicable to the licensing entity. If there is any  
203 conflict between any provision of Sections 1 through 5 of this act  
204 and any provision of the general licensing and disciplinary





205 provisions applicable to a licensing entity, the provisions of  
206 Sections 1 through 5 of this act shall control.

207       **SECTION 5.** The licensing entities subject to Sections 1  
208 through 5 of this act may establish an additional administrative  
209 fee not to exceed Twenty-five Dollars (\$25.00) to be paid by  
210 licensees who are delinquent on paying a finally determined tax  
211 liability and who are subject to the provisions of Sections 1  
212 through 5 of this act for the purpose of recovering costs of the  
213 licensing entities associated with the implementation of Sections  
214 1 through 5 of this act.

215       **SECTION 6.** Section 37-3-2, Mississippi Code of 1972, is  
216 amended as follows:

217       37-3-2. (1) There is established within the State  
218 Department of Education the Commission on Teacher and  
219 Administrator Education, Certification and Licensure and  
220 Development. It shall be the purpose and duty of the commission  
221 to make recommendations to the State Board of Education regarding  
222 standards for the certification and licensure and continuing  
223 professional development of those who teach or perform tasks of an  
224 educational nature in the public schools of Mississippi.

225       (2) The commission shall be composed of fifteen (15)  
226 qualified members. The membership of the commission shall be  
227 composed of the following members to be appointed, three (3) from  
228 each congressional district: four (4) classroom teachers; three  
229 (3) school administrators; one (1) representative of schools of



230 education of institutions of higher learning located within the  
231 state to be recommended by the Board of Trustees of State  
232 Institutions of Higher Learning; one (1) representative from the  
233 schools of education of independent institutions of higher  
234 learning to be recommended by the Board of the Mississippi  
235 Association of Independent Colleges; one (1) representative from  
236 public community and junior colleges located within the state to  
237 be recommended by the Mississippi Community College Board; one (1)  
238 local school board member; and four (4) laypersons. All  
239 appointments shall be made by the State Board of Education after  
240 consultation with the State Superintendent of Public Education.  
241 The first appointments by the State Board of Education shall be  
242 made as follows: five (5) members shall be appointed for a term  
243 of one (1) year; five (5) members shall be appointed for a term of  
244 two (2) years; and five (5) members shall be appointed for a term  
245 of three (3) years. Thereafter, all members shall be appointed  
246 for a term of four (4) years.

247 (3) The State Board of Education when making appointments  
248 shall designate a chairman. The commission shall meet at least  
249 once every two (2) months or more often if needed. Members of the  
250 commission shall be compensated at a rate of per diem as  
251 authorized by Section 25-3-69 and be reimbursed for actual and  
252 necessary expenses as authorized by Section 25-3-41.

253 (4) (a) An appropriate staff member of the State Department  
254 of Education shall be designated and assigned by the State



255 Superintendent of Public Education to serve as executive secretary  
256 and coordinator for the commission. No less than two (2) other  
257 appropriate staff members of the State Department of Education  
258 shall be designated and assigned by the State Superintendent of  
259 Public Education to serve on the staff of the commission.

260 (b) An Office of Educator Misconduct Evaluations shall  
261 be established within the State Department of Education to assist  
262 the commission in responding to infractions and violations, and in  
263 conducting hearings and enforcing the provisions of \* \* \*  
264 subsections (11), (12), (13), (14) and (15) \* \* \* of this section,  
265 and violations of the Mississippi Educator Code of Ethics.

266 (5) It shall be the duty of the commission to:

267 (a) Set standards and criteria, subject to the approval  
268 of the State Board of Education, for all educator preparation  
269 programs in the state;

270 (b) Recommend to the State Board of Education each year  
271 approval or disapproval of each educator preparation program in  
272 the state, subject to a process and schedule determined by the  
273 State Board of Education;

274 (c) Establish, subject to the approval of the State  
275 Board of Education, standards for initial teacher certification  
276 and licensure in all fields;

277 (d) Establish, subject to the approval of the State  
278 Board of Education, standards for the renewal of teacher licenses  
279 in all fields;



280 (e) Review and evaluate objective measures of teacher  
281 performance, such as test scores, which may form part of the  
282 licensure process, and to make recommendations for their use;

283 (f) Review all existing requirements for certification  
284 and licensure;

285 (g) Consult with groups whose work may be affected by  
286 the commission's decisions;

287 (h) Prepare reports, l from time to time, l on current  
288 practices and issues in the general area of teacher education and  
289 certification and licensure;

290 (i) Hold hearings concerning standards for teachers'  
291 and administrators' education and certification and licensure with  
292 approval of the State Board of Education;

293 (j) Hire expert consultants with approval of the State  
294 Board of Education;

295 (k) Set up ad hoc committees to advise on specific  
296 areas; and

297 (l) Perform such other functions as may fall within  
298 their general charge and which may be delegated to them by the  
299 State Board of Education.

300 (6) (a) **Standard License - Approved Program Route.** An  
301 educator entering the school system of Mississippi for the first  
302 time and meeting all requirements as established by the State  
303 Board of Education shall be granted a standard five-year license.  
304 Persons who possess two (2) years of classroom experience as an



305 assistant teacher or who have taught for one (1) year in an  
306 accredited public or private school shall be allowed to fulfill  
307 student teaching requirements under the supervision of a qualified  
308 participating teacher approved by an accredited college of  
309 education. The local school district in which the assistant  
310 teacher is employed shall compensate such assistant teachers at  
311 the required salary level during the period of time such  
312 individual is completing student teaching requirements.

313 Applicants for a standard license shall submit to the department:

314 (i) An application on a department form;

315 (ii) An official transcript of completion of a  
316 teacher education program approved by the department or a  
317 nationally accredited program, subject to the following:

318 Licensure to teach in Mississippi prekindergarten through  
319 kindergarten classrooms shall require completion of a teacher  
320 education program or a Bachelor of Science degree with child  
321 development emphasis from a program accredited by the American  
322 Association of Family and Consumer Sciences (AAFCS) or by the  
323 National Association for Education of Young Children (NAEYC) or by  
324 the National Council for Accreditation of Teacher Education  
325 (NCATE). Licensure to teach in Mississippi kindergarten, for  
326 those applicants who have completed a teacher education program,  
327 and in Grade 1 through Grade 4 shall require the completion of an  
328 interdisciplinary program of studies. Licenses for Grades 4  
329 through 8 shall require the completion of an interdisciplinary



330 program of studies with two (2) or more areas of concentration.  
331 Licensure to teach in Mississippi Grades 7 through 12 shall  
332 require a major in an academic field other than education, or a  
333 combination of disciplines other than education. Students  
334 preparing to teach a subject shall complete a major in the  
335 respective subject discipline. All applicants for standard  
336 licensure shall demonstrate that such person's college preparation  
337 in those fields was in accordance with the standards set forth by  
338 the National Council for Accreditation of Teacher Education  
339 (NCATE) or the National Association of State Directors of Teacher  
340 Education and Certification (NASDTEC) or, for those applicants who  
341 have a Bachelor of Science degree with child development emphasis,  
342 the American Association of Family and Consumer Sciences (AAFCS).  
343 Effective July 1, 2016, for initial elementary education  
344 licensure, a teacher candidate must earn a passing score on a  
345 rigorous test of scientifically research-based reading instruction  
346 and intervention and data-based decision-making principles as  
347 approved by the State Board of Education;

348 (iii) A copy of test scores evidencing  
349 satisfactory completion of nationally administered examinations of  
350 achievement, such as the Educational Testing Service's teacher  
351 testing examinations;

352 (iv) Any other document required by the State  
353 Board of Education; and



354 (v) From and after September 30, 2015, no teacher  
355 candidate shall be licensed to teach in Mississippi who did not  
356 meet the following criteria for entrance into an approved teacher  
357 education program:

358 1. Twenty-one (21) ACT equivalent or achieve  
359 the nationally recommended passing score on the Praxis Core  
360 Academic Skills for Educators examination; and

361 2. No less than 2.75 GPA on pre-major  
362 coursework of the institution's approved teacher education program  
363 provided that the accepted cohort of candidates meets or exceeds a  
364 3.0 GPA on pre-major coursework.

365 (b) **Standard License - Nontraditional Teaching Route.**

366 From and after September 30, 2015, no teacher candidate shall be  
367 licensed to teach in Mississippi under the alternate route who did  
368 not meet the following criteria:

369 (i) Twenty-one (21) ACT equivalent or achieve the  
370 nationally recommended passing score on the Praxis Core Academic  
371 Skills for Educators examination; and

372 (ii) No less than 2.75 GPA on content coursework  
373 in the requested area of certification or passing Praxis II scores  
374 at or above the national recommended score provided that the  
375 accepted cohort of candidates of the institution's teacher  
376 education program meets or exceeds a 3.0 GPA on pre-major  
377 coursework.



378           Beginning January 1, 2004, an individual who has a passing  
379 score on the Praxis I Basic Skills and Praxis II Specialty Area  
380 Test in the requested area of endorsement may apply for the Teach  
381 Mississippi Institute (TMI) program to teach students in Grades 7  
382 through 12 if the individual meets the requirements of this  
383 paragraph (b). The State Board of Education shall adopt rules  
384 requiring that teacher preparation institutions which provide the  
385 Teach Mississippi Institute (TMI) program for the preparation of  
386 nontraditional teachers shall meet the standards and comply with  
387 the provisions of this paragraph.

388                       (i) The Teach Mississippi Institute (TMI) shall  
389 include an intensive eight-week, nine-semester-hour summer program  
390 or a curriculum of study in which the student matriculates in the  
391 fall or spring semester, which shall include, but not be limited  
392 to, instruction in education, effective teaching strategies,  
393 classroom management, state curriculum requirements, planning and  
394 instruction, instructional methods and pedagogy, using test  
395 results to improve instruction, and a one (1) semester three-hour  
396 supervised internship to be completed while the teacher is  
397 employed as a full-time teacher intern in a local school district.  
398 The TMI shall be implemented on a pilot program basis, with  
399 courses to be offered at up to four (4) locations in the state,  
400 with one (1) TMI site to be located in each of the three (3)  
401 Mississippi Supreme Court districts.





402                   (ii) The school sponsoring the teacher intern  
403 shall enter into a written agreement with the institution  
404 providing the Teach Mississippi Institute (TMI) program, under  
405 terms and conditions as agreed upon by the contracting parties,  
406 providing that the school district shall provide teacher interns  
407 seeking a nontraditional provisional teaching license with a  
408 one-year classroom teaching experience. The teacher intern shall  
409 successfully complete the one (1) semester three-hour intensive  
410 internship in the school district during the semester immediately  
411 following successful completion of the TMI and prior to the end of  
412 the one-year classroom teaching experience.

413                   (iii) Upon completion of the nine-semester-hour  
414 TMI or the fall or spring semester option, the individual shall  
415 submit his transcript to the commission for provisional licensure  
416 of the intern teacher, and the intern teacher shall be issued a  
417 provisional teaching license by the commission, which will allow  
418 the individual to legally serve as a teacher while the person  
419 completes a nontraditional teacher preparation internship program.

420                   (iv) During the semester of internship in the  
421 school district, the teacher preparation institution shall monitor  
422 the performance of the intern teacher. The school district that  
423 employs the provisional teacher shall supervise the provisional  
424 teacher during the teacher's intern year of employment under a  
425 nontraditional provisional license, and shall, in consultation  
426 with the teacher intern's mentor at the school district of



427 employment, submit to the commission a comprehensive evaluation of  
428 the teacher's performance sixty (60) days prior to the expiration  
429 of the nontraditional provisional license. If the comprehensive  
430 evaluation establishes that the provisional teacher intern's  
431 performance fails to meet the standards of the approved  
432 nontraditional teacher preparation internship program, the  
433 individual shall not be approved for a standard license.

434 (v) An individual issued a provisional teaching  
435 license under this nontraditional route shall successfully  
436 complete, at a minimum, a one-year beginning teacher mentoring and  
437 induction program administered by the employing school district  
438 with the assistance of the State Department of Education.

439 (vi) Upon successful completion of the TMI and the  
440 internship provisional license period, applicants for a Standard  
441 License - Nontraditional Route shall submit to the commission a  
442 transcript of successful completion of the twelve (12) semester  
443 hours required in the internship program, and the employing school  
444 district shall submit to the commission a recommendation for  
445 standard licensure of the intern. If the school district  
446 recommends licensure, the applicant shall be issued a Standard  
447 License - Nontraditional Route which shall be valid for a  
448 five-year period and be renewable.

449 (vii) At the discretion of the teacher preparation  
450 institution, the individual shall be allowed to credit the twelve  
451 (12) semester hours earned in the nontraditional teacher



452 internship program toward the graduate hours required for a Master  
453 of Arts in Teacher (MAT) Degree.

454 (viii) The local school district in which the  
455 nontraditional teacher intern or provisional licensee is employed  
456 shall compensate such teacher interns at Step 1 of the required  
457 salary level during the period of time such individual is  
458 completing teacher internship requirements and shall compensate  
459 such Standard License - Nontraditional Route teachers at Step 3 of  
460 the required salary level when they complete license requirements.

461 Implementation of the TMI program provided for under this  
462 paragraph (b) shall be contingent upon the availability of funds  
463 appropriated specifically for such purpose by the Legislature.  
464 Such implementation of the TMI program may not be deemed to  
465 prohibit the State Board of Education from developing and  
466 implementing additional alternative route teacher licensure  
467 programs, as deemed appropriate by the board. The emergency  
468 certification program in effect prior to July 1, 2002, shall  
469 remain in effect.

470 A Standard License - Approved Program Route shall be issued  
471 for a five-year period, and may be renewed. Recognizing teaching  
472 as a profession, a hiring preference shall be granted to persons  
473 holding a Standard License - Approved Program Route or Standard  
474 License - Nontraditional Teaching Route over persons holding any  
475 other license.



476                   (c) **Special License - Expert Citizen.** In order to  
477 allow a school district to offer specialized or technical courses,  
478 the State Department of Education, in accordance with rules and  
479 regulations established by the State Board of Education, may grant  
480 a one-year expert citizen-teacher license to local business or  
481 other professional personnel to teach in a public school or  
482 nonpublic school accredited or approved by the state. Such person  
483 may begin teaching upon his employment by the local school board  
484 and licensure by the Mississippi Department of Education. The  
485 board shall adopt rules and regulations to administer the expert  
486 citizen-teacher license. A Special License - Expert Citizen may  
487 be renewed in accordance with the established rules and  
488 regulations of the State Department of Education.

489                   (d) **Special License - Nonrenewable.** The State Board of  
490 Education is authorized to establish rules and regulations to  
491 allow those educators not meeting requirements in \* \* \* paragraph  
492 (a), (b) or (c) of this subsection (6) to be licensed for a period  
493 of not more than three (3) years, except by special approval of  
494 the State Board of Education.

495                   (e) **Nonlicensed Teaching Personnel.** A nonlicensed  
496 person may teach for a maximum of three (3) periods per teaching  
497 day in a public school district or a nonpublic school  
498 accredited/approved by the state. Such person shall submit to the  
499 department a transcript or record of his education and experience  
500 which substantiates his preparation for the subject to be taught



501 and shall meet other qualifications specified by the commission  
502 and approved by the State Board of Education. In no case shall  
503 any local school board hire nonlicensed personnel as authorized  
504 under this paragraph in excess of five percent (5%) of the total  
505 number of licensed personnel in any single school.

506 (f) **Special License - Transitional Bilingual Education.**  
507 Beginning July 1, 2003, the commission shall grant special  
508 licenses to teachers of transitional bilingual education who  
509 possess such qualifications as are prescribed in this section.  
510 Teachers of transitional bilingual education shall be compensated  
511 by local school boards at not less than one (1) step on the  
512 regular salary schedule applicable to permanent teachers licensed  
513 under this section. The commission shall grant special licenses  
514 to teachers of transitional bilingual education who present the  
515 commission with satisfactory evidence that they (i) possess a  
516 speaking and reading ability in a language, other than English, in  
517 which bilingual education is offered and communicative skills in  
518 English; (ii) are in good health and sound moral character; (iii)  
519 possess a bachelor's degree or an associate's degree in teacher  
520 education from an accredited institution of higher education; (iv)  
521 meet such requirements as to courses of study, semester hours  
522 therein, experience and training as may be required by the  
523 commission; and (v) are legally present in the United States and  
524 possess legal authorization for employment. A teacher of  
525 transitional bilingual education serving under a special license



526 shall be under an exemption from standard licensure if he achieves  
527 the requisite qualifications therefor. Two (2) years of service  
528 by a teacher of transitional bilingual education under such an  
529 exemption shall be credited to the teacher in acquiring a Standard  
530 Educator License. Nothing in this paragraph shall be deemed to  
531 prohibit a local school board from employing a teacher licensed in  
532 an appropriate field as approved by the State Department of  
533 Education to teach in a program in transitional bilingual  
534 education.

535 (g) In the event any school district meets the highest  
536 accreditation standards as defined by the State Board of Education  
537 in the accountability system, the State Board of Education, in its  
538 discretion, may exempt such school district from any restrictions  
539 in paragraph (e) relating to the employment of nonlicensed  
540 teaching personnel.

541 (h) **Highly Qualified Teachers.** Beginning July 1, 2006,  
542 any teacher from any state meeting the federal definition of  
543 highly qualified, as described in the No Child Left Behind Act,  
544 must be granted a standard five-year license by the State  
545 Department of Education.

546 (7) **Administrator License.** The State Board of Education is  
547 authorized to establish rules and regulations and to administer  
548 the licensure process of the school administrators in the State of  
549 Mississippi. There will be four (4) categories of administrator



550 licensure with exceptions only through special approval of the  
551 State Board of Education.

552           (a) **Administrator License - Nonpracticing.** Those  
553 educators holding administrative endorsement but having no  
554 administrative experience or not serving in an administrative  
555 position on January 15, 1997.

556           (b) **Administrator License - Entry Level.** Those  
557 educators holding administrative endorsement and having met the  
558 department's qualifications to be eligible for employment in a  
559 Mississippi school district. Administrator License - Entry Level  
560 shall be issued for a five-year period and shall be nonrenewable.

561           (c) **Standard Administrator License - Career Level.** An  
562 administrator who has met all the requirements of the department  
563 for standard administrator licensure.

564           (d) **Administrator License - Nontraditional Route.** The  
565 board may establish a nontraditional route for licensing  
566 administrative personnel. Such nontraditional route for  
567 administrative licensure shall be available for persons holding,  
568 but not limited to, a master of business administration degree, a  
569 master of public administration degree, a master of public  
570 planning and policy degree or a doctor of jurisprudence degree  
571 from an accredited college or university, with five (5) years of  
572 administrative or supervisory experience. Successful completion  
573 of the requirements of alternate route licensure for



574 administrators shall qualify the person for a standard  
575 administrator license.

576 Individuals seeking school administrator licensure under  
577 paragraph (b), (c) or (d) shall successfully complete a training  
578 program and an assessment process prescribed by the State Board of  
579 Education. All applicants for school administrator licensure  
580 shall meet all requirements prescribed by the department under  
581 paragraph (b), (c) or (d), and the cost of the assessment process  
582 required shall be paid by the applicant.

583 (8) **Reciprocity.** (a) The department shall grant a standard  
584 license to any individual who possesses a valid standard license  
585 from another state and meets minimum Mississippi license  
586 requirements or equivalent requirements as determined by the State  
587 Board of Education. The issuance of a license by reciprocity to a  
588 military-trained applicant or military spouse shall be subject to  
589 the provisions of Section 73-50-1.

590 (b) The department shall grant a nonrenewable special  
591 license to any individual who possesses a credential which is less  
592 than a standard license or certification from another state. Such  
593 special license shall be valid for the current school year plus  
594 one (1) additional school year to expire on June 30 of the second  
595 year, not to exceed a total period of twenty-four (24) months,  
596 during which time the applicant shall be required to complete the  
597 requirements for a standard license in Mississippi.





598           (9) **Renewal and Reinstatement of Licenses.** The State Board  
599 of Education is authorized to establish rules and regulations for  
600 the renewal and reinstatement of educator and administrator  
601 licenses. Effective May 15, 1997, the valid standard license held  
602 by an educator shall be extended five (5) years beyond the  
603 expiration date of the license in order to afford the educator  
604 adequate time to fulfill new renewal requirements established  
605 pursuant to this subsection. An educator completing a master of  
606 education, educational specialist or doctor of education degree in  
607 May 1997 for the purpose of upgrading the educator's license to a  
608 higher class shall be given this extension of five (5) years plus  
609 five (5) additional years for completion of a higher degree.

610           (10) All controversies involving the issuance, revocation,  
611 suspension or any change whatsoever in the licensure of an  
612 educator required to hold a license shall be initially heard in a  
613 hearing de novo, by the commission or by a subcommittee  
614 established by the commission and composed of commission members  
615 for the purpose of holding hearings. Any complaint seeking the  
616 denial of issuance, revocation or suspension of a license shall be  
617 by sworn affidavit filed with the Commission on Teacher and  
618 Administrator Education, Certification and Licensure and  
619 Development. The decision thereon by the commission or its  
620 subcommittee shall be final, unless the aggrieved party shall  
621 appeal to the State Board of Education, within ten (10) days, of  
622 the decision of the committee or its subcommittee. An appeal to



623 the State Board of Education shall be on the record previously  
624 made before the commission or its subcommittee unless otherwise  
625 provided by rules and regulations adopted by the board. The State  
626 Board of Education in its authority may reverse, or remand with  
627 instructions, the decision of the committee or its subcommittee.  
628 The decision of the State Board of Education shall be final.

629 (11) The State Board of Education, acting through the  
630 commission, may deny an application for any teacher or  
631 administrator license for one or more of the following:

632 (a) Lack of qualifications which are prescribed by law  
633 or regulations adopted by the State Board of Education;

634 (b) The applicant has a physical, emotional or mental  
635 disability that renders the applicant unfit to perform the duties  
636 authorized by the license, as certified by a licensed psychologist  
637 or psychiatrist;

638 (c) The applicant is actively addicted to or actively  
639 dependent on alcohol or other habit-forming drugs or is a habitual  
640 user of narcotics, barbiturates, amphetamines, hallucinogens or  
641 other drugs having similar effect, at the time of application for  
642 a license;

643 (d) Revocation, suspension or surrender of an  
644 applicant's certificate or license by another state shall result  
645 in immediate denial of licensure until such time that the records  
646 predicated the revocation, suspension or surrender in the prior  
647 state have been cleared;



648 (e) Fraud or deceit committed by the applicant in  
649 securing or attempting to secure such certification and license;

650 (f) Failing or refusing to furnish reasonable evidence  
651 of identification;

652 (g) The applicant has been convicted, has pled guilty  
653 or entered a plea of nolo contendere to a felony, as defined by  
654 federal or state law;

655 (h) The applicant has been convicted, has pled guilty  
656 or entered a plea of nolo contendere to a sex offense as defined  
657 by federal or state law. For purposes of this paragraph (h) and  
658 paragraph (g) of this subsection, a "guilty plea" includes a plea  
659 of guilty, entry of a plea of nolo contendere, or entry of an  
660 order granting pretrial or judicial diversion; or

661 (i) Probation or post-release supervision for a felony  
662 or sex offense conviction, as defined by federal or state law,  
663 shall result in the immediate denial of licensure application  
664 until expiration of the probationary or post-release supervision  
665 period.

666 (12) The State Board of Education, acting through the  
667 commission, may revoke, suspend or refuse to renew any teacher or  
668 administrator license for specified periods of time or may place  
669 on probation, censure, reprimand a licensee, or take other  
670 disciplinary action with regard to any license issued under this  
671 chapter for one or more of the following:



672 (a) Breach of contract or abandonment of employment may  
673 result in the suspension of the license for one (1) school year as  
674 provided in Section 37-9-57;

675 (b) Obtaining a license by fraudulent means shall  
676 result in immediate suspension and continued suspension for one  
677 (1) year after correction is made;

678 (c) Suspension or revocation of a certificate or  
679 license by another state shall result in immediate suspension or  
680 revocation and shall continue until records in the prior state  
681 have been cleared;

682 (d) The license holder has been convicted, has pled  
683 guilty or entered a plea of nolo contendere to a felony, as  
684 defined by federal or state law. For purposes of this paragraph,  
685 a "guilty plea" includes a plea of guilty, entry of a plea of nolo  
686 contendere, or entry of an order granting pretrial or judicial  
687 diversion;

688 (e) The license holder has been convicted, has pled  
689 guilty or entered a plea of nolo contendere to a sex offense, as  
690 defined by federal or state law, shall result in immediate  
691 suspension or revocation;

692 (f) The license holder has received probation or  
693 post-release supervision for a felony or sex offense conviction,  
694 as defined by federal or state law, which shall result in  
695 immediate suspension or revocation until expiration of the  
696 probationary or post-release supervision period;



697 (g) The license holder knowingly and willfully  
698 committing any of the acts affecting validity of mandatory uniform  
699 test results as provided in Section 37-16-4(1);

700 (h) The license holder has engaged in unethical conduct  
701 relating to an educator/student relationship as identified by the  
702 State Board of Education in its rules;

703 (i) The license holder has fondled a student as  
704 described in Section 97-5-23, or had any type of sexual  
705 involvement with a student as described in Section 97-3-95;

706 (j) The license holder has failed to report sexual  
707 involvement of a school employee with a student as required by  
708 Section 97-5-24;

709 (k) The license holder served as superintendent or  
710 principal in a school district during the time preceding and/or  
711 that resulted in the Governor declaring a state of emergency and  
712 the State Board of Education appointing a conservator;

713 (l) The license holder submitted a false certification  
714 to the State Department of Education that a statewide test was  
715 administered in strict accordance with the Requirements of the  
716 Mississippi Statewide Assessment System; or

717 (m) The license holder has failed to comply with the  
718 Procedures for Reporting Infractions as promulgated by the  
719 commission and approved by the State Board of Education pursuant  
720 to subsection (15) of this section.



721           (13) (a) Dismissal or suspension of a licensed employee by  
722 a local school board pursuant to Section 37-9-59 may result in the  
723 suspension or revocation of a license for a length of time which  
724 shall be determined by the commission and based upon the severity  
725 of the offense.

726           (b) Any offense committed or attempted in any other  
727 state shall result in the same penalty as if committed or  
728 attempted in this state.

729           (c) A person may voluntarily surrender a license. The  
730 surrender of such license may result in the commission  
731 recommending any of the above penalties without the necessity of a  
732 hearing. However, any such license which has voluntarily been  
733 surrendered by a licensed employee may only be reinstated by a  
734 majority vote of all members of the commission present at the  
735 meeting called for such purpose.

736           (14) (a) A person whose license has been revoked or  
737 surrendered on any grounds except criminal grounds may petition  
738 for reinstatement of the license after one (1) year from the date  
739 of revocation or surrender, or after one-half (1/2) of the revoked  
740 or surrendered time has lapsed, whichever is greater. A person  
741 whose license has been suspended on any grounds or violations  
742 under subsection (12) of this section may be reinstated  
743 automatically or approved for a reinstatement hearing, upon  
744 submission of a written request to the commission. A license  
745 suspended, revoked or surrendered on criminal grounds may be



746 reinstated upon petition to the commission filed after expiration  
747 of the sentence and parole or probationary period imposed upon  
748 conviction. A revoked, suspended or surrendered license may be  
749 reinstated upon satisfactory showing of evidence of  
750 rehabilitation. The commission shall require all who petition for  
751 reinstatement to furnish evidence satisfactory to the commission  
752 of good character, good mental, emotional and physical health and  
753 such other evidence as the commission may deem necessary to  
754 establish the petitioner's rehabilitation and fitness to perform  
755 the duties authorized by the license.

756 (b) A person whose license expires while under  
757 investigation by the Office of Educator Misconduct for an alleged  
758 violation may not be reinstated without a hearing before the  
759 commission if required based on the results of the investigation.

760 (15) Reporting procedures and hearing procedures for dealing  
761 with infractions under this section shall be promulgated by the  
762 commission, subject to the approval of the State Board of  
763 Education. The revocation or suspension of a license shall be  
764 effected at the time indicated on the notice of suspension or  
765 revocation. The commission shall immediately notify the  
766 superintendent of the school district or school board where the  
767 teacher or administrator is employed of any disciplinary action  
768 and also notify the teacher or administrator of such revocation or  
769 suspension and shall maintain records of action taken. The State  
770 Board of Education may reverse or remand with instructions any



771 decision of the commission regarding a petition for reinstatement  
772 of a license, and any such decision of the State Board of  
773 Education shall be final.

774 (16) An appeal from the action of the State Board of  
775 Education in denying an application, revoking or suspending a  
776 license or otherwise disciplining any person under the provisions  
777 of this section shall be filed in the Chancery Court of the First  
778 Judicial District of Hinds County, Mississippi, on the record  
779 made, including a verbatim transcript of the testimony at the  
780 hearing. The appeal shall be filed within thirty (30) days after  
781 notification of the action of the board is mailed or served and  
782 the proceedings in chancery court shall be conducted as other  
783 matters coming before the court. The appeal shall be perfected  
784 upon filing notice of the appeal and by the prepayment of all  
785 costs, including the cost of preparation of the record of the  
786 proceedings by the State Board of Education, and the filing of a  
787 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that  
788 if the action of the board be affirmed by the chancery court, the  
789 applicant or license holder shall pay the costs of the appeal and  
790 the action of the chancery court.

791 (17) All such programs, rules, regulations, standards and  
792 criteria recommended or authorized by the commission shall become  
793 effective upon approval by the State Board of Education as  
794 designated by appropriate orders entered upon the minutes thereof.





795           (18) The granting of a license shall not be deemed a  
796 property right nor a guarantee of employment in any public school  
797 district. A license is a privilege indicating minimal eligibility  
798 for teaching in the public school districts of Mississippi. This  
799 section shall in no way alter or abridge the authority of local  
800 school districts to require greater qualifications or standards of  
801 performance as a prerequisite of initial or continued employment  
802 in such districts.

803           (19) In addition to the reasons specified in subsections  
804 (12) and (13) of this section, the board shall be authorized to  
805 suspend the license of any licensee for being out of compliance  
806 with an order for support, as defined in Section 93-11-153. The  
807 procedure for suspension of a license for being out of compliance  
808 with an order for support, and the procedure for the reissuance or  
809 reinstatement of a license suspended for that purpose, and the  
810 payment of any fees for the reissuance or reinstatement of a  
811 license suspended for that purpose, shall be governed by Section  
812 93-11-157 or 93-11-163, as the case may be. Actions taken by the  
813 board in suspending a license when required by Section 93-11-157  
814 or 93-11-163 are not actions from which an appeal may be taken  
815 under this section. Any appeal of a license suspension that is  
816 required by Section 93-11-157 or 93-11-163 shall be taken in  
817 accordance with the appeal procedure specified in Section  
818 93-11-157 or 93-11-163, as the case may be, rather than the  
819 procedure specified in this section. If there is any conflict



820 between any provision of Section 93-11-157 or 93-11-163 and any  
821 provision of this chapter, the provisions of Section 93-11-157 or  
822 93-11-163, as the case may be, shall control.

823 (20) In addition to the reasons specified in this section,  
824 the board shall be authorized to suspend the license of any  
825 licensee for being delinquent on paying a finally determined tax  
826 liability as defined in Section 2 of this act. The procedure for  
827 suspension of a license for being delinquent on a finally  
828 determined tax liability, and the procedure for the reissuance or  
829 reinstatement of a license suspended for that purpose, and the  
830 payment of any fees for the reissuance or reinstatement of a  
831 license suspended for that purpose, shall be governed by Section 4  
832 of this act. Actions taken by the board in suspending a license  
833 when required by Section 4 of this act are not actions from which  
834 an appeal may be taken under this section. Any appeal of a  
835 license suspension that is required by Section 4 of this act shall  
836 be taken in accordance with the appeal procedure specified in  
837 Section 4 of this act rather than the procedure specified in this  
838 section. If there is any conflict between any provision of  
839 Section 4 of this act and any provision of this chapter, the  
840 provisions of Section 4 of this act shall control.

841 **SECTION 7.** Section 49-7-27, Mississippi Code of 1972, is  
842 amended as follows:

843 49-7-27. (1) The commission may revoke any hunting,  
844 trapping, or fishing privileges, license or deny any person the



845 right to secure such license if the person has been convicted of  
846 the violation of any of the provisions of this chapter or any  
847 regulation thereunder. The revocation of the privilege, license  
848 or refusal to grant license shall be for a period of one (1) year.  
849 However, before the revocation of the privilege or license shall  
850 become effective, the executive director shall send by registered  
851 mail notice to the person or licensee, who shall have the right to  
852 a hearing or representation before the commission at the next  
853 regular meeting or a special meeting. The notice shall set out  
854 fully the ground or complaint upon which revocation of, or refusal  
855 to grant, the privilege or license is sought.

856 (2) Any person who is convicted for a second time during any  
857 period of twelve (12) consecutive months for violation of any of  
858 the laws with respect to game, fish or nongame fish or animals  
859 shall forfeit his privilege and any license or licenses issued to  
860 him by the commission and the commission shall not issue the  
861 person any license for a period of one (1) year from the date of  
862 forfeiture.

863 (3) Failure of any person to surrender his license or  
864 licenses upon demand made by the commission or by its  
865 representatives at the direction of the commission shall be a  
866 misdemeanor and shall be punishable as such.

867 (4) Any violator whose privilege or license has been  
868 revoked, who shall, during the period of revocation, be  
869 apprehended for hunting or fishing, shall have imposed upon him a



870 mandatory jail term of not less than thirty (30) days nor more  
871 than six (6) months.

872 (5) The commission is authorized to suspend any license  
873 issued to any person under this chapter for being out of  
874 compliance with an order for support, as defined in Section  
875 93-11-153. The procedure for suspension of a license for being  
876 out of compliance with an order for support, and the procedure for  
877 the reissuance or reinstatement of a license suspended for that  
878 purpose, and the payment of any fees for the reissuance or  
879 reinstatement of a license suspended for that purpose, shall be  
880 governed by Section 93-11-157 or 93-11-163, as the case may be.  
881 If there is any conflict between any provision of Section  
882 93-11-157 or 93-11-163 and any provision of this chapter, the  
883 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
884 shall control.

885 (6) The commission is authorized to suspend any license  
886 issued to any person under this chapter for being delinquent on  
887 paying a finally determined tax liability as defined in Section 2  
888 of this act. The procedure for suspension of a license for being  
889 delinquent on paying a finally determined tax liability, and the  
890 procedure for the reissuance or reinstatement of a license  
891 suspended for that purpose, and the payment of any fees for the  
892 reissuance or reinstatement of a license suspended for that  
893 purpose, shall be governed by Section 4 of this act. If there is  
894 any conflict between any provision of Section 4 of this act and



895 any provision of this chapter, the provisions of Section 4 of this  
896 act shall control.

897 ( \* \* \*7) If a person is found guilty or pleads guilty or  
898 nolo contendere to a violation of Section 49-7-95, and then  
899 appeals, the commission shall suspend or revoke the hunting  
900 privileges of that person pending the determination of his appeal.

901 ( \* \* \*8) (a) If a person does not comply with a summons or  
902 a citation or does not pay a fine, fee or assessment for violating  
903 a wildlife law or regulation, the commission shall revoke the  
904 fishing, hunting, or trapping privileges of that person. When a  
905 person does not comply or fails to pay, the clerk of the court  
906 shall notify the person in writing by first class mail that if the  
907 person does not comply or pay within ten (10) days from the date  
908 of mailing, the court will notify the commission and the  
909 commission will revoke the fishing, hunting or trapping privileges  
910 of that person. The cost of notice may be added to other court  
911 costs. If the person does not comply or pay as required, the  
912 court clerk shall immediately mail a copy of the court record and  
913 a copy of the notice to the commission. After receiving notice  
914 from the court, the commission shall revoke the fishing, hunting  
915 or trapping privileges of that person.

916 (b) A person whose fishing, hunting or trapping  
917 privileges have been revoked under this subsection shall remain  
918 revoked until the person can show proof that all obligations of  
919 the court have been met.



920 (c) A person shall pay a Twenty-five Dollar (\$25.00)  
921 fee to have his privileges reinstated. The fee shall be paid to  
922 the department.

923 **SECTION 8.** Section 49-15-325, Mississippi Code of 1972, is  
924 amended as follows:

925 49-15-325. (1) The commission is authorized to suspend any  
926 license issued to any person under this chapter for being out of  
927 compliance with an order for support, as defined in Section  
928 93-11-153. The procedure for suspension of a license for being  
929 out of compliance with an order for support, and the procedure for  
930 the reissuance or reinstatement of a license suspended for that  
931 purpose, and the payment of any fees for the reissuance or  
932 reinstatement of a license suspended for that purpose, shall be  
933 governed by Section 93-11-157 or 93-11-163, as the case may be.  
934 If there is any conflict between any provision of Section  
935 93-11-157 or 93-11-163 and any provision of this chapter, the  
936 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
937 shall control.

938 (2) The commission is authorized to suspend any license  
939 issued to any person under this chapter for being delinquent on  
940 paying a finally determined tax liability as defined in Section 2  
941 of this act. The procedure for suspension of a license for being  
942 delinquent on paying a finally determined tax liability, and the  
943 procedure for the reissuance or reinstatement of a license  
944 suspended for that purpose, and the payment of any fees for the



945 reissuance or reinstatement of a license suspended for that  
946 purpose, shall be governed by Section 4 of this act. If there is  
947 any conflict between any provision of Section 4 of this act and  
948 any provision of this chapter, the provisions of Section 4 of this  
949 act shall control.

950 ( \* \* \*3) If a person does not comply with a summons or a  
951 citation or does not pay a fine, fee or assessment for violating a  
952 seafood law or regulation, the commission may revoke the  
953 applicable license of that person. When a person does not comply  
954 or fails to pay, the clerk of the court shall notify the person in  
955 writing by first-class mail that if the person does not comply or  
956 pay within ten (10) days from the date of mailing, the court will  
957 notify the commission and the commission will revoke the license  
958 of that person. The cost of notice may be added to other court  
959 costs. If the person does not comply or pay as required, the  
960 court clerk shall immediately mail a copy of the court record and  
961 a copy of the notice to the commission. After receiving notice  
962 from the court, the commission shall revoke the applicable license  
963 of that person.

964 ( \* \* \*4) A person whose license has been revoked under  
965 subsection ( \* \* \*3) of this section shall remain revoked until  
966 the person can show proof that all obligations of the court have  
967 been met.

968 **SECTION 9.** Section 63-1-51, Mississippi Code of 1972, is  
969 amended as follows:



970           63-1-51. (1) It shall be the duty of the court clerk, upon  
971 conviction of any person holding a license issued pursuant to this  
972 article where the penalty for a traffic violation is as much as  
973 Ten Dollars (\$10.00), to mail a copy of abstract of the court  
974 record or provide an electronically or computer generated copy of  
975 abstract of the court record immediately to the commissioner at  
976 Jackson, Mississippi, showing the date of conviction, penalty,  
977 etc., so that a record of same may be made by the Department of  
978 Public Safety. The commissioner shall forthwith revoke the  
979 license of any person for a period of one (1) year upon receiving  
980 a duly certified record of each person's convictions of any of the  
981 following offenses when such conviction has become final:

982           (a) Manslaughter or negligent homicide resulting from  
983 the operation of a motor vehicle;

984           (b) Any felony in the commission of which a motor  
985 vehicle is used;

986           (c) Failure to stop and render aid as required under  
987 the laws of this state in event of a motor vehicle accident  
988 resulting in the death or personal injury of another;

989           (d) Perjury or the willful making of a false affidavit  
990 or statement under oath to the department under this article or  
991 under any other law relating to the ownership or operation of  
992 motor vehicles;





993 (e) Conviction, or forfeiture of bail not vacated, upon  
994 three (3) charges of reckless driving committed within a period of  
995 twelve (12) months;

996 (f) Contempt for failure to pay a fine or fee or to  
997 respond to a summons or citation pursuant to a charge of a  
998 violation of this title.

999 (2) The commissioner shall revoke the license issued  
1000 pursuant to this article of any person convicted of negligent  
1001 homicide, in addition to any penalty now provided by law.

1002 (3) In addition to the reasons specified in this section,  
1003 the commissioner shall be authorized to suspend the license issued  
1004 to any person pursuant to this article for being out of compliance  
1005 with an order for support, as defined in Section 93-11-153. The  
1006 procedure for suspension of a license for being out of compliance  
1007 with an order for support, and the procedure for the reissuance or  
1008 reinstatement of a license suspended for that purpose, and the  
1009 payment of any fees for the reissuance or reinstatement of a  
1010 license suspended for that purpose, shall be governed by Section  
1011 93-11-157 or 93-11-163, as the case may be. If there is any  
1012 conflict between any provision of Section 93-11-157 or 93-11-163  
1013 and any provision of this article, the provisions of Section  
1014 93-11-157 or 93-11-163, as the case may be, shall control.

1015 (4) In addition to the reasons specified in this section,  
1016 the commissioner shall be authorized to suspend the license issued  
1017 to any person pursuant to this article for being delinquent on



1018 paying a finally determined tax liability as defined in Section 2  
1019 of this act. The procedure for suspension of a license for being  
1020 delinquent on paying a finally determined tax liability, and the  
1021 procedure for the reissuance or reinstatement of a license  
1022 suspended for that purpose, and the payment of any fees for the  
1023 reissuance or reinstatement of a license suspended for that  
1024 purpose, shall be governed by Section 4 of this act. If there is  
1025 any conflict between any provision of Section 4 of this act and  
1026 any provision of this article, the provisions of Section 4 of this  
1027 act shall control.

1028       **SECTION 10.** Section 63-1-216, Mississippi Code of 1972, is  
1029 amended as follows:

1030       63-1-216. (1) (a) A person shall be disqualified from  
1031 driving a commercial motor vehicle for a period of one (1) year if  
1032 the person's license or permit to drive has been administratively  
1033 suspended under Section 63-11-23 or the person has been convicted  
1034 of a first violation of:

1035               (i) Operating, attempting to operate, or being in  
1036 actual physical control of a commercial motor vehicle on a highway  
1037 with an alcohol concentration of four one-hundredths percent  
1038 (0.04%) or more, or under the influence as provided in Section  
1039 63-11-30;

1040               (ii) Failure to stop and render aid as required  
1041 under the laws of this state in the event of a motor vehicle  
1042 accident resulting in the death or personal injury of another;



1043 (iii) Using a motor vehicle in the commission of  
1044 any offense under state or federal law that is punishable by  
1045 imprisonment for a term exceeding one (1) year;

1046 (iv) Refusal to submit to a test to determine the  
1047 operator's alcohol concentration, as provided in Title 63, Chapter  
1048 11, Mississippi Code of 1972;

1049 (v) Operating, attempting to operate, or being in  
1050 actual physical control of a motor vehicle on a highway with an  
1051 alcohol concentration of eight one-hundredths percent (0.08%) or  
1052 more, or under the influence of intoxicating liquor or other  
1053 substance, as provided in Section 63-11-30;

1054 (vi) Operating, attempting to operate, or being in  
1055 actual physical control of a motor vehicle on a highway when the  
1056 person is under the influence of any other drug or under the  
1057 combined influence of alcohol and any other drug to a degree which  
1058 renders the person incapable of driving safely as provided in  
1059 Section 63-11-30;

1060 (vii) Operating or attempting to operate a  
1061 commercial motor vehicle while the license is revoked, suspended,  
1062 cancelled, or disqualified;

1063 (viii) Operating a commercial motor vehicle in a  
1064 negligent manner resulting in a fatal injury.

1065 (b) A person shall be disqualified from driving a  
1066 commercial motor vehicle for three (3) years if convicted of a  
1067 violation listed in subsection (1) of this section, if the



1068 violation occurred while transporting a hazardous material  
1069 required to be placarded.

1070 (c) A person shall be disqualified from driving a  
1071 commercial motor vehicle for life if convicted of two (2) or more  
1072 violations or a combination of them listed in subsection (1) of  
1073 this section arising from two (2) or more separate occurrences.

1074 (d) A person shall be disqualified from driving a  
1075 commercial motor vehicle for a period of sixty (60) days if  
1076 convicted of two (2) serious traffic violations, or one hundred  
1077 twenty (120) days if convicted of three (3) serious traffic  
1078 violations, arising from separate incidents occurring within a  
1079 three-year period. A disqualification for three (3) serious  
1080 traffic violations must be imposed consecutively to any other  
1081 previous period of disqualification.

1082 (e) A person shall be disqualified from driving a  
1083 commercial motor vehicle for life if the person uses a motor  
1084 vehicle in the commission of any offense under state or federal  
1085 law that is punishable by imprisonment for a term exceeding one  
1086 (1) year involving the manufacture, distribution, or dispensing of  
1087 a regulated drug, or possession with intent to manufacture,  
1088 distribute, or dispense a regulated drug and for which the person  
1089 was convicted.

1090 (f) A person who is disqualified from driving a  
1091 commercial motor vehicle shall surrender the person's Mississippi  
1092 commercial driver's license no later than the effective date of



1093 the disqualification. Upon receipt of the person's commercial  
1094 driver's license, that person, if otherwise eligible, may apply  
1095 for a non-CDL, and upon payment of sufficient fees receive the  
1096 driver's license.

1097 (g) The commissioner shall adopt rules establishing  
1098 guidelines, including conditions, under which a disqualification  
1099 for life under this section, except for a disqualification issued  
1100 pursuant to paragraph (e) of this subsection, may be reduced to a  
1101 period of not less than ten (10) years.

1102 (h) A person shall be disqualified from driving a  
1103 commercial motor vehicle for a period of sixty (60) days if the  
1104 driver is convicted of a first violation of a railroad-highway  
1105 grade crossing violation.

1106 (i) A person shall be disqualified from driving a  
1107 commercial motor vehicle for a period of one hundred twenty (120)  
1108 days if, during any three-year period, the driver is convicted of  
1109 a second railroad-highway grade crossing violation in a separate  
1110 incident.

1111 (j) A person shall be disqualified from driving a  
1112 commercial motor vehicle for a period of one (1) year if, during  
1113 any three-year period, the driver is convicted of a third or  
1114 subsequent railroad-highway grade crossing violation in separate  
1115 incidents.

