

By: Representative Bomgar

To: Accountability,
Efficiency, Transparency

HOUSE BILL NO. 775

1 AN ACT TO PROVIDE THAT NO PERSON SHALL BE DISQUALIFIED FROM
 2 PURSUING, PRACTICING OR ENGAGING IN ANY OCCUPATION FOR WHICH A
 3 LICENSE OR CERTIFICATION IS REQUIRED BECAUSE OF A PRIOR CONVICTION
 4 UNLESS THE CONVICTION IS DETERMINED TO BE DIRECTLY RELATED TO THE
 5 OCCUPATION FOR WHICH THE LICENSE IS SOUGHT; TO PROVIDE THAT A
 6 PERSON WHO DOES HAVE SUCH A CONVICTION SHALL HAVE AN OPPORTUNITY
 7 TO PRESENT EVIDENCE OF REHABILITATION AND MITIGATING FACTORS; TO
 8 PROVIDE THAT A LICENSING AUTHORITY SHALL NOT INQUIRE INTO OR
 9 CONSIDER THE CONVICTION HISTORY OF AN APPLICANT UNTIL AFTER THE
 10 APPLICANT IS FOUND TO BE OTHERWISE QUALIFIED FOR THE LICENSE; TO
 11 PROVIDE AN APPEALS PROCESS; TO AMEND SECTIONS 73-9-24, 73-15-17,
 12 73-15-19, 73-15-21, 73-15-101, 73-17-11, 73-21-85, 73-21-111,
 13 73-21-126, 73-23-43, 73-25-3, 73-25-14, 73-25-32, 73-26-3,
 14 73-27-5, 73-27-12, 73-30-9, 73-31-13, 73-34-14, 73-34-109,
 15 73-35-10, 73-42-9, 73-53-11, 73-53-13, 73-54-17, 73-67-21,
 16 73-69-7, 73-69-11, 73-71-19, 73-75-13, 75-15-11, 75-67-323,
 17 75-67-421, 75-67-509, 75-67-609, 81-1-135, 81-18-9, 81-18-61,
 18 83-39-3, 97-33-307 AND 97-17-71.1, MISSISSIPPI CODE OF 1972, TO
 19 CONFORM TO THE PROVISIONS OF THIS ACT; TO BRING FORWARD SECTIONS
 20 37-9-17, 41-59-101, 43-11-13, 43-20-14, 43-21-907, 73-15-201,
 21 73-23-101 AND 73-25-101, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE
 22 OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

24 **SECTION 1.** Notwithstanding any other provision of law, the
 25 following information shall not be used, distributed or
 26 disseminated by the State of Mississippi, its agents or political
 27 subdivisions, in connection with an application for a license or
 28 certification:



29 (a) Nonconviction information, including information
30 related to a deferred adjudication, nonadjudication, participation
31 in a diversion program, an arrest not followed by a valid
32 conviction or infraction;

33 (b) Conviction which has been sealed, dismissed,
34 expunged or pardoned;

35 (c) Juvenile adjudication;

36 (d) Misdemeanor conviction for which no jail sentence
37 may be imposed;

38 (e) Misdemeanor conviction older than three (3) years,
39 excluding any period of incarceration or custody; and

40 (f) Felony conviction older than five (5) years,
41 excluding any period of incarceration or custody.

42 Offenses committed outside the state shall be classified as
43 offenses committed within the state based on the maximum penalty
44 that could have been imposed for such an act under the laws of the
45 foreign jurisdiction.

46 **SECTION 2.** (1) No person shall be disqualified from
47 pursuing, practicing or engaging in any occupation for which a
48 license or certification is required, solely or in part because of
49 a prior conviction, unless the conviction is directly related to
50 the occupation for which the license is sought, as defined in
51 Section 4 of this act.

52 (2) The applicant who has been convicted of an offense which
53 directly relates to the occupation for which a license is sought



54 shall not be disqualified from pursuing, practicing or engaging in
55 the occupation if the applicant can show sufficient mitigation or
56 rehabilitation and present fitness to perform the duties of the
57 occupation for which the license is sought, as determined in
58 Section 5 of this act.

59 **SECTION 3.** (1) Licensing applications shall not include an
60 inquiry about an applicant's conviction history.

61 (2) A licensing authority shall not inquire into or consider
62 the conviction history of an applicant for licensing until after
63 an applicant is found to be otherwise qualified for the license.

64 (3) After an applicant is found to be otherwise qualified
65 for the license, a licensing authority may inquire into and
66 consider only the directly related conviction history of an
67 applicant as determined in Section 4 of this act.

68 **SECTION 4.** (1) A licensing authority shall limit inquiries
69 into an otherwise qualified applicant's conviction history to only
70 those convictions determined to be directly related to the
71 occupation for which the license is sought and shall make a list
72 within six (6) months after July 1, 2018, of those convictions
73 that have been previously determined to be directly related to the
74 occupation for which the license is sought available to the public
75 and provide a copy to each applicant. A licensing authority shall
76 not inquire into or consider any conviction history beyond the
77 scope of the conviction or convictions determined to be directly
78 related to the occupation for which the license is sought.



79 (2) Each licensing authority shall consider the following
80 when establishing the list required in subsection (1) of this
81 section of the conviction or convictions determined to be directly
82 related to the occupation for which the license is sought:

83 (a) The public policy of the state, as expressed in
84 this act, to encourage the licensure of people with arrest and
85 conviction records;

86 (b) Whether the elements of the conviction are directly
87 related to the specific duties and responsibilities of that
88 occupation;

89 (c) Whether the occupation offers the opportunity for
90 the same or a similar offense to occur;

91 (d) The relationship of the conviction to the purposes
92 of regulating the occupation for which the license is sought; and

93 (e) The length of time since the conviction occurred.

94 **SECTION 5.** An applicant with a conviction determined to be
95 directly related to the occupation for which the license is sought
96 shall not be disqualified from the occupation if the applicant can
97 establish sufficient mitigation or rehabilitation and fitness to
98 perform the duties of the occupation by providing either of the
99 following:

100 (a) Evidence showing that at least one (1) year has
101 passed since release from any correctional institution without a
102 later conviction of a crime and compliance with all terms and
103 conditions of probation or parole; or



104 (b) Any other evidence of mitigation or rehabilitation
105 and present fitness provided, including, but not limited to:
106 (i) Circumstances relative to the offense,
107 including mitigating circumstances or social conditions
108 surrounding the commission of the offense;
109 (ii) Age of the person at the time the offense was
110 committed;
111 (iii) The length of time since the offense
112 occurred;
113 (iv) Evidence of work history, particularly any
114 training or work experience related to the occupation in question;
115 and
116 (v) Letters of reference by persons who have been
117 in contact with the applicant since the applicant's release from
118 any local, state or federal correctional institution.

119 **SECTION 6.** (1) If a licensing authority intends to
120 disqualify an applicant from pursuing, practicing or engaging in
121 any occupation for which a license or certification is required,
122 solely or in part because of the applicant's conviction determined
123 to be directly related to the occupation for which the license is
124 sought, the licensing authority shall notify the applicant in
125 writing of the following before making a final decision:

126 (a) The conviction or convictions determined to be
127 directly related to the occupation for which the license is sought
128 that form the basis for the potential disqualification and the



129 reasons the conviction or convictions determined to be directly
130 related to the occupation for which the license is sought;

131 (b) A copy of the conviction history report, if any, on
132 which the licensing authority relies; and

133 (c) Examples of mitigation or rehabilitation evidence
134 that the applicant may voluntarily provide, as described in
135 Section 5 of this act.

136 (2) After receiving the notice of potential
137 disqualification, the applicant shall have thirty (30) business
138 days to respond by challenging the accuracy of the conviction
139 history report, or submitting evidence of mitigation or
140 rehabilitation, or both. The licensing authority shall make the
141 final decision based on an individualized assessment of the
142 information described in Section 5 of this act.