1116 (k) A person who is simultaneously subject to a  
1117 disqualification issued by the administrator of the Federal Motor



1118 Carrier Safety Administration pursuant to 49 CFR, Part 383.52 and  
1119 a disqualification under any other provision of this section shall  
1120 serve those disqualification periods concurrently.

1121 (2) (a) A person's privilege to operate a commercial motor  
1122 vehicle in the State of Mississippi shall be suspended for one (1)  
1123 year, if:

1124 (i) The person is convicted of a first violation  
1125 of operating, attempting to operate or being in actual physical  
1126 control of a commercial motor vehicle on a highway with an alcohol  
1127 concentration of four one-hundredths percent (0.04%) or more, or  
1128 under the influence, as provided in Section 63-11-30; and

1129 (ii) The person's commercial driver's license is  
1130 issued by a state or country that does not issue commercial  
1131 driver's licenses and disqualify persons in accordance with 49  
1132 CFR, Parts 383 and 384.

1133 (b) A person's privilege to operate a commercial motor  
1134 vehicle in the State of Mississippi shall be suspended for three  
1135 (3) years if the person is convicted of violating subsection (1)  
1136 of this section, and the violation occurred while the person was  
1137 transporting a hazardous material required to be placarded.

1138 (c) A person's privilege to operate a commercial motor  
1139 vehicle in the State of Mississippi shall be suspended for life if  
1140 the person is convicted a second time of violating subsection (1)  
1141 of this section, and both convictions arise out of separate  
1142 occurrences.



1143 (d) A person's privilege to operate a commercial motor  
1144 vehicle in the State of Mississippi shall be suspended for sixty  
1145 (60) days if the person is convicted of two (2) serious traffic  
1146 violations, or for one hundred twenty (120) days if the person is  
1147 convicted of three (3) serious traffic violations, arising from  
1148 separate incidents occurring within a three-year period.

1149 (e) A person's privilege to operate a commercial motor  
1150 vehicle in the State of Mississippi shall be suspended for life if  
1151 the person uses a commercial motor vehicle in the commission of  
1152 any offense under state or federal law that is punishable by  
1153 imprisonment for a term exceeding one (1) year, involving the  
1154 manufacture, distribution, or dispensing of a regulated drug, or  
1155 possession with intent to manufacture, distribute, or dispense a  
1156 regulated drug, and for which the person was convicted.

1157 (f) In addition to the reasons specified in this  
1158 section for suspension of the commercial driver's license, the  
1159 commissioner shall be authorized to suspend the commercial  
1160 driver's license of any person for being out of compliance with an  
1161 order for support, as defined in Section 93-11-153. The procedure  
1162 for suspension of a commercial driver's license for being out of  
1163 compliance with an order for support, and the procedure for the  
1164 reissuance or reinstatement of a commercial driver's license  
1165 suspended for that purpose, and the payment of any fees for the  
1166 reissuance or reinstatement of a commercial driver's license  
1167 suspended for that purpose, shall be governed by Section 93-11-157



1168 or 93-11-163, as the case may be. If there is any conflict  
1169 between any provision of Section 93-11-157 or 93-11-163 and any  
1170 provision of this article, the provisions of Section 93-11-157 or  
1171 93-11-163, as the case may be, shall control.

1172 (g) In addition to the reasons specified in this  
1173 section for suspension of the commercial driver's license, the  
1174 commissioner shall be authorized to suspend the commercial  
1175 driver's license of any person for being delinquent on paying a  
1176 finally determined tax liability as defined in Section 2 of this  
1177 act. The procedure for suspension of a commercial driver's  
1178 license for being delinquent on paying a finally determined tax  
1179 liability, and the procedure for the reissuance or reinstatement  
1180 of a commercial driver's license suspended for that purpose, and  
1181 the payment of any fees for the reissuance or reinstatement of a  
1182 commercial driver's license suspended for that purpose, shall be  
1183 governed by Section 4 of this act. If there is any conflict  
1184 between any provision of Section 4 of this act and any provision  
1185 of this article, the provisions of Section 4 of this act shall  
1186 control.

1187 **SECTION 11.** Section 73-1-29, Mississippi Code of 1972, is  
1188 amended as follows:

1189 73-1-29. (1) The board, upon satisfactory proof and in  
1190 accordance with this chapter and the regulations of the board, is  
1191 authorized to take the disciplinary actions provided for  
1192 hereinafter against any person for any of the following reasons:





1193 (a) Violating any of the provisions of Sections 73-1-1  
1194 through 73-1-43 or the bylaws, rules, regulations or standards of  
1195 ethics or conduct duly adopted by the board pertaining to the  
1196 practice of architecture;

1197 (b) Obtaining a certificate of registration by fraud,  
1198 deceit or misrepresentation;

1199 (c) Gross negligence, malpractice, incompetency or  
1200 misconduct in the practice of architecture;

1201 (d) Any professional misconduct, as defined by the  
1202 board through bylaws, rules and regulations, and standards of  
1203 conduct and ethics; (professional misconduct may not be defined to  
1204 include bidding by architects for contracts based on price);

1205 (e) Practicing or offering to practice architecture on  
1206 an expired certificate or while under suspension or revocation of  
1207 certificate unless such suspension or revocation is abated through  
1208 probation, as provided for hereinafter;

1209 (f) Practicing architecture under an assumed or  
1210 fictitious name;

1211 (g) Being convicted by any court of a felony, except  
1212 conviction of culpable negligent manslaughter, in which case the  
1213 record of conviction shall be conclusive evidence;

1214 (h) Willfully misleading or defrauding any person  
1215 employing him as an architect by any artifice or false statement;  
1216 or



1217 (i) Having undisclosed financial or personal interests  
1218 which compromise his obligation to his client.

1219 (2) Any person may prefer charges against any other person  
1220 for committing any of the acts set forth in subsection (1). Such  
1221 charges need not be sworn to, may be made upon actual knowledge or  
1222 upon information and belief, and must be filed with the board. If  
1223 any person licensed under Sections 73-1-1 through 73-1-43 is  
1224 expelled from membership in any Mississippi or national  
1225 professional architectural society or association, the board shall  
1226 thereafter cite such person to appear at a hearing before the  
1227 board to show cause why disciplinary action should not be taken  
1228 against that person.

1229 The board shall investigate all charges filed with it and,  
1230 upon finding reasonable cause to believe that the charges are not  
1231 frivolous, unfounded or filed in bad faith, may cause a hearing to  
1232 be held, at a time and place fixed by the board, regarding the  
1233 charges and may compel the accused by subpoena to appear before  
1234 the board to respond to the charges.

1235 No disciplinary action may be taken until the accused has  
1236 been furnished both a statement of the charges against him and  
1237 notice of the time and place of the hearing thereof, which shall  
1238 be personally served on the accused or mailed by registered or  
1239 certified mail, return receipt requested, to the last known  
1240 business or residence address of the accused not less than thirty  
1241 (30) days prior to the date of the hearing.



1242 (3) At any hearing held hereunder, the board, upon  
1243 application and approval of the chancery court, shall have the  
1244 power to subpoena witnesses and compel their attendance and may  
1245 also require the production of books, papers and other documents,  
1246 as provided in this chapter. The hearing shall be conducted  
1247 before the full board with the president of the board serving as  
1248 the presiding judge. Counsel for the board shall present all  
1249 evidence relating to the charges. All evidence shall be presented  
1250 under oath, which may be administered by any member of the board,  
1251 and thereafter the proceedings may, if necessary, be transcribed  
1252 in full by the court reporter and filed as part of the record in  
1253 the case. Copies of such transcriptions may be provided to any  
1254 party to the proceedings at a cost fixed by the board.

1255 All witnesses who are subpoenaed and who appear in any  
1256 proceedings before the board shall receive the same fees and  
1257 mileage as allowed by law in judicial civil proceedings, and all  
1258 such fees shall be taxed as part of the costs in the case.

1259 If in any proceeding before the board any witness fails or  
1260 refuses to attend upon subpoena issued by the board, refuses to  
1261 testify, or refuses to produce any books and papers the production  
1262 of which is called for by the subpoena, the attendance of such  
1263 witness and the giving of his testimony and the production of the  
1264 books and papers shall be enforced by any court of competent  
1265 jurisdiction of this state in the manner provided for the



1266 enforcement of attendance and testimony of witnesses in civil  
1267 cases in the courts of this state.

1268         The accused shall have the right to be present at the hearing  
1269 in person, by counsel or other representative, or both. The  
1270 accused shall have the right to present evidence and to examine  
1271 and cross-examine all witnesses. The board may continue or recess  
1272 the hearing as may be necessary.

1273         (4) At the conclusion of the hearing, the board may either  
1274 decide the issue at that time or take the case under advisement  
1275 for further deliberation. The board shall render its decision not  
1276 more than forty-five (45) days after the close of the hearing and  
1277 shall forward to the last-known business or residence address of  
1278 the accused by certified or registered mail, return receipt  
1279 requested, a written statement of the decision of the board.

1280         If a majority of the board finds the accused guilty of the  
1281 charges filed, the board may:

1282                 (a) Issue a public or private reprimand;

1283                 (b) Suspend or revoke the certificate of the accused,  
1284 if the accused is a registrant; or

1285                 (c) In lieu of or in addition to such reprimand,  
1286 suspension or revocation, assess and levy upon the guilty party a  
1287 monetary penalty of not less than One Hundred Dollars (\$100.00)  
1288 nor more than Five Thousand Dollars (\$5,000.00) for each  
1289 violation.



1290 (5) A monetary penalty assessed and levied under this  
1291 section shall be paid to the board upon the expiration of the  
1292 period allowed for appeal of such penalties under this section, or  
1293 may be paid sooner if the guilty party elects. Money collected by  
1294 the board under this section shall be deposited to the credit of  
1295 the special fund created in Section 73-1-43, Mississippi Code of  
1296 1972.

1297 When payment of such monetary penalty assessed and levied by  
1298 the board is delinquent, the board shall have the power to  
1299 institute and maintain proceedings in its name for enforcement of  
1300 payment in the chancery court of the county of residence of the  
1301 guilty party. If the guilty party is a nonresident of the State  
1302 of Mississippi, such proceedings shall be in the Chancery Court of  
1303 the First Judicial District of Hinds County, Mississippi.

1304 (6) When the board has taken a disciplinary action under  
1305 this section, the board may stay such action and place the guilty  
1306 party on probation for a period not to exceed one (1) year upon  
1307 condition that the guilty party shall not further violate either  
1308 the laws of the State of Mississippi pertaining to the practice of  
1309 architecture or the bylaws, rules and regulations, or standards of  
1310 conduct and ethics promulgated by the board.

1311 (7) The board may assess and tax any part or all of the  
1312 costs of any disciplinary proceedings conducted under this section  
1313 against the accused if the accused is found guilty of the charges.



1314 (8) The power and authority of the board to assess and levy  
1315 the monetary penalties provided for in this section shall not be  
1316 affected or diminished by any other proceeding, civil or criminal,  
1317 concerning the same violation or violations except as provided in  
1318 this section.

1319 (9) The board, for sufficient cause, may reissue a revoked  
1320 certificate of registration by a majority vote of the board  
1321 members; but in no event shall a revoked certificate be issued  
1322 within two (2) years of the revocation. A new certificate of  
1323 registration required to replace a revoked, lost, mutilated or  
1324 destroyed certificate may be issued, subject to the rules of the  
1325 board, for a charge not to exceed Ten Dollars (\$10.00).

1326 (10) In addition to the reasons specified in subsection (1)  
1327 of this section, the board shall be authorized to suspend the  
1328 certificate of registration of any person for being out of  
1329 compliance with an order for support, as defined in Section  
1330 93-11-153. The procedure for suspension of a certificate for  
1331 being out of compliance with an order for support, and the  
1332 procedure for the reissuance or reinstatement of a certificate  
1333 suspended for that purpose, and the payment of any fees for the  
1334 reissuance or reinstatement of a certificate suspended for that  
1335 purpose, shall be governed by Section 93-11-157 or 93-11-163, as  
1336 the case may be. If there is any conflict between any provision  
1337 of Section 93-11-157 or 93-11-163 and any provision of this



1338 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
1339 case may be, shall control.

1340 (11) In addition to the reasons specified in subsection (1)  
1341 of this section, the board shall be authorized to suspend the  
1342 certificate of registration of any person for being delinquent on  
1343 paying a finally determined tax liability as defined in Section 2  
1344 of this act. The procedure for suspension of a certificate for  
1345 being delinquent on paying a finally determined tax liability, and  
1346 the procedure for the reissuance or reinstatement of a certificate  
1347 suspended for that purpose, and the payment of any fees for the  
1348 reissuance or reinstatement of a certificate suspended for that  
1349 purpose, shall be governed by Section 4 of this act. If there is  
1350 any conflict between any provision of Section 4 of this act and  
1351 any provision of this chapter, the provisions of Section 4 of this  
1352 act shall control.

1353 **SECTION 12.** Section 73-1-31, Mississippi Code of 1972, is  
1354 amended as follows:

1355 73-1-31. Within thirty (30) days after entry of a final  
1356 order or judgment denying or revoking a certificate to practice  
1357 architecture, whether an initial licensure or renewal, or action  
1358 of the board as a result of disciplinary proceedings conducted  
1359 under this section, any person aggrieved thereby may appeal such  
1360 order, judgment or action either to the chancery court of the  
1361 county wherein the appellant resides or to the Chancery Court of  
1362 the First Judicial District of Hinds County, Mississippi, upon



1363 giving bond with sufficient security in the amount of Five Hundred  
1364 Dollars (\$500.00), approved by the clerk of the chancery court and  
1365 conditioned to pay any costs which may be adjudged against such  
1366 person. If the appellant is a nonresident of this state, the  
1367 appeal shall be made to the Chancery Court of the First Judicial  
1368 District of Hinds County, Mississippi.

1369 Notice of appeal shall be filed in the office of the clerk of  
1370 the chancery court, who shall issue a writ of certiorari directed  
1371 to the board commanding it within ten (10) days after service  
1372 thereof to certify to such court its entire record in the matter  
1373 in which the appeal has been taken. The content of the briefs  
1374 shall be in accordance with M.R.A.P. 28 and the briefing schedule  
1375 shall be in accordance with M.R.A.P. 31 unless the court, in its  
1376 discretion, directs otherwise. The appeal shall thereupon be  
1377 heard in due course by the court, and the court shall review the  
1378 record and make its determination of the cause between the parties  
1379 within sixty (60) days of the close of briefing.

1380 Any order, judgment or decision of the board shall not take  
1381 effect until after the time for appeal to the court shall have  
1382 expired. All appeals perfected hereunder shall act as a  
1383 supersedeas of the order, judgment or action appealed from.

1384 Actions taken by the board in suspending a certificate of  
1385 registration when required by Section 93-11-157 \* \* \*, 93-11-163  
1386 or Section 4 of this act are not actions from which an appeal may  
1387 be taken under this section. Any appeal of a suspension of a





1388 certificate that is required by Section 93-11-157 \* \* \*, 93-11-163  
1389 or Section 4 of this act shall be taken in accordance with the  
1390 appeal procedure specified in Section 93-11-157 \* \* \*, 93-11-163  
1391 or Section 4 of this act, as the case may be, rather than the  
1392 procedure specified in this section.

1393 **SECTION 13.** Section 73-1-33, Mississippi Code of 1972, is  
1394 amended as follows:

1395 73-1-33. The board, for reasons it may deem sufficient, may  
1396 reissue a certificate of registration to any person whose  
1397 certificate has been suspended or revoked, providing three (3) or  
1398 more members of the board vote in favor of such reissuance. The  
1399 procedure for the reissuance of a certificate that is suspended  
1400 for being out of compliance with an order for support, as defined  
1401 in Section 93-11-153, shall be governed by Section 93-11-157 or  
1402 93-11-163, as the case may be. The procedure for the reissuance  
1403 of a certificate that is suspended for being delinquent on paying  
1404 a finally determined tax liability as defined in Section 2 of this  
1405 act, shall be governed by Section 4 of this act.

1406 **SECTION 14.** Section 73-2-16, Mississippi Code of 1972, is  
1407 amended as follows:

1408 73-2-16. (1) The board shall also have the power to revoke,  
1409 suspend or annul the certificate or registration of a landscape  
1410 architect or reprimand, censure or otherwise discipline a  
1411 landscape architect.



1412           (2) The board, upon satisfactory proof and in accordance  
1413 with the provisions of this chapter, may take the disciplinary  
1414 actions against any registered landscape architect for any of the  
1415 following reasons:

1416           (a) Violating any of the provisions of Sections 73-2-1  
1417 through 73-2-21 or the implementing bylaws, rules, regulations or  
1418 standards of ethics or conduct duly adopted and promulgated by the  
1419 board pertaining to the practice of landscape architecture;

1420           (b) Fraud, deceit or misrepresentation in obtaining a  
1421 certificate of registration;

1422           (c) Gross negligence, malpractice, incompetency or  
1423 misconduct in the practice of landscape architecture;

1424           (d) Any professional misconduct, as defined by the  
1425 board through bylaws, rules and regulations and standards of  
1426 conduct and ethics (professional misconduct shall not be defined  
1427 to include bidding on contracts for a price);

1428           (e) Practicing or offering to practice landscape  
1429 architecture on an expired license or while under suspension or  
1430 revocation of a license unless said suspension or revocation be  
1431 abated through probation;

1432           (f) Practicing landscape architecture under an assumed  
1433 or fictitious name;

1434           (g) Being convicted by any court of a felony, except  
1435 conviction of culpable negligent manslaughter, in which case the  
1436 record of conviction shall be conclusive evidence;



1437 (h) Willfully misleading or defrauding any person  
1438 employing him as a landscape architect by any artifice or false  
1439 statement;

1440 (i) Having undisclosed financial or personal interest  
1441 which compromises his obligation to his client;

1442 (j) Obtaining a certificate by fraud or deceit; or

1443 (k) Violating any of the provisions of this chapter.

1444 (3) Any person may prefer charges against any other person  
1445 for committing any of the acts set forth in subsection (2). Such  
1446 charges need not be sworn to, may be made upon actual knowledge,  
1447 or upon information and belief, and shall be filed with the board.  
1448 In the event any person licensed under Sections 73-2-1 through  
1449 73-2-21 is expelled from membership in any Mississippi or national  
1450 professional landscape architectural society or association, the  
1451 board shall thereafter cite said person to appear at a hearing  
1452 before the board and to show cause why disciplinary action should  
1453 not be taken against that person.

1454 The board shall investigate all charges filed with it and,  
1455 upon finding reasonable cause to believe that the charges are not  
1456 frivolous, unfounded or filed in bad faith, may, in its  
1457 discretion, cause a hearing to be held, at a time and place fixed  
1458 by the board, regarding the charges and may compel the accused by  
1459 subpoena to appear before the board to respond to said charges.

1460 No disciplinary action taken hereunder may be taken until the  
1461 accused has been furnished both a statement of the charges against



1462 him and notice of the time and place of the hearing thereof, which  
1463 shall be personally served on the accused or mailed by registered  
1464 or certified mail, return receipt requested, to the last known  
1465 business or residence address of the accused not less than thirty  
1466 (30) days prior to the date fixed for the hearing.

1467 (4) At any hearing held under the provisions of this  
1468 section, the board shall have the power to subpoena witnesses and  
1469 compel their attendance and require the production of any books,  
1470 papers or documents. The hearing shall be conducted before the  
1471 full board with the president of the board serving as the  
1472 presiding judge. Counsel for the board shall present all evidence  
1473 relating to the charges. All evidence shall be presented under  
1474 oath, which may be administered by any member of the board, and  
1475 thereafter the proceedings may, if necessary, be transcribed in  
1476 full by the court reporter and filed as part of the record in the  
1477 case. Copies of such transcription may be provided to any party  
1478 to the proceedings at a cost to be fixed by the board.

1479 All witnesses who shall be subpoenaed and who shall appear in  
1480 any proceedings before the board shall receive the same fees and  
1481 mileage as allowed by law in judicial civil proceedings, and all  
1482 such fees shall be taxed as part of the costs of the case.

1483 Where in any proceedings before the board any witness shall  
1484 fail or refuse to attend upon subpoena issued by the board, shall  
1485 refuse to testify or shall refuse to produce any books and papers,  
1486 the production of which is called for by the subpoena, the



1487 attendance of such witness and the giving of his testimony and the  
1488 production of the books and papers shall be enforced by any court  
1489 of competent jurisdiction of this state in the manner provided for  
1490 the enforcement of attendance and testimony of witnesses in civil  
1491 cases in the courts of this state.

1492 The accused shall have the right to be present at the hearing  
1493 in person, by counsel or other representative, or both. The  
1494 accused shall have the right to present evidence and to examine  
1495 and cross-examine all witnesses. The board is authorized to  
1496 continue or recess the hearing as may be necessary.

1497 (5) At the conclusion of the hearing, the board may either  
1498 decide the issue at that time or take the case under advisement  
1499 for further deliberation. The board shall render its decision not  
1500 more than forty-five (45) days after the close of the hearing, and  
1501 shall forward to the last known business or residence address of  
1502 the accused by certified or registered mail, return receipt  
1503 requested, a written statement of the decision of the board.

1504 If a majority of the board finds the accused guilty of the  
1505 charges filed, the board may: (a) issue a public or private  
1506 reprimand; (b) suspend or revoke the license of the accused, if  
1507 the accused is a registrant; or (c) in lieu of or in addition to  
1508 such reprimand, suspension or revocation, assess and levy upon the  
1509 guilty party a monetary penalty of not less than One Hundred  
1510 Dollars (\$100.00) nor more than Five Thousand Dollars (\$5,000.00)  
1511 for each violation.



1512           (6) A monetary penalty assessed and levied under this  
1513 section shall be paid to the board upon the expiration of the  
1514 period allowed for appeal of such penalties under this section, or  
1515 may be paid sooner if the guilty party elects. Money collected by  
1516 the board under this section shall be deposited to the credit of  
1517 the board's general operating fund.

1518           When payment of a monetary penalty assessed and levied by the  
1519 board in accordance with this section is not paid when due, the  
1520 board shall have the power to institute and maintain proceedings  
1521 in its name for enforcement of payment in the chancery court of  
1522 the county and judicial district of the residence of the guilty  
1523 party and if the guilty party be a nonresident of the State of  
1524 Mississippi, such proceedings shall be in the Chancery Court of  
1525 the First Judicial District of Hinds County, Mississippi.

1526           (7) When the board has taken a disciplinary action under  
1527 this section, the board may, in its discretion, stay such action  
1528 and place the guilty party on probation for a period not to exceed  
1529 one (1) year upon the condition that the guilty party shall not  
1530 further violate either the law of the State of Mississippi  
1531 pertaining to the practice of landscape architecture or the  
1532 bylaws, rules and regulations, or standards of conduct and ethics  
1533 promulgated by the board.

1534           (8) The board, in its discretion, may assess and tax any  
1535 part or all of the costs of any disciplinary proceedings conducted



1536 under this section against the accused, if the accused is found  
1537 guilty of the charges.

1538 (9) The power and authority of the board to assess and levy  
1539 the monetary penalties provided for in this section shall not be  
1540 affected or diminished by any other proceeding, civil or criminal,  
1541 concerning the same violation or violations except as provided in  
1542 this section.

1543 (10) The board, for sufficient cause, may reissue a revoked  
1544 license of registration whenever a majority of the board members  
1545 vote to do so but in no event shall a revoked license be issued  
1546 within two (2) years of the revocation. A new license of  
1547 registration required to replace a revoked, lost, mutilated or  
1548 destroyed license may be issued, subject to the rules of the  
1549 board, for a charge not to exceed Twenty-five Dollars (\$25.00).

1550 (11) The board may direct the advisory committee to review  
1551 and investigate any charges brought against any landscape  
1552 architect under this chapter and to hold the hearings provided for  
1553 in this section and to make findings of fact and recommendations  
1554 to the board concerning the disposition of such charges.

1555 (12) Nothing herein contained shall preclude the board or  
1556 advisory committee from initiating proceedings in any case. The  
1557 advisory committee shall furnish legal advice and assistance to  
1558 the board whenever such service is requested.

1559 (13) In addition to the reasons specified in subsection (2)  
1560 of this section, the board shall be authorized to suspend the



1561 license of any licensee for being out of compliance with an order  
1562 for support, as defined in Section 93-11-153. The procedure for  
1563 suspension of a license for being out of compliance with an order  
1564 for support, and the procedure for the reissuance or reinstatement  
1565 of a license suspended for that purpose, and the payment of any  
1566 fees for the reissuance or reinstatement of a license suspended  
1567 for that purpose, shall be governed by Section 93-11-157 or  
1568 93-11-163, as the case may be. If there is any conflict between  
1569 any provision of Section 93-11-157 or 93-11-163 and any provision  
1570 of this chapter, the provisions of Section 93-11-157 or 93-11-163,  
1571 as the case may be, shall control.

1572 (14) In addition to the reasons specified in subsection (2)  
1573 of this section, the board shall be authorized to suspend the  
1574 license of any licensee being delinquent on paying a finally  
1575 determined tax liability as defined in Section 2 of this act. The  
1576 procedure for suspension of a license for being delinquent on  
1577 paying a finally determined tax liability, and the procedure for  
1578 the reissuance or reinstatement of a license suspended for that  
1579 purpose, and the payment of any fees for the reissuance or  
1580 reinstatement of a license suspended for that purpose, shall be  
1581 governed by Section 4 of this act. If there is any conflict  
1582 between any provision of Section 4 of this act and any provision  
1583 of this chapter, the provisions of Section 4 of this act shall  
1584 control.





1585           **SECTION 15.** Section 73-3-321, Mississippi Code of 1972, is  
1586 amended as follows:

1587           73-3-321. (1) All formal complaints shall be filed in the  
1588 court and shall be prosecuted in the name of The Mississippi Bar.  
1589 The formal complaint and other pleadings shall comply with the  
1590 following requirements:

1591           (a) The formal complaint shall be filed with the clerk  
1592 of the court within thirty (30) days of the receipt by complaint  
1593 counsel of the written notice from the committee on complaints  
1594 directing him to file said complaint.

1595           (b) The complaint shall set forth with fair and  
1596 reasonable certainty the particulars of the offense of which the  
1597 accused attorney is charged.

1598           (c) All matters of defense or abatement asserted by the  
1599 accused attorney shall be filed within twenty (20) days after a  
1600 copy of the complaint is served upon the accused attorney.  
1601 Provided that upon application to the clerk the accused attorney  
1602 may be granted such additional time as the circumstances warrant.

1603           (d) The complaint shall be personally served upon the  
1604 accused attorney by the Executive Director of The Mississippi Bar  
1605 or by the complaint counsel unless the accused attorney shall  
1606 waive the same by execution and delivery to the clerk of receipt  
1607 and waiver of personal service.

1608           (2) The procedure for suspending an attorney from the  
1609 practice of law for being out of compliance with an order for



1610 support, as defined in Section 93-11-153, and the procedure for  
1611 reinstating an attorney to practice law after suspension for being  
1612 out of compliance, and the payment of any fees for reinstating an  
1613 attorney to practice law after suspension for being out of  
1614 compliance, shall be governed by Section 93-11-157 or 93-11-163,  
1615 as the case may be. If there is any conflict between any  
1616 provision of Section 93-11-157 or 93-11-163 and any provision of  
1617 this article, the provisions of Section 93-11-157 or 93-11-163, as  
1618 the case be, shall control.

1619 (3) The procedure for suspending an attorney from the  
1620 practice of law for being delinquent on paying a finally  
1621 determined tax liability as defined in Section 2 of this act, and  
1622 the procedure for reinstating an attorney to practice law after  
1623 suspension for being out of compliance, and the payment of any  
1624 fees for reinstating an attorney to practice law after suspension  
1625 for being delinquent, shall be governed by Section 4 of this act.  
1626 If there is any conflict between any provision of Section 4 of  
1627 this act and any provision of this article, the provisions of  
1628 Section 4 of this act shall control.

1629 **SECTION 16.** Section 73-3-327, Mississippi Code of 1972, is  
1630 amended as follows:

1631 73-3-327. (1) At the conclusion of the hearing the  
1632 complaint tribunal, upon the majority vote of the members of such  
1633 tribunal, shall render a written opinion incorporating a finding



1634 of fact and a judgment thereon. The judgment of the complaint  
1635 tribunal may provide the following:

1636 (a) Exonerate the accused attorney and dismiss the  
1637 complaint.

1638 (b) Reprimand and admonish the attorney, as provided in  
1639 Section 73-3-319(b) of this article.

1640 (c) Suspend the attorney from the practice of law for  
1641 any period of time.

1642 (d) Permanently disbar the attorney.

1643 (2) In cases in which the Clerk of the Supreme Court has  
1644 received notice from the division that the attorney is out of  
1645 compliance with an order for support, as defined in Section  
1646 93-11-153, the Supreme Court shall suspend the attorney from the  
1647 practice of law until such time as the attorney may be reinstated  
1648 to practice law because of the attorney's compliance with the  
1649 requirements of Section 93-11-157 or 93-11-163, as the case may  
1650 be.

1651 (3) In cases in which the Clerk of the Supreme Court has  
1652 received notice from the Department of Revenue that the attorney  
1653 is delinquent on paying a finally determined tax liability as  
1654 defined in Section 2 of this act, the Supreme Court shall suspend  
1655 the attorney from the practice of law until such time as the  
1656 attorney may be reinstated to practice law because of the  
1657 attorney's compliance with the requirements of Section 4 of this  
1658 act.



1659           **SECTION 17.** Section 73-3-329, Mississippi Code of 1972, is  
1660 amended as follows:

1661           73-3-329. (1) The entire record of the proceeding of the  
1662 complaint tribunal shall be filed with the clerk of the court  
1663 within thirty (30) days after the conclusion of the hearing or  
1664 within such additional time as the clerk, on motion therefor, may  
1665 allow.

1666           (2) If no appeal from the judgment of the complaint tribunal  
1667 is perfected within thirty (30) days from the date of said  
1668 judgment, the judgment of the complaint tribunal shall be final.

1669           (3) Either the attorney or The Mississippi Bar shall have  
1670 the right to an appeal to the court, which appeal shall be  
1671 perfected within thirty (30) days of the date of the judgment of  
1672 the complaint tribunal by the aggrieved party filing a notice of  
1673 appeal with the clerk of the court.

1674           (4) The record on appeal shall consist of the formal  
1675 complaint, all other pleadings, the transcript of the testimony  
1676 and the written opinion and judgment of the complaint tribunal.

1677           (5) On appeal, the court may review all of the evidence and  
1678 the law and the findings and conclusions of the complaint tribunal  
1679 and it may make such findings and conclusions and render such  
1680 order as it may find to be appropriate based upon the whole  
1681 record.

1682           (6) The rules of practice and procedure for the filing of  
1683 briefs and oral arguments governing appeals from the chancery or



1684 circuit courts of Mississippi shall apply to and govern appeals  
1685 from the judgment of the complaint tribunals; provided, however,  
1686 whenever possible, the court shall advance and expedite the cause  
1687 on its docket.

1688 (7) Actions taken by the Supreme Court in suspending an  
1689 attorney from the practice of law when required by Section  
1690 93-11-157 or 93-11-163 are not actions from which an appeal may be  
1691 taken under this section. Any appeal of the suspension of an  
1692 attorney from the practice of law that is required by Section  
1693 93-11-157 or 93-11-163 shall be taken in accordance with the  
1694 appeal procedure specified in Section 93-11-157 or 93-11-163, as  
1695 the case may be, rather than the procedure specified in this  
1696 section.

1697 (8) Actions taken by the Supreme Court in suspending an  
1698 attorney from the practice of law when required by Section 4 of  
1699 this act are not actions from which an appeal may be taken under  
1700 this section. Any appeal of the suspension of an attorney from  
1701 the practice of law that is required by Section 4 of this act  
1702 shall be taken in accordance with the appeal procedure specified  
1703 in Section 4 of this act rather than the procedure specified in  
1704 this section.

1705 **SECTION 18.** Section 73-3-331, Mississippi Code of 1972, is  
1706 amended as follows:

1707 73-3-331. Upon a final judgment of suspension or disbarment  
1708 by a complaint tribunal, the convicted attorney shall not be



1709 privileged to practice law within this state unless and until he  
1710 is restored the privilege of practice as hereinafter provided.  
1711 Appeal from a judgment by the complaint tribunal shall operate as  
1712 a supersedeas. An appeal from a judgment of the Supreme Court  
1713 suspending an attorney from the practice of law when required by  
1714 Section 93-11-157 \* \* \*, 93-11-163 or Section 4 of this act may  
1715 operate as a supersedeas only as may be allowed under Section  
1716 93-11-157 \* \* \*, 93-11-163 or Section 4 of this act, as the case  
1717 may be.

1718       **SECTION 19.** Section 73-3-335, Mississippi Code of 1972, is  
1719 amended as follows:

1720       73-3-335. Any time after the entry of a final judgment of  
1721 suspension and after the expiration of at least one-fourth (1/4)  
1722 of the period of the ordered suspension, the convicted attorney  
1723 may file a petition in the court to modify or terminate said  
1724 suspension; provided, however, any petition to modify or terminate  
1725 subsequent to the initial petition shall not be filed within six  
1726 (6) months from the date of the adverse determination of any prior  
1727 petition. A filing fee of Two Hundred Fifty Dollars (\$250.00) to  
1728 defray the expense of investigating the matter shall be paid The  
1729 Mississippi Bar upon the filing of each petition to modify or  
1730 terminate. A copy of said petition shall be served upon The  
1731 Mississippi Bar, and it shall be under a duty to investigate the  
1732 matter, respond to the petition and appear at the hearing.



1733 Modification or termination of suspension shall be granted only  
1734 upon a showing of good cause and exceptional circumstances.

1735 The procedure for reinstating an attorney to practice law  
1736 after suspension for being out of compliance with an order of  
1737 support, as defined in Section 93-11-153, and the payment of any  
1738 fees for reinstating an attorney to practice law after suspension  
1739 for being out of compliance, shall be governed by Section  
1740 93-11-157 or 93-11-163, as the case may be.

1741 The procedure for reinstating an attorney to practice law  
1742 after suspension for being delinquent on paying a finally  
1743 determined tax liability as defined in Section 2 of this act, and  
1744 the payment of any fees for reinstating an attorney to practice  
1745 law after suspension for being out of compliance, shall be  
1746 governed by Section 4 of this act.

1747 **SECTION 20.** Section 73-4-19, Mississippi Code of 1972, is  
1748 amended as follows:

1749 73-4-19. (1) The commission may, upon its own motion or  
1750 upon the complaint in writing of any person, provided the  
1751 complaint and any evidence presented with it establishes a prima  
1752 facie case, hold a hearing and investigate the actions of any  
1753 auctioneer or auction firm, or any person who holds himself out as  
1754 an auctioneer or auction firm.

1755 (2) Any person desiring to make a complaint against a  
1756 licensee shall submit a complaint to the commission in verified  
1757 form as prescribed by the commission. Upon receipt of a properly



1758 verified complaint, the commission shall send a copy of the  
1759 complaint to the affected licensee by certified mail, and the  
1760 licensee shall make answer to the complaint in writing within  
1761 twenty (20) days after receipt of the complaint. The licensee  
1762 shall mail a copy of his response to the commission and the  
1763 complainant. Upon receipt of the licensee's response or lapse of  
1764 twenty (20) days, the commission shall make investigation of the  
1765 underlying allegations of the complaint, and upon a finding of  
1766 probable cause that a violation of this chapter has occurred, the  
1767 commission shall order a hearing for the licensee to appear and  
1768 show cause why he should not be disciplined for a violation of  
1769 this chapter.

1770 (3) (a) All hearings held pursuant to this chapter shall be  
1771 held at the offices of the commission. The commission, for good  
1772 cause shown, may order that a hearing be held in another location  
1773 convenient to all parties.

1774 (b) The commission shall give the complainant and the  
1775 affected licensee twenty (20) days' notice of any hearing upon a  
1776 complaint. Such notice shall be by United States certified mail.

1777 (c) Any party appearing before the commission may be  
1778 accompanied by counsel.

1779 (d) The commission or its executive director shall have  
1780 the right to subpoena witnesses and documents as they deem  
1781 necessary for the proper conduct of the hearing. The commission  
1782 shall not entertain a motion for a continuance for failure of a





1783 witness to appear unless such witness shall have been duly  
1784 subpoenaed.

1785           (e) (i) Before commencing a hearing, the chairman of  
1786 the commission shall determine if all parties are present and  
1787 ready to proceed. If the complainant fails to attend a hearing  
1788 without good cause shown, the complaint shall be dismissed  
1789 summarily and all fees and expenses of convening the hearing shall  
1790 be assessed to, and paid by, the complainant. If any affected  
1791 licensee fails to appear for a hearing without good cause shown,  
1792 such licensee shall be presumed to have waived his right to appear  
1793 and be heard.

1794           (ii) Upon the chairman's determination that all  
1795 parties are ready to proceed, the chairman shall call the hearing  
1796 to order and the complainant and the licensee may give opening  
1797 statements. At the request of any party, the chairman shall order  
1798 the sequestration of nonparty witnesses. The complainant shall  
1799 then present his complaint through sworn testimony and the  
1800 production of physical evidence. The licensee, any counsel and  
1801 any member of the commission may ask questions of witnesses.

1802           (iii) The licensee shall then present his case in  
1803 rebuttal with equal right of cross-examination of the parties. At  
1804 the completion of the evidence, all parties may give closing  
1805 statements.

1806           (iv) At the conclusion of testimony and argument,  
1807 the commission may go into closed session for deliberation.



1808                   (v) At the conclusion of deliberations, the  
1809 commission may announce the commission's decision in an open  
1810 session, and shall notify the parties of its decision by mail  
1811 within ten (10) days after the commission reaches its decision.

1812           (4) Service of notice to the party shall be considered to  
1813 have been given if the notice was personally served on the  
1814 licensee, applicant or complainant or if the notice was sent by  
1815 certified United States mail to the licensee, applicant or  
1816 complainant to that party's last known address of record with the  
1817 board.

1818           (5) No person whose license has been revoked hereunder may  
1819 apply for a new license for a period of at least five (5) years.  
1820 A person whose license has been denied, suspended or revoked may  
1821 not apply in that person's name or in any other manner within the  
1822 period during which the order of denial, suspension or revocation  
1823 is in effect, and no firm, partnership or corporation in which any  
1824 person whose license has been denied, suspended or revoked has a  
1825 substantial interest or exercises management responsibility or  
1826 control may be licensed during the period. The procedure for the  
1827 reissuance of a license that is for being out of compliance with  
1828 an order for support, as defined in Section 93-11-153, shall be  
1829 governed by Section 93-11-157 or 93-11-163, as the case may be.  
1830 The procedure for the reissuance of a license that is for being  
1831 delinquent on paying a finally determined tax liability as defined



1832 in Section 2 of this act, shall be governed by Section 4 of this  
1833 act.

1834 (6) Any civil or monetary penalty, fine or other costs  
1835 imposed by the commission under this chapter shall become due and  
1836 payable within the time allowed by the commission for payment  
1837 thereof. Failure of the licensee or party to pay all penalties or  
1838 fines so assessed as ordered by the commission shall, unless an  
1839 appeal is taken and perfected within the time and in the manner  
1840 provided in this chapter, result in an automatic revocation of  
1841 such licensee's license. In addition, if any amounts assessed  
1842 against a party by final order of the commission become otherwise  
1843 uncollectible or payment is in default, and if all the right to  
1844 appeal has passed, the order of the commission containing the  
1845 amount of money assessed by the commission may be filed with the  
1846 appropriate clerk of the court in the county in which the licensee  
1847 or party is located. The order shall constitute a judgment and  
1848 the filing of such final order shall have the full force and  
1849 effect of a judgment duly docketed in the office of such clerk and  
1850 may be enforced in the same manner and with the same effect as  
1851 that provided by law in respect to executions issued against  
1852 property upon judgments of a court of record.

1853 (7) The commission may also assess and levy upon any  
1854 licensee or applicant for licensure the costs incurred or expended  
1855 by the commission in the investigation and prosecution of any  
1856 licensure or disciplinary action, including, but not limited to,



1857 the cost of process service, court reports, expert witness,  
1858 investigators and attorney's fees.

1859 (8) The commission may, upon its own motion, summarily  
1860 suspend a license when the interest, health, safety or welfare of  
1861 the public is at risk, such as in the event of a potential loss of  
1862 consigned items or potential loss of funds. If the commission  
1863 suspends summarily a license under the provisions of this  
1864 subsection, a hearing must begin within twenty (20) days after  
1865 such suspension begins, unless continued at the request of the  
1866 licensee.

1867 (9) Any person aggrieved by an action of the commission may  
1868 file an appeal of such action in the Circuit Court of Hinds  
1869 County. Any appeal must be accompanied by an attested copy of the  
1870 record of the hearing before the commission. An appeal must,  
1871 however, be filed with the Chancery Court of the First Judicial  
1872 District of Hinds County, Mississippi, within thirty (30) days  
1873 immediately following the date of the commission's decision,  
1874 unless the court, for good cause shown, extends the time. Appeals  
1875 may be taken to the Mississippi Supreme Court as provided by law  
1876 from any final judgment of the chancery court. If the board  
1877 appeals from any judgment of the chancery court, no bond shall be  
1878 required of it in order to perfect its appeal. Any actions taken  
1879 by the commission in suspending a license when required by Section  
1880 93-11-157 \* \* \*, 93-11-163 or Section 4 of this act are not  
1881 actions from which an appeal may be taken under this section. Any



1882 appeal of a license suspension that is required by Section  
1883 93-11-157 \* \* \*, 93-11-163 or Section 4 of this act shall be taken  
1884 in accordance with the appeal procedure specified in Section  
1885 93-11-157 \* \* \*, 93-11-163 or Section 4 of this act, as the case  
1886 may be, rather than the procedure specified in this section.

1887 (10) If any licensee is indicted in this or any other state  
1888 for forgery, embezzlement, obtaining money under false pretenses,  
1889 extortion, criminal conspiracy to defraud or other offense, and a  
1890 certified copy of the indictment is filed with the commission or  
1891 other proper evidence is given to it, the commission may, in its  
1892 discretion, suspend the license issued to the licensee pending  
1893 trial of the charges.

1894 (11) If the revocation or suspension of a license issued to  
1895 any member of a partnership, or to any officer of an association,  
1896 corporation or organization to whom an auction license has been  
1897 issued, the license issued to the partnership, association,  
1898 corporation or organization shall be revoked by the commission  
1899 unless, within a time fixed by the commission, the connection of  
1900 the member of the partnership is severed and his interest in the  
1901 partnership and his share in its activities brought to an end, or  
1902 the officer of the association, corporation or organization is  
1903 discharged and has no further participation in its activities.

1904 (12) Nothing in this section shall be deemed as an exclusive  
1905 remedy or prevent or proscribe any person's right to petition a



1906 court of law or equity for redress of a grievance against a  
1907 licensee or any other entity.

1908 **SECTION 21.** Section 73-4-25, Mississippi Code of 1972, is  
1909 amended as follows:

1910 73-4-25. (1) The commission may refuse to issue or renew a  
1911 license, place a licensee on probation or administrative  
1912 supervision, suspend or revoke any license, or may reprimand or  
1913 take any other action in relation to a license, including the  
1914 imposition of a fine not to exceed Five Thousand Dollars  
1915 (\$5,000.00) for each violation upon a licensee, or applicant for  
1916 licensure, under this chapter for any of the following reasons:

1917 (a) Knowingly filing or causing to be filed a false  
1918 application.

1919 (b) Failure to enter into a written contract with a  
1920 seller or consignor prior to placing or permitting advertising for  
1921 an auction sale to be placed.

1922 (c) Failure by the licensee to give the seller or  
1923 consignor a signed receipt for items received for sale at auction,  
1924 either by item or lot number at the time the goods are received,  
1925 unless the goods are to remain in the possession of the seller or  
1926 consignor.

1927 (d) Failure to give the seller or consignor a statement  
1928 or lot description, selling price, purchaser's identity and the  
1929 net proceeds due to the seller or consignor.



1930                   (e) Failure to place funds received from an auction  
1931 sale in an escrow or trust account, and failure to make timely  
1932 settlement on escrowed funds. Absent a written agreement to the  
1933 contrary, five (5) business days shall be deemed timely for  
1934 settlement on personal property.

1935                   (f) Permitting an unlicensed auctioneer to call for  
1936 bids in an auction sale.

1937                   (g) Having been convicted of or pled guilty to a felony  
1938 in the courts of this state or any other state, territory or  
1939 country. Conviction, as used in this paragraph, shall include a  
1940 deferred conviction, deferred prosecution, deferred sentence,  
1941 finding or verdict of guilt, an admission of guilt or a plea of  
1942 nolo contendere.

1943                   (h) Any course of intentional, willful or wanton  
1944 conduct by a licensee or such licensee's employees which misleads  
1945 or creates a false impression among the seller, buyer, bidders and  
1946 the auctioneer in the advertising, conducting and closing of an  
1947 auction sale.

1948                   (i) A continued and flagrant course of  
1949 misrepresentation or making false promises, either by the  
1950 licensee, an employee of the licensee, or by someone acting on  
1951 behalf of and with the licensee's consent.

1952                   (j) Any failure to account for or to pay over within a  
1953 reasonable time funds belonging to another which have come into  
1954 the licensee's possession through an auction sale.



1955 (k) Any false, misleading or untruthful advertising.

1956 (l) Any act of conduct in connection with a sales  
1957 transaction which demonstrates bad faith or dishonesty.

1958 (m) Knowingly using false bidders, cappers or pullers,  
1959 or knowingly making a material false statement or representation.

1960 (n) Commingling the funds or property of a client with  
1961 the licensee's own or failing to maintain and deposit in a trust  
1962 or escrow account in an insured bank or savings and loan  
1963 association located in Mississippi funds received for another  
1964 person through sale at auction.

1965 (o) Failure to give full cooperation to the commission  
1966 and/or its designees, agents or other representatives in the  
1967 performance of official duties of the commission. Such failure to  
1968 cooperate includes, but is not limited to:

1969 (i) Failure to properly make any disclosures or to  
1970 provide documents or information required by this chapter or by  
1971 the commission;

1972 (ii) Not furnishing, in writing, a full and  
1973 complete explanation covering the matter contained in a complaint  
1974 filed with the commission;

1975 (iii) Failure, without good cause, to cooperate  
1976 with any request by the board to appear before it;

1977 (iv) Not providing access, as directed by the  
1978 commission, for its authorized agents or representatives seeking





1979 to perform reviews, audits or inspections at facilities or places  
1980 utilized by the license holder in the auction business;

1981 (v) Failure to provide information within the  
1982 specified time allotted and as required by the board and/or its  
1983 representatives or designees;

1984 (vi) Failure to cooperate with the board or its  
1985 designees or representatives in the investigation of any alleged  
1986 misconduct or willfully interfering with a board investigation.

1987 (p) A demonstrated lack of financial responsibility.

1988 (q) Having had a license for the practice of  
1989 auctioneering or the auction business suspended or revoked in any  
1990 jurisdiction, having voluntarily surrendered a license in any  
1991 jurisdiction, having been placed on probation in any jurisdiction,  
1992 having been placed under disciplinary order(s) or other  
1993 restriction in any manner for auctioneering or the auction  
1994 business (a certified copy of the order of suspension, revocation,  
1995 probation or disciplinary action shall be prima facie evidence of  
1996 such action).

1997 (r) Any violation of this chapter or any violation of a  
1998 rule or regulation duly adopted by the commission.

1999 (2) In addition to the acts specified in subsection (1) of  
2000 this section, the commission shall be authorized to suspend the  
2001 license of any licensee for being out of compliance with an order  
2002 for support, as defined in Section 93-11-153. The procedure for  
2003 suspension of a license for being out of compliance with an order



2004 for support, and the procedure for the reissuance or reinstatement  
2005 of a license suspended for that purpose, and the payment of any  
2006 fees for the reissuance or reinstatement of a license suspended  
2007 for that purpose, shall be governed by Section 93-11-157 or  
2008 93-11-163. If there is any conflict between any provision of  
2009 Section 93-11-157 or 93-11-163 and any provision of this chapter,  
2010 the provisions of Section 93-11-157 or 93-11-163, as the case may  
2011 be, shall control.

2012 (3) In addition to the causes specified in subsection (1) of  
2013 this section, the commission shall be authorized to suspend the  
2014 certificate of registration of any person for being delinquent on  
2015 paying a finally determined tax liability as defined in Section 2  
2016 of this act. The procedure for suspension of a certificate for  
2017 being delinquent on paying a finally determined tax liability, and  
2018 the procedure for the reissuance or reinstatement of a certificate  
2019 suspended for that purpose, and the payment of any fees for the  
2020 reissuance or reinstatement of a certificate suspended for that  
2021 purpose, shall be governed by Section 4 of this act. If there is  
2022 any conflict between any provision of Section 4 of this act and  
2023 any provision of this chapter, the provisions of Section 4 of this  
2024 act shall control.

2025 **SECTION 22.** Section 73-5-25, Mississippi Code of 1972, is  
2026 amended as follows:

2027 73-5-25. (1) The Board of Barber Examiners may refuse to  
2028 issue, or may suspend definitely or indefinitely, or revoke any



2029 certificate of registration or license for any one (1) or a  
2030 combination of the following causes:

2031 (a) Conviction of a felony shown by a certified copy of  
2032 the judgment of court in which such conviction is had, unless upon  
2033 a full and unconditional pardon of such convict, and upon  
2034 satisfactory showing that such convict will in the future conduct  
2035 himself in a law-abiding way.

2036 (b) Gross malpractice or gross incompetency.

2037 (c) Continued practice by a person knowingly having an  
2038 infectious or contagious disease.

2039 (d) Advertising, practicing or attempting to practice  
2040 under a trade name or name other than one's own.

2041 (e) Habitual drunkenness or habitual addiction to the  
2042 use of morphine, cocaine or habit-forming drug, or any other  
2043 illegal controlled substances.

2044 (f) Immoral or unprofessional conduct.

2045 (g) Violation of regulations that may be prescribed as  
2046 provided for in Sections 73-5-7 through 73-5-43.

2047 (2) In addition to the causes specified in subsection (1) of  
2048 this section, the board shall be authorized to suspend the  
2049 certificate of registration of any person for being out of  
2050 compliance with an order for support, as defined in Section  
2051 93-11-153. The procedure for suspension of a certificate for  
2052 being out of compliance with an order for support, and the  
2053 procedure for the reissuance or reinstatement of a certificate



2054 suspended for that purpose, and the payment of any fees for the  
2055 reissuance or reinstatement of a certificate suspended for that  
2056 purpose, shall be governed by Section 93-11-157 or 93-11-163. If  
2057 there is any conflict between any provision of Section 93-11-157  
2058 or 93-11-163 and any provision of this chapter, the provisions of  
2059 Section 93-11-157 or 93-11-163, as the case may be, shall control.

2060 (3) In addition to the causes specified in subsection (1) of  
2061 this section, the board shall be authorized to suspend the  
2062 certificate of registration of any person for being delinquent on  
2063 paying a finally determined tax liability as defined in Section 2  
2064 of this act. The procedure for suspension of a certificate for  
2065 being delinquent on paying a finally determined tax liability, and  
2066 the procedure for the reissuance or reinstatement of a certificate  
2067 suspended for that purpose, and the payment of any fees for the  
2068 reissuance or reinstatement of a certificate suspended for that  
2069 purpose, shall be governed by Section 4 of this act. If there is  
2070 any conflict between any provision of Section 4 of this act and  
2071 any provision of this chapter, the provisions of Section 4 of this  
2072 act shall control.

2073 **SECTION 23.** Section 73-6-19, Mississippi Code of 1972, is  
2074 amended as follows:

2075 73-6-19. (1) The board shall refuse to grant a certificate  
2076 of licensure to any applicant or may cancel, revoke or suspend the  
2077 certificate upon the finding of any of the following facts  
2078 regarding the applicant or licensed practitioner:



2079                   (a) Failure to comply with the rules and regulations  
2080 adopted by the State Board of Chiropractic Examiners;  
2081                   (b) Violation of any of the provisions of this chapter  
2082 or any of the rules and regulations of the State Board of Health  
2083 pursuant to this chapter with regard to the operation and use of  
2084 x-rays;  
2085                   (c) Fraud or deceit in obtaining a license;  
2086                   (d) Addiction to the use of alcohol, narcotic drugs, or  
2087 anything which would seriously interfere with the competent  
2088 performance of his professional duties;  
2089                   (e) Conviction by a court of competent jurisdiction of  
2090 a felony, other than manslaughter or any violation of the United  
2091 States Internal Revenue Code;  
2092                   (f) Unprofessional and unethical conduct;  
2093                   (g) Contraction of a contagious disease which may be  
2094 carried for a prolonged period;  
2095                   (h) Failure to report to the Mississippi Department of  
2096 Human Services or the county attorney any case wherein there are  
2097 reasonable grounds to believe that a child or vulnerable adult has  
2098 been abused by its parent or person responsible for such person's  
2099 welfare;  
2100                   (i) Advising a patient to use drugs, prescribing or  
2101 providing drugs for a patient, or advising a patient not to use a  
2102 drug prescribed by a licensed physician or dentist;



2103           (j) Professional incompetency in the practice of  
2104 chiropractic;

2105           (k) Having disciplinary action taken by his peers  
2106 within any professional chiropractic association or society;

2107           (l) Offering to accept or accepting payment for  
2108 services rendered by assignment from any third-party payor after  
2109 offering to accept or accepting whatever the third-party payor  
2110 covers as payment in full, if the effect of the offering or  
2111 acceptance is to eliminate or give the impression of eliminating  
2112 the need for payment by an insured of any required deductions  
2113 applicable in the policy of the insured;

2114           (m) Associating his practice with any chiropractor who  
2115 does not hold a valid chiropractic license in Mississippi, or  
2116 teach chiropractic manipulation to nonqualified persons under  
2117 Section 73-6-13;

2118           (n) Failure to make payment on chiropractic student  
2119 loans;

2120           (o) Failure to follow record keeping requirements  
2121 prescribed in Section 73-6-18;

2122           (p) If the practitioner is certified to provide animal  
2123 chiropractic treatment, failure to follow guidelines approved by  
2124 the Mississippi Board of Veterinary Medicine; or

2125           (q) Violation(s) of the provisions of Sections 41-121-1  
2126 through 41-121-9 relating to deceptive advertisement by health



2127 care practitioners. This paragraph shall stand repealed on July  
2128 1, 2020.

2129 (2) Any holder of such certificate or any applicant therefor  
2130 against whom is preferred any of the designated charges shall be  
2131 furnished a copy of the complaint and shall receive a formal  
2132 hearing in Jackson, Mississippi, before the board, at which time  
2133 he may be represented by counsel and examine witnesses. The board  
2134 is authorized to administer oaths as may be necessary for the  
2135 proper conduct of any such hearing. In addition, the board is  
2136 authorized and empowered to issue subpoenas for the attendance of  
2137 witnesses and the production of books and papers. The process  
2138 issued by the board shall extend to all parts of the state. Where  
2139 in any proceeding before the board any witness shall fail or  
2140 refuse to attend upon subpoena issued by the board, shall refuse  
2141 to testify, or shall refuse to produce any books and papers, the  
2142 production of which is called for by the subpoena, the attendance  
2143 of such witness and the giving of his testimony and the production  
2144 of the books and papers shall be enforced by any court of  
2145 competent jurisdiction of this state in the manner provided for  
2146 the enforcement of attendance and testimony of witnesses in civil  
2147 cases in the courts of this state.

2148 (3) In addition to any other investigators the board  
2149 employs, the board shall appoint one or more licensed  
2150 chiropractors to act for the board in investigating the conduct  
2151 relating to the competency of a chiropractor, whenever



2152 disciplinary action is being considered for professional  
2153 incompetence and unprofessional conduct.

2154 (4) Whenever the board finds any person unqualified to  
2155 practice chiropractic because of any of the grounds set forth in  
2156 subsection (1) of this section, after a hearing has been conducted  
2157 as prescribed by this section, the board may enter an order  
2158 imposing one or more of the following:

2159 (a) Deny his application for a license or other  
2160 authorization to practice chiropractic;

2161 (b) Administer a public or private reprimand;

2162 (c) Suspend, limit or restrict his license or other  
2163 authorization to practice chiropractic for up to five (5) years;

2164 (d) Revoke or cancel his license or other authorization  
2165 to practice chiropractic;

2166 (e) Require him to submit to care, counseling or  
2167 treatment by physicians or chiropractors designated by the board,  
2168 as a condition for initial, continued or renewal of licensure or  
2169 other authorization to practice chiropractic;

2170 (f) Require him to participate in a program of  
2171 education prescribed by the board; or

2172 (g) Require him to practice under the direction of a  
2173 chiropractor designated by the board for a specified period of  
2174 time.

2175 (5) Any person whose application for a license or whose  
2176 license to practice chiropractic has been cancelled, revoked or





2177 suspended by the board within thirty (30) days from the date of  
2178 such final decision shall have the right of a de novo appeal to  
2179 the circuit court of his county of residence or the Circuit Court  
2180 of the First Judicial District of Hinds County, Mississippi. If  
2181 there is an appeal, such appeal may, in the discretion of and on  
2182 motion to the circuit court, act as a supersedeas. The circuit  
2183 court shall dispose of the appeal and enter its decision promptly.  
2184 The hearing on the appeal may, in the discretion of the circuit  
2185 judge, be tried in vacation. Either party shall have the right of  
2186 appeal to the Supreme Court as provided by law from any decision  
2187 of the circuit court.

2188 (6) In a proceeding conducted under this section by the  
2189 board for the revocation, suspension or cancellation of a license  
2190 to practice chiropractic, after a hearing has been conducted as  
2191 prescribed by this section, the board shall have the power and  
2192 authority for the grounds stated in subsection (1) of this  
2193 section, with the exception of paragraph (c) thereof, to assess  
2194 and levy upon any person licensed to practice chiropractic in the  
2195 state a monetary penalty in lieu of such revocation, suspension or  
2196 cancellation, as follows:

2197 (a) For the first violation, a monetary penalty of not  
2198 less than Five Hundred Dollars (\$500.00) nor more than One  
2199 Thousand Dollars (\$1,000.00) for each violation.

2200 (b) For the second and each subsequent violation, a  
2201 monetary penalty of not less than One Thousand Dollars (\$1,000.00)



2202 nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for  
2203 each violation.

2204         The power and authority of the board to assess and levy such  
2205 monetary penalties under this section shall not be affected or  
2206 diminished by any other proceeding, civil or criminal, concerning  
2207 the same violation or violations. A licensee shall have the right  
2208 of appeal from the assessment and levy of a monetary penalty as  
2209 provided in this section to the circuit court under the same  
2210 conditions as a right of appeal is provided for in this section  
2211 for appeals from an adverse ruling, or order, or decision of the  
2212 board. Any monetary penalty assessed and levied under this  
2213 section shall not take effect until after the time for appeal has  
2214 expired, and an appeal of the assessment and levy of such a  
2215 monetary penalty shall act as a supersedeas.

2216         (7) In addition to the grounds specified in subsection (1)  
2217 of this section, the board shall be authorized to suspend the  
2218 license of any licensee for being out of compliance with an order  
2219 for support, as defined in Section 93-11-153. The procedure for  
2220 suspension of a license for being out of compliance with an order  
2221 for support, and the procedure for the reissuance or reinstatement  
2222 of a license suspended for that purpose, and the payment of any  
2223 fees for the reissuance or reinstatement of a license suspended  
2224 for that purpose, shall be governed by Section 93-11-157 or  
2225 93-11-163, as the case may be. Actions taken by the board in  
2226 suspending a license when required by Section 93-11-157 or



2227 93-11-163 are not actions from which an appeal may be taken under  
2228 this section. Any appeal of a license suspension that is required  
2229 by Section 93-11-157 or 93-11-163 shall be taken in accordance  
2230 with the appeal procedure specified in Section 93-11-157 or  
2231 93-11-163, as the case may be, rather than the procedure specified  
2232 in this section. If there is any conflict between any provision  
2233 of Section 93-11-157 or 93-11-163 and any provision of this  
2234 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
2235 case may be, shall control.

2236 (8) In addition to the grounds specified in subsection (1)  
2237 of this section, the board shall be authorized to suspend the  
2238 license of any licensee for being delinquent on paying a finally  
2239 determined tax liability as defined in Section 2 of this act. The  
2240 procedure for suspension of a license for being delinquent on  
2241 paying a finally determined tax liability, and the procedure for  
2242 the reissuance or reinstatement of a license suspended for that  
2243 purpose, and the payment of any fees for the reissuance or  
2244 reinstatement of a license suspended for that purpose, shall be  
2245 governed by Section 4 of this act. Actions taken by the board in  
2246 suspending a license when required by Section 4 of this act are  
2247 not actions from which an appeal may be taken under this section.  
2248 Any appeal of a license suspension that is required by Section 4  
2249 of this act shall be taken in accordance with the appeal procedure  
2250 specified in Section 4 of this act rather than the procedure  
2251 specified in this section. If there is any conflict between any



2252 provision of Section 4 of this act and any provision of this  
2253 chapter, the provisions of Section 4 of this act shall control.

2254 **SECTION 24.** Section 73-7-27, Mississippi Code of 1972, is  
2255 amended as follows:

2256 73-7-27. (1) Any complaint may be filed with the board by a  
2257 member or agent of the board or by any person charging any  
2258 licensee of the board with the commission of any of the offenses  
2259 enumerated in subsection (2) of this section. Such complaint  
2260 shall be in writing, signed by the accuser or accusers, and  
2261 verified under oath, and such complaints shall be investigated as  
2262 set forth in Section 73-7-7. If, after the investigation, the  
2263 board through its administrative review agents determines that  
2264 there is not substantial justification to believe that the accused  
2265 licensee has committed any of the offenses enumerated, it may  
2266 dismiss the complaint or may prepare a formal complaint proceeding  
2267 against the licensee as hereinafter provided. When used with  
2268 reference to any complaint filed against a licensee herein, the  
2269 term "not substantial justification" means a complaint that is  
2270 frivolous, groundless in fact or law, or vexatious, as determined  
2271 by unanimous vote of the board. In the event of a dismissal, the  
2272 person filing the accusation and the accused licensee shall be  
2273 given written notice of the board's determination. If the board  
2274 determines there is reasonable cause to believe the accused has  
2275 committed any of those offenses, the secretary of the board shall  
2276 give written notice of such determination to the accused licensee



2277 and set a day for a hearing as provided in subsection (3) of this  
2278 section.

2279 (2) The board shall have the power to revoke, suspend or  
2280 refuse to issue or renew any license or certificate provided for  
2281 in this chapter, and to fine, place on probation and/or otherwise  
2282 discipline a student or licensee or holder of a certificate, upon  
2283 proof that such person: (a) has not complied with or has violated  
2284 any of the rules and regulations promulgated by the board; (b) has  
2285 not complied with or has violated any of the sections of this  
2286 chapter; (c) has committed fraud or dishonest conduct in the  
2287 taking of the examination herein provided for; (d) has been  
2288 convicted of a felony; (e) has committed grossly unprofessional or  
2289 dishonest conduct; (f) is addicted to the excessive use of  
2290 intoxicating liquors or to the use of drugs to such an extent as  
2291 to render him or her unfit to practice in any of the practices or  
2292 occupations set forth in this chapter; (g) has advertised by means  
2293 of knowingly false or deceptive statements; or (h) has failed to  
2294 display the license or certificate issued to him or her as  
2295 provided for in this chapter; or (i) has been convicted of  
2296 violating any of the provisions of this chapter. A conviction of  
2297 violating any of the provisions of this chapter shall be grounds  
2298 for automatic suspension of the license or certificate of such  
2299 person.

2300 (3) The board shall not revoke, suspend or refuse to issue  
2301 or renew any license or certificate, or fine, place on probation



2302 or otherwise discipline any person in a disciplinary matter except  
2303 after a hearing of which the applicant or licensee or holder of  
2304 the certificate affected shall be given at least twenty (20) days'  
2305 notice in writing, specifying the reason or reasons for denying  
2306 the applicant a license or certificate of registration, or in the  
2307 case of any other disciplinary action, the offense or offenses of  
2308 which the licensee or holder of a certificate of registration is  
2309 charged. Such notice may be served by mailing a copy thereof by  
2310 United States first-class certified mail, postage prepaid, to the  
2311 last-known residence or business address of such applicant,  
2312 licensee or holder of a certificate. The hearing on such charges  
2313 shall be at such time and place as the board may prescribe.

2314 (4) At such hearings, all witnesses shall be sworn by a  
2315 member of the board, and stenographic notes of the proceedings  
2316 shall be taken. Any party to the proceedings desiring it shall be  
2317 furnished with a copy of such stenographic notes upon payment to  
2318 the board of such fees as it shall prescribe, not exceeding,  
2319 however, the actual costs of transcription.

2320 (5) The board is hereby authorized and empowered to issue  
2321 subpoenas for the attendance of witnesses and the production of  
2322 books and papers. The process issued by the board shall extend to  
2323 all parts of the state and such process shall be served by any  
2324 person designated by the board for such service. The person  
2325 serving such process shall receive such compensation as may be  
2326 allowed by the board, not to exceed the fee prescribed by law for



2327 similar services. All witnesses who shall be subpoenaed, and who  
2328 shall appear in any proceedings before the board, shall receive  
2329 the same fees and mileage as allowed by law.

2330 (6) Where in any proceeding before the board any witness  
2331 shall fail or refuse to attend upon subpoena issued by the board,  
2332 shall refuse to testify, or shall refuse to produce any books and  
2333 papers, the production of which is called for by the subpoena, the  
2334 attendance of such witness and the giving of his testimony and the  
2335 production of the books and papers shall be enforced by any court  
2336 of competent jurisdiction of this state, in the same manner as are  
2337 enforced for the attendance and testimony of witnesses in civil  
2338 cases in the courts of this state.

2339 (7) The board shall conduct the hearing in an orderly and  
2340 continuous manner, granting continuances only when the ends of  
2341 justice may be served. The board shall, within sixty (60) days  
2342 after conclusion of the hearing, reduce its decision to writing  
2343 and forward an attested true copy thereof to the last-known  
2344 residence or business address of such applicant, licensee or  
2345 holder of a certificate, by way of United States first-class  
2346 certified mail, postage prepaid. Such applicant, licensee, holder  
2347 of a certificate, or person aggrieved shall have the right of  
2348 appeal from an adverse ruling, or order, or decision of the board  
2349 to the Chancery Court of the First Judicial District of Hinds  
2350 County, Mississippi, upon forwarding notice of appeal to the board  
2351 within thirty (30) days after the decision of the board is mailed



2352 in the manner here contemplated. An appeal will not be allowed in  
2353 the event notice of appeal, together with the appeal bond  
2354 hereinafter required, shall not have been forwarded to the board  
2355 within the thirty-day period. Appeal shall be to the Chancery  
2356 Court of the First Judicial District of Hinds County, Mississippi.  
2357 The appeal shall thereupon be heard in due course by the court  
2358 which shall review the record and make its determination thereon.

2359 (8) The appellant shall, together with the notice of appeal,  
2360 forward to and post with the board a satisfactory bond in the  
2361 amount of Five Hundred Dollars (\$500.00) for the payment of any  
2362 costs which may be adjudged against him.

2363 (9) In the event of an appeal, the court shall dispose of  
2364 the appeal and enter its decision promptly. The hearing on the  
2365 appeal may, in the discretion of the chancellor, be tried in  
2366 vacation. If there is an appeal, such appeal may, in the  
2367 discretion of and on motion to the chancery court, act as a  
2368 supersedeas. However, any fine imposed by the board under the  
2369 provisions of this chapter shall not take effect until after the  
2370 time for appeal has expired, and an appeal of the imposition of  
2371 such a fine shall act as a supersedeas.

2372 (10) Any fine imposed by the board upon a licensee or holder  
2373 of a certificate shall be in accordance with the following  
2374 schedule:





2375 (a) For the first violation, a fine of not less than  
2376 Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00)  
2377 for each violation.

2378 (b) For the second and each subsequent violation, a  
2379 fine of not less than One Hundred Dollars (\$100.00) nor more than  
2380 Four Hundred Dollars (\$400.00) for each violation.

2381 The power and authority of the board to impose such fines  
2382 under this section shall not be affected or diminished by any  
2383 other proceeding, civil or criminal, concerning the same violation  
2384 or violations.

2385 (11) In addition to the reasons specified in subsection (2)  
2386 of this section, the board shall be authorized to suspend the  
2387 license of any licensee for being out of compliance with an order  
2388 for support, as defined in Section 93-11-153. The procedure for  
2389 suspension of a license for being out of compliance with an order  
2390 for support, and the procedure for the reissuance or reinstatement  
2391 of a license suspended for that purpose, and the payment of any  
2392 fees for the reissuance or reinstatement of a license suspended  
2393 for that purpose, shall be governed by Section 93-11-157 or  
2394 93-11-163, as the case may be. Actions taken by the board in  
2395 suspending a license when required by Section 93-11-157 or  
2396 93-11-163 are not actions from which an appeal may be taken under  
2397 this section. Any appeal of a license suspension that is required  
2398 by Section 93-11-157 or 93-11-163 shall be taken in accordance  
2399 with the appeal procedure specified in Section 93-11-157 or



2400 93-11-163, as the case may be, rather than the procedure specified  
2401 in this section. If there is any conflict between any provision  
2402 of Section 93-11-157 or 93-11-163 and any provision of this  
2403 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
2404 case may be, shall control.

2405 (12) In addition to the reasons specified in subsection (2)  
2406 of this section, the board shall be authorized to suspend the  
2407 license of any licensee for being delinquent on paying a finally  
2408 determined tax liability as defined in Section 2 of this act. The  
2409 procedure for suspension of a license for being delinquent on  
2410 paying a finally determined tax liability, and the procedure for  
2411 the reissuance or reinstatement of a license suspended for that  
2412 purpose, and the payment of any fees for the reissuance or  
2413 reinstatement of a license suspended for that purpose, shall be  
2414 governed by Section 4 of this act. Actions taken by the board in  
2415 suspending a license when required by Section 4 of this act are  
2416 not actions from which an appeal may be taken under this section.  
2417 Any appeal of a license suspension that is required by Section 4  
2418 of this act shall be taken in accordance with the appeal procedure  
2419 specified in Section 4 of this act rather than the procedure  
2420 specified in this section. If there is any conflict between any  
2421 provision of Section 4 of this act and any provision of this  
2422 chapter, the provisions of Section 4 of this act shall control.

2423 **SECTION 25.** Section 73-9-61, Mississippi Code of 1972, is  
2424 amended as follows:



2425           73-9-61. (1) Upon satisfactory proof, and in accordance  
2426 with statutory provisions elsewhere set out for such hearings and  
2427 protecting the rights of the accused as well as the public, the  
2428 State Board of Dental Examiners may deny the issuance or renewal  
2429 of a license or may revoke or suspend the license of any licensed  
2430 dentist or dental hygienist practicing in the State of  
2431 Mississippi, or take any other action in relation to the license  
2432 as the board may deem proper under the circumstances, for any of  
2433 the following reasons:

2434                   (a) Misrepresentation in obtaining a license, or  
2435 attempting to obtain, obtaining, attempting to renew or renewing a  
2436 license or professional credential by making any material  
2437 misrepresentation, including the signing in his or her  
2438 professional capacity any certificate that is known to be false at  
2439 the time he or she makes or signs the certificate.

2440                   (b) Willful violation of any of the rules or  
2441 regulations duly promulgated by the board, or of any of the rules  
2442 or regulations duly promulgated by the appropriate dental  
2443 licensure agency of another state or jurisdiction.

2444                   (c) Being impaired in the ability to practice dentistry  
2445 or dental hygiene with reasonable skill and safety to patients by  
2446 reason of illness or use of alcohol, drugs, narcotics, chemicals,  
2447 or any other type of material or as a result of any mental or  
2448 physical condition.



2449 (d) Administering, dispensing or prescribing any  
2450 prescriptive medication or drug outside the course of legitimate  
2451 professional dental practice.

2452 (e) Being convicted or found guilty of or entering a  
2453 plea of nolo contendere to, regardless of adjudication, a  
2454 violation of any federal or state law regulating the possession,  
2455 distribution or use of any narcotic drug or any drug considered a  
2456 controlled substance under state or federal law, a certified copy  
2457 of the conviction order or judgment rendered by the trial court  
2458 being prima facie evidence thereof, notwithstanding the pendency  
2459 of any appeal.

2460 (f) Practicing incompetently or negligently, regardless  
2461 of whether there is actual harm to the patient.

2462 (g) Being convicted or found guilty of or entering a  
2463 plea of nolo contendere to, regardless of adjudication, a crime in  
2464 any jurisdiction that relates to the practice of dentistry or  
2465 dental hygiene, a certified copy of the conviction order or  
2466 judgment rendered by the trial court being prima facie evidence  
2467 thereof, notwithstanding the pendency of any appeal.

2468 (h) Being convicted or found guilty of or entering a  
2469 plea of nolo contendere to, regardless of adjudication, a felony  
2470 in any jurisdiction, a certified copy of the conviction order or  
2471 judgment rendered by the trial court being prima facie evidence  
2472 thereof, notwithstanding the pendency of any appeal.



2473 (i) Delegating professional responsibilities to a  
2474 person who is not qualified by training, experience or licensure  
2475 to perform them.

2476 (j) The refusal of a licensing authority of another  
2477 state or jurisdiction to issue or renew a license, permit or  
2478 certificate to practice dentistry or dental hygiene in that  
2479 jurisdiction or the revocation, suspension or other restriction  
2480 imposed on a license, permit or certificate issued by the  
2481 licensing authority that prevents or restricts practice in that  
2482 jurisdiction, a certified copy of the disciplinary order or action  
2483 taken by the other state or jurisdiction being prima facie  
2484 evidence thereof, notwithstanding the pendency of any appeal.

2485 (k) Surrender of a license or authorization to practice  
2486 dentistry or dental hygiene in another state or jurisdiction when  
2487 the board has reasonable cause to believe that the surrender is  
2488 made to avoid or in anticipation of a disciplinary action.

2489 (l) Any unprofessional conduct to be determined by the  
2490 board on a case-by-case basis, which shall include, but not be  
2491 restricted to, the following:

2492 (i) Committing any crime involving moral  
2493 turpitude.

2494 (ii) Practicing deceit or other fraud upon the  
2495 public.

2496 (iii) Practicing dentistry or dental hygiene under  
2497 a false or assumed name.



2498 (iv) Advertising that is false, deceptive or  
2499 misleading.

2500 (v) Announcing a specialized practice shall be  
2501 considered advertising that tends to deceive or mislead the public  
2502 unless the dentist announcing as a specialist conforms to other  
2503 statutory provisions and the duly promulgated rules or regulations  
2504 of the board pertaining to practice of dentistry in the State of  
2505 Mississippi.

2506 (m) Failure to provide and maintain reasonable sanitary  
2507 facilities and conditions or failure to follow board rules  
2508 regarding infection control.

2509 (n) Committing any act which would constitute sexual  
2510 misconduct upon a patient or upon ancillary staff. For purposes  
2511 of this subsection, the term sexual misconduct means:

2512 (i) Use of the licensee-patient relationship to  
2513 engage or attempt to engage the patient in sexual activity; or

2514 (ii) Conduct of a licensee that is intended to  
2515 intimidate, coerce, influence or trick any person employed by or  
2516 for the licensee in a dental practice or educational setting for  
2517 the purpose of engaging in sexual activity or activity intended  
2518 for the sexual gratification of the licensee.

2519 (o) Violation of a lawful order of the board previously  
2520 entered in a disciplinary or licensure hearing; failure to  
2521 cooperate with any lawful request or investigation by the board;  
2522 or failure to comply with a lawfully issued subpoena of the board.



2523 (p) Willful, obstinate and continuing refusal to  
2524 cooperate with the board in observing its rules and regulations in  
2525 promptly paying all legal license or other fees required by law.

2526 (q) Practicing dentistry or dental hygiene while the  
2527 person's license is suspended.

2528 (r) Violation(s) of the provisions of Sections 41-121-1  
2529 through 41-121-9 relating to deceptive advertisement by health  
2530 care practitioners. This paragraph shall stand repealed on July  
2531 1, 2020.

2532 (2) In lieu of revocation of a license as provided for  
2533 above, the board may suspend the license of the offending dentist  
2534 or dental hygienist, suspend the sedation permit of the offending  
2535 dentist, or take any other action in relation to his or her  
2536 license as the board may deem proper under the circumstances.

2537 (3) When a license to practice dentistry or dental hygiene  
2538 is revoked or suspended by the board, the board may, in its  
2539 discretion, stay the revocation or suspension and simultaneously  
2540 place the licensee on probation upon the condition that the  
2541 licensee shall not violate the laws of the State of Mississippi  
2542 pertaining to the practice of dentistry or dental hygiene and  
2543 shall not violate the rules and regulations of the board and shall  
2544 not violate any terms in relation to his or her license as may be  
2545 set by the board.

2546 (4) In a proceeding conducted under this section by the  
2547 board for the denial, revocation or suspension of a license to



2548 practice dentistry or dental hygiene, the board shall have the  
2549 power and authority for the grounds stated for that denial,  
2550 revocation or suspension, and in addition thereto or in lieu of  
2551 that denial, revocation or suspension may assess and levy upon any  
2552 person licensed to practice dentistry or dental hygiene in the  
2553 State of Mississippi, a monetary penalty, as follows:

2554 (a) For the first violation of any of subparagraph (a),  
2555 (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of subsection  
2556 (1) of this section, a monetary penalty of not less than Fifty  
2557 Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).

2558 (b) For the second violation of any of subparagraph  
2559 (a), (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of  
2560 subsection (1) of this section, a monetary penalty of not less  
2561 than One Hundred Dollars (\$100.00) nor more than One Thousand  
2562 Dollars (\$1,000.00).

2563 (c) For the third and any subsequent violation of any  
2564 of subparagraph (a), (b), (c), (d), (f), (i), (l), (m), (n), (o)  
2565 or (q) of subsection (1) of this section, a monetary penalty of  
2566 not less than Five Hundred Dollars (\$500.00) and not more than  
2567 Five Thousand Dollars (\$5,000.00).

2568 (d) For any violation of any of subparagraphs (a)  
2569 through (q) of subsection (1) of this section, those reasonable  
2570 costs that are expended by the board in the investigation and  
2571 conduct of a proceeding for licensure revocation or suspension,





2572 including, but not limited to, the cost of process service, court  
2573 reporters, expert witnesses and investigators.

2574 (5) The power and authority of the board to assess and levy  
2575 monetary penalties under this section shall not be affected or  
2576 diminished by any other proceeding, civil or criminal, concerning  
2577 the same violation or violations except as provided in this  
2578 section.

2579 (6) A licensee shall have the right of appeal from the  
2580 assessment and levy of a monetary penalty as provided in this  
2581 section under the same conditions as a right of appeal is provided  
2582 elsewhere for appeals from an adverse ruling, order or decision of  
2583 the board.

2584 (7) Any monetary penalty assessed and levied under this  
2585 section shall not take effect until after the time for appeal has  
2586 expired. In the event of an appeal, the appeal shall act as a  
2587 supersedeas.

2588 (8) A monetary penalty assessed and levied under this  
2589 section shall be paid to the board by the licensee upon the  
2590 expiration of the period allowed for appeal of those penalties  
2591 under this section or may be paid sooner if the licensee elects.  
2592 With the exception of subsection (4)(d) of this section, monetary  
2593 penalties collected by the board under this section shall be  
2594 deposited to the credit of the General Fund of the State Treasury.  
2595 Any monies collected by the board under subsection (4)(d) of this



2596 section shall be deposited into the special fund operating account  
2597 of the board.

2598 (9) When payment of a monetary penalty assessed and levied  
2599 by the board against a licensee in accordance with this section is  
2600 not paid by the licensee when due under this section, the board  
2601 shall have power to institute and maintain proceedings in its name  
2602 for enforcement of payment in the chancery court of the county and  
2603 judicial district of residence of the licensee, and if the  
2604 licensee is a nonresident of the State of Mississippi, the  
2605 proceedings shall be in the Chancery Court of the First Judicial  
2606 District of Hinds County, Mississippi.

2607 (10) In addition to the reasons specified in subsection (1)  
2608 of this section, the board shall be authorized to suspend the  
2609 license of any licensee for being out of compliance with an order  
2610 for support, as defined in Section 93-11-153. The procedure for  
2611 suspension of a license for being out of compliance with an order  
2612 for support, and the procedure for the reissuance or reinstatement  
2613 of a license suspended for that purpose, and the payment of any  
2614 fees for the reissuance or reinstatement of a license suspended  
2615 for that purpose, shall be governed by Section 93-11-157 or  
2616 93-11-163, as the case may be. If there is any conflict between  
2617 any provision of Section 93-11-157 or 93-11-163 and any provision  
2618 of this chapter, the provisions of Section 93-11-157 or 93-11-163,  
2619 as the case may be, shall control.



2620           (11) In addition to the reasons specified in subsection (1)  
2621 of this section, the board shall be authorized to suspend the  
2622 license of any licensee for being delinquent on paying a finally  
2623 determined tax liability as defined in Section 2 of this act. The  
2624 procedure for suspension of a license for being delinquent on  
2625 paying a finally determined tax liability, and the procedure for  
2626 the reissuance or reinstatement of a license suspended for that  
2627 purpose, and the payment of any fees for the reissuance or  
2628 reinstatement of a license suspended for that purpose, shall be  
2629 governed by Section 4 of this act. If there is any conflict  
2630 between any provision of Section 4 of this act and any provision  
2631 of this chapter, the provisions of Section 4 of this act shall  
2632 control.

2633           ( \* \* \*12) All grounds for disciplinary action, including  
2634 imposition of fines and assessment of costs as enumerated above,  
2635 shall also apply to any other license or permit issued by the  
2636 board under this chapter or regulations duly adopted by the board.

2637           **SECTION 26.** Section 73-9-65, Mississippi Code of 1972, is  
2638 amended as follows:

2639           73-9-65. No disciplinary action against a licensee shall be  
2640 taken until the accused has been furnished a statement of the  
2641 charges against him or her and a notice of the time and place of  
2642 hearing thereof. The accused may be present at the hearing in  
2643 person, by counsel, or both. The board may, for good cause shown,  
2644 reinstate any license revoked or suspended. The procedure for the



2645 reinstatement of a license that is suspended for being out of  
2646 compliance with an order for support, as defined in Section  
2647 93-11-153, shall be governed by Section 93-11-157 or 93-11-163, as  
2648 the case may be. The procedure for the reinstatement of a license  
2649 that is suspended for being delinquent on paying a finally  
2650 determined tax liability as defined in Section 2 of this act,  
2651 shall be governed by Section 4 of this act. The right to appeal  
2652 any disciplinary actions of the board regarding the license of any  
2653 dentist or dental hygienist is granted. The appeal shall be to  
2654 the chancery court of the county in which the dentist or dental  
2655 hygienist resides, except where the dentist or dental hygienist  
2656 does not reside in the State of Mississippi, in which case the  
2657 appeal shall be to the Chancery Court of the First Judicial  
2658 District of Hinds County, Mississippi. The appeal must be taken  
2659 within thirty (30) days after notice of the action of the board.  
2660 The appeal is perfected upon filing a notice of appeal, together  
2661 with a bond in the sum of One Hundred Dollars (\$100.00), with two  
2662 (2) sureties, conditioned that if the action of the board  
2663 regarding the license is affirmed by the chancery court the  
2664 dentist or dental hygienist will pay the costs of the appeal and  
2665 the action in the chancery court. Those bonds shall be approved  
2666 by the president of the board. In lieu of the bond, the dentist  
2667 or dental hygienist may deposit One Hundred Dollars (\$100.00) with  
2668 the clerk of the chancery court. If there is an appeal, the  
2669 appeal may, in the discretion of and on motion to the chancery



2670 court, act as a supersedeas. The chancery court shall dispose of  
2671 the appeal and enter its decision promptly. The hearing on the  
2672 appeal may, in the discretion of the chancellor, be tried in  
2673 vacation. Appeals may be had to the Supreme Court of the State of  
2674 Mississippi as provided by law from any final action of the  
2675 chancery court. No such person shall be allowed to practice  
2676 dentistry or dental hygiene or deliver health care services in  
2677 violation of any action of the chancery court while any such  
2678 appeal to the Supreme Court is pending. All procedural appeal  
2679 requirements as enumerated above also shall apply to any other  
2680 license or permit issued by the board under this chapter or  
2681 regulations duly adopted by the board.

2682 Actions taken by the board in suspending a license when  
2683 required by Section 93-11-157 \* \* \*, 93-11-163 or Section 4 of  
2684 this act are not actions from which an appeal may be taken under  
2685 this section. Any appeal of a license suspension that is required  
2686 by Section 93-11-157 \* \* \*, 93-11-163 or Section 4 of this act  
2687 shall be taken in accordance with the appeal procedure specified  
2688 in Section 93-11-157 \* \* \*, 93-11-163 or Section 4 of this act, as  
2689 the case may be, rather than the procedure specified in this  
2690 section.

2691 **SECTION 27.** Section 73-10-21, Mississippi Code of 1972, is  
2692 amended as follows:

2693 73-10-21. (1) Rules, regulations and standards.



2694 (a) The board is empowered, authorized and directed to  
2695 adopt, amend, promulgate and enforce such rules, regulations and  
2696 standards governing dietitians as may be necessary to further the  
2697 accomplishment of the purpose of the governing law, and in so  
2698 doing shall utilize as the basis thereof the corresponding  
2699 recommendations of the advisory council. The rules, regulations  
2700 and minimum standards for licensing of dietitians may be amended  
2701 by the board as deemed necessary. In so doing, the board shall  
2702 utilize as the basis thereof the corresponding recommendations of  
2703 the advisory council.

2704 (b) The board shall publish and disseminate to all  
2705 licensees, in appropriate manner, the licensure standards  
2706 prescribed by this chapter, any amendments thereto, and such rules  
2707 and regulations as the board may adopt under the authority vested  
2708 by Section 73-38-13, within sixty (60) days of their adoption.

2709 (2) The board shall adopt a code of ethics for dietitians  
2710 using as the basis thereof the ADA "Code of Ethics for the  
2711 Profession of Dietetics."

2712 (3) Issuance and renewal of licenses.

2713 (a) The board shall issue a license to any person who  
2714 meets the requirements of this chapter upon payment of the license  
2715 fee prescribed.

2716 (b) Except as provided in Section 33-1-39, licenses  
2717 under this chapter shall be valid for two (2) calendar years and  
2718 shall be subject to renewal and shall expire unless renewed in the



2719 manner prescribed by the rules and regulations of the board, upon  
2720 the payment of a biennial renewal fee to be set at the discretion  
2721 of the board, but not to exceed One Hundred Dollars (\$100.00), and  
2722 the presentation of evidence satisfactory to the board that the  
2723 licensee has met such continuing education requirements as the  
2724 board may require. Any increase in the fee charged by the board  
2725 under this paragraph shall be in accordance with the provisions of  
2726 Section 41-3-65. An applicant for license renewal shall  
2727 demonstrate to the board evidence of satisfactory completion of  
2728 the continuing education requirements established by the American  
2729 Dietetic Association and/or other continuing education  
2730 requirements as may be required by the board.

2731 (c) The board may provide for the late renewal of a  
2732 license upon the payment of a late fee in accordance with its  
2733 rules and regulations, but no such late renewal of a license may  
2734 be granted more than one (1) year after its expiration. Any  
2735 increase in the fee charged by the board under this paragraph  
2736 shall be in accordance with the provisions of Section 41-3-65.

2737 (d) A suspended license shall be subject to expiration  
2738 and may be renewed as provided in this section, but such renewal  
2739 shall not entitle the licensee, while the license remains  
2740 suspended and until it is reinstated, to engage in the licensed  
2741 activity, or in any other conduct or activity in violation of the  
2742 order of judgment by which the license was suspended. If a  
2743 license revoked on disciplinary grounds is reinstated, the



2744 licensee, as a condition of reinstatement, shall pay the renewal  
2745 fee and any late fee that may be applicable.

2746 (4) Denial or revocation of license.

2747 (a) The board may deny or refuse to renew a license, or  
2748 suspend or revoke a license, or issue orders to cease or desist  
2749 from certain conduct, or issue warnings or reprimands where the  
2750 licensee or applicant for license has been convicted of unlawful  
2751 conduct or has demonstrated unprofessional conduct which has  
2752 endangered or is likely to endanger the health, welfare or safety  
2753 of the public. Such conduct includes:

2754 (i) Obtaining a license by means of fraud,  
2755 misrepresentation or concealment of material facts;

2756 (ii) Being guilty of unprofessional conduct as  
2757 defined by the rules and established by the board or violating the  
2758 Code of Ethics of the American Dietetic Association;

2759 (iii) Being convicted of a crime in any court  
2760 other than a misdemeanor;

2761 (iv) Violating any lawful order, rule or  
2762 regulation rendered or adopted by the board; or

2763 (v) Violating any provision of this chapter.

2764 (b) Such denial, refusal to renew, suspension,  
2765 revocation, order to cease and desist from designated conduct, or  
2766 warning or reprimand may be ordered by the board in a decision  
2767 made after a hearing in the manner provided by the rules and  
2768 regulations adopted by the board. One (1) year from the date of





2769 the revocation of a license, application may be made to the board  
2770 for reinstatement. The board shall have discretion to accept or  
2771 reject an application for reinstatement and may, but shall not be  
2772 required to, hold a hearing to consider such reinstatement.

2773 (c) In addition to the reasons specified in paragraph  
2774 (a) of this subsection (4), the board shall be authorized to  
2775 suspend the license of any licensee for being out of compliance  
2776 with an order for support, as defined in Section 93-11-153. The  
2777 procedure for suspension of a license for being out of compliance  
2778 with an order for support, and the procedure for the reissuance or  
2779 reinstatement of a license suspended for that purpose, and the  
2780 payment of any fees for the reissuance or reinstatement of a  
2781 license suspended for that purpose, shall be governed by Section  
2782 93-11-157 or 93-11-163, as the case may be. If there is any  
2783 conflict between any provision of Section 93-11-157 or 93-11-163  
2784 and any provision of this chapter, the provisions of Section  
2785 93-11-157 or 93-11-163, as the case may be, shall control.

2786 (d) In addition to the reasons specified in paragraph  
2787 (a) of this subsection (4), the board shall be authorized to  
2788 suspend the license of any licensee for being delinquent on paying  
2789 a finally determined tax liability as defined in Section 2 of this  
2790 act. The procedure for suspension of a license for being  
2791 delinquent on paying a finally determined tax liability, and the  
2792 procedure for the reissuance or reinstatement of a license  
2793 suspended for that purpose, and the payment of any fees for the



2794 reissuance or reinstatement of a license suspended for that  
2795 purpose, shall be governed by Section 4 of this act. If there is  
2796 any conflict between any provision of Section 4 of this act and  
2797 any provision of this chapter, the provisions of Section 4 of this  
2798 act shall control.

2799 (5) Establish fees.

2800 (a) A person licensed under this chapter shall pay to  
2801 the board a fee, not to exceed One Hundred Dollars (\$100.00), to  
2802 be set by the board for the issuance of a license.

2803 (b) Such fees shall be set in such an amount as to  
2804 reimburse the state to the extent feasible for the cost of the  
2805 services rendered.

2806 (c) Any increase in the fee charged by the board under  
2807 this subsection shall be in accordance with the provisions of  
2808 Section 41-3-65.

2809 (6) Collect funds.

2810 (a) The administration of the provisions of this  
2811 chapter shall be financed from income accruing from fees, licenses  
2812 and other charges assessed and collected by the board in  
2813 administering this chapter.

2814 (b) The board shall receive and account for all funds  
2815 received and shall keep such funds in a separate fund.

2816 (c) Funds collected under the provisions of this  
2817 chapter shall be used solely for the expenses of the advisory  
2818 council and the board to administer the provisions of this



2819 chapter. Such funds shall be subject to audit by the State  
2820 Auditor.

2821 (d) Members of the advisory council shall receive no  
2822 compensation for services performed on the council, but may be  
2823 reimbursed for necessary and actual expenses incurred in  
2824 connection with attendance at meetings of the council or for  
2825 authorized business of the council from funds made available for  
2826 such purpose, as provided in Section 25-3-41.

2827 (7) Receive and process complaints.