143 (3) If a licensing authority disqualifies the applicant from
144 pursuing, practicing or engaging in any occupation for which a
145 license or certification is required, solely or in part because of
146 the applicant's conviction or convictions determined to be
147 directly related to the occupation for which the license is
148 sought, the licensing authority shall notify the applicant in
149 writing of the following:

150 (a) The final disqualification, including a list of the
151 conviction or convictions determined to be directly related to the
152 occupation for which the license is sought that form the basis for
153 the disqualification and the reasons the conviction or convictions



154 were determined to be directly related to the occupation for which
155 the license is sought;

156 (b) The appeal process; and

157 (c) The earliest date the applicant may reapply for the
158 license or certification, which shall be no longer than two (2)
159 years from the date of the initial application.

160 **SECTION 7.** (1) For a minimum of three (3) years, licensing
161 authorities shall retain application forms and other documents
162 submitted by applicants, notices provided to applicants as
163 required by Section 6 of this act, all other communications
164 received from and provided to applicants, and conviction history
165 reports of applicants.

166 (2) Each licensing authority shall retain the number of
167 applicants for each license and the number of applications
168 requiring conviction history inquiries. In addition, each
169 licensing authority shall retain the following information:

170 (a) The number of applicants with a conviction or
171 convictions determined to be directly related to the occupation
172 for which the license is sought who received notice of potential
173 disqualification;

174 (b) The number of applicants with a conviction or
175 convictions determined to be directly related to the occupation
176 for which the license is sought who provided evidence of
177 mitigation or rehabilitation;



178 (c) The number of applicants with a conviction or
179 convictions determined to be directly related to the occupation
180 for which the license is sought who appealed the final
181 disqualification; and

182 (d) The final disposition and demographic information
183 of the applicants described in paragraphs (a), (b) and (c) of this
184 subsection.

185 (3) At least annually, each licensing authority shall make
186 available to the public the information collected pursuant to
187 subsection (2), while ensuring confidentiality of the individual
188 applicants.

189 **SECTION 8.** The provisions of Sections 1 through 7 of this
190 act shall prevail over any other laws and rules, including but not
191 limited to, any specific laws and rules which purport to govern
192 the granting, denial, renewal, suspension or revocation of a
193 license. In deciding to grant, deny, revoke, suspend or renew a
194 license for a lack of good moral character or the like, the
195 licensing authority may consider evidence of conviction of an
196 offense but only in the same manner and to the same effect as
197 provided for in Sections 1 through 7 of this act. Nothing in
198 these sections shall be construed to otherwise affect relevant
199 proceedings involving the granting, denial, renewal, suspension or
200 revocation of a license.

201 **SECTION 9.** Section 73-9-24, Mississippi Code of 1972, is
202 amended as follows:



203 73-9-24. (1) In addition to the method for obtaining a
204 license to practice dentistry or dental hygiene by way of
205 examination as provided by Section 73-9-23, the board, in its sole
206 discretion, may grant a license to a candidate who meets the
207 following criteria:

208 (a) Submit proof of graduation from a dental school or
209 school of dental hygiene accredited by the Commission on Dental
210 Accreditation of the American Dental Association (ADA), or its
211 successor commission;

212 (b) Be engaged in the active practice of dentistry or
213 dental hygiene or in full-time dental education or dental hygiene
214 education for the past five (5) years;

215 (c) Currently hold a valid, unrestricted and unexpired
216 license in a state whose standards for licensure are determined by
217 the board as equivalent to Mississippi's standards, and which
218 state grants reciprocity or licensure by credentials to licensees
219 of the State of Mississippi;

220 (d) Provides an endorsement from all states in which he
221 or she is currently licensed or has ever been licensed to practice
222 dentistry or dental hygiene;

223 (e) Has not been the subject of pending or final
224 disciplinary action in any state in which the applicant has been
225 licensed;

226 (f) Is not the subject of a pending investigation in
227 any other state or jurisdiction;



228 (g) Has passed a state or regional clinical licensure
229 examination and, within the past five (5) years, has not failed a
230 clinical licensure examination administered by another state,
231 jurisdiction, or regional licensing board;

232 (h) Has not failed at any time, a licensure examination
233 administered by the Mississippi State Board of Dental Examiners;

234 (i) Provides a written statement agreeing to appear for
235 interviews at the request of the board;

236 (j) Has successfully completed all parts of the
237 National Board Examinations of the Joint Commission on National
238 Dental Examinations, or its successor commission, unless the
239 applicant graduated from an accredited dental or dental hygiene
240 school before 1960;

241 (k) Successfully passes a written jurisprudence
242 examination;

243 (l) Provides payment of a nonrefundable application fee
244 as provided in Section 73-9-43; and

245 (m) In addition, the State Board of Dental Examiners
246 may consider the following in accepting, rejecting or denying an
247 application for licensure by credentialing:

248 (i) Information from the National Practitioner
249 Data Bank, the Healthcare Integrity and Protection Data Bank
250 and/or the American Association of Dental Examiners Clearinghouse
251 for Disciplinary Information.

252 (ii) Questioning under oath.



253 (iii) Results of peer review reports from
254 constituent societies and/or federal dental services.
255 (iv) Substance abuse testing or treatment.
256 (v) Background checks for criminal or fraudulent
257 activities as provided in Sections 1 through 7 of this act.
258 (vi) Participation in continuing education.
259 (vii) A current certificate in cardiopulmonary
260 resuscitation.
261 (viii) Recent patient case reports and/or oral
262 defense of diagnosis and treatment plans.
263 (ix) No physical or psychological impairment that
264 would adversely affect the ability to deliver quality dental care.
265 (x) Agreement to initiate practice in the
266 credentialing jurisdiction within a reasonable period of time.
267 (xi) Proof of professional liability coverage and
268 that the coverage has not been refused, declined, canceled,
269 nonrenewed or modified.
270 (xii) Any additional information or documentation
271 that the board may stipulate by rule or regulation as necessary to
272 qualify for a license by credentialing.
273 (2) The board shall be granted sufficient time to conduct a
274 complete inquiry into the applicant's qualifications for licensure
275 by credentials, and the board may adopt such rules and regulations
276 pertaining to the time needed to conduct investigations and the
277 responsibility of applicants to produce verifiable documentation.



278 (3) Any applicant failing to meet the criteria in subsection
279 (1) of this section shall not be eligible for a license based on
280 credentials. Upon meeting the criteria in subsection (1) of this
281 section, the Mississippi State Board of Dental Examiners may, in
282 its discretion, issue to the applicant a license to practice
283 dentistry, or dental hygiene, unless grounds for denial of
284 licensure exist as enumerated in Section 73-9-61. Evidence of
285 falsification in the application for licensure through
286 credentialing will result in revocation of the license.

287 (4) Any applicant applying for a specialty license by
288 credentials must stay within his or her board recognized specialty
289 and must practice only that specialty within the State of
290 Mississippi. A specialty license holder must hold a general
291 dentistry license before obtaining a specialty license.

292 (5) The issuance of a license by reciprocity to a
293 military-trained applicant or military spouse shall be subject to
294 the provisions of Section 73-50-1.

295 **SECTION 10.** Section 73-15-17, Mississippi Code of 1972, is
296 amended as follows:

297 73-15-17. The Mississippi Board of Nursing is authorized and
298 empowered to:

299 (a) Adopt and, from time to time, revise such rules and
300 regulations consistent with the law as shall be necessary to
301 govern its proceedings and carry into effect the provisions of
302 this article; however, the board shall not adopt any rule or



303 regulation or impose any requirement regarding the licensing or
304 certification of advanced practice registered nurses that
305 conflicts with the prohibitions in Section 73-49-3.

306 (b) Require the secretary to keep records of all
307 meetings of the board and keep a record of all proceedings, and to
308 prepare a register of registered nurses and a register of licensed
309 practical nurses, all nurses appearing thereon to be duly licensed
310 under this article, and which registers shall be open for public
311 inspection at all reasonable times.

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

314 (d) Cause the prosecution of all persons violating the
315 provisions of this article, and incur such necessary expenses
316 therefor.

317 (e) Conduct hearings upon charges calling for
318 discipline of a licensee or revocation of a license or of the
319 privilege to practice.