2828 (a) The board shall have full authority to investigate  
2829 and evaluate each and every applicant applying for a license to  
2830 practice dietetics, with the advice of the advisory council.

2831 (b) The board shall have the authority to issue  
2832 subpoenas, examine witnesses and administer oaths, and shall, at  
2833 its discretion, investigate allegations or practices violating the  
2834 provisions of this chapter, and in so doing shall have power to  
2835 seek injunctive relief to prohibit any person from providing  
2836 professional dietetic services as defined in Section 73-10-3(1)(j)  
2837 without being licensed as provided herein.

2838 (8) A license certificate issued by the board is the  
2839 property of the board and must be surrendered on demand.

2840 **SECTION 28.** Section 73-11-57, Mississippi Code of 1972, is  
2841 amended as follows:

2842 73-11-57. (1) The board, upon satisfactory proof at proper  
2843 hearing and in accordance with the provisions of this chapter and



2844 the regulations of the board, may suspend, revoke, or refuse to  
2845 issue or renew any license under this chapter, reprimand or place  
2846 the holder of a license on a term of probation, and/or take any  
2847 other action in relation to a license as the board may deem proper  
2848 under the circumstances upon any of the following grounds:

2849           (a) The employment of fraud or deception in applying  
2850 for a license or in passing the examination provided for in this  
2851 chapter;

2852           (b) The erroneous issuance of a license to any person;

2853           (c) The conviction of a felony by any court in this  
2854 state or any federal court or by the court of any other state or  
2855 territory of the United States; having been convicted of or pled  
2856 guilty to a felony in the courts of this state or any other state,  
2857 territory or country which would prevent a person from holding  
2858 elected office. Conviction, as used in this paragraph, shall  
2859 include a deferred conviction, deferred prosecution, deferred  
2860 sentence, finding or verdict of guilt, an admission of guilty, or  
2861 a plea of nolo contendere;

2862           (d) The practice of embalming under a false name or  
2863 without a license for the practice of funeral service;

2864           (e) The impersonation of another funeral service or  
2865 funeral directing licensee;

2866           (f) The permitting of a person other than a funeral  
2867 service or funeral directing licensee to make arrangements for a  
2868 funeral and/or form of disposition;



2869 (g) Violation of any provision of this chapter or any  
2870 rule or regulation of the board;

2871 (h) Having had a license for the practice of funeral  
2872 service or funeral directing suspended or revoked in any  
2873 jurisdiction, having voluntarily surrendered his license in any  
2874 jurisdiction, having been placed on probation in any jurisdiction,  
2875 having been placed under disciplinary order(s) or other  
2876 restriction in any manner for funeral directing and/or funeral  
2877 service, or operating a funeral establishment (a certified copy of  
2878 the order of suspension, revocation, probation or disciplinary  
2879 action shall be prima facie evidence of such action);

2880 (i) Solicitation of dead human bodies by the licensee,  
2881 his agents, assistants or employees, whether such solicitation  
2882 occurs after death or when death is imminent; if the person  
2883 solicited has made known a desire not to receive the  
2884 communication, or if the solicitation involves coercion, duress or  
2885 harassment, or if the solicitation takes place at the residence of  
2886 the client or prospective client and is uninvited by the client or  
2887 prospective client and has not been previously agreed to by the  
2888 client or prospective client; however, this shall not be deemed to  
2889 prohibit general advertising;

2890 (j) Employment directly or indirectly of any  
2891 apprentice, agent, assistant, employee, or other person, on a  
2892 part-time or full-time basis or on commission, for the purpose of  
2893 calling upon individuals or institutions by whose influence dead



2894 human bodies may be turned over to a particular funeral  
2895 establishment;

2896 (k) Failure to give full cooperation to the board  
2897 and/or its designees, agents or other representatives in the  
2898 performance of official duties of the board. Such failure to  
2899 cooperate includes, but is not limited to:

2900 (i) Not furnishing any relevant papers or  
2901 documents requested by or for the board;

2902 (ii) Not furnishing, in writing, an adequate  
2903 explanation covering the matter contained in a complaint filed  
2904 with the board;

2905 (iii) Not responding without cause to subpoenas  
2906 issued by the board, whether or not the licensee is the party  
2907 charged in any proceeding before the board;

2908 (iv) Not reasonably providing access, as directed  
2909 by the board for its authorized agents or representatives seeking  
2910 to perform reviews or inspections at facilities or places utilized  
2911 by the license holder in the practice of funeral service or  
2912 funeral directing and/or in performing any other activity  
2913 regulated by the board under this chapter;

2914 (v) Failure to provide information within the  
2915 specified time allotted and as required by the board and/or its  
2916 representatives or designees;

2917 (vi) Failure to cooperate with the board or its  
2918 designees or representatives in the investigation of any alleged



2919 misconduct or interfering with a board investigation by willful  
2920 misrepresentation of facts;

2921 (vii) Deceiving or attempting to deceive the board  
2922 regarding any matter under investigation, including altering or  
2923 destroying any records; and

2924 (viii) Failure, without good cause, to cooperate  
2925 with any request by the board to appear before it;

2926 (l) Knowingly performing any act that in any way  
2927 assists an unlicensed person to practice funeral service or  
2928 funeral directing;

2929 (m) Knowingly making a false statement on death  
2930 certificates;

2931 (n) Conviction of a crime involving moral turpitude;

2932 (o) Violating any statute, ordinance, rule or  
2933 regulation of the state or any of its boards, agencies or  
2934 political subdivisions affecting the registration of deaths or the  
2935 handling, custody, care or transportation of dead human bodies; or

2936 (p) Unprofessional conduct in the practice of funeral  
2937 service or funeral directing which includes, but is not limited  
2938 to:

2939 (i) Retaining a dead human body for the payment of  
2940 a fee for the performance of services that are not authorized;

2941 (ii) Knowingly performing any act which in any way  
2942 assists an unlicensed person to practice funeral service or  
2943 funeral directing;



2944 (iii) Being guilty of any dishonorable conduct  
2945 likely to deceive, defraud or harm the public;

2946 (iv) Any act or omission in the practice of  
2947 funeral service or directing which constitutes dishonesty, fraud  
2948 or misrepresentation with the intent to benefit the licensee,  
2949 another person or funeral establishment, or with the intent to  
2950 substantially injure another person, licensee or funeral  
2951 establishment; or

2952 (v) Any act or conduct, whether the same or of a  
2953 different character than specified above, which constitutes or  
2954 demonstrates bad faith, incompetency or untrustworthiness; or  
2955 dishonest, fraudulent or improper dealing; or any other violation  
2956 of the provisions of this chapter, the rules and regulations  
2957 established by the board or any rule or regulation promulgated by  
2958 the Federal Trade Commission relative to the practice of funeral  
2959 service or funeral directing.

2960 (2) Any person, including a member of the board, may  
2961 initiate a complaint against a licensee of the board by filing  
2962 with the board a written complaint on a form prescribed by the  
2963 board.

2964 (a) Upon receipt of a properly verified complaint, the  
2965 board shall send a copy of the complaint to the affected licensee  
2966 by certified mail to the address of such licensee appearing of  
2967 record with the board. The licensee shall answer the complaint in  
2968 writing within twenty (20) days after receipt of the complaint.





2969 The licensee shall mail a copy of his, her or its response to the  
2970 board and the complainant. Upon receipt of the licensee's  
2971 response or lapse of twenty (20) days, the board is authorized to  
2972 investigate a complaint that appears to show the existence of any  
2973 of the causes or grounds for disciplinary action as provided in  
2974 Section 73-11-57. Upon finding reasonable cause to believe that  
2975 the charges are not frivolous, unfounded or filed in bad faith,  
2976 the board may, in its discretion, cause a hearing to be held, at a  
2977 time and place fixed by the board, regarding the charges that a  
2978 violation of this chapter has occurred. The board shall order a  
2979 hearing for the licensee to appear and show cause why he/she  
2980 should not be disciplined for a violation of this chapter.

2981 (b) The board shall give the complainant and the  
2982 affected licensee twenty (20) days' notice of any hearing upon a  
2983 complaint. Such notice shall be by United States certified mail.

2984 (c) Any party appearing before the board may be  
2985 accompanied by counsel.

2986 (d) Before commencing a hearing, the chairman or  
2987 designee of the board shall determine if all parties are present  
2988 and ready to proceed. If the complainant fails to attend a  
2989 hearing without good cause shown, the complaint shall be dismissed  
2990 summarily and all fees and expenses of convening the hearing shall  
2991 be assessed to, and paid by, the complainant. If any affected  
2992 licensee fails to appear for a hearing without good cause shown,



2993 such licensee shall be presumed to have waived his right to appear  
2994 before the board and be heard.

2995 (e) Upon the chair's determination that all parties are  
2996 ready to proceed, the chair or designee shall call the hearing to  
2997 order and the complainant and the licensee may give opening  
2998 statements. The board may order the sequestration of nonparty  
2999 witnesses.

3000 (f) The complainant shall then present his, her or its  
3001 complaint. The licensee, any counsel and any member or designee  
3002 of the board may ask questions of witnesses.

3003 (g) The licensee shall then present his, her or its  
3004 case in rebuttal. The complainant, any counsel and any member or  
3005 designee of the board may ask questions of witnesses.

3006 (h) At the completion of the evidence, all parties may  
3007 give closing statements.

3008 (i) At the conclusion of the hearing, the board may  
3009 either decide the issue at that time or take the case under  
3010 advisement for further deliberation. The board shall render its  
3011 decision not more than ninety (90) days after the close of the  
3012 hearing and shall forward the decision to the last-known business  
3013 or residence address of the parties.

3014 (3) The board, on its own motion, may file a formal  
3015 complaint against a licensee.

3016 (4) The board may temporarily suspend a license under this  
3017 chapter without any hearing, simultaneously with the institution



3018 of proceedings under this section, if it finds that the evidence  
3019 in support of the board's determination is clear, competent and  
3020 unequivocal and that the licensee's continuation in practice would  
3021 constitute an imminent danger to public health and safety.

3022 (5) The board may, upon satisfactory proof that the  
3023 applicant or licensee has been guilty of any of the offenses above  
3024 enumerated, take the action authorized by this section against an  
3025 applicant or licensee of the board upon a majority vote of the  
3026 board members, after a hearing thereon. The board is vested with  
3027 full power and authority to hold and conduct such hearings, compel  
3028 the attendance of witnesses and the production of books, records  
3029 and documents, issue subpoenas therefor, administer oaths, examine  
3030 witnesses, and do all things necessary to properly conduct such  
3031 hearings. The board may waive the necessity of a hearing if the  
3032 person accused of a violation admits that he has been guilty of  
3033 such offense. Any person who has been refused a license or whose  
3034 license has been revoked or suspended may, within thirty (30) days  
3035 after the decision of the board, file with the board a written  
3036 notice stating that he feels himself aggrieved by such decision  
3037 and may appeal therefrom to the circuit court of the county and  
3038 judicial district of residence of the person, or if the person is  
3039 a nonresident of the State of Mississippi, to the Circuit Court of  
3040 the First Judicial District of Hinds County. The circuit court  
3041 shall determine the action of the board was in accord or  
3042 consistent with law, or was arbitrary, unwarranted or an abuse of



3043 discretion. The appeal shall be perfected upon filing notice of  
3044 the appeal with the circuit court and by the prepayment of all  
3045 costs, including the cost of the preparation of the record of the  
3046 proceedings by the board. An appeal from the circuit court  
3047 judgment or decree may be reviewed by the Supreme Court as is  
3048 provided by law for other appeals. An appeal of a decision or  
3049 order of the board does not act as a supersedeas.

3050 (6) In addition to any other power that it has, the board  
3051 may, upon finding that an applicant or licensee has committed any  
3052 of the violations listed in Section 73-11-57(1), impose a monetary  
3053 penalty as follows:

3054 (a) For the first violation of any of the subparagraphs  
3055 of subsection (1) of this section, a monetary penalty of not more  
3056 than Five Hundred Dollars (\$500.00).

3057 (b) For the second violation of any of the  
3058 subparagraphs of subsection (1) of this section, a monetary  
3059 penalty of not more than One Thousand Dollars (\$1,000.00).

3060 (c) For the third and any subsequent violation of any  
3061 of the subparagraphs of subsection (1) of this section, a monetary  
3062 penalty of not more than Five Thousand Dollars (\$5,000.00).

3063 (d) For any violation of any of the subparagraphs of  
3064 subsection (1) of this section, those reasonable costs that are  
3065 expended by the board in the investigation and conduct of a  
3066 proceeding for licensure revocation or suspension, including, but



3067 not limited to, the cost of process service, court reporters,  
3068 expert witnesses and investigators.

3069 (7) The power and authority of the board to assess and levy  
3070 such monetary penalties hereunder shall not be affected or  
3071 diminished by any other proceeding, civil or criminal, concerning  
3072 the same violation or violations except as provided in this  
3073 section.

3074 (8) A licensee shall have the right of appeal from the  
3075 assessment and levy of a monetary penalty as provided in this  
3076 section under the same conditions as a right of appeal is provided  
3077 elsewhere for appeals from an adverse ruling, order or decision of  
3078 the board.

3079 (9) Any monetary penalty assessed and levied under this  
3080 section shall not take effect until after the time for appeal  
3081 shall have expired.

3082 (10) A monetary penalty assessed and levied under this  
3083 section shall be paid to the board by the licensee upon the  
3084 expiration of the period allowed for appeal of such penalties  
3085 under this section or may be paid sooner if the licensee elects.

3086 With the exception of subsection (5) (d) of this section,  
3087 monetary penalties collected by the board under this section shall  
3088 be deposited in the State Treasury to the credit of the State  
3089 Board of Funeral Service. Any monies collected by the board under  
3090 subsection (5) (d) of this section shall be deposited into the  
3091 special fund operating account of the board.



3092           (11) When payment of a monetary penalty assessed and levied  
3093 by the board against a licensee in accordance with this section is  
3094 not paid by the licensee when due under this section, the board  
3095 shall have power to institute and maintain proceedings in its name  
3096 for enforcement of payment in the chancery court of the county and  
3097 judicial district of residence of the licensee, or if the licensee  
3098 is a nonresident of the State of Mississippi, in the Chancery  
3099 Court of the First Judicial District of Hinds County, Mississippi.

3100           (12) In any administrative or judicial proceeding in which  
3101 the board prevails, the board shall have the right to recover  
3102 reasonable attorney fees.

3103           (13) In addition to the reasons specified in subsection (1)  
3104 of this section, the board shall be authorized to suspend the  
3105 license of any licensee for being out of compliance with an order  
3106 for support, as defined in Section 93-11-153. The procedure for  
3107 suspension of a license for being out of compliance with an order  
3108 for support, and the procedure for the reissuance or reinstatement  
3109 of a license suspended for that purpose, and the payment of any  
3110 fees for the reissuance or reinstatement of a license suspended  
3111 for that purpose, shall be governed by Section 93-11-157 or  
3112 93-11-163, as the case may be. Actions taken by the board in  
3113 suspending a license when required by Section 93-11-157 or  
3114 93-11-163 are not actions from which an appeal may be taken under  
3115 this section. Any appeal of a license suspension that is required  
3116 by Section 93-11-157 or 93-11-163 shall be taken in accordance



3117 with the appeal procedure specified in Section 93-11-157 or  
3118 93-11-163, as the case may be, rather than the procedure specified  
3119 in this section. If there is any conflict between any provision  
3120 of Section 93-11-157 or 93-11-163 and any provision of this  
3121 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
3122 case may be, shall control.

3123 (14) In addition to the reasons specified in subsection (1)  
3124 of this section, the board shall be authorized to suspend the  
3125 license of any licensee for being delinquent on paying a finally  
3126 determined tax liability as defined in Section 2 of this act. The  
3127 procedure for suspension of a license for being delinquent on  
3128 paying a finally determined tax liability, and the procedure for  
3129 the reissuance or reinstatement of a license suspended for that  
3130 purpose, and the payment of any fees for the reissuance or  
3131 reinstatement of a license suspended for that purpose, shall be  
3132 governed by Section 4 of this act. Actions taken by the board in  
3133 suspending a license when required by Section 4 of this act are  
3134 not actions from which an appeal may be taken under this section.  
3135 Any appeal of a license suspension that is required by Section 4  
3136 of this act shall be taken in accordance with the appeal procedure  
3137 specified in Section 4 of this act rather than the procedure  
3138 specified in this section. If there is any conflict between any  
3139 provision of Section 4 of this act and any provision of this  
3140 chapter, the provisions of Section 4 of this act shall control.



3141           **SECTION 29.** Section 73-13-37, Mississippi Code of 1972, is  
3142 amended as follows:

3143           73-13-37. (1) The board, upon satisfactory proof and in  
3144 accordance with the provisions of this chapter and the  
3145 implementing regulations of the board pertaining thereto, is  
3146 authorized to take the disciplinary actions provided for  
3147 hereinafter against any person or firm practicing engineering or  
3148 surveying, including nonregistrants, for any of the following  
3149 reasons:

3150                   (a) Violating any of the provisions of Sections 73-13-1  
3151 through 73-13-45 or the implementing bylaws, rules, regulations,  
3152 or standards of ethics or conduct duly adopted and promulgated by  
3153 the board pertaining to the practice of engineering;

3154                   (b) Fraud, deceit or misrepresentation in obtaining a  
3155 certificate of licensure;

3156                   (c) Gross negligence, malpractice or incompetency;

3157                   (d) Any professional misconduct, as defined by the  
3158 board through bylaws, rules and regulations, and standards of  
3159 conduct and ethics;

3160                   (e) Practicing or offering to practice engineering on  
3161 an expired certificate or while under suspension or revocation of  
3162 certificate unless said suspension or revocation be abated through  
3163 probation, as provided for hereinafter; or

3164                   (f) Addiction to or dependence on alcohol or other  
3165 habit-forming drugs or being an habitual user of alcohol,





3166 narcotics, barbiturates, amphetamines, hallucinogens, or other  
3167 drugs having similar effect.

3168 (2) Any person may prefer charges against any other person  
3169 practicing engineering or surveying, including nonlicensees, for  
3170 committing any of the acts set forth in subsection (1). Such  
3171 charges shall be sworn to, either upon actual knowledge or upon  
3172 information and belief, and shall be filed with the board. In the  
3173 event any person certified under Sections 73-13-1 through 73-13-45  
3174 is expelled from membership in any Mississippi professional  
3175 engineering society or association, the board shall thereafter  
3176 cite said person to appear at a hearing before the board and to  
3177 show cause why disciplinary action should not be taken against  
3178 him.

3179 The board shall investigate all charges filed with it and,  
3180 upon finding reasonable cause to believe that the charges are not  
3181 frivolous, unfounded or filed in bad faith, may, in its  
3182 discretion, cause a hearing to be held, at a time and place fixed  
3183 by the board, regarding the charges and may compel the accused by  
3184 subpoena to appear before the board to respond to said charges.

3185 No disciplinary action taken hereunder may be taken until the  
3186 accused has been furnished both a statement of the charges against  
3187 him and notice of the time and place of the hearing thereof, which  
3188 shall be personally served on or mailed by registered or certified  
3189 mail, return receipt requested, to the last-known business or



3190 residence address of the accused not less than thirty (30) days  
3191 prior to the date fixed for the hearing.

3192 Notice on a firm shall be had by notice on the principal or  
3193 officer designated by the firm as having management or supervision  
3194 of the engineering/surveying practice, or on the registered agent  
3195 in the case of a corporation not domiciled in Mississippi.

3196 (3) At any hearing held hereunder, the board shall have the  
3197 power to subpoena witnesses and compel their attendance and may  
3198 also require the production of books, papers, documents, etc., as  
3199 provided elsewhere in this chapter. The board is authorized to  
3200 designate or secure a hearing officer to conduct the hearing. All  
3201 evidence shall be presented under oath, which may be administered  
3202 by any member of the board, and thereafter the proceedings may, if  
3203 necessary, be transcribed in full by the court reporter and filed  
3204 as part of the record in the case. Copies of such transcriptions  
3205 may be provided to any party to the proceedings at a cost to be  
3206 fixed by the board.

3207 All witnesses who shall be subpoenaed and who shall appear in  
3208 any proceedings before the board shall receive the same fees and  
3209 mileage as allowed by law in judicial civil proceedings, and all  
3210 such fees shall be taxed as part of the costs in the case.

3211 Where in any proceeding before the board any witness shall  
3212 fail or refuse to attend upon subpoena issued by the board, shall  
3213 refuse to testify or shall refuse to produce any books and papers,  
3214 the production of which is called for by the subpoena, the



3215 attendance of such witness and the giving of his testimony and the  
3216 production of the books and papers shall be enforced by any court  
3217 of competent jurisdiction of this state in the manner provided for  
3218 the enforcement of attendance and testimony of witnesses in civil  
3219 cases in the courts of this state.

3220 The accused shall have the right to be present at the hearing  
3221 in person, by counsel or other representative, or both. The board  
3222 is authorized to continue or recess the hearing as may be  
3223 necessary.

3224 (4) At the conclusion of the hearing, the board may either  
3225 decide the issue at that time or take the case under advisement  
3226 for further deliberation. The board shall render its decision not  
3227 more than ninety (90) days after the close of the hearing, and  
3228 shall forward to the last-known business or residence address of  
3229 the accused, by certified or registered mail, return receipt  
3230 requested, a written statement of the decision of the board.

3231 If a majority of the board finds the accused guilty of the  
3232 charges filed, the board may: (a) issue a public or private  
3233 reprimand; (b) require the guilty party to complete a course or  
3234 courses, approved by the board, in ethics or other appropriate  
3235 subjects; (c) suspend or revoke the certificate of the accused, if  
3236 the accused is a licensee; and/or (d) in lieu of or in addition to  
3237 such reprimand, course completion, suspension or revocation,  
3238 assess and levy upon the guilty party a monetary penalty of not



3239 less than One Hundred Dollars (\$100.00) nor more than Five  
3240 Thousand Dollars (\$5,000.00) for each violation.

3241 (5) A monetary penalty assessed and levied under this  
3242 section shall be paid to the board upon the expiration of the  
3243 period allowed for appeal of such penalties under this section, or  
3244 may be paid sooner if the guilty party elects. Money collected by  
3245 the board under this section shall be deposited to the credit of  
3246 the board's special fund in the State Treasury.

3247 When payment of a monetary penalty assessed and levied by the  
3248 board in accordance with this section is not paid when due, the  
3249 board shall have the power to institute and maintain proceedings  
3250 in its name for enforcement of payment in the chancery court of  
3251 the county and judicial district of residence of the guilty party  
3252 and if the guilty party be a nonresident of the State of  
3253 Mississippi, such proceedings shall be in the Chancery Court of  
3254 the First Judicial District of Hinds County, Mississippi.

3255 (6) When the board has taken a disciplinary action under  
3256 this section, the board may, in its discretion, stay such action  
3257 and place the guilty party on probation for a period not to exceed  
3258 one (1) year upon the condition that the guilty party shall not  
3259 further violate either the laws of the State of Mississippi  
3260 pertaining to the practice of engineering or the bylaws, rules and  
3261 regulations, or standards of conduct and ethics promulgated by the  
3262 board.



3263 (7) The board, in its discretion, may assess and tax any  
3264 part or all of the costs of any disciplinary proceedings conducted  
3265 under this section against either the accused, the charging party,  
3266 or both, as it may elect.

3267 (8) The power and authority of the board to assess and levy  
3268 the monetary penalties provided for in this section shall not be  
3269 affected or diminished by any other proceeding, civil or criminal,  
3270 concerning the same violation or violations except as provided in  
3271 this section.

3272 (9) The board, for sufficient cause, may reissue a revoked  
3273 certificate of licensure or authority whenever a majority of the  
3274 board members vote to do so.

3275 (10) Any person or firm aggrieved by an action of the board  
3276 denying or revoking his certificate of licensure or authority or  
3277 relicensure as a professional engineer or his certificate of  
3278 enrollment as an engineer intern, or who is aggrieved by the  
3279 action of the board as a result of disciplinary proceedings  
3280 conducted under this section may appeal therefrom to the chancery  
3281 court of either the county wherein the appellant resides or the  
3282 Chancery Court of the First Judicial District of Hinds County,  
3283 Mississippi, at the election of the appellant. If the appellant  
3284 is a nonresident of this state, the appeal shall be made to the  
3285 Chancery Court of the First Judicial District of Hinds County,  
3286 Mississippi. Such appeal shall be perfected before the board by  
3287 the filing with the board of a notice of appeal to the chancery



3288 court. The court shall require a bond in an amount not to exceed  
3289 One Thousand Dollars (\$1,000.00) conditioned to pay all costs  
3290 which may be adjudged against the appellant. The notice of appeal  
3291 shall be filed not later than thirty (30) days after the decision  
3292 of the board is forwarded to the guilty party, as provided  
3293 hereinabove.

3294 All appeals perfected hereunder shall not act as a  
3295 supersedeas, and shall be made to the chancery court solely upon  
3296 the record made before the board during the disciplinary hearing.  
3297 When the appeal shall have been properly perfected as provided  
3298 herein, the board shall cause the record of the proceedings  
3299 conducted before it to be compiled, certified and filed with the  
3300 chancery court. The briefing schedule shall be the same as for  
3301 appeals to the Supreme Court. The chancery court shall be  
3302 required to rule on the case within sixty (60) days of the close  
3303 of briefing. All procedures and penalties provided for in this  
3304 section shall apply to nonlicensees as well as licensees.

3305 (11) In addition to the reasons specified in subsection (1)  
3306 of this section, the board shall be authorized to suspend the  
3307 certificate of licensure of any person for being out of compliance  
3308 with an order for support, as defined in Section 93-11-153. The  
3309 procedure for suspension of a certificate for being out of  
3310 compliance with an order for support, and the procedure for the  
3311 reissuance or reinstatement of a certificate suspended for that  
3312 purpose, and the payment of any fees for the reissuance or



3313 reinstatement of a certificate suspended for that purpose, shall  
3314 be governed by Section 93-11-157 or 93-11-163, as the case may be.  
3315 Actions taken by the board in suspending a certificate when  
3316 required by Section 93-11-157 or 93-11-163 are not actions from  
3317 which an appeal may be taken under this section. Any appeal of a  
3318 suspension of a certificate that is required by Section 93-11-157  
3319 or 93-11-163 shall be taken in accordance with the appeal  
3320 procedure specified in Section 93-11-157 or 93-11-163, as the case  
3321 may be, rather than the procedure specified in this section. If  
3322 there is any conflict between any provision of Section 93-11-157  
3323 or 93-11-163 and any provision of this chapter, the provisions of  
3324 Section 93-11-157 or 93-11-163, as the case may be, shall control.

3325       (12) In addition to the reasons specified in subsection (1)  
3326 of this section, the board shall be authorized to suspend the  
3327 certificate of licensure of any person for being delinquent on  
3328 paying a finally determined tax liability as defined in Section 2  
3329 of this act. The procedure for suspension of a certificate for  
3330 being delinquent on paying a finally determined tax liability, and  
3331 the procedure for the reissuance or reinstatement of a certificate  
3332 suspended for that purpose, and the payment of any fees for the  
3333 reissuance or reinstatement of a certificate suspended for that  
3334 purpose, shall be governed by Section 4 of this act. Actions  
3335 taken by the board in suspending a certificate when required by  
3336 Section 4 of this act are not actions from which an appeal may be  
3337 taken under this section. Any appeal of a suspension of a



3338 certificate that is required by Section 4 of this act shall be  
3339 taken in accordance with the appeal procedure specified in Section  
3340 4 of this act rather than the procedure specified in this section.  
3341 If there is any conflict between any provision of Section 4 of  
3342 this act and any provision of this chapter, the provisions of  
3343 Section 4 of this act shall control.

3344 ( \* \* \*13) Any board member whose objectivity in a  
3345 disciplinary proceeding is impaired shall either recuse himself  
3346 from sitting as a member of the board in a formal disciplinary  
3347 hearing in that proceeding or be disqualified therefrom. In the  
3348 event a disciplinary proceeding is brought against a member or  
3349 former member of the board, no member of the board who has served  
3350 concurrently with the respondent in the disciplinary proceeding  
3351 shall sit as a member of the board in a formal disciplinary  
3352 hearing in that proceeding. If, after recusal or disqualification  
3353 of board members as provided herein, there does not remain a  
3354 quorum of the board to sit for a disciplinary hearing, the board  
3355 shall have the power to select, in accordance with duly  
3356 promulgated regulations of the board, substitute panel members  
3357 from slates of candidates established by the Mississippi  
3358 Engineering Society and the Mississippi Association of  
3359 Professional Surveyors to the extent necessary to achieve the  
3360 number of panel members equivalent to a quorum of the board.  
3361 Substitute panel members must meet the qualifications of board





3362 members as provided in Section 73-13-7 and shall receive  
3363 compensation as provided for board members in Section 73-13-9.

3364       **SECTION 30.** Section 73-13-93, Mississippi Code of 1972, is  
3365 amended as follows:

3366       73-13-93. Any person who may feel aggrieved by an action of  
3367 the board denying or revoking his certificate of licensure or  
3368 relicensure as a professional surveyor or enrollment as surveyor  
3369 intern may appeal therefrom to the chancery court of the county of  
3370 residence of such person and, after full hearing, the court shall  
3371 make such order sustaining or reversing the action of the board as  
3372 to it may seem just and proper. However, in case of a nonresident  
3373 licensee or applicant, such appeal shall be taken or made to the  
3374 Chancery Court of the First Judicial District of Hinds County,  
3375 Mississippi.

3376       Actions taken by the board in suspending a certificate of  
3377 licensure when required by Section 93-11-157 \* \* \*, 93-11-163 or  
3378 Section 4 of this act are not actions from which an appeal may be  
3379 taken under this section. Any appeal of a suspension of a  
3380 certificate that is required by Section 93-11-157 \* \* \*, 93-11-163  
3381 or Section 4 of this act shall be taken in accordance with the  
3382 appeal procedure specified in Section 93-11-157 \* \* \*, 93-11-163  
3383 or Section 4 of this act, as the case may be, rather than the  
3384 procedure specified in this section.

3385       **SECTION 31.** Section 73-14-35, Mississippi Code of 1972, is  
3386 amended as follows:



3387           73-14-35. (1) Any person registered under this chapter may  
3388 have his license or certificate revoked or suspended for a fixed  
3389 period to be determined by the board for any of the following  
3390 causes:

3391           (a) Being convicted of an offense involving moral  
3392 turpitude. The record of such conviction, or certified copy  
3393 thereof from the clerk of the court where such conviction occurred  
3394 or by the judge of that court, shall be sufficient evidence to  
3395 warrant revocation or suspension.

3396           (b) By securing a license or certificate under this  
3397 chapter through fraud or deceit.

3398           (c) For unethical conduct or for gross ignorance or  
3399 inefficiency in the conduct of his practice.

3400           (d) For knowingly practicing while suffering with a  
3401 contagious or infectious disease.

3402           (e) For the use of a false name or alias in the  
3403 practice of his profession.

3404           (f) For violating any of the provisions of this chapter  
3405 or any rules or regulations promulgated pursuant to this chapter.

3406           (g) For violating the provisions of any applicable  
3407 federal laws or regulations.

3408           (h) Discipline by another jurisdiction if at least one  
3409 (1) of the grounds for the discipline is the same or substantially  
3410 equivalent to those set forth in this chapter or rules and  
3411 regulations promulgated pursuant to this chapter.



3412           (2) In addition to the causes specified in subsection (1) of  
3413 this section, the board shall be authorized to suspend the license  
3414 of any licensee for being out of compliance with an order for  
3415 support, as defined in Section 93-11-153. The procedure for  
3416 suspension of a license for being out of compliance with an order  
3417 for support, and the procedure for the reissuance or reinstatement  
3418 of a license suspended for that purpose, and the payment of any  
3419 fees for the reissuance or reinstatement of a license suspended  
3420 for that purpose, shall be governed by Section 93-11-157 or  
3421 93-11-163, as the case may be. If there is any conflict between  
3422 any provision of Section 93-11-157 or 93-11-163 and any provision  
3423 of this chapter, the provisions of Section 93-11-157 or 93-11-163,  
3424 as the case may be, shall control.

3425           (3) In addition to the causes specified in subsection (1) of  
3426 this section, the board shall be authorized to suspend the license  
3427 of any licensee for being delinquent on paying a finally  
3428 determined tax liability as defined in Section 2 of this act. The  
3429 procedure for suspension of a license for being delinquent on  
3430 paying a finally determined tax liability, and the procedure for  
3431 the reissuance or reinstatement of a license suspended for that  
3432 purpose, and the payment of any fees for the reissuance or  
3433 reinstatement of a license suspended for that purpose, shall be  
3434 governed by Section 4 of this act. If there is any conflict  
3435 between any provision of Section 4 of this act and any provision



3436 of this chapter, the provisions of Section 4 of this act shall  
3437 control.

3438         **SECTION 32.** Section 73-14-39, Mississippi Code of 1972, is  
3439 amended as follows:

3440             73-14-39. (1) From any revocation, the person charged may,  
3441 within thirty (30) days thereof, appeal to the chancery court of  
3442 the county of the residence of the licensee.

3443             (2) Notice of appeals shall be filed in the office of the  
3444 clerk of the court, who shall issue a writ of certiorari directed  
3445 to the board, commanding it within ten (10) days after service  
3446 thereof to certify to such court its entire record in the matter  
3447 in which the appeal has been taken. The appeal shall thereupon be  
3448 heard in the due course by said court without a jury, and the  
3449 court shall review the record and make its determination of the  
3450 cause between the parties.

3451             (3) Any order, rule or decision of the board shall not take  
3452 effect until after the time of appeal in the said court shall have  
3453 expired. If there is an appeal, such appeal may, in the  
3454 discretion of and on motion to the chancery court, act as a  
3455 supersedeas. The chancery court shall dispose of the appeal and  
3456 enter its decision promptly. The hearing on the appeal may, in  
3457 the discretion of the chancellor, be tried in vacation.

3458             (4) Any person taking an appeal shall post a satisfactory  
3459 bond in the amount of Two Hundred Dollars (\$200.00) for payment of  
3460 any costs which may be adjudged against him.



3461 (5) Actions taken by the board in suspending a certificate  
3462 of registration when required by Section 93-11-157 \* \* \*,  
3463 93-11-163 or Section 4 of this act are not actions from which an  
3464 appeal may be taken under this section. Any appeal of a  
3465 suspension of a certificate that is required by Section  
3466 93-11-157 \* \* \*, 93-11-163 or Section 4 of this act shall be taken  
3467 in accordance with the appeal procedure specified in Section  
3468 93-11-157 \* \* \*, 93-11-163 or Section 4 of this act, as the case  
3469 may be, rather than the procedure specified in this section.

3470 **SECTION 33.** Section 73-15-29, Mississippi Code of 1972, is  
3471 amended as follows:

3472 73-15-29. (1) The board shall have power to revoke, suspend  
3473 or refuse to renew any license issued by the board, or to revoke  
3474 or suspend any privilege to practice, or to deny an application  
3475 for a license, or to fine, place on probation and/or discipline a  
3476 licensee, in any manner specified in this article, upon proof that  
3477 such person:

3478 (a) Has committed fraud or deceit in securing or  
3479 attempting to secure such license;

3480 (b) Has been convicted of a felony, or a crime  
3481 involving moral turpitude or has had accepted by a court a plea of  
3482 nolo contendere to a felony or a crime involving moral turpitude  
3483 (a certified copy of the judgment of the court of competent  
3484 jurisdiction of such conviction or pleas shall be prima facie  
3485 evidence of such conviction);



3486 (c) Has negligently or willfully acted in a manner  
3487 inconsistent with the health or safety of the persons under the  
3488 licensee's care;

3489 (d) Has had a license or privilege to practice as a  
3490 registered nurse or a licensed practical nurse suspended or  
3491 revoked in any jurisdiction, has voluntarily surrendered such  
3492 license or privilege to practice in any jurisdiction, has been  
3493 placed on probation as a registered nurse or licensed practical  
3494 nurse in any jurisdiction or has been placed under a disciplinary  
3495 order(s) in any manner as a registered nurse or licensed practical  
3496 nurse in any jurisdiction, (a certified copy of the order of  
3497 suspension, revocation, probation or disciplinary action shall be  
3498 prima facie evidence of such action);

3499 (e) Has negligently or willfully practiced nursing in a  
3500 manner that fails to meet generally accepted standards of such  
3501 nursing practice;

3502 (f) Has negligently or willfully violated any order,  
3503 rule or regulation of the board pertaining to nursing practice or  
3504 licensure;

3505 (g) Has falsified or in a repeatedly negligent manner  
3506 made incorrect entries or failed to make essential entries on  
3507 records;

3508 (h) Is addicted to or dependent on alcohol or other  
3509 habit-forming drugs or is a habitual user of narcotics,



3510 barbiturates, amphetamines, hallucinogens, or other drugs having  
3511 similar effect, or has misappropriated any medication;

3512 (i) Has a physical, mental or emotional condition that  
3513 renders the licensee unable to perform nursing services or duties  
3514 with reasonable skill and safety;

3515 (j) Has engaged in any other conduct, whether of the  
3516 same or of a different character from that specified in this  
3517 article, that would constitute a crime as defined in Title 97 of  
3518 the Mississippi Code of 1972, as now or hereafter amended, and  
3519 that relates to such person's employment as a registered nurse or  
3520 licensed practical nurse;

3521 (k) Engages in conduct likely to deceive, defraud or  
3522 harm the public;

3523 (l) Engages in any unprofessional conduct as identified  
3524 by the board in its rules;

3525 (m) Has violated any provision of this article; or

3526 (n) Violation(s) of the provisions of Sections 41-121-1  
3527 through 41-121-9 relating to deceptive advertisement by health  
3528 care practitioners. This paragraph shall stand repealed on July  
3529 1, 2020.

3530 (2) When the board finds any person unqualified because of  
3531 any of the grounds set forth in subsection (1) of this section, it  
3532 may enter an order imposing one or more of the following  
3533 penalties:



3534           (a) Denying application for a license or other  
3535 authorization to practice nursing or practical nursing;  
3536           (b) Administering a reprimand;  
3537           (c) Suspending or restricting the license or other  
3538 authorization to practice as a registered nurse or licensed  
3539 practical nurse for up to two (2) years without review;  
3540           (d) Revoking the license or other authorization to  
3541 practice nursing or practical nursing;  
3542           (e) Requiring the disciplinee to submit to care,  
3543 counseling or treatment by persons and/or agencies approved or  
3544 designated by the board as a condition for initial, continued or  
3545 renewed licensure or other authorization to practice nursing or  
3546 practical nursing;  
3547           (f) Requiring the disciplinee to participate in a  
3548 program of education prescribed by the board as a condition for  
3549 initial, continued or renewed licensure or other authorization to  
3550 practice;  
3551           (g) Requiring the disciplinee to practice under the  
3552 supervision of a registered nurse for a specified period of time;  
3553 or  
3554           (h) Imposing a fine not to exceed Five Hundred Dollars  
3555 (\$500.00).  
3556           (3) In addition to the grounds specified in subsection (1)  
3557 of this section, the board shall be authorized to suspend the  
3558 license or privilege to practice of any licensee for being out of





3559 compliance with an order for support, as defined in Section  
3560 93-11-153. The procedure for suspension of a license or privilege  
3561 to practice for being out of compliance with an order for support,  
3562 and the procedure for the reissuance or reinstatement of a license  
3563 or privilege to practice suspended for that purpose, and the  
3564 payment of any fees for the reissuance or reinstatement of a  
3565 license or privilege to practice suspended for that purpose, shall  
3566 be governed by Section 93-11-157 or 93-11-163, as the case may be.  
3567 If there is any conflict between any provision of Section  
3568 93-11-157 or 93-11-163 and any provision of this article, the  
3569 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
3570 shall control.

3571       (4) In addition to the grounds specified in subsection (1)  
3572 of this section, the board shall be authorized to suspend the  
3573 license or privilege to practice of any licensee for being  
3574 delinquent on paying a finally determined tax liability as defined  
3575 in Section 2 of this act. The procedure for suspension of a  
3576 license or privilege to practice for being delinquent on paying a  
3577 finally determined tax liability, and the procedure for the  
3578 reissuance or reinstatement of a license or privilege to practice  
3579 suspended for that purpose, and the payment of any fees for the  
3580 reissuance or reinstatement of a license or privilege to practice  
3581 suspended for that purpose, shall be governed by Section 4 of this  
3582 act. If there is any conflict between any provision of Section 4



3583 of this act and any provision of this article, the provisions of  
3584 Section 4 of this act shall control.

3585 ( \* \* \*5) If the public health, safety or welfare  
3586 imperatively requires emergency action and the board incorporates  
3587 a finding to that effect in an order, the board may order summary  
3588 suspension of a license pending proceedings for revocation or  
3589 other action. These proceedings shall be promptly instituted and  
3590 determined by the board.

3591 **SECTION 34.** Section 73-17-15, Mississippi Code of 1972, is  
3592 amended as follows:

3593 73-17-15. (1) (a) The board is authorized to investigate,  
3594 either on the basis of complaints filed with it or on its own  
3595 initiative, instances of suspected violations of this chapter of  
3596 any nature, including, but not limited to: performing the duties  
3597 of a nursing home administrator without a license; the providing  
3598 of false information to the board either incident to an  
3599 application for a license, incident to a hearing, or otherwise;  
3600 maladministration; unethical conduct; incompetence; the conviction  
3601 of a licensee of a felony; the misappropriation of funds; or of  
3602 any other matter reflecting unfavorably upon the holder of a  
3603 license under this chapter or an applicant therefor. On the basis  
3604 of information developed during such an investigation, the board  
3605 may (i) revoke, suspend, or refuse to renew any license issued by  
3606 the board, (ii) deny an application for a license, or (iii)  
3607 reprimand, place on probation, and/or take any other action in



3608 relation to a license, as the board may deem proper under the  
3609 circumstances. Whenever the results of such an investigation are  
3610 filed, the executive director of the board shall set a day for a  
3611 hearing and shall notify the licensee that on the day fixed for  
3612 hearing he or she may appear and show cause, if any, why his or  
3613 her license should not be revoked, suspended, or other action  
3614 taken in relation to his or her license. The notice shall be  
3615 transmitted to the licensee by certified United States mail to the  
3616 address of the licensee appearing of record with the board.

3617 (b) In cases where violations of this chapter have been  
3618 substantiated, the board may assess a monetary penalty for those  
3619 reasonable costs that are expended by the board in the  
3620 investigation and conduct of a proceeding for licensure  
3621 revocation, suspension or restriction, including, but not limited  
3622 to, the cost of process service, court reporters, expert witnesses  
3623 and investigations.

3624 (2) The board, upon finding and determining that any person  
3625 represents himself or herself to be a nursing home administrator  
3626 or performs any or all of the services, acts or duties of a  
3627 nursing home administrator as defined in this chapter without a  
3628 license, is authorized to petition the chancery court of the  
3629 county in which the unauthorized acts have been, are being or may  
3630 be committed, for writ or writs of injunction prohibiting the  
3631 unauthorized acts. This provision is supplemental and in addition  
3632 to the penal provisions set forth in Section 73-17-13.



3633 (3) Any licensee whose license has been revoked or  
3634 suspended, or who has been placed on probation or reprimanded  
3635 after a contested hearing, may appeal that action of the board to  
3636 the chancery court of the county in which the nursing home  
3637 administrator is practicing, which appeal shall not be a de novo  
3638 appeal but shall be determined upon an official transcript of the  
3639 record of the contested hearing. Appeals to the chancery court  
3640 shall be taken within ten (10) days from the date of the board's  
3641 order and shall be taken, perfected, heard and determined either  
3642 in termtime or in vacation, and the appeals shall be heard and  
3643 disposed of promptly by the court. Appeals from the board shall  
3644 be taken and perfected by the filing of a bond in the sum of Two  
3645 Hundred Fifty Dollars (\$250.00) with two (2) sureties, or with a  
3646 surety company qualified to do business in Mississippi as surety,  
3647 conditioned to pay the costs of the appeal. The bond shall be  
3648 payable to the state and shall be approved by the clerk of the  
3649 chancery court. The bond may be enforced in its name as other  
3650 judicial bonds filed in the chancery court, and judgment may be  
3651 entered upon those bonds and process and execution shall issue  
3652 upon those judgments as provided by law in other cases. Upon  
3653 approval of the bond by the clerk of the chancery court, the clerk  
3654 shall give notice to the board of the appeal from the decision of  
3655 the board. It thereupon shall be the duty of the board through  
3656 its duly authorized representative to promptly transmit to the  
3657 clerk of the chancery court in which the appeal is pending a



3658 certified copy of the order of the board and all documents filed  
3659 relating to the board's action against the licensee, together with  
3660 a transcript of the testimony, both oral and documentary,  
3661 introduced for consideration by the board both in support of and  
3662 in opposition to the action, which appeal shall be docketed by the  
3663 clerk and shall be determined by the court based upon the record.  
3664 If there is an appeal, the appeal may, in the discretion of and on  
3665 motion to the chancery court, act as a supersedeas. The chancery  
3666 court shall dispose of the appeal and enter its decision promptly.  
3667 The hearing on the appeal may, in the discretion of the  
3668 chancellor, be tried in vacation.

3669 (4) Appeals from the decision of the chancery court may be  
3670 taken by either the board or the licensee to the Supreme Court as  
3671 in the case of appeals generally from the chancery court to the  
3672 Supreme Court.

3673 (5) In addition to the reasons specified in subsection (1)  
3674 of this section, the board shall be authorized to suspend the  
3675 license of any licensee for being out of compliance with an order  
3676 for support, as defined in Section 93-11-153. The procedure for  
3677 suspension of a license for being out of compliance with an order  
3678 for support, and the procedure for the reissuance or reinstatement  
3679 of a license suspended for that purpose, and the payment of any  
3680 fees for the reissuance or reinstatement of a license suspended  
3681 for that purpose, shall be governed by Section 93-11-157 or  
3682 93-11-163, as the case may be. Actions taken by the board in



3683 revoking a license when required by Section 93-11-157 or 93-11-163  
3684 are not actions from which an appeal may be taken under this  
3685 section. Any appeal of a license suspension that is required by  
3686 Section 93-11-157 or 93-11-163 shall be taken in accordance with  
3687 the appeal procedure specified in Section 93-11-157 or 93-11-163,  
3688 as the case may be, rather than the procedure specified in this  
3689 section. If there is any conflict between any provision of  
3690 Section 93-11-157 or 93-11-163 and any provision of this chapter,  
3691 the provisions of Section 93-11-157 or 93-11-163, as the case may  
3692 be, shall control.