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

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

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



328 (i) File an annual list of all certificates of
329 registration issued by the board to registered nurses, including
330 addresses of the persons with the Mississippi Nurses' Association;
331 and file a similar list of all certificates of registration issued
332 to licensed practical nurses, including addresses of the persons,
333 with the Mississippi Federation of Licensed Practical Nurses and
334 the Mississippi Licensed Practical Nurses Association.

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

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

343 (l) Examine, license and renew licenses of duly
344 qualified applicants.

345 (m) Appoint and employ a qualified person who shall not
346 be a member of the board to serve as executive director, define
347 the duties, fix the compensation, and delegate to him or her those
348 activities that will expedite the functions of the board. The
349 executive director shall meet all the qualifications for board
350 members, and shall in addition:

351 (i) Have had at least a master's degree in
352 nursing, eight (8) years' experience as a registered nurse, five



353 (5) of which shall be in teaching or in administration, or a
354 combination thereof; and

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

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

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

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

367 (q) Upon reasonable suspicion that a holder of a
368 license issued under this article has violated any statutory
369 ground for denial of licensure as set forth in Section 73-15-29 or
370 is guilty of any offense specified in Section 73-15-33, require
371 the license holder to undergo a fingerprint-based criminal history
372 records check of the Mississippi central criminal database and the
373 Federal Bureau of Investigation criminal history database, in the
374 same manner as required for applicants for licensure under
375 Sections 73-15-19(1) and 73-15-21(1) and in compliance with the
376 provisions of Sections 1 through 7 of this act.



377 (r) Perform the duties prescribed by the Nurse
378 Licensure Compact in Section 73-15-201.

379 **SECTION 11.** Section 73-15-19, Mississippi Code of 1972, is
380 amended as follows:

381 73-15-19. (1) **Registered nurse applicant qualifications.**

382 Any applicant for a license to practice as a registered nurse
383 shall submit to the board:

384 (a) An attested written application on a Board of
385 Nursing form;

386 (b) Written official evidence of completion of a
387 nursing program approved by the Board of Trustees of State
388 Institutions of Higher Learning, or one approved by a legal
389 accrediting agency of another state, territory or possession of
390 the United States, the District of Columbia, or a foreign country
391 which is satisfactory to this board;

392 (c) Evidence of competence in English related to
393 nursing, provided the first language is not English;

394 (d) Any other official records required by the board.

395 In addition to the requirements specified in paragraphs (a)
396 through (d) of this subsection, in order to qualify for a license
397 to practice as a registered nurse, an applicant must have
398 successfully been cleared for licensure through an investigation
399 that shall consist of a determination as to good moral character
400 and verification that the prospective licensee is not guilty of or
401 in violation of any statutory ground for denial of licensure as



402 set forth in Section 73-15-29 or guilty of any offense specified
403 in Section 73-15-33. To make such a determination and
404 successfully clear the applicant for licensure, the board must
405 follow the provisions set forth in Sections 1 through 7 of this
406 act. To assist the board in conducting its licensure
407 investigation, all applicants shall undergo a fingerprint-based
408 criminal history records check of the Mississippi central criminal
409 database and the Federal Bureau of Investigation criminal history
410 database. Each applicant shall submit a full set of his or her
411 fingerprints in a form and manner prescribed by the board, which
412 shall be forwarded to the Mississippi Department of Public Safety
413 (department) and the Federal Bureau of Investigation
414 Identification Division for this purpose.

415 Any and all state or national criminal history records
416 information obtained by the board that is not already a matter of
417 public record shall be deemed nonpublic and confidential
418 information restricted to the exclusive use of the board, its
419 members, officers, investigators, agents and attorneys in
420 evaluating the applicant's eligibility or disqualification for
421 licensure, and shall be exempt from the Mississippi Public Records
422 Act of 1983. Except when introduced into evidence in a hearing
423 before the board to determine licensure, no such information or
424 records related thereto shall, except with the written consent of
425 the applicant or by order of a court of competent jurisdiction, be



426 released or otherwise disclosed by the board to any other person
427 or agency.

428 The board shall provide to the department the fingerprints of
429 the applicant, any additional information that may be required by
430 the department, and a form signed by the applicant consenting to
431 the check of the criminal records and to the use of the
432 fingerprints and other identifying information required by the
433 state or national repositories.

434 The board shall charge and collect from the applicant, in
435 addition to all other applicable fees and costs, such amount as
436 may be incurred by the board in requesting and obtaining state and
437 national criminal history records information on the applicant.

438 The board may, in its discretion, refuse to accept the
439 application of any person who has been convicted of a criminal
440 offense under any provision of Title 97 of the Mississippi Code of
441 1972, as now or hereafter amended, or any provision of this
442 article if such offense is directly related to the occupation for
443 which the license is sought as provided in Sections 1 through 7 of
444 this act.

445 (2) **Licensure by examination.** (a) Upon the board being
446 satisfied that an applicant for a license as a registered nurse
447 has met the qualifications set forth in subsection (1) of this
448 section, the board shall proceed to examine such applicant in such
449 subjects as the board shall, in its discretion, determine. The
450 subjects in which applicants shall be examined shall be in



451 conformity with curricula in schools of nursing approved by the
452 Board of Trustees of State Institutions of Higher Learning, or one
453 approved by a legal accrediting agency of another state, territory
454 or possession of the United States, the District of Columbia, or a
455 foreign country which is satisfactory to the board.

456 (b) The applicant shall be required to pass the written
457 examination as selected by the board.

458 (c) Upon successful completion of such examination, the
459 board shall issue to the applicant a license to practice as a
460 registered nurse.

461 (d) The board may use any part or all of the state
462 board test pool examination for registered nurse licensure, its
463 successor examination, or any other nationally standardized
464 examination identified by the board in its rules. The passing
465 score shall be established by the board in its rules.

466 (3) **Licensure by endorsement.** The board may issue a license
467 to practice nursing as a registered nurse without examination to
468 an applicant who has been duly licensed as a registered nurse
469 under the laws of another state, territory or possession of the
470 United States, the District of Columbia, or a foreign country if,
471 in the opinion of the board, the applicant meets the
472 qualifications required of licensed registered nurses in this
473 state and has previously achieved the passing score or scores on
474 the licensing examination required by this state, at the time of
475 his or her graduation. The issuance of a license by endorsement



476 to a military-trained applicant or military spouse shall be
477 subject to the provisions of Section 73-50-1.

478 (4) **Requirements for rewriting the examination.** The board
479 shall establish in its rules the requirements for rewriting the
480 examination for those persons failing the examination on the first
481 writing or subsequent rewriting.

482 (5) **Fee.** The applicant applying for a license by
483 examination or by endorsement to practice as a registered nurse
484 shall pay a fee not to exceed One Hundred Dollars (\$100.00) to the
485 board.

486 (6) **Temporary permit.** (a) The board may issue a temporary
487 permit to practice nursing to a graduate of an approved school of
488 nursing pending the results of the examination in Mississippi, and
489 to a qualified applicant from another state, territory or
490 possession of the United States, or District of Columbia, or
491 pending licensure procedures as provided for elsewhere in this
492 article. The fee shall not exceed Twenty-five Dollars (\$25.00).

493 (b) The board may issue a temporary permit for a period
494 of ninety (90) days to a registered nurse who is currently
495 licensed in another state, territory or possession of the United
496 States or the District of Columbia and who is an applicant for
497 licensure by endorsement. Such permit is not renewable except by
498 board action. The issuance of a temporary permit to a
499 military-trained applicant or military spouse shall be subject to
500 the provisions of Section 73-50-1.



501 (c) The board may issue a temporary permit to a
502 graduate of an approved school of nursing pending the results of
503 the first licensing examination scheduled after application. Such
504 permit is not renewable except by board action.

505 (d) The board may issue a temporary permit for a period
506 of thirty (30) days to any registered nurse during the time
507 enrolled in a nursing reorientation program. This time period may
508 be extended by board action. The fee shall not exceed Twenty-five
509 Dollars (\$25.00).

510 (e) The board may adopt such regulations as are
511 necessary to limit the practice of persons to whom temporary
512 permits are issued.

513 (7) **Temporary license.** The board may issue a temporary
514 license to practice nursing at a youth camp licensed by the State
515 Board of Health to nonresident registered nurses and retired
516 resident registered nurses under the provisions of Section
517 75-74-8.

518 (8) **Title and abbreviation.** Any person who holds a license
519 or holds the privilege to practice as a registered nurse in this
520 state shall have the right to use the title "registered nurse" and
521 the abbreviation "R.N." No other person shall assume such title
522 or use such abbreviation, or any words, letters, signs or devices
523 to indicate that the person using the same is a registered nurse.

524 (9) **Registered nurses licensed under a previous law.** Any
525 person holding a license to practice nursing as a registered nurse



526 issued by this board which is valid on July 1, 1981, shall
527 thereafter be deemed to be licensed as a registered nurse under
528 the provisions of this article upon payment of the fee provided in
529 Section 73-15-27.

530 (10) Each application or filing made under this section
531 shall include the social security number(s) of the applicant in
532 accordance with Section 93-11-64.

533 **SECTION 12.** Section 73-15-21, Mississippi Code of 1972, is
534 amended as follows:

535 73-15-21. (1) **Licensed practical nurse applicant**
536 **qualifications.** Any applicant for a license to practice practical
537 nursing as a licensed practical nurse shall submit to the board:

538 (a) An attested written application on a Board of
539 Nursing form;

540 (b) A diploma from an approved high school or the
541 equivalent thereof, as determined by the appropriate educational
542 agency;

543 (c) Written official evidence of completion of a
544 practical nursing program approved by the State Department of
545 Education through its Division of Vocational Education, or one
546 approved by a legal accrediting agency of another state, territory
547 or possession of the United States, the District of Columbia, or a
548 foreign country which is satisfactory to this board;

549 (d) Evidence of competence in English related to
550 nursing, provided the first language is not English;



551 (e) Any other official records required by the board.

552 In addition to the requirements specified in paragraphs (a)
553 through (e) of this subsection, in order to qualify for a license
554 to practice practical nursing as a licensed practical nurse, an
555 applicant must have successfully been cleared for licensure
556 through an investigation that shall consist of a determination as
557 to good moral character and verification that the prospective
558 licensee is not guilty of or in violation of any statutory ground
559 for denial of licensure as set forth in Section 73-15-29 or guilty
560 of any offense specified in Section 73-15-33. To make such a
561 determination and successfully clear the applicant for licensure,
562 the board must follow the provisions set forth in Sections 1
563 through 7 of this act. To assist the board in conducting its
564 licensure investigation, all applicants shall undergo a
565 fingerprint-based criminal history records check of the
566 Mississippi central criminal database and the Federal Bureau of
567 Investigation criminal history database. Each applicant shall
568 submit a full set of his or her fingerprints in a form and manner
569 prescribed by the board, which shall be forwarded to the
570 Mississippi Department of Public Safety (department) and the
571 Federal Bureau of Investigation Identification Division for this
572 purpose.

573 Any and all state or national criminal history records
574 information obtained by the board that is not already a matter of
575 public record shall be deemed nonpublic and confidential



576 information restricted to the exclusive use of the board, its
577 members, officers, investigators, agents and attorneys in
578 evaluating the applicant's eligibility or disqualification for
579 licensure, and shall be exempt from the Mississippi Public Records
580 Act of 1983. Except when introduced into evidence in a hearing
581 before the board to determine licensure, no such information or
582 records related thereto shall, except with the written consent of
583 the applicant or by order of a court of competent jurisdiction, be
584 released or otherwise disclosed by the board to any other person
585 or agency.

586 The board shall provide to the department the fingerprints of
587 the applicant, any additional information that may be required by
588 the department, and a form signed by the applicant consenting to
589 the check of the criminal records and to the use of the
590 fingerprints and other identifying information required by the
591 state or national repositories.

592 The board shall charge and collect from the applicant, in
593 addition to all other applicable fees and costs, such amount as
594 may be incurred by the board in requesting and obtaining state and
595 national criminal history records information on the applicant.

596 The board may, in its discretion, refuse to accept the
597 application of any person who has been convicted of a criminal
598 offense under any provision of Title 97 of the Mississippi Code of
599 1972, as now or hereafter amended, or any provision of this
600 article if such offense is directly related to the occupation for



601 which the license is sought as provided in Sections 1 through 7 of
602 this act.

603 (2) **Licensure by examination.** (a) Upon the board being
604 satisfied that an applicant for a license as a practical nurse has
605 met the qualifications set forth in subsection (1) of this
606 section, the board shall proceed to examine such applicant in such
607 subjects as the board shall, in its discretion, determine. The
608 subjects in which applicants shall be examined shall be in
609 conformity with curricula in schools of practical nursing approved
610 by the State Department of Education.

611 (b) The applicant shall be required to pass the written
612 examination selected by the board.

613 (c) Upon successful completion of such examination, the
614 board shall issue to the applicant a license to practice as a
615 licensed practical nurse.

616 (d) The board may use any part or all of the state
617 board test pool examination for practical nurse licensure, its
618 successor examination, or any other nationally standardized
619 examination identified by the board in its rules. The passing
620 score shall be established by the board in its rules.

621 (3) **Licensure by endorsement.** The board may issue a license
622 to practice practical nursing as a licensed practical nurse
623 without examination to an applicant who has been duly licensed as
624 a licensed practical nurse under the laws of another state,
625 territory or possession of the United States, the District of



626 Columbia, or a foreign country if, in the opinion of the board,
627 the applicant meets the qualifications required of licensed
628 practical nurses in this state and has previously achieved the
629 passing score or scores on the licensing examination required by
630 this state at the time of his or her graduation. The issuance of
631 a license by endorsement to a military-trained applicant or
632 military spouse shall be subject to the provisions of Section
633 73-50-1.

634 (4) **Licensure by equivalent amount of theory and clinical**
635 **experience.** In the discretion of the board, former students of a
636 state-accredited school preparing students to become registered
637 nurses may be granted permission to take the examination for
638 licensure to practice as a licensed practical nurse, provided the
639 applicant's record or transcript indicates the former student
640 completed an equivalent amount of theory and clinical experiences
641 as required of a graduate of a practical nursing program, and
642 provided the school attended was, at the time of the student's
643 attendance, an accredited school of nursing.

644 (5) **Requirements for rewriting the examination.** The board
645 shall establish in its rules the requirements for rewriting the
646 examination for those persons failing the examination on the first
647 writing or subsequent writing.

648 (6) **Fee.** The applicant applying for a license by
649 examination or by endorsement to practice as a licensed practical



650 nurse shall pay a fee not to exceed Sixty Dollars (\$60.00) to the
651 board.

652 (7) **Temporary permit.** (a) The board may issue a temporary
653 permit to practice practical nursing to a graduate of an approved
654 school of practical nursing pending the results of the examination
655 in Mississippi, and to a qualified applicant from another state,
656 territory or possession of the United States, or the District of
657 Columbia, pending licensing procedures as provided for elsewhere
658 in this article. The fee shall not exceed Twenty-five Dollars
659 (\$25.00).

660 (b) The board may issue a temporary permit for a period
661 of ninety (90) days to a licensed practical nurse who is currently
662 licensed in another state, territory or possession of the United
663 States or the District of Columbia and who is an applicant for
664 licensure by endorsement. Such permit is not renewable except by
665 board action. The issuance of a temporary permit to a
666 military-trained applicant or military spouse shall be subject to
667 the provisions of Section 73-50-1.

668 (c) The board may issue a temporary permit to a
669 graduate of an approved practical nursing education program or an
670 equivalent program satisfactory to the board pending the results
671 of the first licensing examination scheduled after application.
672 Such permit is not renewable except by board action.

673 (d) The board may issue a temporary permit for a period
674 of thirty (30) days to any licensed practical nurse during the



675 time enrolled in a nursing reorientation program. This time
676 period may be extended by board action. The fee shall not exceed
677 Twenty-five Dollars (\$25.00).

678 (e) The board may adopt such regulations as are
679 necessary to limit the practice of persons to whom temporary
680 permits are issued.