3693 (6) In addition to the reasons specified in subsection (1)  
3694 of this section, the board shall be authorized to suspend the  
3695 license of any licensee for being delinquent on paying a finally  
3696 determined tax liability as defined in Section 2 of this act. The  
3697 procedure for suspension of a license for being delinquent on  
3698 paying a finally determined tax liability, and the procedure for  
3699 the reissuance or reinstatement of a license suspended for that  
3700 purpose, and the payment of any fees for the reissuance or  
3701 reinstatement of a license suspended for that purpose, shall be  
3702 governed by Section 4 of this act. Actions taken by the board in  
3703 revoking a license when required by Section 4 of this act are not  
3704 actions from which an appeal may be taken under this section. Any  
3705 appeal of a license suspension that is required by Section 4 of  
3706 this act shall be taken in accordance with the appeal procedure  
3707 specified in Section 4 of this act rather than the procedure



3708 specified in this section. If there is any conflict between any  
3709 provision of Section 4 of this act and any provision of this  
3710 chapter, the provisions of Section 4 of this act shall control.

3711 **SECTION 35.** Section 73-19-23, Mississippi Code of 1972, is  
3712 amended as follows:

3713 73-19-23. (1) The board shall refuse to grant a certificate  
3714 of licensure to any applicant and may cancel, revoke or suspend  
3715 the operation of any certificate by it granted for any or all of  
3716 the following reasons: unprofessional and unethical conduct or  
3717 the conviction of a crime involving moral turpitude, habitual  
3718 intemperance in the use of ardent spirits, or stimulants,  
3719 narcotics, or any other substance that impairs the intellect and  
3720 judgment to such an extent as to incapacitate one for the  
3721 performance of the duties of an optometrist. The certificate of  
3722 licensure of any person can be revoked for violating any section  
3723 of this chapter.

3724 (2) The board shall further be authorized to take  
3725 disciplinary action against a licensee for any unlawful acts,  
3726 which shall include violations of regulations promulgated by the  
3727 board, as well as the following acts:

3728 (a) Fraud or misrepresentation in applying for or  
3729 procuring an optometric license or in connection with applying for  
3730 or procuring periodic renewal of an optometric license.

3731 (b) Cheating on or attempting to subvert the optometric  
3732 licensing examination(s).



3733           (c) The conviction of a felony in this state or any  
3734 other jurisdiction, or the entry of a guilty or nolo contendere  
3735 plea to a felony charge.

3736           (d) The conviction of a felony as defined by federal  
3737 law, or the entry of a guilty or nolo contendere plea to a felony  
3738 charge.

3739           (e) Conduct likely to deceive, defraud or harm the  
3740 public.

3741           (f) Making a false or misleading statement regarding  
3742 his or her skill or the efficacy or value of the medicine, device,  
3743 treatment or remedy prescribed by him or her or used at his or her  
3744 direction in the treatment of any disease or other condition.

3745           (g) Willfully or negligently violating the  
3746 confidentiality between doctor and patient, except as required by  
3747 law.

3748           (h) Negligence or gross incompetence in the practice of  
3749 optometry as determined by the board.

3750           (i) Being found to be a person with mental illness or  
3751 with an intellectual disability by any court of competent  
3752 jurisdiction.

3753           (j) The use of any false, fraudulent, deceptive or  
3754 misleading statement in any document connected with the practice  
3755 of optometry.

3756           (k) Aiding or abetting the practice of optometry by an  
3757 unlicensed, incompetent or impaired person.





3758                   (1) Commission of any act of sexual abuse, misconduct  
3759 or exploitation related to the licensee's practice of optometry.

3760                   (m) Being addicted or habituated to a drug or  
3761 intoxicant.

3762                   (n) Violating any state or federal law or regulation  
3763 relating to a drug legally classified as a controlled substance.

3764                   (o) Obtaining any fee by fraud, deceit or  
3765 misrepresentation.

3766                   (p) Disciplinary action of another state or  
3767 jurisdiction against a licensee or other authorization to practice  
3768 optometry based upon acts or conduct by the licensee similar to  
3769 acts or conduct that would constitute grounds for action as  
3770 defined in this chapter, a certified copy of the record of the  
3771 action taken by the other state or jurisdiction being conclusive  
3772 evidence thereof.

3773                   (q) Failure to report to the board the relocation of  
3774 his or her office in or out of the jurisdiction, or to furnish  
3775 floor plans as required by regulation.

3776                   (r) Violation of any provision(s) of the Optometry  
3777 Practice Act or the rules and regulations of the board or of an  
3778 action, stipulation or agreement of the board.

3779                   (s) To advertise in a manner that tends to deceive,  
3780 mislead or defraud the public.

3781                   (t) The designation of any person licensed under this  
3782 chapter, other than by the terms "optometrist," "Doctor of



3783 Optometry" or "O.D.," which through June 30, 2020, shall include  
3784 any violation(s) of the provisions of Sections 41-121-1 through  
3785 41-121-9 relating to deceptive advertisement by health care  
3786 practitioners.

3787 (u) To knowingly submit or cause to be submitted any  
3788 misleading, deceptive or fraudulent representation on a claim  
3789 form, bill or statement.

3790 (v) To practice or attempt to practice optometry while  
3791 his or her license is suspended.

3792 (3) Any person who is a holder of a certificate of licensure  
3793 or who is an applicant for examination for a certificate of  
3794 licensure, against whom is preferred any charges, shall be  
3795 furnished by the board with a copy of the complaint and shall have  
3796 a hearing in Jackson, Mississippi, before the board, at which  
3797 hearing he may be represented by counsel. At the hearing,  
3798 witnesses may be examined for and against the accused respecting  
3799 those charges, and the hearing orders or appeals will be conducted  
3800 according to the procedure now provided in Section 73-25-27. The  
3801 suspension of a certificate of licensure by reason of the use of  
3802 stimulants or narcotics may be removed when the holder of the  
3803 certificate has been adjudged by the board to be cured and capable  
3804 of practicing optometry.

3805 (4) In addition to the reasons specified in subsections (1)  
3806 and (2) of this section, the board shall be authorized to suspend  
3807 the license of any licensee for being out of compliance with an



3808 order for support, as defined in Section 93-11-153. The procedure  
3809 for suspension of a license for being out of compliance with an  
3810 order for support, and the procedure for the reissuance or  
3811 reinstatement of a license suspended for that purpose, and the  
3812 payment of any fees for the reissuance or reinstatement of a  
3813 license suspended for that purpose, shall be governed by Section  
3814 93-11-157 or 93-11-163, as the case may be. If there is any  
3815 conflict between any provision of Section 93-11-157 or 93-11-163  
3816 and any provision of this chapter, the provisions of Section  
3817 93-11-157 or 93-11-163, as the case may be, shall control.

3818 (5) In addition to the reasons specified in subsections (1)  
3819 and (2) of this section, the board shall be authorized to suspend  
3820 the license of any licensee for being delinquent on paying a  
3821 finally determined tax liability as defined in Section 2 of this  
3822 act. The procedure for suspension of a license for being  
3823 delinquent on paying a finally determined tax liability, and the  
3824 procedure for the reissuance or reinstatement of a license  
3825 suspended for that purpose, and the payment of any fees for the  
3826 reissuance or reinstatement of a license suspended for that  
3827 purpose, shall be governed by Section 4 of this act. If there is  
3828 any conflict between any provision of Section 4 of this act and  
3829 any provision of this chapter, the provisions of Section 4 of this  
3830 act shall control.

3831 **SECTION 36.** Section 73-19-45, Mississippi Code of 1972, is  
3832 amended as follows:



3833           73-19-45. (1) The right to appeal from a final action of  
3834 the board is hereby granted. Such appeal shall be to the chancery  
3835 court of the county of residence of the licensee and shall be on  
3836 the record made, including a verbatim transcript of the testimony  
3837 at the hearing. The appeal shall be taken within thirty (30) days  
3838 after notice of the action of the board. The appeal shall be  
3839 perfected upon filing notice of the appeal with the chancery court  
3840 and by the prepayment of all costs, including the cost of the  
3841 preparation of the record of the proceedings by the board, and the  
3842 filing of a bond in the sum of Two Hundred Dollars (\$200.00),  
3843 conditioned that if the action of the board be affirmed by the  
3844 chancery court, the licensee will pay the costs of the appeal and  
3845 the action in the chancery court. A copy of the Notice of Appeal  
3846 shall be served upon board counsel.

3847           (2) If there is an appeal, such appeal may, in the  
3848 discretion of and on motion to the chancery court, act as a  
3849 supersedeas. The chancery court shall dispose of the appeal and  
3850 enter its decision promptly. The hearing on the appeal may, in  
3851 the discretion of the chancellor, be tried in vacation. The scope  
3852 of review of the chancery court shall be limited to a review of  
3853 the record made before the board to determine if the action of the  
3854 board is unlawful for the reason that it was (a) not supported by  
3855 substantial evidence, (b) arbitrary or capricious, (c) beyond the  
3856 power of the board to make, or (d) in violation of some statutory  
3857 or constitutional right of the appellant. The decision of the



3858 chancery court may be appealed to the Supreme Court in the manner  
3859 provided by the rules of the Supreme Court.

3860 (3) Actions taken by the board in suspending a license when  
3861 required by Section 93-11-157 \* \* \*, 93-11-163 or Section 4 of  
3862 this act are not actions from which an appeal may be taken under  
3863 this section. Any appeal of a license suspension that is required  
3864 by Section 93-11-157 \* \* \*, 93-11-163 or Section 4 of this act  
3865 shall be taken in accordance with the appeal procedure specified  
3866 in Section 93-11-157 \* \* \*, 93-11-163 or Section 4 of this act, as  
3867 the case may be, rather than the procedure specified in this  
3868 section.

3869 **SECTION 37.** Section 73-21-101, Mississippi Code of 1972, is  
3870 amended as follows:

3871 73-21-101. (1) The right to appeal from the action of the  
3872 board in denying, revoking, suspending or refusing to renew any  
3873 license, registration or permit issued by the board, or fining or  
3874 otherwise disciplining any person is hereby granted. Such appeal  
3875 shall be to the chancery court of the county of the residence of  
3876 the licensee or permit holder on the record made, including a  
3877 verbatim transcript of the testimony at the hearing. The appeal  
3878 shall be taken within thirty (30) days after notice of the action  
3879 of the board in denying, revoking, suspending or refusing to renew  
3880 the license or permit, or fining or otherwise disciplining the  
3881 person. The appeal shall be perfected upon filing notice of the  
3882 appeal and by the prepayment of all costs, including the cost of



3883 the preparation of the record of the proceedings by the board, and  
3884 the filing of a bond in the sum of Two Hundred Dollars (\$200.00),  
3885 conditioned that if the action of the board in denying, revoking,  
3886 suspending or refusing to renew the license or permit, or fining  
3887 or otherwise disciplining the person, be affirmed by the chancery  
3888 court, the licensee or permit holder will pay the costs of the  
3889 appeal and the action in the chancery court.

3890 (2) If there is an appeal, such appeal shall act as a  
3891 supersedeas. The chancery court shall dispose of the appeal and  
3892 enter its decision promptly. The hearing on the appeal may, in  
3893 the discretion of the chancellor, be tried in vacation. The scope  
3894 of review of the chancery court shall be limited to a review of  
3895 the record made before the board to determine if the action of the  
3896 board is unlawful for the reason that it was (a) not supported by  
3897 substantial evidence, (b) arbitrary or capricious, (c) beyond the  
3898 power of the board to make, or (d) in violation of some statutory  
3899 or constitutional right of the appellant. The decision of the  
3900 chancery court may be appealed to the Supreme Court in the manner  
3901 provided by law.

3902 (3) Actions taken by the board in suspending a license,  
3903 registration or permit when required by Section 93-11-157 \* \* \*,  
3904 93-11-163 or Section 4 of this act are not actions from which an  
3905 appeal may be taken under this section. Any appeal of a  
3906 suspension of a license, registration or permit that is required  
3907 by Section 93-11-157 \* \* \*, 93-11-163 or Section 4 of this act



3908 shall be taken in accordance with the appeal procedure specified  
3909 in Section 93-11-157 \* \* \*, 93-11-163 or Section 4 of this act, as  
3910 the case may be, rather than the procedure specified in this  
3911 section.

3912 **SECTION 38.** Section 73-21-103, Mississippi Code of 1972, is  
3913 amended as follows:

3914 73-21-103. (1) Upon the finding of the existence of grounds  
3915 for action against any permitted facility or discipline of any  
3916 person holding a license, registration or permit, seeking a  
3917 license, registration or permit, seeking to renew a license or  
3918 permit under the provisions of this chapter, or practicing or  
3919 doing business without a license, registration or permit, the  
3920 board may impose one or more of the following penalties:

3921 (a) Suspension of the offender's license, registration  
3922 and/or permit for a term to be determined by the board;

3923 (b) Revocation of the offender's license, registration  
3924 and/or permit;

3925 (c) Restriction of the offender's license, registration  
3926 and/or permit to prohibit the offender from performing certain  
3927 acts or from engaging in the practice of pharmacy in a particular  
3928 manner for a term to be determined by the board;

3929 (d) Imposition of a monetary penalty as follows:

3930 (i) For the first violation, a monetary penalty of  
3931 not less than Two Hundred Fifty Dollars (\$250.00) nor more than  
3932 One Thousand Dollars (\$1,000.00) for each violation;



3933 (ii) For the second violation and subsequent  
3934 violations, a monetary penalty of not less than Five Hundred  
3935 Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00)  
3936 for each violation.

3937 Money collected by the board under paragraph (d)(i), (ii) and  
3938 (iv) of this section shall be deposited to the credit of the State  
3939 General Fund of the State Treasury;

3940 (iii) The board may assess a monetary penalty for  
3941 those reasonable costs that are expended by the board in the  
3942 investigation and conduct of a proceeding for licensure  
3943 revocation, suspension or restriction, including, but not limited  
3944 to, the cost of process service, court reporters, expert witnesses  
3945 and investigators.

3946 Money collected by the board under paragraph (d)(iii) of this  
3947 section, shall be deposited to the credit of the Special Fund of  
3948 the Pharmacy Board;

3949 (iv) The board may impose a monetary penalty for  
3950 those facilities/businesses registered with the Pharmacy Board as  
3951 wholesalers/manufacturers of not less than Three Hundred Dollars  
3952 (\$300.00) per violation and not more than Fifty Thousand Dollars  
3953 (\$50,000.00) per violation;

3954 (v) The board may impose a monetary penalty for  
3955 any dispenser, pharmacist or practitioner licensed to dispense  
3956 controlled substance and specified noncontrolled substance drugs,  
3957 who knowingly fails to submit drug monitoring information or





3958 knowingly submits incorrect dispensing information of not more  
3959 than Ten Thousand Dollars (\$10,000.00) per violation. Any penalty  
3960 collected under this paragraph (v) shall be deposited into the  
3961 special fund of the State Pharmacy Board to support the operations  
3962 of the Prescription Monitoring Program (PMP);

3963 (vi) The board may impose a monetary penalty for  
3964 any person who obtains prescription information and who knowingly  
3965 discloses this information for misuse or purposely alters the  
3966 reporting information, or uses the PMP in any manner other than  
3967 for which it was intended, of not more than Fifty Thousand Dollars  
3968 (\$50,000.00) per violation. Any penalty collected under this  
3969 paragraph (vi) shall be deposited into the special fund of the  
3970 State Board of Pharmacy and used to support the operations of the  
3971 Prescription Monitoring Program;

3972 (vii) The board may impose a monetary penalty of  
3973 not more than One Thousand Dollars (\$1,000.00) per day upon any  
3974 person or business that practices or does business without the  
3975 license, registration or permit required by this chapter.

3976 (e) Refusal to renew offender's license, registration  
3977 and/or permit;

3978 (f) Placement of the offender on probation and  
3979 supervision by the board for a period to be determined by the  
3980 board;

3981 (g) Public or private reprimand.



3982           Whenever the board imposes any penalty under this subsection,  
3983 the board may require rehabilitation and/or additional education  
3984 as the board may deem proper under the circumstances, in addition  
3985 to the penalty imposed.

3986           (2) Any person whose license, registration and/or permit has  
3987 been suspended, revoked or restricted pursuant to this chapter,  
3988 whether voluntarily or by action of the board, shall have the  
3989 right to petition the board at reasonable intervals for  
3990 reinstatement of such license, registration and/or permit. Such  
3991 petition shall be made in writing and in the form prescribed by  
3992 the board. Upon investigation and hearing, the board may, in its  
3993 discretion, grant or deny such petition, or it may modify its  
3994 original finding to reflect any circumstances which have changed  
3995 sufficiently to warrant such modifications. The procedure for the  
3996 reinstatement of a license, registration or permit that is  
3997 suspended for being out of compliance with an order for support,  
3998 as defined in Section 93-11-153, shall be governed by Section  
3999 93-11-157 or 93-11-163, as the case may be. The procedure for the  
4000 reinstatement of a license, registration or permit that is  
4001 suspended for being delinquent on paying a finally determined tax  
4002 liability as defined in Section 2 of this act, shall be governed  
4003 by Section 4 of this act.

4004           (3) Nothing herein shall be construed as barring criminal  
4005 prosecutions for violation of this chapter where such violations



4006 are deemed as criminal offenses in other statutes of this state or  
4007 of the United States.

4008 (4) A monetary penalty assessed and levied under this  
4009 section shall be paid to the board by the licensee, registrant or  
4010 permit holder upon the expiration of the period allowed for appeal  
4011 of such penalties under Section 73-21-101, or may be paid sooner  
4012 if the licensee, registrant or permit holder elects.

4013 (5) When payment of a monetary penalty assessed and levied  
4014 by the board against a licensee, registrant or permit holder in  
4015 accordance with this section is not paid by the licensee,  
4016 registrant or permit holder when due under this section, the board  
4017 shall have the power to institute and maintain proceedings in its  
4018 name for enforcement of payment in the chancery court of the  
4019 county and judicial district of residence of the licensee,  
4020 registrant or permit holder, or if the licensee, registrant or  
4021 permit holder is a nonresident of the State of Mississippi, in the  
4022 Chancery Court of the First Judicial District of Hinds County,  
4023 Mississippi. When such proceedings are instituted, the board  
4024 shall certify the record of its proceedings, together with all  
4025 documents and evidence, to the chancery court and the matter shall  
4026 thereupon be heard in due course by the court, which shall review  
4027 the record and make its determination thereon. The hearing on the  
4028 matter may, in the discretion of the chancellor, be tried in  
4029 vacation.



4030 (6) The board shall develop and implement a uniform penalty  
4031 policy which shall set the minimum and maximum penalty for any  
4032 given violation of board regulations and laws governing the  
4033 practice of pharmacy. The board shall adhere to its uniform  
4034 penalty policy except in such cases where the board specifically  
4035 finds, by majority vote, that a penalty in excess of, or less  
4036 than, the uniform penalty is appropriate. Such vote shall be  
4037 reflected in the minutes of the board and shall not be imposed  
4038 unless such appears as having been adopted by the board.

4039 **SECTION 39.** Section 73-23-59, Mississippi Code of 1972, is  
4040 amended as follows:

4041 73-23-59. (1) Licensees subject to this chapter shall  
4042 conduct their activities, services and practice in accordance with  
4043 this chapter and any rules promulgated pursuant hereto. The  
4044 board, upon satisfactory proof and in accordance with the  
4045 provisions of this chapter and the regulations of the board, may  
4046 suspend, revoke, or refuse to issue or renew any license  
4047 hereunder, censure or reprimand any licensee, restrict or limit a  
4048 license, and take any other action in relation to a license as the  
4049 board may deem proper under the circumstances upon any of the  
4050 following grounds:

4051 (a) Negligence in the practice or performance of  
4052 professional services or activities;

4053 (b) Engaging in dishonorable, unethical or  
4054 unprofessional conduct of a character likely to deceive, defraud



4055 or harm the public in the course of professional services or  
4056 activities;

4057 (c) Perpetrating or cooperating in fraud or material  
4058 deception in obtaining or renewing a license or attempting the  
4059 same;

4060 (d) Being convicted of any crime which has a  
4061 substantial relationship to the licensee's activities and services  
4062 or an essential element of which is misstatement, fraud or  
4063 dishonesty;

4064 (e) Having been convicted of or pled guilty to a felony  
4065 in the courts of this state or any other state, territory or  
4066 country. Conviction, as used in this paragraph, shall include a  
4067 deferred conviction, deferred prosecution, deferred sentence,  
4068 finding or verdict of guilt, an admission of guilty, or a plea of  
4069 nolo contendere;

4070 (f) Engaging in or permitting the performance of  
4071 unacceptable services personally or by others working under the  
4072 licensee's supervision due to the licensee's deliberate or  
4073 negligent act or acts or failure to act, regardless of whether  
4074 actual damage or damages to the public is established;

4075 (g) Continued practice although the licensee has become  
4076 unfit to practice as a physical therapist or physical therapist  
4077 assistant due to: (i) failure to keep abreast of current  
4078 professional theory or practice; or (ii) physical or mental  
4079 disability; the entry of an order or judgment by a court of



4080 competent jurisdiction that a licensee is in need of mental  
4081 treatment or is incompetent shall constitute mental disability; or  
4082 (iii) addiction or severe dependency upon alcohol or other drugs  
4083 which may endanger the public by impairing the licensee's ability  
4084 to practice;

4085 (h) Having disciplinary action taken against the  
4086 licensee's license in another state;

4087 (i) Making differential, detrimental treatment against  
4088 any person because of race, color, creed, sex, religion or  
4089 national origin;

4090 (j) Engaging in lewd conduct in connection with  
4091 professional services or activities;

4092 (k) Engaging in false or misleading advertising;

4093 (l) Contracting, assisting or permitting unlicensed  
4094 persons to perform services for which a license is required under  
4095 this chapter;

4096 (m) Violation of any probation requirements placed on a  
4097 license by the board;

4098 (n) Revealing confidential information except as may be  
4099 required by law;

4100 (o) Failing to inform clients of the fact that the  
4101 client no longer needs the services or professional assistance of  
4102 the licensee;

4103 (p) Charging excessive or unreasonable fees or engaging  
4104 in unreasonable collection practices;



4105           (q) For treating or attempting to treat ailments or  
4106 other health conditions of human beings other than by physical  
4107 therapy as authorized by this chapter;

4108           (r) Except as authorized in Section 73-23-35(3), for  
4109 applying or offering to apply physical therapy, exclusive of  
4110 initial evaluation or screening and exclusive of education or  
4111 consultation for the prevention of physical and mental disability  
4112 within the scope of physical therapy, other than upon the referral  
4113 of a licensed physician, dentist, osteopath, podiatrist,  
4114 chiropractor, physician assistant or nurse practitioner; or for  
4115 acting as a physical therapist assistant other than under the  
4116 direct, on-site supervision of a licensed physical therapist;

4117           (s) Failing to adhere to the recognized standards of  
4118 ethics of the physical therapy profession as established by rules  
4119 of the board;

4120           (t) Failing to complete continuing competence  
4121 requirements as established by board rule;

4122           (u) Failing to supervise physical therapist assistants  
4123 in accordance with this chapter and/or board rules;

4124           (v) Engaging in sexual misconduct. For the purpose of  
4125 this paragraph, sexual misconduct includes, but is not necessarily  
4126 limited to:

4127           (i) Engaging in or soliciting sexual  
4128 relationships, whether consensual or nonconsensual, while a



4129 physical therapist or physical therapist assistant/patient  
4130 relationship exists.

4131 (ii) Making sexual advances, requesting sexual  
4132 favors or engaging in other verbal conduct or physical contact of  
4133 a sexual nature with patients or clients.

4134 (iii) Intentionally viewing a completely or  
4135 partially disrobed patient in the course of treatment if the  
4136 viewing is not related to patient diagnosis or treatment under  
4137 current practice standards;

4138 (w) The erroneous issuance of a license to any person;

4139 (x) Violations of any provisions of this chapter, board  
4140 rules or regulations or a written order or directive of the board;

4141 (y) Failing to maintain adequate patient records. For  
4142 the purposes of this paragraph, "adequate patient records" means  
4143 legible records that contain at minimum sufficient information to  
4144 identify the patient, an evaluation of objective findings, a  
4145 diagnosis, a plan of care, a treatment record and a discharge  
4146 plan;

4147 (z) Failing to report to the board any unprofessional,  
4148 incompetent or illegal acts that appear to be in violation of this  
4149 law or any rules established by the board.

4150 (2) The board may order a licensee to submit to a reasonable  
4151 physical or mental examination if the licensee's physical or  
4152 mental capacity to practice safely is at issue in a disciplinary  
4153 proceeding.





4154 (3) Failure to comply with a board order to submit to a  
4155 physical or mental examination shall render a licensee subject to  
4156 the summary suspension procedures described in Section 73-23-64.

4157 (4) In addition to the reasons specified in subsection (1)  
4158 of this section, the board shall be authorized to suspend the  
4159 license of any licensee for being out of compliance with an order  
4160 for support, as defined in Section 93-11-153. The procedure for  
4161 suspension of a license for being out of compliance with an order  
4162 for support, and the procedure for the reissuance or reinstatement  
4163 of a license suspended for that purpose, and the payment of any  
4164 fees for the reissuance or reinstatement of a license suspended  
4165 for that purpose, shall be governed by Section 93-11-157 or  
4166 93-11-163, as the case may be. If there is any conflict between  
4167 any provision of Section 93-11-157 or 93-11-163 and any provision  
4168 of this chapter, the provisions of Section 93-11-157 or 93-11-163,  
4169 as the case may be, shall control.

4170 (5) In addition to the reasons specified in subsection (1)  
4171 of this section, the board shall be authorized to suspend the  
4172 license of any licensee for being delinquent on paying a finally  
4173 determined tax liability as defined in Section 2 of this act. The  
4174 procedure for suspension of a license for being delinquent on  
4175 paying a finally determined tax liability, and the procedure for  
4176 the reissuance or reinstatement of a license suspended for that  
4177 purpose, and the payment of any fees for the reissuance or  
4178 reinstatement of a license suspended for that purpose, shall be



4179 governed by Section 4 of this act. If there is any conflict  
4180 between any provision of Section 4 of this act and any provision  
4181 of this chapter, the provisions of Section 4 of this act shall  
4182 control.

4183         **SECTION 40.** Section 73-23-63, Mississippi Code of 1972, is  
4184 amended as follows:

4185         73-23-63. (1) Any person whose application for a license is  
4186 denied shall be entitled to a hearing before the board if he  
4187 submits a written request to the board. Such hearing shall be  
4188 conducted at the earliest possible date. The board shall fix a  
4189 time and place for the hearing and shall cause a written copy of  
4190 the reason for denial of the license, together with a notice of  
4191 the time and place fixed for the hearing to be served on the  
4192 applicant requesting the hearing. For purposes of the hearing,  
4193 the board shall have the power to subpoena persons and compel the  
4194 production of records, papers and other documents.

4195         (2) (a) All complaints concerning a licensee's business or  
4196 professional practice shall be received by the board. Each  
4197 complaint received shall be logged, recording at a minimum the  
4198 following information: (i) licensee's name; (ii) name of the  
4199 complaining party, if known; (iii) date of complaint; (iv) brief  
4200 statement of complaint; and (v) disposition.

4201         (b) Following the investigative process, the board may  
4202 file formal charges against the licensee. Such formal complaint  
4203 shall, at a minimum, inform the licensee of the facts which are



4204 the basis of the charge and which are specific enough to enable  
4205 the licensee to defend against the charges.

4206 (c) Each licensee whose conduct is the subject of a  
4207 formal charge which seeks to impose disciplinary action against  
4208 the licensee shall be served notice of the formal charge at least  
4209 thirty (30) days before the date of the hearing, which hearing  
4210 shall be presided over by the board or the board's designee.  
4211 Service shall be considered to have been given if the notice was  
4212 personally served on the licensee or applicant or if the notice  
4213 was sent by certified, United States mail to the licensee's or  
4214 applicant's last-known address as listed on record with the board.

4215 (d) The notice of the formal charge shall consist at a  
4216 minimum of the following information:

4217 (i) The time, place and date of the hearing;

4218 (ii) That the licensee shall appear personally at  
4219 the hearing and may be represented by counsel;

4220 (iii) That the licensee shall have the right to  
4221 produce witnesses and evidence in the licensee's behalf and shall  
4222 have the right to cross-examine adverse witnesses and evidence;

4223 (iv) That the hearing could result in disciplinary  
4224 action being taken against the licensee's license;

4225 (v) That rules for the conduct of these hearings  
4226 exist and it may be in the licensee's best interest to obtain a  
4227 copy;



4228                   (vi) That the board or its designee shall preside  
4229 at the hearing and following the conclusion of the hearing shall  
4230 make findings of facts, conclusions of law and recommendations,  
4231 separately stated, to the board as to what disciplinary action, if  
4232 any, should be imposed on the licensee;

4233                   (vii) The board or its designee shall hear  
4234 evidence produced in support of the formal charges and contrary  
4235 evidence produced by the licensee. At the conclusion of the  
4236 hearing, the board shall issue an order; and

4237                   (viii) All proceedings pursuant to this section  
4238 are matters of public record and shall be preserved pursuant to  
4239 state law.

4240           (3) In addition to other remedies provided by law or in  
4241 equity, any applicant or licensee aggrieved by any action of the  
4242 board may appeal the action of the board to the chancery court of  
4243 the county of his residence, if he be a resident of this state, or  
4244 the Chancery Court of the First Judicial District of Hinds County,  
4245 Mississippi, if he be a nonresident of this state, and the court  
4246 after a hearing may modify, affirm or reverse the judgment of the  
4247 board or may remand the case to the board for further proceedings.  
4248 An appeal shall be filed within thirty (30) days immediately  
4249 following the mailing or delivery to the applicant or licensee of  
4250 a copy of the order of judgment of the board, unless the court,  
4251 for good cause shown, extends the time. Appeals may be had to the  
4252 Supreme Court of the State of Mississippi as provided by law from



4253 any final judgment of the chancery court. If the board appeals  
4254 from any judgment of the chancery court, no bond shall be required  
4255 of it in order to perfect its appeal. Any appeal of a license  
4256 suspension that is required by Section 93-11-157 \* \* \*, 93-11-163  
4257 or Section 4 of this act shall be taken in accordance with the  
4258 appeal procedure specified in Section 93-11-157 \* \* \*, 93-11-163  
4259 or Section 4 of this act, as the case may be, rather than the  
4260 procedure specified in this section.

4261 **SECTION 41.** Section 73-23-64, Mississippi Code of 1972, is  
4262 amended as follows:

4263 73-23-64. (1) The board may impose any of the following  
4264 sanctions, singly or in combination, when it finds an applicant or  
4265 a licensee has committed any violation listed in Section 73-23-59:

4266 (a) Revocation of the license;

4267 (b) Suspension of the license, for any period of time;

4268 (c) Censure the licensee;

4269 (d) Impose a monetary penalty in an amount not to  
4270 exceed Five Hundred Dollars (\$500.00) for the first violation, One  
4271 Thousand Dollars (\$1,000.00) for the second violation, and Five  
4272 Thousand Dollars (\$5,000.00) for the third violation and for each  
4273 subsequent violation;

4274 (e) Place a licensee on probationary status and require  
4275 the licensee to submit to any of the following: (i) report  
4276 regularly to the board, or its designee, upon matters which are  
4277 the basis of probation; (ii) continue to renew professional



4278 education until a satisfactory degree of skill has been attained  
4279 in those areas which are the basis of probation; or (iii) such  
4280 other reasonable requirements or restrictions as are proper;

4281 (f) Refuse to issue or renew a license;

4282 (g) Revoke probation which has been granted and impose  
4283 any other disciplinary action in this subsection when the  
4284 requirements of probation have not been fulfilled or have been  
4285 violated;

4286 (h) Restrict a license; or

4287 (i) Accept a voluntary surrendering of a license based  
4288 on an order of consent from the board.

4289 (2) The board may summarily suspend a license under this  
4290 chapter without a hearing simultaneously with the filing of a  
4291 formal complaint and notice for a hearing provided under this  
4292 section pending proceedings before the board. If the board  
4293 suspends summarily a license under the provisions of this  
4294 subsection, a hearing must begin within twenty (20) days after  
4295 such suspension begins, unless continued at the request of the  
4296 licensee.

4297 (3) Disposition of any formal complaint may be made by  
4298 consent order or stipulation between the board and the licensee.

4299 (4) The board may reinstate any licensee to good standing  
4300 under this chapter if the board is satisfied that the applicant's  
4301 renewed practice is in the public interest. The procedure for  
4302 the \* \* \* reinstatement of a license that is suspended for being



4303 out of compliance with an order for support, as defined in Section  
4304 93-11-153, shall be governed by Section 93-11-157 or 93-11-163, as  
4305 the case may be. The procedure for the reinstatement of a  
4306 license, registration or permit that is suspended for being  
4307 delinquent on paying a finally determined tax liability as defined  
4308 in Section 2 of this act, shall be governed by Section 4 of this  
4309 act.

4310 (5) The board shall seek to achieve consistency in the  
4311 application of the foregoing sanctions, and significant departure  
4312 from prior decisions involving similar conduct shall be explained  
4313 by the board.

4314 (6) In addition to any other power that it has, the board  
4315 may issue an advisory letter to a licensee if it finds that the  
4316 information received in a complaint or an investigation does not  
4317 merit disciplinary action against the licensee.

4318 (7) The board may also assess and levy upon any licensee or  
4319 applicant for licensure the costs incurred or expended by the  
4320 board in the investigation and prosecution of any licensure or  
4321 disciplinary action, including, but not limited to, the cost of  
4322 process service, court reports, expert witnesses, investigators,  
4323 and attorney's fees.

4324 **SECTION 42.** Section 73-24-25, Mississippi Code of 1972, is  
4325 amended as follows:

4326 73-24-25. (1) Any person whose application for a license is  
4327 denied shall be entitled to a hearing before the board if he



4328 submits a written request to the board. Such hearing shall be  
4329 conducted at the earliest possible date. A subcommittee of the  
4330 council shall attend and may offer relevant evidence at any such  
4331 hearing. The board shall fix a time and place for the hearing and  
4332 shall cause a written copy of the reason for denial of the  
4333 license, together with a notice of the time and place fixed for  
4334 the hearing, to be served on the applicant requesting the hearing  
4335 and shall serve notice of such hearing on the council. Service of  
4336 and notice of the hearing may be given by United States certified  
4337 mail, return receipt requested, to the last-known address of the  
4338 licensee or applicant. For purposes of the hearing, the board,  
4339 acting by and through the Executive Director of the State Board of  
4340 Health, shall have the power to subpoena persons and compel the  
4341 production of records, papers and other documents.

4342 (2) (a) All complaints concerning a licensee's business or  
4343 professional practice shall be received by the board. Each  
4344 complaint received shall be registered, recording at a minimum the  
4345 following information: (i) licensee's name; (ii) name of the  
4346 complaining party, if known; (iii) date of complaint; (iv) brief  
4347 statement of complaint; and (v) disposition.

4348 (b) Following the investigative process, the board may  
4349 file formal charges against the licensee. Such formal complaint,  
4350 at a minimum, shall inform the licensee of the facts which are the  
4351 basis of the charge and which are specific enough to enable the  
4352 licensee to defend against the charges.





4353           (c) Each licensee whose conduct is the subject of a  
4354 formal charge which seeks to impose disciplinary action against  
4355 the licensee shall be served notice of the formal charge at least  
4356 thirty (30) days before the date of the hearing, which hearing  
4357 shall be presided over by the board or the board's designee.  
4358 Service shall be considered to have been given if the notice was  
4359 personally received by the licensee or if the notice was sent by  
4360 United States certified mail, return receipt requested, to the  
4361 licensee at the licensee's last-known address as listed with the  
4362 state agency.

4363           (d) The notice of the formal charge shall consist, at a  
4364 minimum, of the following information:

4365                   (i) The time, place and date of the hearing;

4366                   (ii) Notification that the licensee shall appear  
4367 personally at the hearing and may be represented by counsel;

4368                   (iii) Notification that the licensee shall have  
4369 the right to produce witnesses and evidence in his behalf and  
4370 shall have the right to cross-examine adverse witnesses and  
4371 evidence;

4372                   (iv) Notification that the hearing could result in  
4373 disciplinary action being taken against the licensee;

4374                   (v) Notification that rules for the conduct of the  
4375 hearing exist, and it may be in the licensee's best interest to  
4376 obtain a copy;



4377                   (vi) Notification that the board or its designee  
4378 shall preside at the hearing, and following the conclusion of the  
4379 hearing, shall make findings of facts, conclusions of law and  
4380 recommendations, separately stated, to the board as to what  
4381 disciplinary action, if any, should be imposed on the licensee;

4382                   (vii) The board or its designee shall hear  
4383 evidence produced in support of the formal charges and contrary  
4384 evidence produced by the licensee. At the conclusion of the  
4385 hearing, the board shall issue an order; and

4386                   (viii) All proceedings under this section are  
4387 matters of public record and shall be preserved in accordance with  
4388 state law.

4389           (3) In addition to other remedies provided by law or in  
4390 equity, any applicant or licensee aggrieved by any action of the  
4391 board may appeal the action of the board to the chancery court of  
4392 the county of his residence if he be a resident of this state, or  
4393 to the Chancery Court of the First Judicial District of Hinds  
4394 County, Mississippi, if he be a nonresident of this state. An  
4395 appeal shall be filed within thirty (30) days immediately  
4396 following the mailing or delivery to the applicant or licensee of  
4397 a copy of the order of judgment of the board, unless the court,  
4398 for good cause shown, extends the time. The court after a hearing  
4399 may modify, affirm or reverse the judgment of the board or may  
4400 remand the case to the board for further proceedings. An appeal  
4401 from the chancery court may be had to the Supreme Court of the



4402 State of Mississippi as provided by law for any final judgment of  
4403 the chancery court. If the board appeals a judgment of the  
4404 chancery court, no bond shall be required of it in order to  
4405 perfect its appeal.

4406 (4) The board may impose any of the following sanctions,  
4407 singly or in combination, when it finds that a licensee is guilty  
4408 of any such offense:

4409 (a) Revoke the license;

4410 (b) Suspend the license, for any period of time;

4411 (c) Censure the licensee;

4412 (d) Impose a monetary penalty of not more than Two  
4413 Hundred Dollars (\$200.00);

4414 (e) Place a licensee on probationary status and  
4415 requiring the licensee to submit to any of the following: (i)  
4416 report regularly to the board, or its designee, upon matters which  
4417 are the basis of probation; (ii) continue to renew professional  
4418 education until a satisfactory degree of skill has been attained  
4419 in those areas which are the basis of probation; or (iii) such  
4420 other reasonable requirement or restrictions as the board deems  
4421 proper;

4422 (f) Refuse to renew a license; or

4423 (g) Revoke probation which has been granted and impose  
4424 any other disciplinary action under this subsection when the  
4425 requirements of probation have not been fulfilled or have been  
4426 violated.



4427           (5) The board summarily may suspend a license under this  
4428 chapter without the filing of a formal complaint, notice or a  
4429 hearing, if the board finds that the continued practice in the  
4430 profession by the licensee would constitute an immediate danger to  
4431 the public. If the board summarily suspends a license under the  
4432 provisions of this subsection a hearing must be held within twenty  
4433 (20) days after suspension begins, unless the hearing date is  
4434 continued at the request of the licensee.

4435           (6) Disposition of any formal complaint may be made by  
4436 consent order or stipulation between the board and the licensee.

4437           (7) The board may reinstate any licensee to good standing  
4438 under this chapter if, after hearing, the board is satisfied that  
4439 the applicant's renewed practice is in the public interest.

4440           (8) The board may seek the counsel of the Occupational  
4441 Therapy Advisory Council regarding disciplinary actions.

4442           (9) The board shall seek to achieve consistency in the  
4443 application of the foregoing sanctions, and significant departure  
4444 from prior decisions involving similar conduct shall be explained  
4445 by the board.

4446           (10) In addition, the board shall be authorized to suspend  
4447 the license of any licensee for being out of compliance with an  
4448 order for support, as defined in Section 93-11-153. The procedure  
4449 for suspension of a license for being out of compliance with an  
4450 order for support, and the procedure for reissuance or  
4451 reinstatement of a license suspended for that purpose, and the



4452 payment of any fees for the reissuance or reinstatement of a  
4453 license suspended for that purpose, shall be governed by Section  
4454 93-11-157 or 93-11-163, as the case may be. If there is any  
4455 conflict between any provision of Section 93-11-157 or 93-11-163  
4456 and any provision of this chapter, the provisions of Section  
4457 93-11-157 or 93-11-163, as the case may be, shall control.

4458 (11) In addition, the board shall be authorized to suspend  
4459 the license of any licensee for being delinquent on paying a  
4460 finally determined tax liability as defined in Section 2 of this  
4461 act. The procedure for suspension of a license for being  
4462 delinquent on paying a finally determined tax liability, and the  
4463 procedure for reissuance or reinstatement of a license suspended  
4464 for that purpose, and the payment of any fees for the reissuance  
4465 or reinstatement of a license suspended for that purpose, shall be  
4466 governed by Section 4 of this act. If there is any conflict  
4467 between any provision of Section 4 of this act and any provision  
4468 of this chapter, the provisions of Section 4 of this act shall  
4469 control.

4470 **SECTION 43.** Section 73-24-27, Mississippi Code of 1972, is  
4471 amended as follows:

4472 73-24-27. (1) Except as provided in Section 33-1-39, any  
4473 license issued under this chapter shall be subject to renewal and  
4474 shall expire unless renewed in the manner prescribed by the rules  
4475 and regulations of the board, upon the payment of a renewal fee  
4476 and demonstration of completion of continuing professional



4477 education. The board may provide for the late renewal of a  
4478 license upon the payment of a late fee in accordance with its  
4479 rules and regulations, but no late renewal of a license may be  
4480 granted more than two (2) years after its expiration.

4481 (2) Upon request and payment of the license fee required,  
4482 the board shall grant inactive status to a licensee who: (a) does  
4483 not practice as an occupational therapist or an occupational  
4484 therapy assistant, (b) does not hold himself or herself out as an  
4485 occupational therapist or an occupational therapy assistant, and  
4486 (c) does not maintain any continuing education requirements.

4487 (3) A suspended license is subject to expiration and may be  
4488 renewed as provided in this section, but such renewal shall not  
4489 entitle the suspended licensee to engage in the licensed activity  
4490 or in any other conduct or activity in violation of the order of  
4491 judgment by which the license was suspended. If a license revoked  
4492 on disciplinary grounds is reinstated, the licensee, as a  
4493 condition of reinstatement, shall pay the renewal fee and any late  
4494 fee that may be applicable. The procedure for the reinstatement  
4495 of a license that is suspended for being out of compliance with an  
4496 order for support, as defined in Section 93-11-153, shall be  
4497 governed by Section 93-11-157 or 93-11-163, as the case may be.  
4498 The procedure for the reinstatement of a license that is suspended  
4499 for being delinquent on paying a finally determined tax liability  
4500 as defined in Section 2 of this act, shall be governed by Section  
4501 4 of this act.



4502           **SECTION 44.** Section 73-25-27, Mississippi Code of 1972, is  
4503 amended as follows:

4504           73-25-27. The State Board of Medical Licensure after notice  
4505 and opportunity for a hearing to the licentiate, is authorized to  
4506 suspend or revoke for any cause named in this chapter any license  
4507 it has issued, or the renewal thereof, that authorizes any person  
4508 to practice medicine, osteopathy, or any other method of  
4509 preventing, diagnosing, relieving, caring for, or treating, or  
4510 curing disease, injury or other bodily condition. The procedure  
4511 for suspension of a license for being out of compliance with an  
4512 order for support, and the procedure for the reissuance or  
4513 reinstatement of a license suspended for that purpose, and the  
4514 payment of any fees for the reissuance or reinstatement of a  
4515 license suspended for that purpose, shall be governed by Section  
4516 93-11-157 or 93-11-163, as the case may be. If there is any  
4517 conflict between any provision of Section 93-11-157 or 93-11-163  
4518 and any provision of this chapter, the provisions of Section  
4519 93-11-157 or 93-11-163, as the case may be, shall control. The  
4520 procedure for suspension of a license for being delinquent on  
4521 paying a finally determined tax liability as defined in Section 2  
4522 of this act, and the procedure for the reissuance or reinstatement  
4523 of a license suspended for that purpose, and the payment of any  
4524 fees for the reissuance or reinstatement of a license suspended  
4525 for that purpose, shall be governed by Section 4 of this act. If  
4526 there is any conflict between any provision of Section 4 of this



4527 act and any provision of this chapter, the provisions of Section 4  
4528 of this act shall control.

4529         The notice shall be effected by registered mail or personal  
4530 service setting forth the particular reasons for the proposed  
4531 action and fixing a date not less than thirty (30) days or more  
4532 than sixty (60) days from the date of the mailing or the service,  
4533 at which time the licentiate shall be given an opportunity for a  
4534 prompt and fair hearing. For the purpose of the hearing the  
4535 board, acting by and through its executive office, may subpoena  
4536 persons and papers on its own behalf and on behalf of the  
4537 licentiate, including records obtained under Section 73-25-28 and  
4538 Section 73-25-83(c), may administer oaths and the testimony when  
4539 properly transcribed, together with the papers and exhibits, shall  
4540 be admissible in evidence for or against the licentiate. At the  
4541 hearing the licentiate may appear by counsel and personally in his  
4542 own behalf. Any person sworn and examined as a witness in the  
4543 hearing shall not be held to answer criminally, nor shall any  
4544 papers or documents produced by the witness be competent evidence  
4545 in any criminal proceedings against the witness other than for  
4546 perjury in delivering his evidence. The board or its designee, in  
4547 the conduct of any hearing, shall not be bound by strict laws or  
4548 rules of evidence. The board may adopt rules and discovery and  
4549 procedure governing all proceedings before it. On the basis of  
4550 any such hearing, or upon default of the licentiate, the board  
4551 shall make a determination specifying its findings of fact and





4552 conclusions of law. The board shall make its determination based  
4553 upon a preponderance of the evidence.