681 (8) **Title and abbreviation.** Any person who holds a license
682 or holds the privilege to practice as a licensed practical nurse
683 in this state shall have the right to use the title "licensed
684 practical nurse" and the abbreviation "L.P.N." No other person
685 shall assume such title or use such abbreviation, or any words,
686 letters, signs or devices to indicate that a person using the same
687 is a licensed practical nurse.

688 (9) **Licensed practical nurses licensed under a previous law.**
689 Any person holding a license to practice nursing as a practical
690 nurse issued by this board which is valid on July 1, 1981, shall
691 thereafter be deemed to be licensed as a practical nurse under the
692 provisions of this article upon payment of the fee prescribed in
693 Section 73-15-27.

694 (10) Each application or filing made under this section
695 shall include the social security number(s) of the applicant in
696 accordance with Section 93-11-64.

697 **SECTION 13.** Section 73-15-101, Mississippi Code of 1972, is
698 amended as follows:



699 73-15-101. (1) A statewide program for certification of
700 hemodialysis technicians is created under the Mississippi Board of
701 Nursing.

702 (2) Unless certified as a certified hemodialysis technician
703 under this section, no person shall:

704 (a) Practice as a certified hemodialysis technician; or

705 (b) Use the title "certified hemodialysis technician,"
706 "hemodialysis technician," or other title, abbreviation, letters,
707 figures, signs, or devices to indicate or imply that the person is
708 a certified hemodialysis technician.

709 (3) The Board of Nursing is authorized and empowered to:

710 (a) Maintain a permanent register of all certified
711 hemodialysis technicians;

712 (b) Adopt rules and regulations for certified
713 hemodialysis technician training programs, including standards and
714 curricula;

715 (c) Provide for periodic evaluation of training
716 programs;

717 (d) Grant, deny or withdraw approval from a training
718 program that fails to meet prescribed standards or fails to
719 maintain a current contract with the board;

720 (e) Develop, maintain and administer a certification
721 examination, or grant, deny or withdraw approval of a
722 certification examination(s);



723 (f) Adopt rules and regulations for certification of
724 hemodialysis technicians by examination, endorsement, renewal and
725 reinstatement; however, the certification by endorsement of a
726 military-trained applicant or military spouse shall be subject to
727 the provisions of Section 73-50-1; and

728 (g) Conduct disciplinary hearings of certified
729 hemodialysis technicians concerning the restriction, denial,
730 suspension, revocation and/or discipline of a certificate holder
731 in any manner specified in rules and regulations of the board.

732 (4) Any applicant for certification to practice as a
733 hemodialysis technician shall submit to the Board of Nursing:

734 (a) An attested written application on a Board of
735 Nursing form;

736 (b) A diploma from an approved high school or the
737 equivalent thereof, as determined by the appropriate education
738 agency;

739 (c) Written official evidence of completion of a
740 hemodialysis technician program approved by the Board of Nursing;

741 (d) Evidence of competence in English related to health
742 care/nursing if the first language is not English;

743 (e) Written official evidence that the applicant has
744 passed the certification examination as approved by the Board of
745 Nursing; and

746 (f) Any other official records required by the Board of
747 Nursing.



748 The Board of Nursing may, in its discretion, refuse to accept
749 the application of any person who has been convicted of a criminal
750 offense under any provision of Title 97 of the Mississippi Code of
751 1972, if such offense is directly related to the occupation for
752 which the license is sought as provided in Sections 1 through 7 of
753 this act, or any offense listed in Section 43-11-13(5), or any sex
754 offense included in Section 45-33-23(h), as now or hereafter
755 amended.

756 (5) Every certificate issued by the Board of Nursing to
757 practice as a certified hemodialysis technician shall be renewed
758 every two (2) years. The certified hemodialysis technician
759 seeking renewal shall submit proof of employment as a certified
760 hemodialysis technician, proof of having met continuing education
761 requirements adopted by the Board of Nursing and any other
762 official records required by the Board of Nursing.

763 (6) The Board of Nursing shall establish nonrefundable fees
764 necessary for the administration of this section, including, but
765 not limited to, fees for initial certification by initial or later
766 examination, renewal of certification, reinstatement of a lapsed
767 certificate, endorsement, initial review and approval of a
768 training program, and later review and approval of a training
769 program.

770 **SECTION 14.** Section 73-17-11, Mississippi Code of 1972, is
771 amended as follows:



772 73-17-11. (1) From and after July 1, 2011, in order to be
773 eligible to be licensed as a nursing home administrator, an
774 individual must submit evidence satisfactory to the board that he
775 or she:

776 (a) Is at least twenty-one (21) years of age;

777 (b) Is of good moral character, including evidence of a
778 criminal background check performed in accordance with the
779 provisions of Sections 1 through 7 of this act within the last six
780 (6) months, under Section 43-11-13 and Section G.407.3 of the
781 Minimum Standards for Institutions for the Aged or Infirm;

782 (c) Is in good health;

783 (d) Has satisfied at least one (1) of the following
784 requirements for education and experience:

785 (i) Has sixty-four (64) hours of college work from
786 an accredited institution and has worked in a supervisory capacity
787 in a Mississippi-licensed nursing home for a minimum of two (2)
788 years immediately before making application for the
789 Administrator-in-Training Program established by board rule;

790 (ii) Has an associate degree from an accredited
791 institution and has worked in a supervisory capacity in a
792 Mississippi-licensed nursing home for a minimum of two (2) years
793 immediately before making application for the
794 Administrator-in-Training Program established by board rule;

795 (iii) Has a bachelor's degree in any other field
796 of study from an accredited institution before making application



797 for the Administrator-in-Training Program established by board
798 rule; or

799 (iv) Has a bachelor's degree in health care
800 administration or a health care related field or business from an
801 accredited institution before making application for the
802 Administrator-in-Training Program established by board rule;

803 (e) Has (i) completed a nursing home
804 Administrator-in-Training Program and successfully completed the
805 National Association of Long-Term Care Administrator Board (NAB)
806 examination, or (ii) completed an Administrator-in-Training
807 Program in Long-Term Care Administration from an academic
808 institution during which time the institution held National
809 Association of Long-Term Care Administrator Board (NAB) Program
810 Approval through the academic approval process, to the
811 satisfaction of the board;

812 (f) Has successfully passed the National Association of
813 Long-Term Care Administrator Board (NAB) examination and the
814 Mississippi State Board of Nursing Home Administrators examination
815 to test his or her proficiency and basic knowledge in the area of
816 nursing home administration. The board may establish the
817 frequency of the offering of those examinations and the contents
818 thereof; and

819 (g) Has met all of the requirements established by
820 federal law.



821 (2) Reciprocity shall be extended to individuals holding
822 licenses as nursing home administrators in other states, upon
823 proper application and a finding on the part of the board that:

824 (a) The applicant possesses the basic qualifications
825 listed in this chapter and in the rules and regulations adopted
826 under federal law;

827 (b) The applicant has met all of the requirements
828 established by federal law; and

829 (c) The standards for licensure in the other states are
830 at least the substantial equivalent of those in this state,
831 including education and experience, and the applicant has passed
832 both the National Association of Long-Term Care Administrator
833 Board (NAB) and the state exams.

834 The issuance of a license by reciprocity to a
835 military-trained applicant or military spouse shall be subject to
836 the provisions of Section 73-50-1.

837 (3) The board may prescribe appropriate fees for the taking
838 of those examinations and for the issuance of licenses. Those
839 fees shall be not more than the cost of the examinations and Five
840 Hundred Dollars (\$500.00) for the issuance of a license. However,
841 the fee for an initial license may be prorated in proportion to
842 the period of time from the date of issuance and the date of
843 biennial license renewal prescribed in subsection (4). All
844 licenses issued under this chapter shall be for a maximum period
845 of two (2) years.



846 (4) Except as provided in Section 33-1-39, the board may
847 renew licenses biennially upon the payment of a fee to be
848 established by the board, which shall be not more than Five
849 Hundred Dollars (\$500.00), plus any administrative costs for late
850 payment.

851 (5) Any person who is not licensed under this chapter on
852 July 1, 2011, who makes application with the board on or before
853 June 30, 2012, may qualify for a license under this chapter
854 provided that on or before January 31, 2014, he or she
855 demonstrates to the satisfaction of the board that he or she (a)
856 meets the eligibility requirements for a nursing home
857 administrator's license prescribed in this section as those
858 requirements existed on June 30, 2011; (b) has successfully
859 completed the Administrator-in-Training Program requirements
860 existing on June 30, 2011; and (c) has paid all required fees for
861 licensure.

862 (6) Current licensure by the Department of Mental Health
863 under Section 41-4-7(r) as a mental health/intellectual disability
864 program administrator shall exempt the licensee from the
865 requirement of licensure as a nursing home administrator if the
866 licensee is employed in the state mental health system as
867 Administrator of Intermediate Care Facility or Facilities for
868 Persons with Intellectual Disabilities (ICF/ID) no larger than
869 sixteen (16) beds.

870 (7) This section shall stand repealed on July 1, 2018.



871 **SECTION 15.** Section 73-21-85, Mississippi Code of 1972, is
872 amended as follows:

873 73-21-85. (1) To obtain a license to engage in the practice
874 of pharmacy by examination, or by score transfer, the applicant
875 shall:

876 (a) Have submitted a written application on the form
877 prescribed by the board;

878 (b) Be of good moral character;

879 (c) Have graduated from a school or college of pharmacy
880 accredited by the American Council of Pharmaceutical Education and
881 have been granted a pharmacy degree therefrom;

882 (d) Have successfully passed an examination approved by
883 the board;

884 (e) Have paid all fees specified by the board for
885 examination, not to exceed the cost to the board of administering
886 the examination;

887 (f) Have paid all fees specified by the board for
888 licensure; and

889 (g) Have submitted evidence of externship and/or
890 internship as specified by the board.

891 (2) To obtain a license to engage in the practice of
892 pharmacy, a foreign pharmacy graduate applicant shall obtain the
893 National Association of Boards of Pharmacy's Foreign Pharmacy
894 Graduate Examination Committee's certification, which shall
895 include, but not be limited to, successfully passing the Foreign



896 Pharmacy Graduate Equivalency Examination and attaining a total
897 score of at least five hundred fifty (550) on the Test of English
898 as a Foreign Language (TOEFL), and shall:

899 (a) Have submitted a written application on the form
900 prescribed by the board;

901 (b) Be of good moral character;

902 (c) Have graduated and been granted a pharmacy degree
903 from a college or school of pharmacy recognized and approved by
904 the National Association of Boards of Pharmacy's Foreign Pharmacy
905 Graduate Examination Committee;

906 (d) Have paid all fees specified by the board for
907 examination, not to exceed the cost to the board of administering
908 the examination;

909 (e) Have successfully passed an examination approved by
910 the board;

911 (f) Have completed the number of internship hours as
912 set forth by regulations of the board; and

913 (g) Have paid all fees specified by the board for
914 licensure.

915 (3) Each application or filing made under this section shall
916 include the social security number(s) of the applicant in
917 accordance with Section 93-11-64.

918 (4) To * * * ensure that all applicants are of good moral
919 character, the board shall conduct a criminal history records
920 check on all applicants for a license in accordance with the



921 provisions of Sections 1 through 7 of this act. In order to
922 determine the applicant's suitability for licensing, the applicant
923 shall be fingerprinted. The board shall submit the fingerprints
924 to the Department of Public Safety for a check of the state
925 criminal records and forwarded to the Federal Bureau of
926 Investigation for a check of the national criminal records. The
927 Department of Public Safety shall disseminate the results of the
928 state check and the national check to the board for a suitability
929 determination. The board shall be authorized to collect from the
930 applicant the amount of the fee that the Department of Public
931 Safety charges the board for the fingerprinting, whether manual or
932 electronic, and the state and national criminal history records
933 checks.

934 (5) To * * * ensure that all applicants are of good moral
935 character, the board, upon request of the Dean of the University
936 of Mississippi School of Pharmacy, shall be authorized to conduct
937 a criminal history records check on all applicants for enrollment
938 into the School of Pharmacy in accordance with the provisions of
939 Sections 1 through 7 of this act. In order to determine the
940 applicant's suitability for enrollment and licensing, the
941 applicant shall be fingerprinted. The board shall submit the
942 fingerprints to the Department of Public Safety for a check of the
943 state criminal records and forwarded to the Federal Bureau of
944 Investigation for a check of the national criminal records. The
945 Department of Public Safety shall disseminate the results of the



946 state check and the national check to the board for a suitability
947 determination and the board shall forward the results to the Dean
948 of the School of Pharmacy. The board shall be authorized to
949 collect from the applicant the amount of the fee that the
950 Department of Public Safety charges the board for the
951 fingerprinting, whether manual or electronic, and the state and
952 national criminal history records checks.

953 **SECTION 16.** Section 73-21-111, Mississippi Code of 1972, is
954 amended as follows:

955 73-21-111. (1) The board shall make, adopt, amend and
956 repeal, from time to time, such rules and regulations for the
957 regulation of supportive personnel as may be deemed necessary by
958 the board.

959 (2) Every person who acts or serves as a pharmacy technician
960 in a pharmacy that is located in this state and permitted by the
961 board shall obtain a registration from the board. To obtain a
962 pharmacy technician registration the applicant must:

963 (a) Have submitted a written application on a form(s)
964 prescribed by the board; and

965 (b) Be of good moral character; and

966 (c) Have paid the initial registration fee not to
967 exceed One Hundred Dollars (\$100.00).

968 (3) Each pharmacy technician shall renew his or her
969 registration annually. To renew his or her registration, a
970 technician must:



971 (a) Submit an application on a form prescribed by the
972 board; and

973 (b) Pay a renewal fee not to exceed One Hundred Dollars
974 (\$100.00) for each annual registration period. The board may add
975 a surcharge of not more than Five Dollars (\$5.00) to the
976 registration renewal fee to assist in funding a program that
977 assists impaired pharmacists, pharmacy students and pharmacy
978 technicians.

979 (4) To * * * ensure that all applicants are of good moral
980 character, the board shall conduct a criminal history records
981 check on all applicants for a license in accordance with the
982 provisions of Sections 1 through 7 of this act. In order to
983 determine the applicant's suitability for licensing, the applicant
984 shall be fingerprinted. The board shall submit the fingerprints
985 to the Department of Public Safety for a check of the state
986 criminal records and forwarded to the Federal Bureau of
987 Investigation for a check of the national criminal records. The
988 Department of Public Safety shall disseminate the results of the
989 state check and the national check to the board for a suitability
990 determination. The board shall be authorized to collect from the
991 applicant the amount of the fee that the Department of Public
992 Safety charges the board for the fingerprinting, whether manual or
993 electronic, and the state and national criminal history records
994 checks.



995 **SECTION 17.** Section 73-21-126, Mississippi Code of 1972, is
996 amended as follows:

997 73-21-126. (1) The State Board of Pharmacy shall promulgate
998 rules regarding the issuance and renewal of licenses and permits
999 for new or renewal application requirements for both in- and
1000 out-of-state wholesale distributors, chain pharmacy warehouses and
1001 repackagers shipping into Mississippi. Requirements for new
1002 and/or renewal applications, if information has not been
1003 previously provided to the board, will include, but not be limited
1004 to, the following:

1005 (a) Type of ownership (individual, partnership or
1006 corporation);

1007 (b) Names of principal owners or officers and social
1008 security numbers;

1009 (c) Names of designated representatives and social
1010 security numbers;

1011 (d) Criminal background checks of applicants and
1012 designated representatives as required by rule and in accordance
1013 with the provisions of Sections 1 through 7 of this act;

1014 (e) Copy of license in home state;

1015 (f) Bond requirements.

1016 (2) The board shall promulgate rules for the establishment
1017 of a pedigree or electronic file to be used by wholesale
1018 distributors, chain pharmacy warehouses and repackagers for the
1019 purpose of ensuring the integrity of drugs owned, purchased,



1020 distributed, returned, transferred and sold when the products
1021 leave the normal distribution channel.