4554 A copy of the determination shall be sent by registered mail  
4555 or served personally upon the licentiate. The decision of the  
4556 board revoking or suspending the license shall become final thirty  
4557 (30) days after so mailed or served unless within that period the  
4558 licentiate appeals the decision to the chancery court, under the  
4559 provisions of this section. The appeal to the chancery court  
4560 shall be based solely on the record made before the board. A  
4561 transcript of the proceedings and evidence, together with  
4562 exhibits, presented at the hearing before the board in the event  
4563 of appeal shall be a part of the record before the chancery court.  
4564 The chancery court shall dispose of the appeal and enter its  
4565 decision promptly. The hearing on the appeal may, in the  
4566 discretion of the chancellor, be tried in vacation. Appeals may  
4567 be taken to the Supreme Court of the State of Mississippi as  
4568 provided by law from any final action of the chancery court. No  
4569 such person shall be allowed to practice medicine in violation of  
4570 any action of the chancery court affirming, in whole or in part,  
4571 the determination of the board, while any such appeal to the  
4572 Supreme Court is pending.

4573 For the purpose of conducting investigations, the board,  
4574 through its executive director, may issue subpoenas to any  
4575 individual, clinic, hospital, pharmacy or other entity having in  
4576 its possession papers, documents, medical charts, prescriptions or



4577 any other nonfinancial records. Any such subpoenas issued by the  
4578 executive director shall be made pursuant to an order of the board  
4579 entered on its minutes, determined on a case-by-case basis.  
4580 Investigatory subpoenas, as provided in this section, may be  
4581 served either by personal process or by registered mail, and upon  
4582 service shall command production of the papers and documents to  
4583 the board at the time and place so specified. The board shall be  
4584 entitled to the assistance of the chancery court or the chancellor  
4585 in vacation, which, on petition by the board, shall issue  
4586 ancillary subpoenas and petitions and may punish as for contempt  
4587 of court in the event of noncompliance with the subpoenas or  
4588 petitions.

4589 For the purpose of conducting hearings, the board through its  
4590 executive director may subpoena persons and papers on its own  
4591 behalf and on behalf of the respondent, including records obtained  
4592 under Section 73-25-28 and Section 73-25-83(c), may administer  
4593 oaths, and may compel the testimony of witnesses. Any such  
4594 subpoenas issued by the executive director shall be made pursuant  
4595 to an order of the board entered on its minutes, determined on a  
4596 case-by-case basis. It may issue subpoenas to take testimony, and  
4597 testimony so taken and sworn to shall be admissible in evidence  
4598 for and against the respondent. The board shall be entitled to  
4599 the assistance of the chancery court or the chancellor in  
4600 vacation, which, on petition by the board, shall issue ancillary



4601 subpoenas and petitions and may punish as for contempt of court in  
4602 the event of noncompliance with the subpoenas or petitions.

4603 Unless the court otherwise decrees, a license that has been  
4604 suspended by the board for a stated period of time shall  
4605 automatically become valid on the expiration of that period and a  
4606 license that has been suspended for an indefinite period shall  
4607 become again valid if and when the board so orders, which it may  
4608 do on its own motion or on the petition of the respondent. A  
4609 license that has been revoked shall not be restored to validity  
4610 except: (1) by order of the board based on petition for  
4611 reinstatement filed under Section 73-25-32 or (2) by order of the  
4612 chancery court or Supreme Court following appeal. Any licentiate  
4613 whose license becomes again valid after a period of suspension or  
4614 after it has been restored to validity by order of the board or by  
4615 an order of the court, shall record it again in the office of the  
4616 clerk of the circuit court of the county in which he resides in  
4617 conformity with the requirements of Section 73-25-13. Nothing in  
4618 this chapter shall be construed as limiting or revoking the  
4619 authority of any court or of any licensing or registering officer  
4620 or board, other than the State Board of Medical Licensure, to  
4621 suspend, revoke and reinstate licenses and to cancel registrations  
4622 under the provisions of Section 41-29-311.

4623 **SECTION 45.** Section 73-25-29, Mississippi Code of 1972, is  
4624 amended as follows:



4625           73-25-29. The grounds for the nonissuance, suspension,  
4626 revocation or restriction of a license or the denial of  
4627 reinstatement or renewal of a license are:

4628           (1) Habitual personal use of narcotic drugs, or any  
4629 other drug having addiction-forming or addiction-sustaining  
4630 liability.

4631           (2) Habitual use of intoxicating liquors, or any  
4632 beverage, to an extent which affects professional competency.

4633           (3) Administering, dispensing or prescribing any  
4634 narcotic drug, or any other drug having addiction-forming or  
4635 addiction-sustaining liability otherwise than in the course of  
4636 legitimate professional practice.

4637           (4) Conviction of violation of any federal or state law  
4638 regulating the possession, distribution or use of any narcotic  
4639 drug or any drug considered a controlled substance under state or  
4640 federal law, a certified copy of the conviction order or judgment  
4641 rendered by the trial court being prima facie evidence thereof,  
4642 notwithstanding the pendency of any appeal.

4643           (5) Procuring, or attempting to procure, or aiding in,  
4644 an abortion that is not medically indicated.

4645           (6) Conviction of a felony or misdemeanor involving  
4646 moral turpitude, a certified copy of the conviction order or  
4647 judgment rendered by the trial court being prima facie evidence  
4648 thereof, notwithstanding the pendency of any appeal.



4649           (7) Obtaining or attempting to obtain a license by  
4650 fraud or deception.

4651           (8) Unprofessional conduct, which includes, but is not  
4652 limited to:

4653                   (a) Practicing medicine under a false or assumed  
4654 name or impersonating another practitioner, living or dead.

4655                   (b) Knowingly performing any act which in any way  
4656 assists an unlicensed person to practice medicine.

4657                   (c) Making or willfully causing to be made any  
4658 flamboyant claims concerning the licensee's professional  
4659 excellence.

4660                   (d) Being guilty of any dishonorable or unethical  
4661 conduct likely to deceive, defraud or harm the public.

4662                   (e) Obtaining a fee as personal compensation or  
4663 gain from a person on fraudulent representation of a disease or  
4664 injury condition generally considered incurable by competent  
4665 medical authority in the light of current scientific knowledge and  
4666 practice can be cured or offering, undertaking, attempting or  
4667 agreeing to cure or treat the same by a secret method, which he  
4668 refuses to divulge to the board upon request.

4669                   (f) Use of any false, fraudulent or forged  
4670 statement or document, or the use of any fraudulent, deceitful,  
4671 dishonest or immoral practice in connection with any of the  
4672 licensing requirements, including the signing in his professional



4673 capacity any certificate that is known to be false at the time he  
4674 makes or signs such certificate.

4675 (g) Failing to identify a physician's school of  
4676 practice in all professional uses of his name by use of his earned  
4677 degree or a description of his school of practice.

4678 (9) The refusal of a licensing authority of another  
4679 state or jurisdiction to issue or renew a license, permit or  
4680 certificate to practice medicine in that jurisdiction or the  
4681 revocation, suspension or other restriction imposed on a license,  
4682 permit or certificate issued by such licensing authority which  
4683 prevents or restricts practice in that jurisdiction, a certified  
4684 copy of the disciplinary order or action taken by the other state  
4685 or jurisdiction being prima facie evidence thereof,  
4686 notwithstanding the pendency of any appeal.

4687 (10) Surrender of a license or authorization to  
4688 practice medicine in another state or jurisdiction or surrender of  
4689 membership on any medical staff or in any medical or professional  
4690 association or society while under disciplinary investigation by  
4691 any of those authorities or bodies for acts or conduct similar to  
4692 acts or conduct which would constitute grounds for action as  
4693 defined in this section.

4694 (11) Final sanctions imposed by the United States  
4695 Department of Health and Human Services, Office of Inspector  
4696 General or any successor federal agency or office, based upon a  
4697 finding of incompetency, gross misconduct or failure to meet



4698 professionally recognized standards of health care; a certified  
4699 copy of the notice of final sanction being prima facie evidence  
4700 thereof. As used in this paragraph, the term "final sanction"  
4701 means the written notice to a physician from the United States  
4702 Department of Health and Human Services, Officer of Inspector  
4703 General or any successor federal agency or office, which  
4704 implements the exclusion.

4705 (12) Failure to furnish the board, its investigators or  
4706 representatives information legally requested by the board.

4707 (13) Violation of any provision(s) of the Medical  
4708 Practice Act or the rules and regulations of the board or of any  
4709 order, stipulation or agreement with the board.

4710 (14) Violation(s) of the provisions of Sections  
4711 41-121-1 through 41-121-9 relating to deceptive advertisement by  
4712 health care practitioners.

4713 (15) Performing or inducing an abortion on a woman in  
4714 violation of any provision of Sections 41-41-131 through  
4715 41-41-145.

4716 In addition to the grounds specified above, the board shall  
4717 be authorized to suspend the license of any licensee for being out  
4718 of compliance with an order for support, as defined in Section  
4719 93-11-153. The procedure for suspension of a license for being  
4720 out of compliance with an order for support, and the procedure for  
4721 the reissuance or reinstatement of a license suspended for that  
4722 purpose, and the payment of any fees for the reissuance or



4723 reinstatement of a license suspended for that purpose, shall be  
4724 governed by Section 93-11-157 or 93-11-163, as the case may be.  
4725 If there is any conflict between any provision of Section  
4726 93-11-157 or 93-11-163 and any provision of this chapter, the  
4727 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
4728 shall control.

4729 In addition to the grounds specified above, the board shall  
4730 be authorized to suspend the license of any licensee for being  
4731 delinquent on paying a finally determined tax liability as defined  
4732 in Section 2 of this act. The procedure for suspension of a  
4733 license for being delinquent on paying a finally determined tax  
4734 liability, and the procedure for the reissuance or reinstatement  
4735 of a license suspended for that purpose, and the payment of any  
4736 fees for the reissuance or reinstatement of a license suspended  
4737 for that purpose, shall be governed by Section 4 of this act. If  
4738 there is any conflict between any provision of Section 4 of this  
4739 act and any provision of this chapter, the provisions of Section 4  
4740 of this act shall control.

4741 **SECTION 46.** Section 73-27-13, Mississippi Code of 1972, is  
4742 amended as follows:

4743 73-27-13. (1) The State Board of Medical Licensure may  
4744 refuse to issue, suspend, revoke or otherwise restrict any license  
4745 provided for in this chapter, with the advice of the advisory  
4746 committee, based upon the following grounds:





4747 (a) Habitual personal use of narcotic drugs, or any  
4748 other drug having addiction-forming or addiction-sustaining  
4749 liability.

4750 (b) Habitual use of intoxicating liquors, or any  
4751 beverage, to an extent which affects professional competency.

4752 (c) Administering, dispensing or prescribing any  
4753 narcotic drug, or any other drug having addiction-forming or  
4754 addiction-sustaining liability otherwise than in the course of  
4755 legitimate professional practice.

4756 (d) Conviction of violation of any federal or state law  
4757 regulating the possession, distribution or use of any narcotic  
4758 drug or any drug considered a controlled substance under state or  
4759 federal law.

4760 (e) Performing any medical diagnosis or treatment  
4761 outside the scope of podiatry as defined in Section 73-27-1.

4762 (f) Conviction of a felony or misdemeanor involving  
4763 moral turpitude.

4764 (g) Obtaining or attempting to obtain a license by  
4765 fraud or deception.

4766 (h) Unprofessional conduct, which includes, but is not  
4767 limited to:

4768 (i) Practicing medicine under a false or assumed  
4769 name or impersonating another practitioner, living or dead.

4770 (ii) Knowingly performing any act which in any way  
4771 assists an unlicensed person to practice podiatry.



4772 (iii) Making or willfully causing to be made any  
4773 flamboyant claims concerning the licensee's professional  
4774 excellence.

4775 (iv) Being guilty of any dishonorable or unethical  
4776 conduct likely to deceive, defraud or harm the public.

4777 (v) Obtaining a fee as personal compensation or  
4778 gain from a person on fraudulent representation a disease or  
4779 injury condition generally considered incurable by competent  
4780 medical authority in the light of current scientific knowledge and  
4781 practice can be cured or offering, undertaking, attempting or  
4782 agreeing to cure or treat the same by a secret method, which he  
4783 refuses to divulge to the board upon request.

4784 (vi) Use of any false, fraudulent or forged  
4785 statement or document, or the use of any fraudulent, deceitful,  
4786 dishonest or immoral practice in connection with any of the  
4787 licensing requirements, including the signing in his professional  
4788 capacity any certificate that is known to be false at the time he  
4789 makes or signs such certificate.

4790 (vii) Failing to identify a podiatrist's school of  
4791 practice in all professional uses of his name by use of his earned  
4792 degree or a description of his school of practice.

4793 (i) The refusal of a licensing authority of another  
4794 state to issue or renew a license, permit or certificate to  
4795 practice podiatry in that state or the revocation, suspension or  
4796 other restriction imposed on a license, permit or certificate



4797 issued by such licensing authority which prevents or restricts  
4798 practice in that state.

4799 (j) Violation(s) of the provisions of Sections 41-121-1  
4800 through 41-121-9 relating to deceptive advertisement by health  
4801 care practitioners. This paragraph shall stand repealed on July  
4802 1, 2020.

4803 (2) Upon the nonissuance, suspension or revocation of a  
4804 license to practice podiatry, the board may, in its discretion and  
4805 with the advice of the advisory committee, reissue a license after  
4806 a lapse of six (6) months. No advertising shall be permitted  
4807 except regular professional cards.

4808 (3) In its investigation of whether the license of a  
4809 podiatrist should be suspended, revoked or otherwise restricted,  
4810 the board may inspect patient records in accordance with the  
4811 provisions of Section 73-25-28.

4812 (4) In addition to the grounds specified in subsection (1)  
4813 of this section, the board shall be authorized to suspend the  
4814 license of any licensee for being out of compliance with an order  
4815 for support, as defined in Section 93-11-153. The procedure for  
4816 suspension of a license for being out of compliance with an order  
4817 for support, and the procedure for the reissuance or reinstatement  
4818 of a license suspended for that purpose, and the payment of any  
4819 fees for the reissuance or reinstatement of a license suspended  
4820 for that purpose, shall be governed by Section 93-11-157 or  
4821 93-11-163, as the case may be. If there is any conflict between



4822 any provision of Section 93-11-157 or 93-11-163 and any provision  
4823 of this chapter, the provisions of Section 93-11-157 or 93-11-163,  
4824 as the case may be, shall control.

4825 (5) In addition to the grounds specified in subsection (1)  
4826 of this section, the board shall be authorized to suspend the  
4827 license of any licensee for being delinquent on paying a finally  
4828 determined tax liability as defined in Section 2 of this act. The  
4829 procedure for suspension of a license for being delinquent on  
4830 paying a finally determined tax liability, and the procedure for  
4831 the reissuance or reinstatement of a license suspended for that  
4832 purpose, and the payment of any fees for the reissuance or  
4833 reinstatement of a license suspended for that purpose, shall be  
4834 governed by Section 4 of this act. If there is any conflict  
4835 between any provision of Section 4 of this act and any provision  
4836 of this chapter, the provisions of Section 4 of this act shall  
4837 control.

4838 **SECTION 47.** Section 73-27-16, Mississippi Code of 1972, is  
4839 amended as follows:

4840 73-27-16. (1) A person whose license to practice podiatry  
4841 has been revoked or suspended may petition the Mississippi State  
4842 Board of Medical Licensure to reinstate this license after a  
4843 period of not less than one (1) year has elapsed from the date of  
4844 the revocation or suspension. The procedure for the reinstatement  
4845 of a license that is suspended for being out of compliance with an  
4846 order for support, as defined in Section 93-11-153, shall be



4847 governed by Section 93-11-157 or 93-11-163, as the case may be.  
4848 The procedure for the reinstatement of a license that is suspended  
4849 for being delinquent on paying a finally determined tax liability  
4850 as defined in Section 2 of this act, shall be governed by Section  
4851 4 of this act.

4852 (2) The petition shall be accompanied by two (2) or more  
4853 verified recommendations from podiatrists licensed by the Board of  
4854 Medical Licensure to which the petition is addressed and by two  
4855 (2) or more recommendations from citizens each having personal  
4856 knowledge of the activities of the petitioner since the  
4857 disciplinary penalty was imposed and such facts as may be required  
4858 by the board.

4859 The petition may be heard at the next regular meeting of the  
4860 Board of Medical Licensure but not earlier than thirty (30) days  
4861 after the petition was filed. No petition shall be considered  
4862 while the petitioner is under sentence for any criminal offense,  
4863 including any period during which he is under probation or parole.  
4864 The hearing may be continued, from time to time, as the Board of  
4865 Medical Licensure finds necessary. Any final action by the board  
4866 on a petition under this section shall be made with the advice of  
4867 the advisory committee.

4868 (3) In determining whether the disciplinary penalty should  
4869 be set aside and the terms and conditions, if any, which should be  
4870 imposed if the disciplinary penalty is set aside, the Board of  
4871 Medical Licensure may investigate and consider all activities of



4872 the petitioner since the disciplinary action was taken against  
4873 him, the offense for which he was disciplined, his activity during  
4874 the time his certificate was in good standing, his general  
4875 reputation for truth, professional ability and good character; and  
4876 it may require the petitioner to pass an oral examination.

4877 (4) The Secretary-Treasurer of the Board of Medical  
4878 Licensure shall enter into his records of the case all actions of  
4879 the Board of Medical Licensure in setting aside a disciplinary  
4880 penalty under this section and he shall certify notices to the  
4881 proper court clerk. The clerk shall make such changes on his  
4882 records as may be necessary.

4883 **SECTION 48.** Section 73-29-31, Mississippi Code of 1972, is  
4884 amended as follows:

4885 73-29-31. (1) The board may refuse to issue or may suspend  
4886 or revoke a license on any one or more of the following grounds:

4887 (a) For failing to inform a subject to be examined as  
4888 to the nature of the examination;

4889 (b) For failing to inform a subject to be examined that  
4890 his participation in the examination is voluntary;

4891 (c) Material misstatement in the application for  
4892 original license or in the application for any renewal license  
4893 under this chapter;

4894 (d) Willful disregard or violation of this chapter or  
4895 of any regulation or rule issued pursuant thereto, including, but



4896 not limited to, willfully making a false report concerning an  
4897 examination for polygraph examination purposes;

4898 (e) If the holder of any license has been adjudged  
4899 guilty of the commission of a felony or a misdemeanor involving  
4900 moral turpitude;

4901 (f) Making any willful misrepresentation or false  
4902 promises or causing to be printed any false or misleading  
4903 advertisement for the purpose of directly or indirectly obtaining  
4904 business or trainees;

4905 (g) Having demonstrated unworthiness or incompetency to  
4906 act as a polygraph examiner as defined by this chapter;

4907 (h) Allowing one's license under this chapter to be  
4908 used by any unlicensed person in violation of the provisions of  
4909 this chapter;

4910 (i) Willfully aiding or abetting another in the  
4911 violation of this chapter or any regulation or rule issued  
4912 pursuant thereto;

4913 (j) Where the license holder has been adjudged by a  
4914 court of competent jurisdiction as habitual drunkard, mentally  
4915 incompetent, or in need of a conservator;

4916 (k) Failing, within a reasonable time, to provide  
4917 information requested by the secretary as the result of a formal  
4918 complaint to the board which would indicate a violation of this  
4919 chapter;



4920 (1) Failing to inform the subject of the results of the  
4921 examination if so requested; or

4922 (m) With regard to any polygraph examiner employed for  
4923 a fee and not employed by a governmental law enforcement agency or  
4924 the Mississippi Department of Corrections:

4925 (i) Requiring a subject, prior to taking the  
4926 examination or as a condition of receiving the results of the  
4927 examination, to waive any rights or causes of action he may have  
4928 or which may accrue in favor of the subject arising out of or  
4929 resulting from the administration of the examination; except the  
4930 examiner may require, prior to the examination or as a condition  
4931 of receiving the results of the examination, a subject to waive  
4932 any rights or causes of action that may accrue against the  
4933 examiner as a result of any use made of the results of the  
4934 examination by the person who employed the examiner;

4935 (ii) Requiring a subject to acknowledge that his  
4936 examination is not done for purposes of employment when, in fact,  
4937 the results of the examination are to be submitted to an employer  
4938 or an agent of an employer; or

4939 (iii) Reporting the results of an examination to  
4940 any person not authorized to receive the results of the  
4941 examination except for the person who employed the examiner,  
4942 unless authorized in writing by the subject.

4943 (2) In addition to the grounds specified in subsection (1)  
4944 of this section, the board shall be authorized to suspend the





4945 license of any licensee for being out of compliance with an order  
4946 for support, as defined in Section 93-11-153. The procedure for  
4947 suspension of a license for being out of compliance with an order  
4948 for support, and the procedure for the reissuance or reinstatement  
4949 of a license suspended for that purpose, and the payment of any  
4950 fees for the reissuance or reinstatement of a license suspended  
4951 for that purpose, shall be governed by Section 93-11-157 or  
4952 93-11-163, as the case may be. If there is any conflict between  
4953 any provision of Section 93-11-157 or 93-11-163 and any provision  
4954 of this chapter, the provisions of Section 93-11-157 or 93-11-163,  
4955 as the case may be, shall control.

4956 (3) In addition to the grounds specified in subsection (1)  
4957 of this section, the board shall be authorized to suspend the  
4958 license of any licensee for being delinquent on paying a finally  
4959 determined tax liability as defined in Section 2 of this act. The  
4960 procedure for suspension of a license for being delinquent on  
4961 paying a finally determined tax liability, and the procedure for  
4962 the reissuance or reinstatement of a license suspended for that  
4963 purpose, and the payment of any fees for the reissuance or  
4964 reinstatement of a license suspended for that purpose, shall be  
4965 governed by Section 4 of this act. If there is any conflict  
4966 between any provision of Section 4 of this act and any provision  
4967 of this chapter, the provisions of Section 4 of this act shall  
4968 control.



4969           **SECTION 49.** Section 73-29-39, Mississippi Code of 1972, is  
4970 amended as follows:

4971           73-29-39. Any person dissatisfied with the action of the  
4972 board in refusing his application or suspending or revoking his  
4973 license, or any other action of the board, may appeal the action  
4974 of the board by filing a petition within thirty (30) days  
4975 thereafter in the circuit court in the county where the person  
4976 resides or in the Circuit Court of Hinds County, Mississippi, and  
4977 the court is vested with jurisdiction and it shall be the duty of  
4978 the court to set the matter for hearing upon ten (10) days'  
4979 written notice to the board and the attorney representing the  
4980 board. The court in which the petition of appeal is filed shall  
4981 determine whether or not a cancellation or suspension of a license  
4982 shall be abated until the hearing shall have been consummated with  
4983 final judgment thereon or whether any other action of the board  
4984 should be suspended pending hearing, and enter its order  
4985 accordingly, which shall be operative when served upon the board,  
4986 and the court shall provide the attorney representing the board  
4987 with a copy of the petition and order. Except as otherwise  
4988 authorized in Section 7-5-39, the board shall be represented in  
4989 such appeals by the district or county attorney of the county or  
4990 the Attorney General, or any of their assistants. The board shall  
4991 initially determine all facts, but the court upon appeal shall set  
4992 aside the determination of the board if the board's determination  
4993 (1) is not based upon substantial evidence upon the entire record;



4994 (2) is arbitrary or capricious; (3) is in violation of statutory  
4995 requirements; or (4) was made without affording to licensee or  
4996 applicant due process of law.

4997 Actions taken by the board in suspending a license when  
4998 required by Section 93-11-157 \* \* \*, 93-11-163 or Section 4 of  
4999 this act are not actions from which an appeal may be taken under  
5000 this section. Any appeal of a license suspension that is required  
5001 by Section 93-11-157 \* \* \*, 93-11-163 or Section 4 of this act  
5002 shall be taken in accordance with the appeal procedure specified  
5003 in Section 93-11-157 \* \* \*, 93-11-163 or Section 4 of this act, as  
5004 the case may be, rather than the procedure specified in this  
5005 section.

5006 **SECTION 50.** Section 73-30-21, Mississippi Code of 1972, is  
5007 amended as follows:

5008 73-30-21. (1) The board may, after notice and opportunity  
5009 for a hearing, suspend, revoke or refuse to issue or renew a  
5010 license or may reprimand the license holder, upon a determination  
5011 by the board that such license holder or applicant for licensure  
5012 has:

- 5013 (a) Been adjudged by any court to be mentally  
5014 incompetent or have had a guardian of person appointed;  
5015 (b) Been convicted of a felony;  
5016 (c) Sworn falsely under oath or affirmation;  
5017 (d) Obtained a license or certificate by fraud, deceit  
5018 or other misrepresentation;



5019 (e) Engaged in the conduct of professional counseling  
5020 in a grossly negligent or incompetent manner;

5021 (f) Intentionally violated any provision of this  
5022 chapter;

5023 (g) Violated any rules or regulations of the board; or

5024 (h) Aided or assisted another in falsely obtaining a  
5025 license under this chapter.

5026 (2) No revoked license may be reinstated within twelve (12)  
5027 months after such revocation. Reinstatement thereafter shall be  
5028 upon such conditions as the board may prescribe, which may  
5029 include, without being limited to, successful passing of the  
5030 examination required by this chapter.

5031 (3) A license certificate issued by the board is the  
5032 property of the board and must be surrendered on demand.

5033 (4) The chancery court is hereby vested with the  
5034 jurisdiction and power to enjoin the unlawful practice of  
5035 counseling and/or the false representation as a licensed counselor  
5036 in a proceeding brought by the board or any members thereof or by  
5037 any citizen of this state.

5038 (5) In addition to the reasons specified in subsection (1)  
5039 of this section, the board shall be authorized to suspend the  
5040 license of any licensee for being out of compliance with an order  
5041 for support, as defined in Section 93-11-153. The procedure for  
5042 suspension of a license for being out of compliance with an order  
5043 for support, and the procedure for the reissuance or reinstatement



5044 of a license suspended for that purpose, and the payment of any  
5045 fees for the reissuance or reinstatement of a license suspended  
5046 for that purpose, shall be governed by Section 93-11-157 or  
5047 93-11-163, as the case may be. If there is any conflict between  
5048 any provision of Section 93-11-157 or 93-11-163 and any provision  
5049 of this chapter, the provisions of Section 93-11-157 or 93-11-163,  
5050 as the case may be, shall control.

5051 (6) In addition to the reasons specified in subsection (1)  
5052 of this section, the board shall be authorized to suspend the  
5053 license of any licensee for being delinquent on paying a finally  
5054 determined tax liability as defined in Section 2 of this act. The  
5055 procedure for suspension of a license for being delinquent on  
5056 paying a finally determined tax liability, and the procedure for  
5057 the reissuance or reinstatement of a license suspended for that  
5058 purpose, and the payment of any fees for the reissuance or  
5059 reinstatement of a license suspended for that purpose, shall be  
5060 governed by Section 4 of this act. If there is any conflict  
5061 between any provision of Section 4 of this act and any provision  
5062 of this chapter, the provisions of Section 4 of this act shall  
5063 control.

5064 **SECTION 51.** Section 73-31-21, Mississippi Code of 1972, is  
5065 amended as follows:

5066 73-31-21. (1) The board, by an affirmative vote of at least  
5067 four (4) of its seven (7) members, shall withhold, deny, revoke or  
5068 suspend any license issued or applied for in accordance with the



5069 provisions of this chapter, or otherwise discipline a licensed  
5070 psychologist, upon proof that the applicant or licensed  
5071 psychologist:

5072           (a) Has violated the current code of ethics of the  
5073 American Psychological Association or other codes of ethical  
5074 standards adopted by the board; or

5075           (b) Has been convicted of a felony or any offense  
5076 involving moral turpitude, the record of conviction being  
5077 conclusive evidence thereof; or

5078           (c) Is using any substance or any alcoholic beverage to  
5079 an extent or in a manner dangerous to any other person or the  
5080 public, or to an extent that the use impairs his or her ability to  
5081 perform the work of a professional psychologist with safety to the  
5082 public; or

5083           (d) Has impersonated another person holding a  
5084 psychologist license or allowed another person to use his or her  
5085 license; or

5086           (e) Has used fraud or deception in applying for a  
5087 license or in taking an examination provided for in this chapter;  
5088 or

5089           (f) Has accepted commissions or rebates or other forms  
5090 of remuneration for referring clients to other professional  
5091 persons; or

5092           (g) Has allowed his or her name or license issued under  
5093 this chapter to be used in connection with any person or persons



5094 who perform psychological services outside of the area of their  
5095 training, experience or competence; or

5096 (h) Is legally adjudicated mentally incompetent, the  
5097 record of that adjudication being conclusive evidence thereof; or

5098 (i) Has willfully or negligently violated any of the  
5099 provisions of this chapter. The board may recover from any person  
5100 disciplined under this chapter, the costs of investigation,  
5101 prosecution, and adjudication of the disciplinary action.

5102 (2) Notice shall be effected by registered mail or personal  
5103 service setting forth the particular reasons for the proposed  
5104 action and fixing a date not less than thirty (30) days nor more  
5105 than sixty (60) days from the date of the mailing or that service,  
5106 at which time the applicant or licensee shall be given an  
5107 opportunity for a prompt and fair hearing. For the purpose of the  
5108 hearing, the board, acting by and through its executive secretary,  
5109 may subpoena persons and papers on its own behalf and on behalf of  
5110 the applicant or licensee, may administer oaths and may take  
5111 testimony. That testimony, when properly transcribed, together  
5112 with the papers and exhibits, shall be admissible in evidence for  
5113 or against the applicant or licensee. At the hearing, the  
5114 applicant or licensee may appear by counsel and personally in his  
5115 or her own behalf. Any person sworn and examined by a witness in  
5116 the hearing shall not be held to answer criminally, nor shall any  
5117 papers or documents produced by the witness be competent evidence  
5118 in any criminal proceedings against the witness other than for



5119 perjury in delivering his or her evidence. On the basis of any  
5120 such hearing, or upon default of applicant or licensee, the board  
5121 shall make a determination specifying its findings of fact and  
5122 conclusions of law. A copy of that determination shall be sent  
5123 by registered mail or served personally upon the applicant or  
5124 licensee. The decision of the board denying, revoking or  
5125 suspending the license shall become final thirty (30) days after  
5126 so mailed or served, unless within that period the applicant or  
5127 licensee appeals the decision to the chancery court, under the  
5128 provisions hereof, and the proceedings in chancery shall be  
5129 conducted as other matters coming before the court. All  
5130 proceedings and evidence, together with exhibits, presented at the  
5131 hearing before the board shall be admissible in evidence in court  
5132 in the appeal.

5133 (3) The board may subpoena persons and papers on its own  
5134 behalf and on behalf of the respondent, may administer oaths and  
5135 may compel the testimony of witnesses. It may issue commissions  
5136 to take testimony, and testimony so taken and sworn to shall be  
5137 admissible in evidence for and against the respondent. The board  
5138 shall be entitled to the assistance of the chancery court or the  
5139 chancellor in vacation, which, on petition by the board, shall  
5140 issue ancillary subpoenas and petitions and may punish as for  
5141 contempt of court in the event of noncompliance therewith.

5142 (4) Every order and judgment of the board shall take effect  
5143 immediately on its promulgation unless the board in the order or





5144 judgment fixes a probationary period for the applicant or  
5145 licensee. The order and judgment shall continue in effect unless  
5146 upon appeal the court by proper order or decree terminates it  
5147 earlier. The board may make public its order and judgments in  
5148 any manner and form as it deems proper. It shall, in event of the  
5149 suspension or revocation of a license, direct the clerk of the  
5150 circuit court of the county in which that license was recorded to  
5151 cancel that record.

5152 (5) Nothing in this section shall be construed as limiting  
5153 or revoking the authority of any court or of any licensing or  
5154 registering officer or board, other than the Mississippi Board of  
5155 Psychology, to suspend, revoke and reinstate licenses and to  
5156 cancel registrations under the provisions of Section 41-29-311.

5157 (6) Suspension by the board of the license of a psychologist  
5158 shall be for a period not exceeding one (1) year. At the end of  
5159 this period the board shall reevaluate the suspension, and shall  
5160 either reinstate or revoke the license. A person whose license  
5161 has been revoked under the provisions of this section may reapply  
5162 for a license after more than two (2) years have elapsed from the  
5163 date that the denial or revocation is legally effective.

5164 (7) In addition to the reasons specified in subsection (1)  
5165 of this section, the board shall be authorized to suspend the  
5166 license of any licensee for being out of compliance with an order  
5167 for support, as defined in Section 93-11-153. The procedure for  
5168 suspension of a license for being out of compliance with an order



5169 for support, and the procedure for the reissuance or reinstatement  
5170 of a license suspended for that purpose, and the payment of any  
5171 fees for the reissuance or reinstatement of a license suspended  
5172 for that purpose, shall be governed by Section 93-11-157. Actions  
5173 taken by the board in suspending a license when required by  
5174 Section 93-11-157 or 93-11-163 are not actions from which an  
5175 appeal may be taken under this section. Any appeal of a license  
5176 suspension that is required by Section 93-11-157 or 93-11-163  
5177 shall be taken in accordance with the appeal procedure specified  
5178 in Section 93-11-157 or 93-11-163, as the case may be, rather than  
5179 the procedure specified in this section. If there is any conflict  
5180 between any provision of Section 93-11-157 or 93-11-163 and any  
5181 provision of this chapter, the provisions of Section 93-11-157 or  
5182 93-11-163, as the case may be, shall control.

5183       (8) In addition to the reasons specified in subsection (1)  
5184 of this section, the board shall be authorized to suspend the  
5185 license of any licensee for being delinquent on paying a finally  
5186 determined tax liability as defined in Section 2 of this act. The  
5187 procedure for suspension of a license for being delinquent on  
5188 paying a finally determined tax liability, and the procedure for  
5189 the reissuance or reinstatement of a license suspended for that  
5190 purpose, and the payment of any fees for the reissuance or  
5191 reinstatement of a license suspended for that purpose, shall be  
5192 governed by Section 4 of this act. Actions taken by the board in  
5193 suspending a license when required by Section 4 of this act are



5194 not actions from which an appeal may be taken under this section.  
5195 Any appeal of a license suspension that is required by Section 4  
5196 of this act shall be taken in accordance with the appeal procedure  
5197 specified in Section 4 of this act rather than the procedure  
5198 specified in this section. If there is any conflict between any  
5199 provision of Section 4 of this act and any provision of this  
5200 chapter, the provisions of Section 4 of this act shall control.

5201 ( \* \* \*9) The board may issue a nondisciplinary, educational  
5202 letter to licensees as provided in Section 73-31-7(2)(g). The  
5203 board may also direct a psychologist to obtain a formal assessment  
5204 of ability to practice safely if there is reason to believe there  
5205 may be impairment due to substance abuse or mental incapacity.  
5206 Licensees who may be impaired, but who are able to practice  
5207 safely, may be required by the board to seek appropriate treatment  
5208 and/or supervision. That action by the board in itself will not  
5209 be considered disciplinary.

5210 **SECTION 52.** Section 73-33-11, Mississippi Code of 1972, is  
5211 amended as follows:

5212 73-33-11. (1) The Mississippi State Board of Public  
5213 Accountancy may revoke, suspend, impose a civil penalty or take  
5214 other appropriate action with respect to any license, practice  
5215 privilege or permit issued pursuant to this chapter for any  
5216 unprofessional conduct by the licensee or permit holder, or for  
5217 other sufficient cause, provided written notice shall have been  
5218 sent by certified mail to the holder thereof at holder's mailing



5219 address of record with the board, twenty (20) days before any  
5220 hearing thereon, stating the cause for such contemplated action  
5221 and appointing a day and a place for a full hearing thereon by the  
5222 board, provided further, no certificate or license be cancelled or  
5223 revoked until a hearing shall have been given to the holder  
5224 thereof according to law. But, after such hearing, the board may,  
5225 in its discretion, take action against any license, practice  
5226 privilege or permit issued pursuant to this chapter. When payment  
5227 of a civil penalty is assessed and levied by the board in  
5228 accordance with this section, such civil penalty shall not exceed  
5229 Five Thousand Dollars (\$5,000.00) for each violation and shall be  
5230 deposited into the special fund to the credit of the board.

5231 (2) The members of the board are hereby empowered to sit as  
5232 a trial board; to administer oaths (or affirmations); to summon  
5233 any witness and to compel his attendance and/or his testimony,  
5234 under oath (or affirmation) before the board or for purposes of  
5235 deposition during any board authorized investigation; to compel  
5236 the production of any book, paper or document by the owner or  
5237 custodian thereof to a hearing or for purpose of investigation;  
5238 and/or to compel any officer to produce, during investigation or  
5239 at the hearing, a copy of any public record (not privileged from  
5240 public inspection by law) in his official custody, certified to,  
5241 by him. The board shall elect one (1) of its members to serve as  
5242 clerk, to issue summons and other processes, and to certify copies



5243 of its records or, the board may delegate such duties to the  
5244 executive director.

5245 (3) The accused may appear in person and/or by counsel or,  
5246 in the instance of a firm permit holder through its manager and/or  
5247 counsel to defend such charges. If the accused does not appear or  
5248 answer, judgment may be entered by default, provided the board  
5249 finds that proper service was made on the accused.

5250 (4) The minutes of the board shall be recorded in an  
5251 appropriate minute book permanently maintained by the board at its  
5252 office.

5253 (5) In a proceeding conducted under this section by the  
5254 board for disciplinary action, those reasonable costs that are  
5255 expended by the board in the investigation and conduct of a  
5256 proceeding for discipline, including, but not limited to, the cost  
5257 of service of process, court reporters, expert witnesses,  
5258 investigators and legal fees may be imposed by the board on the  
5259 accused, the charging party or both.

5260 (6) Such costs shall be paid to the board upon the  
5261 expiration of the period allowed for appeal of such penalties  
5262 under this section, or may be paid sooner if the guilty party  
5263 elects. Money collected by the board under this section shall be  
5264 deposited to the credit of the board's special fund in the State  
5265 Treasury. When payment of a monetary penalty assessed by the  
5266 board under this section is not paid when due, the board shall  
5267 have the power to institute and maintain proceedings in its name



5268 for enforcement of payment in the Chancery Court of the First  
5269 Judicial District of Hinds County, Mississippi, or in the chancery  
5270 court of the county where the respondent resides.

5271 (7) In case of a decision adverse to the accused, appeal  
5272 shall be made within thirty (30) days from the day on which the  
5273 decision is made to the circuit court of the First Judicial  
5274 District of Hinds County, Mississippi, or in the circuit court of  
5275 the county in which the accused resides. In the case of a  
5276 nonresident licensee, the appeal shall be made to the Circuit  
5277 Court of the First Judicial District of Hinds County, Mississippi.  
5278 The order of the board shall not take effect until the expiration  
5279 of said thirty (30) days.

5280 (8) In case of an appeal, bond for costs in the circuit  
5281 court shall be given as in other cases; and the order of the board  
5282 shall not take effect until such appeal has been finally disposed  
5283 of by the court or courts.

5284 (9) The board may, at any time, reinstate a license,  
5285 practice privilege or permit if it finds that such reinstatement  
5286 is justified.

5287 (10) In addition to the reasons specified in \* \* \*  
5288 subsection (1) of this section, the board shall be authorized to  
5289 suspend the license of any licensee for being out of compliance  
5290 with an order for support, as defined in Section 93-11-153. The  
5291 procedure for suspension of a license for being out of compliance  
5292 with an order for support, and the procedure for the reissuance or



5293 reinstatement of a license suspended for that purpose, and the  
5294 payment of any fees for the reissuance or reinstatement of a  
5295 license suspended for that purpose, shall be governed by Section  
5296 93-11-157 or 93-11-163, as the case may be. Actions taken by the  
5297 board in suspending a license when required by Section 93-11-157  
5298 or 93-11-163 are not actions from which an appeal may be taken  
5299 under this section. Any appeal of a license suspension that is  
5300 required by Section 93-11-157 or 93-11-163 shall be taken in  
5301 accordance with the appeal procedure specified in Section  
5302 93-11-157 or 93-11-163, as the case may be, rather than the  
5303 procedure specified in this section. If there is any conflict  
5304 between any provision of Section 93-11-157 or 93-11-163 and any  
5305 provision of this chapter, the provisions of Section 93-11-157 or  
5306 93-11-163, as the case may be, shall control.

5307 (11) In addition to the reasons specified in subsection (1)  
5308 of this section, the board shall be authorized to suspend the  
5309 license of any licensee for being delinquent on paying a finally  
5310 determined tax liability as defined in Section 2 of this act. The  
5311 procedure for suspension of a license for being delinquent on  
5312 paying a finally determined tax liability, and the procedure for  
5313 the reissuance or reinstatement of a license suspended for that  
5314 purpose, and the payment of any fees for the reissuance or  
5315 reinstatement of a license suspended for that purpose, shall be  
5316 governed by Section 4 of this act. Actions taken by the board in  
5317 suspending a license when required by Section 4 of this act are



5318 not actions from which an appeal may be taken under this section.  
5319 Any appeal of a license suspension that is required by Section 4  
5320 of this act shall be taken in accordance with the appeal procedure  
5321 specified in Section 4 of this act rather than the procedure  
5322 specified in this section. If there is any conflict between any  
5323 provision of Section 4 of this act and any provision of this  
5324 chapter, the provisions of Section 4 of this act shall control.

5325         **SECTION 53.** Section 73-34-35, Mississippi Code of 1972, is  
5326 amended as follows:

5327         73-34-35. (1) An application for licensure or renewal may  
5328 be denied, and the rights of any licensed appraiser or licensed  
5329 certified real estate appraiser may be revoked or suspended, or  
5330 the holder of the license may be otherwise disciplined, in  
5331 accordance with the provisions of this chapter for any of the  
5332 following acts or omissions:

5333             (a) Failing to meet the minimum qualifications for  
5334 licensure established under this chapter;

5335             (b) Procuring or attempting to procure licensure under  
5336 this chapter by knowingly making a false statement, submitting  
5337 false information or making a material misrepresentation in an  
5338 application filed with the commission or procuring or attempting  
5339 to procure licensure through any form of fraud or  
5340 misrepresentation;





5341           (c) Paying money other than the fees provided for by  
5342 this chapter to any member or employee of the commission or the  
5343 board to procure licensure under this chapter;

5344           (d) An act or omission in the practice of real estate  
5345 appraising which constitutes dishonesty, fraud or  
5346 misrepresentation with the intent to substantially benefit the  
5347 licensee or another person or with the intent to substantially  
5348 injure another person;

5349           (e) Entry of a final civil or criminal judgment against  
5350 a licensee on grounds of fraud, misrepresentation or deceit;

5351           (f) Conviction, including a conviction based upon a  
5352 plea or finding of guilty, of a crime which is substantially  
5353 related to the qualifications, functions or duties of a person  
5354 developing real estate appraisals and communicating real estate  
5355 appraisals to others;

5356           (g) Engaging in the business of real estate appraising  
5357 under an assumed or fictitious name not properly registered in  
5358 this state;

5359           (h) Paying a finder's fee or a referral fee;

5360           (i) Making a false or misleading statement in that  
5361 portion of a written appraisal report that deals with professional  
5362 qualifications or in any testimony concerning professional  
5363 qualifications;



5364 (j) Issuing an appraisal on any real property in which  
5365 the appraiser has an interest through fee simple ownership,  
5366 leasehold, rental agreement or auction agreement;

5367 (k) Taking a listing for the sale of a property within  
5368 ninety (90) days of appraising such property, except as may be  
5369 otherwise agreed upon by all parties and disclosed in the listing  
5370 agreement; or

5371 (l) Any act or conduct, whether the same or of a  
5372 different character than specified above, which constitutes or  
5373 demonstrates bad faith, incompetency or untrustworthiness; or  
5374 dishonest, fraudulent or improper dealing; or any other violation  
5375 of the provisions of this chapter and of rules and regulations  
5376 established by the board.

5377 (2) In accordance with the laws of this state, and to the  
5378 extent permitted by any applicable federal legislation or  
5379 regulation, the board may censure an appraisal management company,  
5380 conditionally or unconditionally suspend or revoke any  
5381 registration issued under this chapter, or deny renewal of any  
5382 registration issued under this chapter, or levy fines or impose  
5383 civil penalties not to exceed Five Thousand Dollars (\$5,000.00),  
5384 if after appropriate investigation the board concludes that an  
5385 appraisal management company is attempting to perform, has  
5386 performed, or has attempted to perform any of the following acts:

5387 (a) Committed any act in violation of this chapter;



5388 (b) Violated any rule or regulation adopted by the  
5389 board in the interest of the public and consistent with the  
5390 provisions of this chapter; or

5391 (c) Procured a registration for itself or any other  
5392 person by fraud, misrepresentation or deceit.

5393 (3) In order to promote voluntary compliance, encourage  
5394 appraisal management companies to correct errors promptly, and  
5395 ensure a fair and consistent approach to enforcement, the board is  
5396 authorized to impose fines or civil penalties that are reasonable  
5397 in light of the nature, extent and severity of the violation. The  
5398 board is also authorized to take action against an appraisal  
5399 management company's registration, if at all, only after less  
5400 severe sanctions have proven insufficient to ensure behavior  
5401 consistent with this chapter. When deciding whether to impose a  
5402 sanction permitted by subsection (2), determining the sanction  
5403 that is most appropriate in a specific instance, or making any  
5404 other discretionary decision regarding the enforcement of this  
5405 chapter, the board shall consider whether an appraisal management  
5406 company:

5407 (a) Has an effective program reasonably designed to  
5408 ensure compliance with this chapter;

5409 (b) Has taken prompt and appropriate steps to correct  
5410 and prevent the recurrence of any detected violations; and

5411 (c) Has independently reported to the board any  
5412 significant violations or potential violations of this chapter,



5413 before an imminent threat of disclosure or investigation and  
5414 within a reasonably prompt time after becoming aware of their  
5415 occurrence.

5416 (4) In addition to the reasons specified in subsection (1)  
5417 of this section, the board shall be authorized to suspend the  
5418 license of any licensee for being out of compliance with an order  
5419 for support, as defined in Section 93-11-153. The procedure for  
5420 suspension of a license for being out of compliance with an order  
5421 for support, and the procedure for the reissuance or reinstatement  
5422 of a license suspended for that purpose, and the payment of any  
5423 fees for the reissuance or reinstatement of a license suspended  
5424 for that purpose, shall be governed by Section 93-11-157 or  
5425 93-11-163, as the case may be. If there is any conflict between  
5426 any provision of Section 93-11-157 or 93-11-163 and any provision  
5427 of this chapter, the provisions of Section 93-11-157 or 93-11-163,  
5428 as the case may be, shall control.

5429 (5) In addition to the reasons specified in subsection (1)  
5430 of this section, the board shall be authorized to suspend the  
5431 license of any licensee for being delinquent on paying a finally  
5432 determined tax liability as defined in Section 2 of this act. The  
5433 procedure for suspension of a license for being delinquent on  
5434 paying a finally determined tax liability, and the procedure for  
5435 the reissuance or reinstatement of a license suspended for that  
5436 purpose, and the payment of any fees for the reissuance or  
5437 reinstatement of a license suspended for that purpose, shall be



5438 governed by Section 4 of this act. If there is any conflict  
5439 between any provision of Section 4 of this act and any provision  
5440 of this chapter, the provisions of Section 4 of this act shall  
5441 control.

5442       **SECTION 54.** Section 73-34-43, Mississippi Code of 1972, is  
5443 amended as follows:

5444       73-34-43. If, at the conclusion of the hearing, the board  
5445 determines that a licensed appraiser, licensed certified real  
5446 estate appraiser or appraisal management company is guilty of a  
5447 violation of any of the provisions of this chapter, it shall  
5448 prepare a formal decision that shall contain findings of fact  
5449 concerning the appropriate disciplinary action to be taken.

5450       The decision and order of the board shall be final. Any  
5451 applicant, licensee, registrant or person aggrieved by a decision  
5452 or order of the board shall have the right of appeal from such  
5453 adverse order or decision of the board to the circuit court of the  
5454 county of residence of the applicant, licensee, registrant or  
5455 person, or of the First Judicial District of Hinds County, within  
5456 thirty (30) days from the service of notice of the action of the  
5457 board upon the parties in interest. Notice of appeals shall be  
5458 filed in the office of the clerk of the court who shall issue an  
5459 order directed to the board commanding it, within ten (10) days  
5460 after service thereof, to certify to the court its entire record  
5461 in the matter in which the appeal has been taken. The appeal  
5462 shall thereupon be heard in due course by the court, without a



5463 jury, which shall review the record and make its determination of  
5464 the cause between the parties. To be effective, an application  
5465 for review made by an aggrieved party must be filed within thirty  
5466 (30) days after the party's receipt of the final decision and  
5467 order of the board.

5468 If an application is filed for review of a final decision and  
5469 order of the board, the case shall be set for trial within sixty  
5470 (60) days from the date of the filing of an answer for the board.  
5471 If the court finds that the board has regularly pursued its  
5472 authority and has not acted arbitrarily, it shall affirm the  
5473 decision and order of the board.

5474 Actions taken by the board in suspending a license when  
5475 required by Section 93-11-157 \* \* \*, 93-11-163 or Section 4 of  
5476 this act are not actions from which an appeal may be taken under  
5477 this section. Any appeal of a license suspension that is required  
5478 by Section 93-11-157 \* \* \*, 93-11-163 or Section 4 of this act  
5479 shall be taken in accordance with the appeal procedure specified  
5480 in Section 93-11-157 \* \* \*, 93-11-163 or Section 4 of this act, as  
5481 the case may be, rather than the procedure specified in this  
5482 section.

5483 **SECTION 55.** Section 73-35-21, Mississippi Code of 1972, is  
5484 amended as follows:

5485 73-35-21. (1) The commission may, upon its own motion and  
5486 shall upon the verified complaint in writing of any person, hold a  
5487 hearing for the refusal of license or for the suspension or



5488 revocation of a license previously issued, or for such other  
5489 action as the commission deems appropriate. The commission shall  
5490 have full power to refuse a license for cause or to revoke or  
5491 suspend a license where it has been obtained by false or  
5492 fraudulent representation, or where the licensee in performing or  
5493 attempting to perform any of the acts mentioned herein, is deemed  
5494 to be guilty of:

5495 (a) Making any substantial misrepresentation in  
5496 connection with a real estate transaction;

5497 (b) Making any false promises of a character likely to  
5498 influence, persuade or induce;

5499 (c) Pursuing a continued and flagrant course of  
5500 misrepresentation or making false promises through agents or  
5501 salespersons or any medium of advertising or otherwise;

5502 (d) Any misleading or untruthful advertising;

5503 (e) Acting for more than one (1) party in a transaction  
5504 or receiving compensation from more than one (1) party in a  
5505 transaction, or both, without the knowledge of all parties for  
5506 whom he acts;

5507 (f) Failing, within a reasonable time, to account for  
5508 or to remit any monies coming into his possession which belong to  
5509 others, or commingling of monies belonging to others with his own  
5510 funds. Every responsible broker procuring the execution of an  
5511 earnest money contract or option or other contract who shall take  
5512 or receive any cash or checks shall deposit, within a reasonable



5513 period of time, the sum or sums so received in a trust or escrow  
5514 account in a bank or trust company pending the consummation or  
5515 termination of the transaction. "Reasonable time" in this context  
5516 means by the close of business of the next banking day;

5517 (g) Entering a guilty plea or conviction in a court of  
5518 competent jurisdiction of this state, or any other state or the  
5519 United States of any felony;

5520 (h) Displaying a "for sale" or "for rent" sign on any  
5521 property without the owner's consent;

5522 (i) Failing to furnish voluntarily, at the time of  
5523 signing, copies of all listings, contracts and agreements to all  
5524 parties executing the same;

5525 (j) Paying any rebate, profit or commission to any  
5526 person other than a real estate broker or salesperson licensed  
5527 under the provisions of this chapter;

5528 (k) Inducing any party to a contract, sale or lease to  
5529 break such contract for the purpose of substituting in lieu  
5530 thereof a new contract, where such substitution is motivated by  
5531 the personal gain of the licensee;

5532 (l) Accepting a commission or valuable consideration as  
5533 a real estate salesperson for the performance of any of the acts  
5534 specified in this chapter from any person, except his employer who  
5535 must be a licensed real estate broker;





5536 (m) Failing to successfully pass the commission's  
5537 background investigation for licensure or renewal as provided in  
5538 Section 73-35-10; or

5539 (n) Any act or conduct, whether of the same or a  
5540 different character than hereinabove specified, which constitutes  
5541 or demonstrates bad faith, incompetency or untrustworthiness, or  
5542 dishonest, fraudulent or improper dealing. However, simple  
5543 contact and/or communication with any mortgage broker or lender by  
5544 a real estate licensee about any professional, including, but not  
5545 limited to, an appraiser, home inspector, contractor, and/or  
5546 attorney regarding a listing and/or a prospective or pending  
5547 contract for the lease, sale and/or purchase of real estate shall  
5548 not constitute conduct in violation of this section.

5549 (2) No real estate broker shall practice law or give legal  
5550 advice directly or indirectly unless said broker be a duly  
5551 licensed attorney under the laws of this state. He shall not act  
5552 as a public conveyancer nor give advice or opinions as to the  
5553 legal effect of instruments nor give opinions concerning the  
5554 validity of title to real estate; nor shall he prevent or  
5555 discourage any party to a real estate transaction from employing  
5556 the services of an attorney; nor shall a broker undertake to  
5557 prepare documents fixing and defining the legal rights of parties  
5558 to a transaction. However, when acting as a broker, he may use an  
5559 earnest money contract form. A real estate broker shall not  
5560 participate in attorney's fees, unless the broker is a duly



5561 licensed attorney under the laws of this state and performs legal  
5562 services in addition to brokerage services.

5563 (3) It is expressly provided that it is not the intent and  
5564 purpose of the Mississippi Legislature to prevent a license from  
5565 being issued to any person who is found to be of good reputation,  
5566 is able to give bond, and who has lived in the State of  
5567 Mississippi for the required period or is otherwise qualified  
5568 under this chapter.

5569 (4) In addition to the reasons specified in subsection (1)  
5570 of this section, the commission shall be authorized to suspend the  
5571 license of any licensee for being out of compliance with an order  
5572 for support, as defined in Section 93-11-153. The procedure for  
5573 suspension of a license for being out of compliance with an order  
5574 for support, and the procedure for the reissuance or reinstatement  
5575 of a license suspended for that purpose, and the payment of any  
5576 fees for the reissuance or reinstatement of a license suspended  
5577 for that purpose, shall be governed by Section 93-11-157 or  
5578 93-11-163, as the case may be. If there is any conflict between  
5579 any provision of Section 93-11-157 or 93-11-163 and any provision  
5580 of this chapter, the provisions of Section 93-11-157 or 93-11-163,  
5581 as the case may be, shall control.

5582 (5) In addition to the reasons specified in subsection (1)  
5583 of this section, the commission shall be authorized to suspend the  
5584 license of any licensee for being delinquent on paying a finally  
5585 determined tax liability as defined in Section 2 of this act. The



5586 procedure for suspension of a license for being delinquent on  
5587 paying a finally determined tax liability, and the procedure for  
5588 the reissuance or reinstatement of a license suspended for that  
5589 purpose, and the payment of any fees for the reissuance or  
5590 reinstatement of a license suspended for that purpose, shall be  
5591 governed by Section 4 of this act. If there is any conflict  
5592 between any provision of Section 4 of this act and any provision  
5593 of this chapter, the provisions of Section 4 of this act shall  
5594 control.

5595 ( \* \* \*6) Nothing in this chapter shall prevent an associate  
5596 broker or salesperson from owning any lawfully constituted  
5597 business organization, including, but not limited to, a  
5598 corporation, limited liability company or limited liability  
5599 partnership, for the purpose of receiving payments contemplated in  
5600 this chapter. The business organization shall not be required to  
5601 be licensed under this chapter and shall not engage in any other  
5602 activity requiring a real estate license.

5603 **SECTION 56.** Section 73-35-25, Mississippi Code of 1972, is  
5604 amended as follows:

5605 73-35-25. (1) Any applicant or licensee or person aggrieved  
5606 shall have the right of appeal from any adverse ruling or order or  
5607 decision of the commission to the circuit court of the county of  
5608 residence of the applicant, licensee or person, or of the First  
5609 Judicial District of Hinds County, Mississippi, within thirty (30)



5610 days from the service of notice of the action of the commission  
5611 upon the parties in interest.

5612 (2) Notice of appeals shall be filed in the office of the  
5613 clerk of the court who shall issue a writ of certiorari directed  
5614 to the commission commanding it, within thirty (30) days after  
5615 service thereof, to certify to such court its entire record in the  
5616 matter in which the appeal has been taken. The appeal shall  
5617 thereupon be heard in due course by said court, without a jury,  
5618 which shall review the record and make its determination of the  
5619 cause between the parties.

5620 (3) Any order, rule or decision of the commission shall not  
5621 take effect until after the time for appeal to said court shall  
5622 have expired. In the event an appeal is taken by a defendant,  
5623 such appeal may act, in the discretion of the court, as a  
5624 supersedeas and the court shall dispose of said appeal and enter  
5625 its decision promptly.

5626 (4) Any person taking an appeal shall post a satisfactory  
5627 bond in the amount of Five Hundred Dollars (\$500.00) for the  
5628 payment of any costs which may be adjudged against him.

5629 (5) Actions taken by the commission in suspending a license  
5630 when required by Section 93-11-157 \* \* \*, 93-11-163 or Section 4  
5631 of this act are not actions from which an appeal may be taken  
5632 under this section. Any appeal of a license suspension that is  
5633 required by Section 93-11-157 \* \* \*, 93-11-163 or Section 4 of  
5634 this act shall be taken in accordance with the appeal procedure



5635 specified in Section 93-11-157 \* \* \*, 93-11-163 or Section 4 of  
5636 this act, as the case may be, rather than the procedure specified  
5637 in this section.

5638         **SECTION 57.** Section 73-36-33, Mississippi Code of 1972, is  
5639 amended as follows:

5640         73-36-33. (1) The board shall have the power, after notice  
5641 and hearing, to suspend or revoke the license of any registrant  
5642 who (a) is found guilty by the board of fraud or gross negligence  
5643 in the practice of professional forestry; (b) fails to comply with  
5644 board rules and regulations; (c) is found guilty by the board of  
5645 unprofessional or unethical conduct; or (d) has had his license  
5646 suspended or revoked for cause in another jurisdiction.

5647         (2) Any person may prefer charges of fraud or gross  
5648 negligence in connection with any forestry practice against any  
5649 registrant. Such charges shall be in writing, shall be sworn to  
5650 by the person making them, and shall be filed with the secretary  
5651 of the board. All charges shall be heard by the board pursuant to  
5652 its rules and regulations without undue delay.

5653         (3) Any applicant whose license is suspended or revoked by  
5654 the board may apply for a review of the proceedings with reference  
5655 to such suspension or revocation by appealing to the Chancery  
5656 Court of the First Judicial District of Hinds County, Mississippi,  
5657 provided a notice of appeal is filed by such applicant with the  
5658 clerk of said court within sixty (60) days from entry of an order  
5659 by the board suspending or revoking his license, provided said



5660 applicant files with said notice of appeal a bond to be approved  
5661 by the court assuring the prompt payment of any and all costs of  
5662 said appeal, said amount to be fixed by the court. Upon the  
5663 filing of such notice of appeal and posting of such bond, the  
5664 clerk of the said court shall notify the secretary of the board  
5665 thereof and the record of the proceedings involved shall be  
5666 prepared by the secretary and forwarded to the court within a  
5667 period of sixty (60) days from such notice by the clerk. The  
5668 court shall thereupon review the proceedings on the record  
5669 presented and may hear such additional testimony as to the court  
5670 may appear material and dispose of the appeal in termtime or in  
5671 vacation, and the court may sustain or dismiss the appeal, or  
5672 modify or vacate the order complained of, but in case the order is  
5673 modified or vacated, the court may also, in its discretion, remand  
5674 the matter to the board for such further proceedings not  
5675 inconsistent with the court's order as, in the opinion of the  
5676 court, justice may require. The decision of the chancery court  
5677 may be appealed as other cases to the Supreme Court.

5678 (4) The board is authorized to secure, by contract, the  
5679 services of an investigator when deemed necessary by the board to  
5680 properly consider any charge then before it. The board may, at  
5681 its discretion, establish a program of routine inspections.

5682 (5) In addition to the reasons specified in subsection (1)  
5683 of this section, the board shall be authorized to suspend the  
5684 license of any licensee for being out of compliance with an order



5685 for support, as defined in Section 93-11-153. The procedure for  
5686 suspension of a license for being out of compliance with an order  
5687 for support, and the procedure for the reissuance or reinstatement  
5688 of a license suspended for that purpose, and the payment of any  
5689 fees for the reissuance or reinstatement of a license suspended  
5690 for that purpose, shall be governed by Section 93-11-157 or  
5691 93-11-163, as the case may be. Actions taken by the board in  
5692 suspending a license when required by Section 93-11-157 or  
5693 93-11-163 are not actions from which an appeal may be taken under  
5694 this section. Any appeal of a license suspension that is required  
5695 by Section 93-11-157 or 93-11-163 shall be taken in accordance  
5696 with the appeal procedure specified in Section 93-11-157 or  
5697 93-11-163, as the case may be, rather than the procedure specified  
5698 in this section. If there is any conflict between any provision  
5699 of Section 93-11-157 or 93-11-163 and any provision of this  
5700 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
5701 case may be, shall control.

5702 (6) In addition to the reasons specified in subsection (1)  
5703 of this section, the board shall be authorized to suspend the  
5704 license of any licensee for being delinquent on paying a finally  
5705 determined tax liability as defined in Section 2 of this act. The  
5706 procedure for suspension of a license for being delinquent on  
5707 paying a finally determined tax liability, and the procedure for  
5708 the reissuance or reinstatement of a license suspended for that  
5709 purpose, and the payment of any fees for the reissuance or



5710 reinstatement of a license suspended for that purpose, shall be  
5711 governed by Section 4 of this act. Actions taken by the board in  
5712 suspending a license when required by Section 4 of this act are  
5713 not actions from which an appeal may be taken under this section.  
5714 Any appeal of a license suspension that is required by Section 4  
5715 of this act shall be taken in accordance with the appeal procedure  
5716 specified in Section 4 of this act rather than the procedure  
5717 specified in this section. If there is any conflict between any  
5718 provision of Section 4 of this act and any provision of this  
5719 chapter, the provisions of Section 4 of this act shall control.

5720       **SECTION 58.** Section 73-38-27, Mississippi Code of 1972, is  
5721 amended as follows:

5722       73-38-27. (1) The board may refuse to issue or renew a  
5723 license, or may suspend or revoke a license where the licensee or  
5724 applicant for license has been guilty of unprofessional conduct  
5725 which has endangered or is likely to endanger the health, welfare  
5726 or safety of the public. Such unprofessional conduct may result  
5727 from:

5728           (a) Negligence in the practice or performance of  
5729 professional services or activities;

5730           (b) Engaging in dishonorable, unethical or  
5731 unprofessional conduct of a character likely to deceive, defraud  
5732 or harm the public in the course of professional services or  
5733 activities;





5734 (c) Perpetrating or cooperating in fraud or material  
5735 deception in obtaining or renewing a license or attempting the  
5736 same;

5737 (d) Being convicted of any crime which has a  
5738 substantial relationship to the licensee's activities and services  
5739 or an essential element of which is misstatement, fraud or  
5740 dishonesty;

5741 (e) Being convicted of any crime which is a felony  
5742 under the laws of this state or the United States;

5743 (f) Engaging in or permitting the performance of  
5744 unacceptable services personally or by others working under the  
5745 licensee's supervision due to the licensee's deliberate or  
5746 negligent act or acts or failure to act, regardless of whether  
5747 actual damage or damages to the public is established;

5748 (g) Continued practice although the licensee has become  
5749 unfit to practice as a speech-language pathologist or audiologist  
5750 due to: (i) failure to keep abreast of current professional  
5751 theory or practice; or (ii) physical or mental disability; the  
5752 entry of an order or judgment by a court of competent jurisdiction  
5753 that a licensee is in need of mental treatment or is incompetent  
5754 shall constitute mental disability; or (iii) addiction or severe  
5755 dependency upon alcohol or other drugs which may endanger the  
5756 public by impairing the licensee's ability to practice;

5757 (h) Having disciplinary action taken against the  
5758 licensee's license in another state;



5759           (i) Making differential, detrimental treatment against  
5760 any person because of race, color, creed, sex, religion or  
5761 national origin;

5762           (j) Engaging in lewd conduct in connection with  
5763 professional services or activities;

5764           (k) Engaging in false or misleading advertising;

5765           (l) Contracting, assisting or permitting unlicensed  
5766 persons to perform services for which a license is required under  
5767 this chapter;

5768           (m) Violation of any probation requirements placed on a  
5769 license by the board;

5770           (n) Revealing confidential information except as may be  
5771 required by law;

5772           (o) Failing to inform clients of the fact that the  
5773 client no longer needs the services or professional assistance of  
5774 the licensee;

5775           (p) Charging excessive or unreasonable fees or engaging  
5776 in unreasonable collection practices;

5777           (q) For treating or attempting to treat ailments or  
5778 other health conditions of human beings other than by speech or  
5779 audiology therapy as authorized by this chapter;

5780           (r) For applying or offering to apply speech or  
5781 audiology therapy, exclusive of initial evaluation or screening  
5782 and exclusive of education or consultation for the prevention of  
5783 physical and mental disability within the scope of speech or



5784 audiology therapy, or for acting as a speech-language pathologist  
5785 or audiologist, or speech-language pathologist or audiologist aide  
5786 other than under the direct, on-site supervision of a licensed  
5787 speech-language pathologist or audiologist;

5788 (s) Violations of the current codes of conduct for  
5789 speech-language pathologists or audiologists, and speech-language  
5790 pathologist or audiologist assistants adopted by the American  
5791 Speech-Language-Hearing Association;

5792 (t) Violations of any rules or regulations promulgated  
5793 pursuant to this chapter.

5794 (2) The board may order a licensee to submit to a reasonable  
5795 physical or mental examination if the licensee's physical or  
5796 mental capacity to practice safely is at issue in a disciplinary  
5797 proceeding.

5798 (3) In addition to the reasons specified in subsection (1)  
5799 of this section, the board shall be authorized to suspend the  
5800 license of any licensee for being out of compliance with an order  
5801 for support, as defined in Section 93-11-153. The procedure for  
5802 suspension of a license for being out of compliance with an order  
5803 for support, and the procedure for the reissuance or reinstatement  
5804 of a license suspended for that purpose, and the payment of any  
5805 fees for the reissuance or reinstatement of a license suspended  
5806 for that purpose, shall be governed by Section 93-11-157 or  
5807 93-11-163, as the case may be. If there is any conflict between  
5808 any provision of Section 93-11-157 or 93-11-163 and any provision



5809 of this chapter, the provisions of Section 93-11-157 or 93-11-163,  
5810 as the case may be, shall control.

5811 (4) In addition to the reasons specified in subsection (1)  
5812 of this section, the board shall be authorized to suspend the  
5813 license of any licensee for being delinquent on paying a finally  
5814 determined tax liability as defined in Section 2 of this act. The  
5815 procedure for suspension of a license for being delinquent on  
5816 paying a finally determined tax liability, and the procedure for  
5817 the reissuance or reinstatement of a license suspended for that  
5818 purpose, and the payment of any fees for the reissuance or  
5819 reinstatement of a license suspended for that purpose, shall be  
5820 governed by Section 4 of this act. If there is any conflict  
5821 between any provision of Section 4 of this act and any provision  
5822 of this chapter, the provisions of Section 4 of this act shall  
5823 control.

5824 **SECTION 59.** Section 73-38-29, Mississippi Code of 1972, is  
5825 amended as follows:

5826 73-38-29. (1) Except as provided in Section 33-1-39,  
5827 licenses issued under this chapter shall expire and become invalid  
5828 at midnight of the expiration date.

5829 (2) Every person licensed under this chapter shall, on or  
5830 before the license expiration date, pay a fee for the biennial  
5831 renewal of license to the board. The board may suspend the  
5832 license of any person who fails to have his license renewed by the  
5833 expiration date. After the expiration date, the board may renew a



5834 license upon payment of a fee to the board. No person who  
5835 requests renewal of license, whose license has expired, shall be  
5836 required to submit to examination as a condition to renewal, if  
5837 such renewal application is made within two (2) years from the  
5838 date of such expiration.

5839 (3) A suspended license is subject to expiration and may be  
5840 renewed as provided in this section, but such renewal shall not  
5841 entitle the licensee, while the license remains suspended and  
5842 until it is reinstated, to engage in the licensed activity, or in  
5843 any other conduct or activity in violation of the order or  
5844 judgment by which the license was suspended.

5845 (4) A license revoked on disciplinary grounds is subject to  
5846 expiration as provided in subsection (1) of this section, but it  
5847 may not be renewed. If such license is reinstated after its  
5848 expiration, the licensee, as a condition of reinstatement, shall  
5849 pay a reinstatement fee in an amount equal to the fee for a  
5850 license issued after the expiration date which is in effect on the  
5851 last preceding regular renewal date before the date on which it is  
5852 reinstated. The procedure for the reinstatement of a license that  
5853 is suspended for being out of compliance with an order for  
5854 support, as defined in Section 93-11-153, shall be governed by  
5855 Section 93-11-157 or 93-11-163, as the case may be. The procedure  
5856 for the reinstatement of a license that is suspended for being  
5857 delinquent on paying a finally determined tax liability as defined



5858 in Section 2 of this act, shall be governed by Section 4 of this  
5859 act.

5860 (5) Any person who fails to renew his license within the two  
5861 (2) years after the date of its expiration may not renew it, and  
5862 it may not be restored, reissued or reinstated thereafter, but  
5863 such person may apply for and obtain a new license if he meets the  
5864 requirements of this chapter.

5865 **SECTION 60.** Section 73-42-13, Mississippi Code of 1972, is  
5866 amended as follows:

5867 73-42-13. (1) After proper notice and an opportunity for a  
5868 hearing, the Secretary of State may deny, suspend, revoke or  
5869 refuse to renew a registration for conduct that would have  
5870 justified denial of registration under Section 73-42-11(3) or for  
5871 a violation of any provision of this chapter.

5872 (2) (a) The Secretary of State shall appoint at least one  
5873 (1) hearing officer for the purpose of holding hearings, compiling  
5874 evidence and rendering decisions under this section and Section  
5875 73-42-11. The hearing officer shall fix the date for an  
5876 adjudicatory hearing and notify the athlete agent involved. The  
5877 hearing shall be held at a location to be designated by the  
5878 hearing officer. Unless the time period is extended by the  
5879 hearing officer, the hearing shall be held not less than fifteen  
5880 (15) nor more than thirty (30) days after the mailing of notice to  
5881 the athlete agent involved. At the conclusion of the hearing, the  
5882 hearing officer shall make a recommendation regarding the



5883 registration of the athlete agent involved. The Secretary of  
5884 State shall then take appropriate action by final order.

5885 (b) Any athlete agent whose application for  
5886 registration has been denied or not renewed, or whose registration  
5887 has been revoked or suspended by the Secretary of State, within  
5888 thirty (30) days after the date of such final order, shall have  
5889 the right of a trial de novo on appeal to the circuit court of the  
5890 county of residence of the athlete agent, the student-athlete, or  
5891 the educational institution that issued an athletic scholarship to  
5892 the student-athlete. If the secretary's final order is supported  
5893 by substantial evidence and does not violate a state or federal  
5894 law, then it shall be affirmed by the circuit court. Either party  
5895 shall have the right of appeal to the Supreme Court as provided by  
5896 law from any decision of the circuit court. No athlete agent  
5897 shall be allowed to deliver services to a student-athlete  
5898 domiciled or residing in Mississippi while any such appeal is  
5899 pending.

5900 (3) In addition to the reasons specified in subsection (1)  
5901 of this section, the secretary shall be authorized to suspend the  
5902 registration of any person for being out of compliance with an  
5903 order for support, as defined in Section 93-11-153. The procedure  
5904 for suspension of a registration for being out of compliance with  
5905 an order for support, and the procedure for the reissuance or  
5906 reinstatement of a registration suspended for that purpose, and  
5907 the payment of any fees for the reissuance or reinstatement of a



5908 registration suspended for that purpose, shall be governed by  
5909 Section 93-11-157 or 93-11-163, as the case may be. Actions taken  
5910 by the secretary in suspending the registration of a person when  
5911 required by Section 93-11-157 are not actions from which an appeal  
5912 may be taken under this section. Any appeal of a registration  
5913 suspension that is required by Section 93-11-157 or 93-11-163  
5914 shall be taken in accordance with the appeal procedure specified  
5915 in Section 93-11-157 or 93-11-163, as the case may be, rather than  
5916 the procedure specified in this section. If there is any conflict  
5917 between any provision of Section 93-11-157 or 93-11-163 and any  
5918 provision of this chapter, the provisions of Section 93-11-157 or  
5919 93-11-163, as the case may be, shall control.

5920 (4) In addition to the reasons specified in subsection (1)  
5921 of this section, the secretary shall be authorized to suspend the  
5922 registration of any person for being delinquent on paying a  
5923 finally determined tax liability as defined in Section 2 of this  
5924 act. The procedure for suspension of a registration for being  
5925 delinquent on paying a finally determined tax liability, and the  
5926 procedure for the reissuance or reinstatement of a registration  
5927 suspended for that purpose, and the payment of any fees for the  
5928 reissuance or reinstatement of a registration suspended for that  
5929 purpose, shall be governed by Section 4 of this act. Actions  
5930 taken by the secretary in suspending the registration of a person  
5931 when required by Section 4 of this act are not actions from which  
5932 an appeal may be taken under this section. Any appeal of a





5933 registration suspension that is required by Section 4 of this act  
5934 shall be taken in accordance with the appeal procedure specified  
5935 in Section 4 of this act rather than the procedure specified in  
5936 this section. If there is any conflict between any provision of  
5937 Section 4 of this act and any provision of this chapter, the  
5938 provisions of Section 4 of this act shall control.

5939         **SECTION 61.** Section 73-43-14, Mississippi Code of 1972, is  
5940 amended as follows:

5941         73-43-14. The State Board of Medical Licensure may appoint  
5942 an executive committee, to be composed of three (3) of its  
5943 members, with a chairman to be designated by the board from the  
5944 members appointed to said committee. The executive committee  
5945 shall have authority to execute all the powers vested in the  
5946 board, in the interim of the meetings of the board. The executive  
5947 committee shall have the authority to conduct licensure hearings  
5948 pursuant to Section 73-25-27, provided that the power to revoke  
5949 shall be subject to approval of the board. Any person aggrieved  
5950 by a decision of the executive committee regarding licensure may  
5951 appeal to the board. Any person aggrieved by an action of the  
5952 board regarding licensure may appeal to the Chancery Court of the  
5953 First Judicial District of Hinds County, Mississippi. Any action  
5954 of the executive committee shall be legal and binding until  
5955 modified or annulled by the board, and all pains and penalties  
5956 prescribed for violating the rules of the board shall apply to any  
5957 violation of rules and regulations that may be prescribed by the



5958 executive committee. Any two (2) members of the executive  
5959 committee shall be a quorum for the transaction of business.

5960 All official meetings of the executive committee, as to time  
5961 and place, shall be held pursuant to a call of the president of  
5962 the board.

5963 Actions taken by the board in suspending a license when  
5964 required by Section 93-11-157 \* \* \*, 93-11-163 or Section 4 of  
5965 this act are not actions from which an appeal may be taken under  
5966 this section. Any appeal of a license suspension that is required  
5967 by Section 93-11-157 \* \* \*, 93-11-163 or Section 4 of this act  
5968 shall be taken in accordance with the appeal procedure specified  
5969 in Section 93-11-157 \* \* \*, 93-11-163 or Section 4 of this act, as  
5970 the case may be, rather than the procedure specified in this  
5971 section.

5972 **SECTION 62.** Section 73-53-17, Mississippi Code of 1972, is  
5973 amended as follows:

5974 73-53-17. (1) Individuals licensed by the board shall  
5975 conduct their activities, services and practice in accordance with  
5976 the laws governing their professional practice and any rules  
5977 promulgated by the board. Licensees and applicants may be subject  
5978 to the exercise of the sanctions enumerated in Section 73-53-23 if  
5979 the board finds that a licensee or applicant has committed any of  
5980 the following:

5981 (a) Negligence in the practice or performance of  
5982 professional services or activities;



5983                   (b) Engaging in dishonorable, unethical or  
5984 unprofessional conduct of a character likely to deceive, defraud  
5985 or harm the public in the course of professional services or  
5986 activities;

5987                   (c) Perpetrating or cooperating in fraud or material  
5988 deception in obtaining or renewing a license or attempting the  
5989 same;

5990                   (d) Violating the rules and regulations established by  
5991 the board;

5992                   (e) Violating the National Association of Social  
5993 Workers Code of Ethics or the American Association for Marriage  
5994 and Family Therapy Code of Ethics;

5995                   (f) Being convicted of any crime which has a  
5996 substantial relationship to the licensee's activities and services  
5997 or an essential element of which is misstatement, fraud or  
5998 dishonesty;

5999                   (g) Being convicted of any crime which is a felony  
6000 under the laws of this state or of the United States of America;

6001                   (h) Engaging in or permitting the performance of  
6002 unacceptable services personally due to the licensee's deliberate  
6003 or grossly negligent act or acts or failure to act, regardless of  
6004 whether actual damage or damages to the public is established, or  
6005 assuming responsibility for another's work by signing documents  
6006 without personal knowledge of the work as established by board  
6007 rule;



6008           (i) Continued practice although the licensee has become  
6009 unfit to practice social work due to: (i) failure to keep abreast  
6010 of current professional theory or practice; or (ii) physical or  
6011 mental disability; the entry of an order or judgment by a court of  
6012 competent jurisdiction that a licensee is in need of mental  
6013 treatment or is incompetent shall constitute mental disability; or  
6014 (iii) addiction or severe dependency upon alcohol or other drugs  
6015 which may endanger the public by impairing the licensee's ability  
6016 to practice;

6017           (j) Continued practice although the individual failed  
6018 to renew and has a lapsed license;

6019           (k) Having disciplinary action taken against the  
6020 licensee's license in another state;

6021           (l) Making differential, detrimental treatment against  
6022 any person because of race, color, creed, sex, religion or  
6023 national origin;

6024           (m) Engaging in lewd conduct in connection with  
6025 professional services or activities;

6026           (n) Engaging in false or misleading advertising;

6027           (o) Contracting, assisting or permitting unlicensed  
6028 persons to perform services for which a license is required under  
6029 this chapter;

6030           (p) Violation of any probation requirements placed on a  
6031 licensee by the board;



6032 (q) Revealing confidential information except as may be  
6033 required by law;

6034 (r) Failing to inform clients of the fact that the  
6035 client no longer needs the services or professional assistance of  
6036 the licensee;

6037 (s) Charging excessive or unreasonable fees or engaging  
6038 in unreasonable collection practices.

6039 (2) The board may order a licensee to submit to a reasonable  
6040 physical or mental examination if the licensee's physical or  
6041 mental capacity to practice safely is at issue in a disciplinary  
6042 proceeding.

6043 (3) Failure to comply with a board order to submit to a  
6044 physical or mental examination shall render a licensee subject to  
6045 the summary suspension procedures described in Section 73-53-23.

6046 (4) In addition to the reasons specified in subsection (1)  
6047 of this section, the board shall be authorized to suspend the  
6048 license of any licensee for being out of compliance with an order  
6049 for support, as defined in Section 93-11-153. The procedure for  
6050 suspension of a license for being out of compliance with an order  
6051 for support, and the procedure for the reissuance or reinstatement  
6052 of a license suspended for that purpose, and the payment of any  
6053 fees for the reissuance or reinstatement of a license suspended  
6054 for that purpose, shall be governed by Section 93-11-157 or  
6055 93-11-163, as the case may be. If there is any conflict between  
6056 any provision of Section 93-11-157 or 93-11-163 and any provision



6057 of this chapter, the provisions of Section 93-11-157 or 93-11-163,  
6058 as the case may be, shall control.

6059 (5) In addition to the reasons specified in subsection (1)  
6060 of this section, the board shall be authorized to suspend the  
6061 license of any licensee for being delinquent on paying a finally  
6062 determined tax liability as defined in Section 2 of this act. The  
6063 procedure for suspension of a license for being delinquent on  
6064 paying a finally determined tax liability, and the procedure for  
6065 the reissuance or reinstatement of a license suspended for that  
6066 purpose, and the payment of any fees for the reissuance or  
6067 reinstatement of a license suspended for that purpose, shall be  
6068 governed by Section 4 of this act. If there is any conflict  
6069 between any provision of Section 4 of this act and any provision  
6070 of this chapter, the provisions of Section 4 of this act shall  
6071 control.

6072 **SECTION 63.** Section 73-53-23, Mississippi Code of 1972, is  
6073 amended as follows:

6074 73-53-23. (1) The board may impose any of the following  
6075 sanctions, singly or in combination, when it finds that a licensee  
6076 or applicant has committed any offense listed in Section 73-53-17:

- 6077 (a) Revocation of the license;
- 6078 (b) Suspension of the license, for any period of time;
- 6079 (c) Censure the licensee;
- 6080 (d) Issue a letter of reprimand to the licensee;



6081           (e) Impose a monetary penalty in an amount not to  
6082 exceed Five Hundred Dollars (\$500.00) for the first violation, One  
6083 Thousand Dollars (\$1,000.00) for the second violation, and Five  
6084 Thousand Dollars (\$5,000.00) for the third and each subsequent  
6085 violation;

6086           (f) Place a licensee on probationary status and require  
6087 the licensee to submit to any of the following: (i) report  
6088 regularly to the board upon matters which are the basis of  
6089 probation; (ii) continue to renew professional education until a  
6090 satisfactory degree of skill has been attained in those areas  
6091 which are basis of probation; or (iii) such other reasonable  
6092 requirement or restrictions as are proper;

6093           (g) Refuse to issue or renew a license;

6094           (h) Revoke probation which has been granted and impose  
6095 any other disciplinary action in this subsection when the  
6096 requirements of probation have not been fulfilled or have been  
6097 violated;

6098           (i) Restrict a license; and/or

6099           (j) Accept a voluntary surrendering of a license based  
6100 on an order of consent from the board.

6101           (2) The board may summarily suspend a license issued by the  
6102 board without a hearing simultaneously with the filing of a formal  
6103 complaint and notice for a hearing provided by this chapter and  
6104 Sections 73-54-1 through 73-54-39 pending proceedings before the  
6105 board. If the board suspends summarily a license under the



6106 provisions of this subsection, a hearing must begin within twenty  
6107 (20) days after such suspension begins, unless continued at the  
6108 request of the licensee.

6109 (3) Disposition of any formal complaint may be made by  
6110 consent order or stipulation between the board and the licensee.

6111 (4) The board may reinstate any licensee to good standing  
6112 under this chapter if the board is satisfied that the applicant's  
6113 renewed practice is in the public interest. The procedure for the  
6114 reinstatement of a license that is suspended for being out of  
6115 compliance with an order for support, as defined in Section  
6116 93-11-153, shall be governed by Section 93-11-157 or 93-11-163, as  
6117 the case may be. The procedure for the reinstatement of a license  
6118 that is suspended for being delinquent on paying a finally  
6119 determined tax liability as defined in Section 2 of this act,  
6120 shall be governed by Section 4 of this act.

6121 (5) The board shall seek to achieve consistency in the  
6122 application of the foregoing sanctions, and significant departure  
6123 from prior decisions involving similar conduct shall be explained  
6124 by the board.

6125 (6) In addition to any other power that it has, the board  
6126 may issue an advisory letter to a licensee if it finds that the  
6127 information received in a complaint for an investigation does not  
6128 merit disciplinary action against the licensee.

6129 (7) The board may also assess and levy upon any licensee or  
6130 applicant for licensure the costs incurred or expended by the





6131 board in the investigation and prosecution of any licensure or  
6132 disciplinary action including, but not limited to, the cost of  
6133 process service, court reports, expert witness, investigators, and  
6134 attorney's fees.

6135         **SECTION 64.** Section 73-53-25, Mississippi Code of 1972, is  
6136 amended as follows:

6137         73-53-25. Any person aggrieved by a decision of the board  
6138 shall have the right to appeal therefrom to the circuit court of  
6139 the county of the residence of the aggrieved party or to the  
6140 Circuit Court of the First Judicial District of Hinds County,  
6141 Mississippi, in the manner provided by law for appeals from  
6142 administrative decisions. Actions taken by the board in  
6143 suspending a license when required by Section 93-11-157 \* \* \*,  
6144 93-11-163 or Section 4 of this act are not actions from which an  
6145 appeal may be taken under this section. Any appeal of a license  
6146 suspension that is required by Section 93-11-157 \* \* \*,  
6147 93-11-163 or Section 4 of this act shall be taken in accordance with the  
6148 appeal procedure specified in Section 93-11-157 \* \* \*,  
6149 93-11-163 or Section 4 of this act, as the case may be, rather than the  
6150 procedure specified in this section.

6151         **SECTION 65.** Section 73-55-19, Mississippi Code of 1972, is  
6152 amended as follows:

6153         73-55-19. (1) Any person licensed under this chapter may  
6154 have his license revoked or suspended for a fixed period to be  
6155 determined by the board for any of the following causes:



6156           (a) Being convicted of an offense involving moral  
6157 turpitude. The record of such conviction, or certified copy  
6158 thereof from the clerk of the court where such conviction occurred  
6159 or by the judge of that court, shall be sufficient evidence to  
6160 warrant revocation or suspension.

6161           (b) By securing a license under this chapter through  
6162 fraud or deceit.

6163           (c) For unethical conduct or for gross ignorance or  
6164 inefficiency in the conduct of his practice.

6165           (d) For knowingly practicing while suffering with a  
6166 contagious or infectious disease.

6167           (e) For the use of a false name or alias in the  
6168 practice of his profession.

6169           (f) For violating any of the provisions of this  
6170 chapter.

6171           (2) Any person, whose license is sought to be revoked or  
6172 suspended under the provisions of this chapter, shall be given  
6173 thirty (30) days' notice, in writing, enumerating the charges and  
6174 specifying a date for public hearing thereon. The hearing shall  
6175 be held in the county where the person's business is conducted.  
6176 The board may issue subpoenas, compel the attendance and testimony  
6177 of witnesses, and place them under oath, the same as any court of  
6178 competent jurisdiction where the hearing takes place.

6179           (3) At all hearings the board may designate in writing one  
6180 or more persons deemed competent by the board to conduct the



6181 hearing as trial examiner or trial committee, with the decision to  
6182 be rendered in accordance with the provisions of subsection (4) of  
6183 this section.

6184 (4) After a hearing has been completed the trial examiner or  
6185 trial committee who conducted the hearing shall proceed to  
6186 consider the case and, as soon as practicable, shall render a  
6187 decision. In any case, the decision must be rendered within sixty  
6188 (60) days after the hearing. The decision shall contain:

6189 (a) The findings of fact made by the trial examiner or  
6190 trial committee;

6191 (b) Conclusions of law reached by the trial examiner or  
6192 trial committee; and

6193 (c) The order based upon these findings of fact and  
6194 conclusions of law.

6195 (5) From any revocation or suspension, the person charged  
6196 may, within thirty (30) days thereof, appeal to the chancery court  
6197 of the county where the hearing was held.

6198 (6) Notice of appeals shall be filed in the office of the  
6199 clerk of the court, who shall issue a writ of certiorari directed  
6200 to the board, commanding it within ten (10) days after service  
6201 thereof to certify to such court its entire record in the matter  
6202 in which the appeal has been taken. The appeal shall thereupon be  
6203 heard in the due course by said court without a jury, and the  
6204 court shall review the record and make its determination of the  
6205 cause between the parties.



6206 (7) If there is an appeal, such appeal may, in the  
6207 discretion of and on motion to the chancery court, act as a  
6208 supersedeas. The chancery court shall dispose of the appeal and  
6209 enter its decision promptly. The hearing on the appeal may, in  
6210 the discretion of the chancellor, be tried in vacation.

6211 (8) Any person taking an appeal shall post a satisfactory  
6212 bond in the amount of Two Hundred Dollars (\$200.00) for payment of  
6213 any costs which may be adjudged against him.

6214 (9) In addition to the reasons specified in subsection (1)  
6215 of this section, the board shall be authorized to suspend the  
6216 license of any licensee for being out of compliance with an order  
6217 for support, as defined in Section 93-11-153. The procedure for  
6218 suspension of a license for being out of compliance with an order  
6219 for support, and the procedure for the reissuance or reinstatement  
6220 of a license suspended for that purpose, and the payment of any  
6221 fees for the reissuance or reinstatement of a license suspended  
6222 for that purpose, shall be governed by Section 93-11-157 or  
6223 93-11-163, as the case may be. Actions taken by the board in  
6224 suspending a license when required by Section 93-11-157 or  
6225 93-11-163 are not actions from which an appeal may be taken under  
6226 this section. Any appeal of a license suspension that is required  
6227 by Section 93-11-157 or 93-11-163 shall be taken in accordance  
6228 with the appeal procedure specified in Section 93-11-157 or  
6229 93-11-163, as the case may be, rather than the procedure specified  
6230 in this section. If there is any conflict between any provision



6231 of Section 93-11-157 or 93-11-163 and any provision of this  
6232 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
6233 case may be, shall control.

6234 (10) In addition to the reasons specified in subsection (1)  
6235 of this section, the board shall be authorized to suspend the  
6236 license of any licensee for being delinquent on paying a finally  
6237 determined tax liability as defined in Section 2 of this act. The  
6238 procedure for suspension of a license for being delinquent on  
6239 paying a finally determined tax liability, and the procedure for  
6240 the reissuance or reinstatement of a license suspended for that  
6241 purpose, and the payment of any fees for the reissuance or  
6242 reinstatement of a license suspended for that purpose, shall be  
6243 governed by Section 4 of this act. Actions taken by the board in  
6244 suspending a license when required by Section 4 of this act are  
6245 not actions from which an appeal may be taken under this section.  
6246 Any appeal of a license suspension that is required by Section 4  
6247 of this act shall be taken in accordance with the appeal procedure  
6248 specified in Section 4 of this act rather than the procedure  
6249 specified in this section. If there is any conflict between any  
6250 provision of Section 4 of this act and any provision of this  
6251 chapter, the provisions of Section 4 of this act shall control.

6252 **SECTION 66.** Section 73-57-31, Mississippi Code of 1972, is  
6253 amended as follows:

6254 73-57-31. (1) The board may revoke, suspend or refuse to  
6255 renew any license or permit, or place on probation, or otherwise



6256 reprimand a licensee or permit holder, or deny a license to an  
6257 applicant if it finds that person:

6258 (a) Is guilty of fraud or deceit in procuring or  
6259 attempting to procure a license or renewal of a license to  
6260 practice respiratory care.

6261 (b) Is unfit or incompetent by reason of negligence,  
6262 habits or other causes of incompetency.

6263 (c) Is habitually intemperate in the use of alcoholic  
6264 beverages.

6265 (d) Is addicted to, or has improperly obtained,  
6266 possessed, used or distributed habit-forming drugs or narcotics.

6267 (e) Is guilty of dishonest or unethical conduct.

6268 (f) Has practiced respiratory care after his license or  
6269 permit has expired or has been suspended.

6270 (g) Has practiced respiratory care under cover of any  
6271 permit or license illegally or fraudulently obtained or issued.

6272 (h) Has violated or aided or abetted others in  
6273 violation of any provision of this chapter.

6274 (2) In addition to the reasons specified in subsection (1)  
6275 of this section, the board shall be authorized to suspend the  
6276 license or permit of any licensee or permit holder for being out  
6277 of compliance with an order for support, as defined in Section  
6278 93-11-153. The procedure for suspension of a license or permit  
6279 for being out of compliance with an order for support, and the  
6280 procedure for the reissuance or reinstatement of a license or



6281 permit suspended for that purpose, and the payment of any fees for  
6282 the reissuance or reinstatement of a license or permit suspended  
6283 for that purpose, shall be governed by Section 93-11-157 or  
6284 93-11-163, as the case may be. If there is any conflict between  
6285 any provision of Section 93-11-157 or 93-11-163 and any provision  
6286 of this chapter, the provisions of Section 93-11-157 or 93-11-163,  
6287 as the case may be, shall control.