1022 (3) The board is authorized to use an outside agency to
1023 accredit wholesale distributors and repackagers, including the
1024 National Association of Boards of Pharmacy's (NABP) Verified
1025 Accredited Wholesale Distributors (VAWD) program.

1026 (4) Pharmacies shall not be responsible for verification or
1027 adjudication of the pedigree for pharmaceuticals.

1028 (5) The board may exempt wholesalers accredited by the VAWD
1029 program from the above requirements.

1030 **SECTION 18.** Section 73-23-43, Mississippi Code of 1972, is
1031 amended as follows:

1032 73-23-43. (1) The board shall have the following general
1033 powers and duties:

1034 (a) To examine and determine the qualifications and
1035 fitness of applicants for licenses to practice as physical
1036 therapists and licenses to act as physical therapist assistants in
1037 this state and prepare or approve and conduct all examinations of
1038 applicants for licensure;

1039 (b) To issue, renew, deny, suspend or revoke licenses
1040 to practice as physical therapists and licenses to act as physical
1041 therapist assistants in this state or otherwise discipline
1042 licensed physical therapists and physical therapist assistants;

1043 (c) To investigate alleged or suspected violations of
1044 the provisions of this chapter or other laws of this state



1045 pertaining to physical therapy and any rules and regulations
1046 adopted by the board;

1047 (d) To establish reasonable fees for application for
1048 examination, certificates of licensure and renewal, and other
1049 services provided by the board;

1050 (e) To adopt, amend or repeal any rules or regulations
1051 necessary to carry out the purposes of this chapter and the duties
1052 and responsibilities of the board, in accordance with Section
1053 25-43-1 et seq. Such rules, when lawfully adopted, shall have the
1054 effect of law;

1055 (f) To hire appropriate support personnel to carry out
1056 the provisions of this chapter;

1057 (g) To adopt a code of ethics for physical therapists
1058 and physical therapist assistants licensed under this chapter
1059 which may be the current code of ethics of the American Physical
1060 Therapy Association;

1061 (h) To regulate the practice of physical therapy by
1062 interpreting and enforcing this chapter;

1063 (i) To provide for the examination of physical
1064 therapists and physical therapist assistants;

1065 (j) To establish mechanisms for assessing the
1066 continuing professional competence of physical therapists and
1067 physical therapist assistants to practice physical therapy;

1068 (k) To set criteria for continuing education;



1069 (l) To establish and collect fees for sustaining the
1070 necessary operation and expenses of the board;

1071 (m) To publish, at least annually, final disciplinary
1072 action against a licensee;

1073 (n) To report final disciplinary action taken against a
1074 licensee to other state or federal regulatory agencies and to a
1075 national disciplinary database recognized by the board or as
1076 required by law;

1077 (o) To share documents, materials, or other
1078 information, including confidential and privileged documents,
1079 materials, or information, received or maintained by the board
1080 with other state or federal agencies, and with a national
1081 disciplinary database recognized by the board or as required by
1082 law provided that the recipient agrees to maintain the
1083 confidentiality and privileged status of the document, material or
1084 other information;

1085 (p) To participate in or conduct performance audits;

1086 (q) To, through its employees and/or representatives,
1087 enter and make inspections of any place where physical therapy is
1088 practiced and inspect and/or copy any record pertaining to clients
1089 or the practice of physical therapy under this chapter;

1090 (r) To conduct a criminal history records check on
1091 licensees whose licensure is subject to investigation by the board
1092 and on applicants for licensure in accordance with the provisions
1093 of Sections 1 through 7 of this act. In order to determine the



1094 applicant's or licensee's suitability for licensing, the applicant
1095 or licensee shall be fingerprinted. The board shall submit the
1096 fingerprints to the Department of Public Safety for a check of the
1097 state criminal records and forward to the Federal Bureau of
1098 Investigation for a check of the national criminal records. The
1099 Department of Public Safety shall disseminate the results of the
1100 state check and the national check to the board for a suitability
1101 determination. The board shall be authorized to charge and
1102 collect from the applicant or licensee, in addition to all other
1103 applicable fees and costs, such amount as may be incurred by the
1104 board in requesting and obtaining state and national criminal
1105 history records information on the applicant or licensee.

1106 Any and all state or national criminal history records
1107 information obtained by the board that is not already a matter of
1108 public record shall be deemed nonpublic and confidential
1109 information restricted to the exclusive use of the board, its
1110 members, officers, investigators, agents and attorneys in
1111 evaluating the applicant's eligibility or disqualification for
1112 licensure, and shall be exempt from the Mississippi Public Records
1113 Act of 1983. Except when introduced into evidence in a hearing
1114 before the board to determine licensure, no such information or
1115 records related thereto shall, except with the written consent of
1116 the applicant or by order of a court of competent jurisdiction, be
1117 released or otherwise disclosed by the board to any other person
1118 or agency; and



1119 (s) Perform the duties prescribed by the Physical
1120 Therapy Licensure Compact provided for in Section 73-23-101. The
1121 State Board of Physical Therapy shall be the physical therapy
1122 licensing board.

1123 The powers and duties enumerated above are granted for the
1124 purpose of enabling the board to safeguard the public health,
1125 safety and welfare against unqualified or incompetent
1126 practitioners of physical therapy and persons acting as physical
1127 therapist assistants, and are to be liberally construed to
1128 accomplish this objective * * *.

1129 (2) The board shall maintain a register listing the name of
1130 every physical therapist and physical therapist assistant licensed
1131 to practice in this state, his last known place of business and
1132 last known place of residence, and the date and number of his
1133 license. The board shall, at least once a year, compile a list of
1134 physical therapists and physical therapist assistants licensed to
1135 practice in this state and such a list shall be available to any
1136 person upon application to the board and the payment of such
1137 charges as may be fixed by it.

1138 **SECTION 19.** Section 73-25-3, Mississippi Code of 1972, is
1139 amended as follows:

1140 73-25-3. Every person who desires to obtain a license to
1141 practice medicine must apply therefor, in writing, to the State
1142 Board of Medical Licensure at least ten (10) days before the date
1143 of the examination and must be examined by the board according to



1144 the methods deemed by it to be the most practical and expeditious
1145 to test the applicants' qualifications. If the applicant is found
1146 by the board, upon examination, to possess sufficient learning in
1147 those branches and to be of good moral character, the board shall
1148 issue him a license to practice medicine; however, no applicant
1149 shall be granted a license unless the applicant holds a diploma
1150 from a reputable medical college or college of osteopathic
1151 medicine that requires a four-year course of at least thirty-two
1152 (32) weeks for each session, or its equivalent.

1153 To qualify for a Mississippi medical license, an applicant
1154 must have successfully been cleared for licensure through an
1155 investigation that shall consist of a determination as to good
1156 moral character and verification that the prospective licensee is
1157 not guilty of or in violation of any statutory ground for denial
1158 of licensure as set forth in Sections 73-25-29 and 73-25-83. To
1159 make such a determination and successfully clear the applicant for
1160 licensure, the board must follow the provisions set forth in
1161 Sections 1 through 7 of this act. To assist the board in
1162 conducting its licensure investigation, all applicants shall
1163 undergo a fingerprint-based criminal history records check of the
1164 Mississippi central criminal database and the Federal Bureau of
1165 Investigation criminal history database. Each applicant shall
1166 submit a full set of the applicant's fingerprints in a form and
1167 manner prescribed by the board, which shall be forwarded to the
1168 Mississippi Department of Public Safety (department) and the



1169 Federal Bureau of Investigation Identification Division for this
1170 purpose.

1171 Any and all state or national criminal history records
1172 information obtained by the board that is not already a matter of
1173 public record shall be deemed nonpublic and confidential
1174 information restricted to the exclusive use of the board, its
1175 members, officers, investigators, agents and attorneys in
1176 evaluating the applicant's eligibility or disqualification for
1177 licensure, and shall be exempt from the Mississippi Public Records
1178 Act of 1983. Except when introduced into evidence in a hearing
1179 before the board to determine licensure, no such information or
1180 records related thereto shall, except with the written consent of
1181 the applicant or by order of a court of competent jurisdiction, be
1182 released or otherwise disclosed by the board to any other person
1183 or agency.