6288 (3) In addition to the reasons specified in subsection (1)  
6289 of this section, the board shall be authorized to suspend the  
6290 license or permit of any licensee or permit holder for being  
6291 delinquent on paying a finally determined tax liability as defined  
6292 in Section 2 of this act. The procedure for suspension of a  
6293 license or permit for being delinquent on paying a finally  
6294 determined tax liability, and the procedure for the reissuance or  
6295 reinstatement of a license or permit suspended for that purpose,  
6296 and the payment of any fees for the reissuance or reinstatement of  
6297 a license or permit suspended for that purpose, shall be governed  
6298 by Section 4 of this act. If there is any conflict between any  
6299 provision of Section 4 of this act and any provision of this  
6300 chapter, the provisions of Section 4 of this act shall control.

6301 **SECTION 67.** Section 73-59-13, Mississippi Code of 1972, is  
6302 amended as follows:

6303 73-59-13. (1) The board, upon satisfactory proof and in  
6304 accordance with the provisions of this chapter and the regulations  
6305 of the board pertaining thereto, is authorized to take the



6306 disciplinary actions provided for in this section against any  
6307 person for any of the following reasons:

6308 (a) Violating any of the provisions of this chapter or  
6309 the rules or regulations of the board pertaining to the work of  
6310 residential building or residential improvement;

6311 (b) Fraud, deceit or misrepresentation in obtaining a  
6312 license;

6313 (c) Gross negligence or misconduct;

6314 (d) Engaging in work of residential building or  
6315 residential improvement on an expired license or while under  
6316 suspension or revocation of license unless the suspension or  
6317 revocation be abated in accordance with this chapter;

6318 (e) Loaning a license to an unlicensed person;

6319 (f) Failing to maintain workers' compensation  
6320 insurance, if applicable; or

6321 (g) Failing to pay for goods or services for which the  
6322 builder is contractually bound.

6323 (2) Any person, including members of the board, may prefer  
6324 charges against any other person for committing any of the acts  
6325 set forth in subsection (1) of this section. Such charges shall  
6326 be sworn to, either upon actual knowledge or upon information and  
6327 belief, and shall be filed with the board.

6328 The board shall investigate all charges filed with it and,  
6329 upon finding reasonable cause to believe that the charges are not  
6330 frivolous, unfounded or filed in bad faith, may, in its





6331 discretion, cause a hearing to be held, at a time and place fixed  
6332 by the board, regarding the charges and may compel the accused by  
6333 subpoena to appear before the board to respond to such charges.

6334 The board may send a certified inspector to inspect the  
6335 building or structure which is the subject of a complaint or the  
6336 board may use a county certified building inspector from the  
6337 county where the building or structure is located to inspect the  
6338 building or structure which is the subject of a complaint. The  
6339 report of the inspector shall be used in the investigation and the  
6340 determination of the board. The provisions above shall only apply  
6341 to hearings.

6342 No disciplinary action may be taken until the accused has  
6343 been furnished both a statement of the charges against him and  
6344 notice of the time and place of the hearing thereon, which shall  
6345 be personally served on such accused or mailed by certified mail,  
6346 return receipt requested, to the last-known business or residence  
6347 address of the accused not less than thirty (30) days prior to the  
6348 date fixed for the hearing. The complaining party shall be  
6349 notified of the place and time of the hearing by mail to the  
6350 last-known business or residence address of the complaining party  
6351 not less than thirty (30) days prior to the date fixed for the  
6352 hearing.

6353 (3) At any hearing held hereunder, the board shall have the  
6354 power to subpoena witnesses and compel their attendance and may  
6355 also require the production of books, papers, documents or other



6356 materials which may be pertinent to the proceedings. The board  
6357 may designate or secure a hearing officer to conduct the hearing.  
6358 All evidence shall be presented under oath, which may be  
6359 administered by any member of the board, and thereafter the  
6360 proceedings may, if necessary, be transcribed in full by a court  
6361 reporter and filed as part of the record in the case. Copies of  
6362 such transcriptions may be provided to any party to the  
6363 proceedings at a price reflecting actual cost, to be fixed by the  
6364 board.

6365 All witnesses who are subpoenaed and appear in any  
6366 proceedings before the board shall receive the same fees and  
6367 mileage as allowed by law to witnesses in county, circuit and  
6368 chancery court pursuant to Section 25-7-47, Mississippi Code of  
6369 1972, and all such fees shall be taxed as part of the costs in the  
6370 case.

6371 When, in any proceeding before the board, any witness shall  
6372 fail or refuse to attend upon subpoena issued by the board, shall  
6373 refuse to testify, or shall refuse to produce any books and papers  
6374 the production of which is called for by the subpoena, the  
6375 attendance of such witness and the giving of his testimony and the  
6376 production of the books and papers shall be enforced by any court  
6377 of competent jurisdiction of this state in the manner provided for  
6378 the enforcement of attendance and testimony of witnesses in civil  
6379 cases in the courts of this state.



6380           The accused and the complaining party shall have the right to  
6381 be present at the hearing in person, by counsel or other  
6382 representative, or both. The board is authorized for proper cause  
6383 to continue or recess the hearing as may be necessary.

6384           (4) At the conclusion of the hearing, the board may either  
6385 decide the issue at that time or take the case under advisement  
6386 for further deliberation. The board shall render its decision not  
6387 more than ninety (90) days after the close of the hearing and  
6388 shall forward to the last-known business or residence address of  
6389 the accused, by certified mail, return receipt requested, a  
6390 written statement of the decision of the board.

6391           (5) If a majority of the board finds the accused guilty of  
6392 the charges filed, the board may:

6393                   (a) Issue a public or private reprimand;

6394                   (b) Suspend or revoke the license of the accused;

6395                   (c) Order completion of an additional educational  
6396 requirement prescribed by the board not to exceed two (2) hours  
6397 per violation; or

6398                   (d) In lieu of or in addition to any reprimand,  
6399 suspension, revocation, or education requirement, assess and levy  
6400 upon the guilty party a monetary penalty of not less than One  
6401 Hundred Dollars (\$100.00) nor more than Five Thousand Dollars  
6402 (\$5,000.00) for each violation.

6403           (6) A monetary penalty assessed and levied under this  
6404 section shall be paid to the board upon the expiration of the



6405 period allowed for appeal of such penalties under this section or  
6406 may be paid sooner if the guilty party elects. Money collected by  
6407 the board under this section shall be deposited to the credit of  
6408 the State Board of Contractors Fund.

6409 When payment of a monetary penalty assessed and levied by the  
6410 board in accordance with this section is not paid when due, the  
6411 board shall have the power to institute and maintain proceedings  
6412 in its name for enforcement of payment in the chancery court of  
6413 the county of residence of the delinquent party; however, if the  
6414 delinquent party is a nonresident of the State of Mississippi,  
6415 such proceedings shall be in the Chancery Court of the First  
6416 Judicial District of Hinds County, Mississippi.

6417 (7) When the board has taken a disciplinary action under  
6418 this section, the board may, in its discretion, stay such action  
6419 and place the guilty party on probation for a period not to exceed  
6420 one (1) year upon the condition that such party shall not further  
6421 violate either the laws of the State of Mississippi pertaining to  
6422 the practice of residential construction or residential remodeling  
6423 or the bylaws, rules or regulations promulgated by the board.

6424 (8) The board shall not assess any of the costs of  
6425 disciplinary proceedings conducted pursuant to this section  
6426 against the prevailing party.

6427 (9) The power and authority of the board to assess and levy  
6428 the monetary penalties provided for in this section shall not be  
6429 affected or diminished by any other proceedings, civil or



6430 criminal, concerning the same violation or violations except as  
6431 provided in this section.

6432 (10) The board, for sufficient cause, may reissue a revoked  
6433 license whenever a majority of the board members vote to do so.

6434 (11) Within ten (10) days after any order, judgment or  
6435 action of the board, any person aggrieved thereby may appeal such  
6436 order, judgment or action either to the chancery court of the  
6437 county wherein the appellant resides or to the Chancery Court of  
6438 the First Judicial District of Hinds County, Mississippi, upon  
6439 giving bond with sufficient security in the amount of Two Hundred  
6440 Fifty Dollars (\$250.00), approved by the clerk of the chancery  
6441 court and conditioned to pay any costs which may be adjudged  
6442 against such person. In lieu of the bond, the appellant may post  
6443 Two Hundred Fifty Dollars (\$250.00) with the clerk of the chancery  
6444 court and conditioned to pay any costs which may be adjudged  
6445 against such person.

6446 Notice of appeal shall be filed in the office of the clerk of  
6447 the chancery clerk, who shall issue a writ of certiorari directed  
6448 to the board commanding it within forty-five (45) days after  
6449 service thereof to certify to such court its entire record in the  
6450 matter in which the appeal has been taken. The appeal shall  
6451 thereupon be heard in due course by the court, and the court shall  
6452 review the record and shall affirm or reverse the judgment. If  
6453 the judgment is reversed, the chancery court or chancellor shall  
6454 render such order or judgment as the board ought to have rendered,



6455 and certify the same to the board; and costs shall be awarded as  
6456 in other cases.

6457 Appeals may be had to the Supreme Court of the State of  
6458 Mississippi as provided by law from any final action of the  
6459 chancery court. The board may employ counsel to defend all such  
6460 appeals, to be paid out of the funds in the State Board of  
6461 Contractors Fund.

6462 On appeal, any order, judgment or action of the board  
6463 revoking a certificate of responsibility or residential license  
6464 shall remain in full force unless the chancery court or Supreme  
6465 Court reverses such order, judgment or action of the board.

6466 The remedies provided under this chapter for any aggrieved  
6467 person shall not be exclusive, but shall be cumulative of and  
6468 supplemental to any other remedies which he may otherwise have in  
6469 law or in equity, whether by injunction or otherwise.

6470 (12) Any political subdivision or agency of this state which  
6471 receives a complaint against a residential builder or remodeler  
6472 shall, in addition to exercising whatever authority such political  
6473 subdivision or agency has been given over such complaint, forward  
6474 the complaint to the board.

6475 (13) In addition to the reasons specified in subsection (1)  
6476 of this section, the board shall be authorized to suspend the  
6477 license of any licensee for being out of compliance with an order  
6478 for support, as defined in Section 93-11-153. The procedure for  
6479 suspension of a license for being out of compliance with an order



6480 for support, and the procedure for the reissuance or reinstatement  
6481 of a license suspended for that purpose, and the payment of any  
6482 fees for the reissuance or reinstatement of a license suspended  
6483 for that purpose, shall be governed by Section 93-11-157 or  
6484 93-11-163, as the case may be. Actions taken by the board in  
6485 suspending a license when required by Section 93-11-157 or  
6486 93-11-163 are not actions from which an appeal may be taken under  
6487 this section. Any appeal of a license suspension that is required  
6488 by Section 93-11-157 or 93-11-163 shall be taken in accordance  
6489 with the appeal procedure specified in Section 93-11-157 or  
6490 93-11-163, as the case may be, rather than the procedure specified  
6491 in this section. If there is any conflict between any provision  
6492 of Section 93-11-157 or 93-11-163 and any provision of this  
6493 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
6494 case may be, shall control.

6495 (14) In addition to the reasons specified in subsection (1)  
6496 of this section, the board shall be authorized to suspend the  
6497 license of any licensee for being delinquent on paying a finally  
6498 determined tax liability as defined in Section 2 of this act. The  
6499 procedure for suspension of a license for being delinquent on  
6500 paying a finally determined tax liability, and the procedure for  
6501 the reissuance or reinstatement of a license suspended for that  
6502 purpose, and the payment of any fees for the reissuance or  
6503 reinstatement of a license suspended for that purpose, shall be  
6504 governed by Section 4 of this act. Actions taken by the board in



6505 suspending a license when required by Section 4 of this act are  
6506 not actions from which an appeal may be taken under this section.  
6507 Any appeal of a license suspension that is required by Section 4  
6508 of this act shall be taken in accordance with the appeal procedure  
6509 specified in Section 4 of this act rather than the procedure  
6510 specified in this section. If there is any conflict between any  
6511 provision of Section 4 of this act and any provision of this  
6512 chapter, the provisions of Section 4 of this act shall control.

6513       **SECTION 68.** Section 73-63-43, Mississippi Code of 1972, is  
6514 amended as follows:

6515       73-63-43. (1) The board, upon satisfactory proof and in  
6516 accordance with this chapter and rules and regulations of the  
6517 board, may take the disciplinary actions provided under this  
6518 chapter against any person for the following reasons:

6519           (a) Violation of this chapter, any rule or regulation  
6520 or written order of the board, any condition of registration or  
6521 standards of professional conduct;

6522           (b) Fraud, deceit or misrepresentation in obtaining a  
6523 certificate of registration as a registered professional geologist  
6524 or certificate of enrollment as a geologist-in-training;

6525           (c) Gross negligence, malpractice, incompetency,  
6526 misconduct, or repeated incidents of simple negligence in or  
6527 related to the practice of geology;

6528           (d) Practicing or offering to practice geology, or  
6529 holding oneself out as being registered or qualified to practice





6530 geology, by an individual who is not registered under this  
6531 chapter, or by any other person not employing a registered  
6532 professional geologist as required by this chapter;

6533 (e) Using the seal of another, or using or allowing use  
6534 of one's seal on geologic work not performed by or under the  
6535 supervision of the registered professional geologist, or otherwise  
6536 aiding or abetting any person in the violation of this chapter;

6537 (f) Disciplinary action by any state agency, board of  
6538 registration or similar licensing agency for geologists or any  
6539 profession or occupation related to the practice of geology. The  
6540 sanction imposed by the board shall not exceed in severity or  
6541 duration the sanction upon which that action is based;

6542 (g) Addiction to or chronic dependence on alcohol or  
6543 other habit-forming drugs or being an habitual user of alcohol,  
6544 narcotics, barbiturates, amphetamines, hallucinogens or other  
6545 drugs having similar effect resulting in the impairment of  
6546 professional or ethical judgment; or

6547 (h) Injuring or damaging, or attempting to injure or  
6548 damage, the professional reputation of another by any means  
6549 whatsoever; this provision shall not relieve a registered  
6550 professional geologist from the obligation to expose unethical or  
6551 illegal conduct to the proper authorities nor shall it preclude  
6552 confidential appraisals of geologists or other persons or firms  
6553 under consideration for employment.



6554           (2) Any person may bring a complaint alleging a violation of  
6555 this chapter, any rule or regulation or written order of the  
6556 board, any condition of registration or standards of professional  
6557 conduct. Complaints shall be made in writing, sworn to by the  
6558 person filing the complaint, and filed with the board. The board  
6559 shall investigate all complaints and upon finding a basis for that  
6560 complaint, shall notify the accused in writing specifying the  
6561 provisions of this chapter, rule, regulation or order of the board  
6562 or the condition or standard alleged to be violated and the facts  
6563 alleged to constitute the violation. The notice shall require the  
6564 accused to appear before the board at a time and place to answer  
6565 the charges. The time of appearance shall be at least thirty (30)  
6566 days from the date of service of the notice. Notice shall be made  
6567 by service on the person or by registered or certified mail,  
6568 return receipt requested, to the last known business or residence  
6569 address of the accused, as shown on the records of the board.  
6570 Within fifteen (15) days following receipt of that notice, the  
6571 accused shall file a written response, admitting, denying or  
6572 taking exception to the charges. In the absence of a response or  
6573 if the charges are admitted or if no exception is taken, the board  
6574 may take disciplinary action without holding a hearing. A  
6575 disciplinary action may be settled by the board and the accused,  
6576 either before or after a hearing has begun.

6577           A person who reports or provides information to the board in  
6578 good faith is not subject to an action for civil damages.



6579           (3) Any hearing under this section may be conducted by the  
6580 board itself at a regular or special meeting of the board or by a  
6581 hearing officer designated by the board. The hearing officer may  
6582 conduct the hearings in the name of the board at any time and  
6583 place as conditions and circumstances may warrant. The hearing  
6584 officer or any member of the board may administer oaths or  
6585 affirmations to witnesses appearing before the hearing officer or  
6586 the board.

6587           If any witness fails or refuses to attend upon subpoena  
6588 issued by the board, refuses to testify or refuses to produce  
6589 books, papers, reports, documents and similar material, the  
6590 production of which is called for by a subpoena, the attendance of  
6591 any witness and the giving of that person's testimony and the  
6592 production of books, papers, reports, documents and similar  
6593 material shall be enforced by any court of competent jurisdiction  
6594 of this state in the manner provided for the enforcement of the  
6595 attendance and testimony of witnesses in civil cases in the courts  
6596 of this state.

6597           All hearings before the board shall be recorded either by a  
6598 court reporter or by tape or mechanical recorders and subject to  
6599 transcription upon order of the board or any interested person.  
6600 If the request for transcription originates with an interested  
6601 person, that person shall pay the cost of transcription.



6602           The accused shall have the right to be present at the hearing  
6603 in person, by counsel or other representative, or both. The board  
6604 may continue or recess the hearing as may be necessary.

6605           (4) If a hearing officer conducts the hearing on behalf of  
6606 the board, the hearing officer shall upon completion have the  
6607 record of that hearing prepared. The record shall be submitted to  
6608 the board along with that hearing officer's findings of fact and  
6609 recommended decision. Upon receipt and review of the record of  
6610 the hearing and the hearing officer's findings of fact and  
6611 recommended decision, the board shall render its final decision as  
6612 provided in subsection (5) of this section.

6613           Any person ordered to appear for an alleged violation may  
6614 request a hearing before a majority of the board. A verbatim  
6615 record of any previous hearings on that matter shall be filed with  
6616 the board, together with findings of fact and conclusions of law  
6617 made by the board based on the record.

6618           (5) At the conclusion of the hearing, the board may either  
6619 decide the issue at that time or take the case under advisement  
6620 for further deliberation. The board shall render its decision not  
6621 more than ninety (90) days after the close of the hearing, and  
6622 shall forward to the last-known business or residence address of  
6623 the accused, by certified or registered mail, return receipt  
6624 requested, a written statement of the decision of the board.



6625           If a majority of the board finds the accused guilty of the  
6626 charges filed, the board may take any combination of the following  
6627 actions:

6628           (a) Deny the renewal of a certificate of registration  
6629 or certificate of enrollment;

6630           (b) Suspend the certificate of registration or  
6631 certificate of enrollment of any registrant for a specified period  
6632 of time, not to exceed three (3) years, or revoke the certificate  
6633 of registration or certificate of enrollment of any registrant;

6634           (c) Censure, reprimand or issue a public or private  
6635 admonishment to an applicant, a registrant or any other person  
6636 engaged in the practice of geology under this chapter;

6637           (d) Impose limitations, conditions or restrictions upon  
6638 the practice of an applicant, a registrant or upon any other  
6639 person engaged in the practice of geology;

6640           (e) Require the guilty party to complete a course,  
6641 approved by the board, in ethics;

6642           (f) Impose probation upon a registrant, requiring  
6643 regular reporting to the board;

6644           (g) Require restitution, in whole or in part, of the  
6645 compensation or fees earned by a registrant or by any other person  
6646 engaging in the practice of geology; or

6647           (h) Assess and levy upon the guilty party a monetary  
6648 penalty not to exceed Five Thousand Dollars (\$5,000.00) for each  
6649 violation.



6650           (6) Any monetary penalty assessed and levied under this  
6651 section shall be paid to the board upon the expiration of the  
6652 period allowed for appeal of that penalty, or may be paid sooner  
6653 if the guilty party elects. Money collected by the board under  
6654 this section shall be deposited to the credit of the Registered  
6655 Professional Geologists Fund.

6656           When payment of a monetary penalty assessed and levied by the  
6657 board in accordance with this section is not paid when due, the  
6658 board may begin and maintain proceedings in its name for  
6659 enforcement of payment in the chancery court of the county and  
6660 judicial district of residence of the guilty party and if the  
6661 guilty party is a nonresident of the State of Mississippi, the  
6662 proceedings shall be in the Chancery Court of the First Judicial  
6663 District of Hinds County, Mississippi.

6664           (7) The board may assess and impose the costs of any  
6665 disciplinary proceedings conducted under this section against  
6666 either the accused, the charging party, or both, as it may elect.

6667           (8) The authority of the board to assess and levy the  
6668 monetary penalties under this section shall not be affected or  
6669 diminished by any other proceeding, civil or criminal, concerning  
6670 the same violation or violations, unless provided in this section.

6671           (9) If the board determines there is an imminent danger to  
6672 the public welfare, the board may issue an order for the immediate  
6673 suspension of a certificate of registration or a certificate of  
6674 enrollment. The registrant may request a hearing on the matter



6675 within fifteen (15) days after receipt of the order of suspension.  
6676 The board shall file charges as provided in this section within  
6677 thirty (30) days after the issuance of an order, or the suspension  
6678 shall be of no further force and effect. If charges are filed,  
6679 the order of suspension shall remain in effect until disposition  
6680 of all charges.

6681 (10) The board, for sufficient cause, may reissue a revoked  
6682 certificate of registration or certificate of enrollment, upon  
6683 written application to the board by the applicant. The  
6684 application shall be made not less than three (3) years after the  
6685 revocation. The board may impose reasonable conditions or  
6686 limitations in connection with any reissuance.

6687 (11) In addition to the reasons named in subsection (1) of  
6688 this section, the board may suspend the certificate of  
6689 registration or certificate of enrollment of any person for being  
6690 out of compliance with an order for support, as defined in Section  
6691 93-11-153. The procedure for suspension of a certificate for  
6692 being out of compliance with an order for support, and the  
6693 procedure for the reissuance or reinstatement of a certificate  
6694 suspended for that purpose, and the payment of any fees for the  
6695 reissuance or reinstatement of a certificate suspended for that  
6696 purpose, shall be governed by Section 93-11-157 or 93-11-163, as  
6697 the case may be. Actions taken by the board in suspending a  
6698 certificate when required by Section 93-11-157 or 93-11-163 are  
6699 not actions from which an appeal may be taken under Section



6700 73-63-49. Any appeal of a suspension of a certificate that is  
6701 required by Section 93-11-157 or 93-11-163 shall be taken in  
6702 accordance with the appeal procedure specified in Section  
6703 93-11-157 or 93-11-163, as the case may be, rather than the  
6704 procedure specified in Section 73-63-49. If there is any conflict  
6705 between Section 93-11-157 or 93-11-163 and this chapter, Section  
6706 93-11-157 or 93-11-163, as the case may be, shall control.

6707 (12) In addition to the reasons named in subsection (1) of  
6708 this section, the board may suspend the certificate of  
6709 registration or certificate of enrollment of any person for being  
6710 delinquent on paying a finally determined tax liability as defined  
6711 in Section 2 of this act. The procedure for suspension of a  
6712 certificate for being delinquent on paying a finally determined  
6713 tax liability, and the procedure for the reissuance or  
6714 reinstatement of a certificate suspended for that purpose, and the  
6715 payment of any fees for the reissuance or reinstatement of a  
6716 certificate suspended for that purpose, shall be governed by  
6717 Section 4 of this act. Actions taken by the board in suspending a  
6718 certificate when required by Section 4 of this act are not actions  
6719 from which an appeal may be taken under Section 73-63-49. Any  
6720 appeal of a suspension of a certificate that is required by  
6721 Section 4 of this act shall be taken in accordance with the appeal  
6722 procedure specified in Section 4 of this act rather than the  
6723 procedure specified in Section 73-63-49. If there is any conflict





6724 between Section 4 of this act and this chapter, Section 4 of this  
6725 act shall control.

6726 **SECTION 69.** Section 73-73-31, Mississippi Code of 1972, is  
6727 amended as follows:

6728 73-73-31. (1) The board may revoke, suspend or annul the  
6729 certificate of a Mississippi Certified Interior Designer or  
6730 reprimand, censure or otherwise discipline a Mississippi Certified  
6731 Interior Designer.

6732 (2) The board and IDAC, upon satisfactory proof and in  
6733 accordance with the provisions of this chapter, may take any  
6734 necessary disciplinary actions against any Mississippi Certified  
6735 Interior Designer for any of the following reasons:

6736 (a) Violating any of the provisions of this chapter, or  
6737 the bylaws, rules, regulations or standards of ethics or conduct  
6738 duly adopted and promulgated by IDAC pertaining to using the title  
6739 Mississippi Certified Interior Designer;

6740 (b) Obtaining or attempting to obtain a certificate as  
6741 a Mississippi Certified Interior Designer by fraud, deceit or  
6742 misrepresentation;

6743 (c) Gross negligence, malpractice, incompetence or  
6744 misconduct by a Mississippi Certified Interior Designer;

6745 (d) Any professional misconduct, as defined by IDAC  
6746 through bylaws, rules and regulations and standards of conduct and  
6747 ethics;



6748 (e) Use of the term Mississippi Certified Interior  
6749 Designer on an expired certificate or while under suspension or  
6750 revocation of a certificate unless such suspension or revocation  
6751 is abated through probation, as provided for in this chapter;

6752 (f) Use of the term Mississippi Certified Interior  
6753 Designer under an assumed or fictitious name;

6754 (g) Being convicted by any court of a felony, except  
6755 conviction of culpable negligent manslaughter, in which case the  
6756 record of conviction shall be conclusive evidence;

6757 (h) Willfully misleading or defrauding any person  
6758 employing him or her as a Mississippi Certified Interior Designer  
6759 by any artifice or false statement; or

6760 (i) Having any undisclosed financial or personal  
6761 interest which compromises his obligation to his client.

6762 (3) Any person may prefer charges against any other person  
6763 for committing any of the acts set forth in this section. The  
6764 charges, which need not be sworn to, may be made upon actual  
6765 knowledge, or upon information and belief, and must be filed with  
6766 the board. If any person certified under this chapter is expelled  
6767 from membership in any Mississippi or national professional  
6768 interior design society or association, the board and IDAC shall  
6769 thereafter cite such person to appear at a hearing before the  
6770 board and IDAC to show cause why disciplinary action should not be  
6771 taken against that person.



6772           The board and IDAC shall investigate all charges filed with  
6773 it and, upon finding reasonable cause to believe that the charges  
6774 are not frivolous, unfounded or filed in bad faith, may cause, in  
6775 its discretion, a hearing to be held at a time and place fixed by  
6776 the board regarding the charges. The board may compel, by  
6777 subpoena, the accused to appear before the board to respond to the  
6778 charges.

6779           No disciplinary action may be taken until the accused has  
6780 been furnished with both a statement of the charges against him  
6781 and notice of the time and place of the hearing on those charges,  
6782 which must be served personally on the accused or mailed by  
6783 registered or certified mail, return receipt requested, to the  
6784 last-known business or residence address of the accused not less  
6785 than thirty (30) days before the date fixed for the hearing.

6786           (4) At a hearing held under this section, the board may  
6787 subpoena witnesses and compel their attendance and require the  
6788 production of any books, papers or documents. The hearing must be  
6789 conducted before the full board and IDAC with the president of the  
6790 board serving as the presiding officer. Counsel for the board  
6791 shall present all evidence relating to the charges. All evidence  
6792 must be presented under oath, which may be administered by any  
6793 member of the board. The proceedings, if necessary, may be  
6794 transcribed in full by a court reporter and filed as part of the  
6795 record in the case. Copies of the transcription may be provided



6796 to any party to the proceedings at a cost to be fixed by the  
6797 board.

6798 All witnesses who are subpoenaed and who appear in any  
6799 proceeding before the board shall receive the same fee and mileage  
6800 as allowed by law in judicial civil proceedings, and all such fees  
6801 shall be taxed as part of the costs of the case.

6802 In any proceedings before the board in which any witness  
6803 fails or refuses to attend upon a subpoena issued by the board or  
6804 refuses to testify or to produce any books and papers, the  
6805 production of which is called for by the subpoena, the attendance  
6806 of the witness and the giving of his testimony and the production  
6807 of the books and papers shall be enforced by any court of  
6808 competent jurisdiction of this state in the manner provided for  
6809 the enforcement of attendance and testimony of witnesses in civil  
6810 cases in the courts of this state.

6811 The accused shall have the right to be present at the hearing  
6812 in person, by counsel or other representative, or both. The  
6813 accused shall have the right to present evidence and to examine  
6814 and cross-examine all witnesses. The board may continue or recess  
6815 the hearing as may be necessary.

6816 (5) At the conclusion of the hearing, the board may either  
6817 decide the issue at the time or take the case under advisement for  
6818 further deliberation. The board must render its decision not more  
6819 than forty-five (45) days after the close of the hearing and shall  
6820 forward to the last-known business or residence address of the



6821 accused by certified or registered mail, return receipt requested,  
6822 a written statement of the decision of the board.

6823 If a majority of the board finds the accused guilty of the  
6824 charges filed, the board may:

6825 (a) Issue a public or private reprimand;

6826 (b) Suspend or revoke the certificate of the accused,  
6827 if the accused is a Mississippi Certified Interior Designer; or

6828 (c) In lieu of or in addition to such reprimand,  
6829 suspension or revocation, assess and levy upon the guilty party a  
6830 monetary penalty of not less than One Hundred Dollars (\$100.00)  
6831 nor more than Five Thousand Dollars (\$5,000.00) for each  
6832 violation.

6833 (6) A monetary penalty assessed and levied under this  
6834 section must be paid to the board within thirty (30) days. Money  
6835 collected by the board under this section and all fines shall be  
6836 deposited into the account of the board.

6837 When payment of a monetary penalty assessed and levied by the  
6838 board under this section is not paid when due, the board may  
6839 institute and maintain proceedings in its name for enforcement of  
6840 payment in the chancery court of the county of the residence of  
6841 the guilty party. If the guilty party is a nonresident of the  
6842 State of Mississippi, the proceedings must be instituted in the  
6843 Chancery Court of the First Judicial District of Hinds County,  
6844 Mississippi.



6845           (7) When the board has taken a disciplinary action under  
6846 this section, the board, in its discretion, may stay the action  
6847 and place the guilty party on probation for a period not to exceed  
6848 one (1) year, upon the condition that the guilty party shall not  
6849 further violate either the law of the State of Mississippi  
6850 pertaining to the use of the term Mississippi Certified Interior  
6851 Designer or the rules and regulations or standards of conduct and  
6852 ethics promulgated by IDAC and the board.

6853           (8) The board, in its discretion, may assess and tax any  
6854 part of all costs of any disciplinary proceedings conducted under  
6855 this section against the accused if the accused is found guilty of  
6856 the charges.

6857           (9) The power and authority of the board to assess and levy  
6858 the monetary penalties provided for in this section shall not be  
6859 affected or diminished by any other proceedings, civil or  
6860 criminal, concerning the same violation or violations except as  
6861 provided in this section.

6862           (10) The board, on the recommendation of IDAC, for  
6863 sufficient cause, may reissue a revoked certificate by an  
6864 affirmative vote of a majority of the board members; however, a  
6865 revoked certificate may not be issued within two (2) years of the  
6866 revocation under any circumstances. A new certificate required to  
6867 replace a revoked certificate may be issued, subject to the rules  
6868 of the board, for a charge established by the rules and  
6869 regulations set forth by IDAC.



6870 (11) In addition to the reasons specified in this section,  
6871 the board may suspend the certificate of any person for being out  
6872 of compliance with an order for support, as defined in Section  
6873 93-11-153. The procedure for suspension of a certificate for  
6874 being out of compliance with an order for support, and the  
6875 procedure for the reissuance or reinstatement of a certificate  
6876 suspended for that purpose, and the payment of any fees for the  
6877 reissuance or reinstatement of a certificate suspended for that  
6878 purpose, shall be governed by Section 93-11-157 or 93-11-163, as  
6879 the case may be. If there is any conflict between any provision  
6880 of Section 93-11-157 or 93-11-163 and any provision of this  
6881 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
6882 case may be, shall control.

6883 (12) In addition to the reasons specified in this section,  
6884 the board may suspend the certificate of any person being  
6885 delinquent on paying a finally determined tax liability as defined  
6886 in Section 2 of this act. The procedure for suspension of a  
6887 certificate for being delinquent on paying a finally determined  
6888 tax liability, and the procedure for the reissuance or  
6889 reinstatement of a certificate suspended for that purpose, and the  
6890 payment of any fees for the reissuance or reinstatement of a  
6891 certificate suspended for that purpose, shall be governed by  
6892 Section 4 of this act. If there is any conflict between any  
6893 provision of Section 4 of this act and any provision of this  
6894 chapter, the provisions of Section 4 of this act shall control.



6895 ( \* \* \*13) The board, for reasons it may deem sufficient,  
6896 may reissue a certificate to any person whose certificate has been  
6897 suspended or revoked if three (3) or more members of the board  
6898 vote in favor of the reissuance. The procedure for the reissuance  
6899 of a certificate that is suspended for being out of compliance  
6900 with an order for support, as defined in Section 93-11-153, shall  
6901 be governed by Section 93-11-157 or 93-11-163, as the case may be.  
6902 The procedure for the reinstatement of a license that is suspended  
6903 for being delinquent on paying a finally determined tax liability  
6904 as defined in Section 2 of this act, shall be governed by Section  
6905 4 of this act.

6906 **SECTION 70.** Section 73-75-19, Mississippi Code of 1972, is  
6907 amended as follows:

6908 73-75-19. **License denial, suspension, or revocation.** (1)  
6909 The board, by an affirmative vote of at least three (3) of its  
6910 five (5) members, shall withhold, deny, revoke or suspend any  
6911 license issued or applied for in accordance with the provisions of  
6912 this chapter, or otherwise discipline a licensed behavior analyst  
6913 or licensed assistant behavior analyst upon finding that the  
6914 applicant or licensee:

6915 (a) Has violated the current Behavior Analyst  
6916 Certification Board Professional Disciplinary and Ethical  
6917 Standards, the Behavior Analyst Certification Board Guidelines for  
6918 Responsible Conduct for Behavior Analysts, or other codes of  
6919 ethical standards adopted by the board, or has lost or failed to





6920 renew certification by the Behavior Analyst Certification Board;  
6921 or

6922 (b) Has been convicted of a felony or any offense  
6923 involving moral turpitude, the record of conviction being  
6924 conclusive evidence thereof; or

6925 (c) Is using any narcotic or any alcoholic beverage to  
6926 an extent or in a manner dangerous to any other person or the  
6927 public, or to an extent that such use impairs his ability to  
6928 perform the work of a licensed behavior analyst or licensed  
6929 assistant behavior analyst; or

6930 (d) Has impersonated another person holding a license  
6931 issued under this chapter or allowed another person to use his  
6932 license; or

6933 (e) Has used fraud or deception in applying for a  
6934 license provided for in this chapter; or

6935 (f) Has accepted commissions or rebates or other forms  
6936 of remuneration for referring clients to other professional  
6937 persons; or

6938 (g) Has allowed his name or license issued under this  
6939 chapter to be used in connection with any person or persons who  
6940 perform applied behavior analysis services outside the area of  
6941 their training, experience or competence; or

6942 (h) Is legally adjudicated mentally incompetent, the  
6943 record of such adjudication being conclusive evidence thereof; or



6944 (i) Has willfully or negligently violated any of the  
6945 provisions of this chapter.

6946 (2) The board may recover from any person disciplined under  
6947 this chapter the costs of investigation, prosecution, and  
6948 adjudication of the disciplinary action.

6949 (3) Notice shall be effected by registered mail or personal  
6950 service setting forth the particular reasons for the proposed  
6951 action and fixing a date not less than thirty (30) days nor more  
6952 than sixty (60) days from the date of such mailing or such  
6953 service, at which time the applicant or licensee shall be given an  
6954 opportunity for a prompt and fair hearing. For the purpose of  
6955 such hearing the board, acting by and through its executive  
6956 secretary, may exercise all authority granted to conduct  
6957 investigations and hearings pursuant to Section 73-75-9(2) (a) and  
6958 (b). At such hearing the applicant or licensee may appear by  
6959 counsel and personally on his own behalf. On the basis of any  
6960 such hearing, or upon default of applicant or licensee, the board  
6961 shall make a determination specifying its findings of fact and  
6962 conclusions of law. A copy of such determination shall be sent by  
6963 registered mail or served personally upon the applicant or  
6964 licensee. The decision of the board denying, revoking or  
6965 suspending the license shall become final thirty (30) days after  
6966 so mailed or served unless within that period the licensee appeals  
6967 the decision to the Chancery Court of Madison or Rankin Counties,  
6968 pursuant to the provisions hereof, and the proceedings in chancery



6969 shall be conducted as other matters coming before the court. All  
6970 proceedings and evidence, together with exhibits, presented at  
6971 such hearing before the board in the event of appeal, shall be  
6972 admissible in evidence in the court.

6973 (4) Nothing in this subsection shall be interpreted to  
6974 prohibit the board from immediately suspending any license prior  
6975 to a hearing under subsection (3) of this section, when in its  
6976 sole discretion the suspension is required for the instruction,  
6977 safety or well-being of any member of the public.

6978 (5) Every order and judgment of the board shall take effect  
6979 immediately upon its promulgation unless the board in such order  
6980 or judgment fixes a probationary period for applicant or licensee.  
6981 Such order and judgment shall continue in effect unless upon  
6982 appeal the court by proper order or decree terminates it earlier.  
6983 The board may make public its order and judgments in such manner  
6984 and form as it deems proper.

6985 (6) Suspension by the board of a license issued under this  
6986 chapter shall be for a period not to exceed one (1) year. At the  
6987 end of this period the board shall reevaluate the suspension, and  
6988 shall either reinstate or revoke the license. A person whose  
6989 license has been revoked under the provisions of this section may  
6990 reapply for license after more than two (2) years have elapsed  
6991 from the date such revocation is legally effective.

6992 (7) In addition to the reasons specified in subsection (1)  
6993 of this section, the board shall be authorized to suspend the



6994 license of any licensee for being out of compliance with an order  
6995 for support, in compliance with the procedures set forth in  
6996 Sections 93-11-151 through 93-11-163.

6997 (8) In addition to the reasons specified in subsection (1)  
6998 of this section, the board shall be authorized to suspend the  
6999 license of any licensee for being delinquent on paying a finally  
7000 determined tax liability as defined in Section 2 of this act, in  
7001 compliance with the procedures set forth in Sections 1 through 5  
7002 of this act.

7003 **SECTION 71.** Section 83-18-3, Mississippi Code of 1972, is  
7004 amended as follows:

7005 83-18-3. (1) No person shall act as or hold himself out to  
7006 be an administrator in this state, other than an adjuster licensed  
7007 in this state for the kinds of business for which he is acting as  
7008 an adjuster, unless he shall hold a license as an administrator  
7009 issued by the Mississippi Commissioner of Insurance. Failure to  
7010 hold such a license shall subject the administrator to a fine of  
7011 not less than One Hundred Dollars (\$100.00) nor more than Five  
7012 Hundred Dollars (\$500.00). Such license shall be issued by the  
7013 commissioner to an administrator unless the commissioner, after  
7014 due notice and hearing, shall have determined that the  
7015 administrator is not competent, trustworthy, financially  
7016 responsible or of good personal and business reputation or has had  
7017 a previous application for an insurance license denied for cause  
7018 within five (5) years.



7019           (2) All applications shall be accompanied by a fee of Two  
7020 Hundred Dollars (\$200.00). The license is renewable annually on  
7021 the date of issue. A request for renewal must be accompanied by a  
7022 renewal fee of One Hundred Dollars (\$100.00). Prior to the  
7023 issuance or renewal of the license of any administrator, a  
7024 fidelity bond in a form and amount as determined by the  
7025 commissioner shall be obtained by the licensee.

7026           (3) After notice and hearing, the commissioner may revoke a  
7027 license or fine an administrator not more than Five Hundred  
7028 Dollars (\$500.00), or both, or the commissioner may suspend such  
7029 license or fine such administrator not more than Five Hundred  
7030 Dollars (\$500.00), or both, upon finding that either the  
7031 administrator violated any of the requirements of this chapter or  
7032 the administrator is not competent, trustworthy, financially  
7033 responsible or of good personal and business reputation.

7034           (4) The Commissioner of Insurance may promulgate rules and  
7035 regulations which are necessary to accomplish the purposes of this  
7036 chapter.

7037           (5) In addition to the reasons specified in this section,  
7038 the commissioner shall be authorized to suspend the license of any  
7039 licensee for being out of compliance with an order for support, as  
7040 defined in Section 93-11-153. The procedure for suspension of a  
7041 license for being out of compliance with an order for support, and  
7042 the procedure for the reissuance or reinstatement of a license  
7043 suspended for that purpose, and the payment of any fees for the



7044 reissuance or reinstatement of a license suspended for that  
7045 purpose, shall be governed by Section 93-11-157 or 93-11-163, as  
7046 the case may be. Actions taken by the board in suspending a  
7047 license when required by Section 93-11-157 or 93-11-163 are not  
7048 actions from which an appeal may be taken under this section. Any  
7049 appeal of a license suspension that is required by Section  
7050 93-11-157 or 93-11-163 shall be taken in accordance with the  
7051 appeal procedure specified in Section 93-11-157 or 93-11-163, as  
7052 the case may be, rather than the procedure specified in this  
7053 section. If there is any conflict between any provision of  
7054 Section 93-11-157 or 93-11-163 and any provision of this chapter,  
7055 the provisions of Section 93-11-157 or 93-11-163, as the case may  
7056 be, shall control.

7057       (6) In addition to the reasons specified in this section,  
7058 the commissioner shall be authorized to suspend the license of any  
7059 licensee for being delinquent on paying a finally determined tax  
7060 liability as defined in Section 2 of this act. The procedure for  
7061 suspension of a license for being delinquent on paying a finally  
7062 determined tax liability, and the procedure for the reissuance or  
7063 reinstatement of a license suspended for that purpose, and the  
7064 payment of any fees for the reissuance or reinstatement of a  
7065 license suspended for that purpose, shall be governed by Section 4  
7066 of this act. Actions taken by the board in suspending a license  
7067 when required by Section 4 of this act are not actions from which  
7068 an appeal may be taken under this section. Any appeal of a



7069 license suspension that is required by Section 4 of this act shall  
7070 be taken in accordance with the appeal procedure specified in  
7071 Section 4 of this act rather than the procedure specified in this  
7072 section. If there is any conflict between any provision of  
7073 Section 4 of this act and any provision of this chapter, the  
7074 provisions of Section 4 of this act shall control.

7075 ( \* \* \*7) Each application or filing made under this section  
7076 shall include the Social Security number(s) of the applicant in  
7077 accordance with Section 93-11-64, Mississippi Code of 1972.

7078 **SECTION 72.** Section 83-39-15, Mississippi Code of 1972, is  
7079 amended as follows:

7080 83-39-15. (1) The department may deny, suspend, revoke or  
7081 refuse to renew, as may be appropriate, a license to engage in the  
7082 business of professional bail agent, soliciting bail agent, or  
7083 bail enforcement agent for any of the following reasons:

7084 (a) Any cause for which the issuance of the license  
7085 would have been refused had it then existed and been known to the  
7086 department.

7087 (b) Failure to post a qualification bond in the  
7088 required amount with the department during the period the person  
7089 is engaged in the business within this state or, if the bond has  
7090 been posted, the forfeiture or cancellation of the bond.

7091 (c) Material misstatement, misrepresentation or fraud  
7092 in obtaining the license.



7093 (d) Willful failure to comply with, or willful  
7094 violation of, any provision of this chapter or of any proper  
7095 order, rule or regulation of the department or any court of this  
7096 state.

7097 (e) Conviction of felony or crime involving moral  
7098 turpitude.

7099 (f) Default in payment to the court should any bond  
7100 issued by such bail agent be forfeited by order of the court.

7101 (g) Being elected or employed as a law enforcement or  
7102 judicial official.

7103 (h) Engaging in the practice of law.

7104 (i) Writing a bond in violation of Section  
7105 83-39-3(2)(b)(i) and (ii).

7106 (j) Giving legal advice or a legal opinion in any form.

7107 (k) Acting as or impersonating a bail agent without a  
7108 license.

7109 (l) Use of any other trade name than what is submitted  
7110 on a license application to the department.

7111 (m) Issuing a bail bond that contains information  
7112 intended to mislead a court about the proper delivery by personal  
7113 service or certified mail of a writ of scire facias, judgment nisi  
7114 or final judgment.

7115 (2) In addition to the grounds specified in subsection (1)  
7116 of this section, the department shall be authorized to suspend the  
7117 license, registration or permit of any person for being out of





7118 compliance with an order for support, as defined in Section  
7119 93-11-153. The procedure for suspension of a license,  
7120 registration or permit for being out of compliance with an order  
7121 for support, and the procedure for the reissuance or reinstatement  
7122 of a license, registration or permit suspended for that purpose,  
7123 and the payment of any fees for the reissuance or reinstatement of  
7124 a license, registration or permit suspended for that purpose,  
7125 shall be governed by Section 93-11-157 or 93-11-163, as the case  
7126 may be. If there is any conflict between any provision of Section  
7127 93-11-157 or 93-11-163 and any provision of this chapter, the  
7128 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
7129 shall control.

7130       (3) In addition to the grounds specified in subsection (1)  
7131 of this section, the department shall be authorized to suspend the  
7132 license, registration or permit of any person for being delinquent  
7133 on paying a finally determined tax liability as defined in Section  
7134 2 of this act. The procedure for suspension of a license,  
7135 registration or permit for being delinquent on paying a finally  
7136 determined tax liability, and the procedure for the reissuance or  
7137 reinstatement of a license, registration or permit suspended for  
7138 that purpose, and the payment of any fees for the reissuance or  
7139 reinstatement of a license, registration or permit suspended for  
7140 that purpose, shall be governed by Section 4 of this act. If  
7141 there is any conflict between any provision of Section 4 of this



7142 act and any provision of this chapter, the provisions of Section 4  
7143 of this act shall control.

7144 ( \* \* \*4) In addition to the sanctions provided in this  
7145 section, the department may assess an administrative fine in an  
7146 amount not to exceed One Thousand Dollars (\$1,000.00) per  
7147 violation. Such administrative fines shall be in addition to any  
7148 criminal penalties assessed under Section 99-5-1.

7149 **SECTION 73.** This act shall take effect and be in force from  
7150 and after July 1, 2017.