1184 The board shall provide to the department the fingerprints of
1185 the applicant, any additional information that may be required by
1186 the department, and a form signed by the applicant consenting to
1187 the check of the criminal records and to the use of the
1188 fingerprints and other identifying information required by the
1189 state or national repositories.

1190 The board shall charge and collect from the applicant, in
1191 addition to all other applicable fees and costs, such amount as
1192 may be incurred by the board in requesting and obtaining state and
1193 national criminal history records information on the applicant.



1194 This section shall not apply to applicants for a special
1195 volunteer medical license authorized under Section 73-25-18.

1196 **SECTION 20.** Section 73-25-14, Mississippi Code of 1972, is
1197 amended as follows:

1198 73-25-14. (1) Except as provided in Section 33-1-39, the
1199 license of every person licensed to practice medicine or
1200 osteopathy in the State of Mississippi shall be renewed annually.

1201 On or before May 1 of each year, the State Board of Medical
1202 Licensure shall mail a notice of renewal of license to every
1203 physician or osteopath to whom a license was issued or renewed
1204 during the current licensing year. The notice shall provide
1205 instructions for obtaining and submitting applications for
1206 renewal. The State Board of Medical Licensure is authorized to
1207 make applications for renewal available via electronic means. The
1208 applicant shall obtain and complete the application and submit it
1209 to the board in the manner prescribed by the board in the notice
1210 before June 30 with the renewal fee of an amount established by
1211 the board, but not to exceed Three Hundred Dollars (\$300.00), a
1212 portion of which fee shall be used to support a program to aid
1213 impaired physicians and osteopaths. The payment of the annual
1214 license renewal fee shall be optional with all physicians over the
1215 age of seventy (70) years. Upon receipt of the application and
1216 fee, the board shall verify the accuracy of the application and
1217 issue to applicant a certificate of renewal for the ensuing year,
1218 beginning July 1 and expiring June 30 of the succeeding calendar



1219 year. That renewal shall render the holder thereof a legal
1220 practitioner as stated on the renewal form.

1221 (2) Any physician or osteopath practicing in Mississippi who
1222 allows his or her license to lapse by failing to renew the license
1223 as provided in subsection (1) may be reinstated by the board on
1224 satisfactory explanation for the failure to renew, by completion
1225 of a reinstatement form, and upon payment of the renewal fee for
1226 the current year, and shall be assessed a fine of Twenty-five
1227 Dollars (\$25.00) plus an additional fine of Five Dollars (\$5.00)
1228 for each month thereafter that the license renewal remains
1229 delinquent.

1230 (3) Any physician or osteopath not practicing in Mississippi
1231 who allows his or her license to lapse by failing to renew the
1232 license as provided in subsection (1) may be reinstated by the
1233 board on satisfactory explanation for the failure to renew, by
1234 completion of a reinstatement form and upon payment of the
1235 arrearages for the previous five (5) years and the renewal fee for
1236 the current year.

1237 (4) Any physician or osteopath who allows his or her license
1238 to lapse shall be notified by the board within thirty (30) days of
1239 that lapse.

1240 (5) Any person practicing as a licensed physician or
1241 osteopath during the time his or her license has lapsed shall be
1242 considered an illegal practitioner and shall be subject to
1243 penalties provided for violation of the Medical Practice Act, if



1244 he or she had not submitted the required reinstatement form and
1245 fee within fifteen (15) days after notification by the board of
1246 the lapse.

1247 (6) Any physician or osteopath practicing in the State of
1248 Mississippi whose license has lapsed and is deemed an illegal
1249 practitioner under subsection (5) of this section may petition the
1250 board for reinstatement of his or her license on a retroactive
1251 basis, if the physician or osteopath was unable to meet the June
1252 30 deadline due to extraordinary or other legitimate reasons, and
1253 retroactive reinstatement of licensure shall be granted or may be
1254 denied by the board only for good cause. Failure to advise the
1255 board of change of address shall not be considered a basis of
1256 reinstatement.

1257 (7) None of the fees or fines provided for in this section
1258 shall be applicable to the renewal of a special volunteer medical
1259 license authorized under Section 73-25-18.

1260 (8) Fees collected under the provisions of this section
1261 shall be used by the board to defray expenses of administering the
1262 licensure provisions of the Medical Practice Act (Title 73,
1263 Chapter 25, Mississippi Code of 1972) and to support a program to
1264 aid impaired physicians and osteopaths in an amount determined by
1265 the board.

1266 (9) In order for a physician or osteopath whose medical
1267 license has been expired for five (5) years or more to qualify for
1268 reinstatement of license, the physician or osteopath must have



1269 successfully been cleared for reinstatement through an
1270 investigation that shall consist of a determination as to good
1271 moral character and verification that the prospective licensee is
1272 not guilty of or in violation of any statutory ground for denial
1273 of licensure as set forth in Sections 73-25-29 and 73-25-83. To
1274 make such a determination and successfully clear the applicant for
1275 licensure, the board must follow the provisions set forth in
1276 Sections 1 through 7 of this act. To assist the board in
1277 conducting its licensure investigation, all applicants shall
1278 undergo a fingerprint-based criminal history records check of the
1279 Mississippi central criminal database and the Federal Bureau of
1280 Investigation criminal history database. Each applicant shall
1281 submit a full set of the applicant's fingerprints in a form and
1282 manner prescribed by the board, which shall be forwarded to the
1283 Mississippi Department of Public Safety (department) and the
1284 Federal Bureau of Investigation Identification Division for this
1285 purpose.

1286 Any and all state or national criminal history records
1287 information obtained by the board that is not already a matter of
1288 public record shall be deemed nonpublic and confidential
1289 information restricted to the exclusive use of the board, its
1290 members, officers, investigators, agents and attorneys in
1291 evaluating the applicant's eligibility or disqualification for
1292 licensure, and shall be exempt from the Mississippi Public Records
1293 Act of 1983. Except when introduced into evidence in a hearing



1294 before the board to determine licensure, no such information or
1295 records related thereto shall, except with the written consent of
1296 the applicant or by order of a court of competent jurisdiction, be
1297 released or otherwise disclosed by the board to any other person
1298 or agency.

1299 The board shall provide to the department the fingerprints of
1300 the applicant, any additional information that may be required by
1301 the department, and a form signed by the applicant consenting to
1302 the check of the criminal records and to the use of the
1303 fingerprints and other identifying information required by the
1304 state or national repositories.

1305 The board shall charge and collect from the applicant, in
1306 addition to all other applicable fees and costs, such amount as
1307 may be incurred by the board in requesting and obtaining state and
1308 national criminal history records information on the applicant.

1309 **SECTION 21.** Section 73-25-32, Mississippi Code of 1972, is
1310 amended as follows:

1311 73-25-32. (1) A person whose license to practice medicine
1312 or osteopathy has been revoked or suspended may petition the
1313 Mississippi State Board of Medical Licensure to reinstate this
1314 license after a period of not less than one (1) year has elapsed
1315 from the date of the revocation or suspension. The procedure for
1316 the reinstatement of a license that is suspended for being out of
1317 compliance with an order for support, as defined in Section



1318 93-11-153, shall be governed by Section 93-11-157 or 93-11-163, as
1319 the case may be.

1320 (2) The petition shall be accompanied by two (2) or more
1321 verified recommendations from physicians or osteopaths licensed by
1322 the Board of Medical Licensure to which the petition is addressed
1323 and by two (2) or more recommendations from citizens each having
1324 personal knowledge of the activities of the petitioner since the
1325 disciplinary penalty was imposed and such facts as may be required
1326 by the Board of Medical Licensure.

1327 The petition may be heard at the next regular meeting of the
1328 Board of Medical Licensure but not earlier than thirty (30) days
1329 after the petition was filed. No petition shall be considered
1330 while the petitioner is under sentence for any criminal offense,
1331 including any period during which he is under probation or parole.
1332 The hearing may be continued from time to time as the Board of
1333 Medical Licensure finds necessary.

1334 (3) In determining whether the disciplinary penalty should
1335 be set aside and the terms and conditions, if any, that should be
1336 imposed if the disciplinary penalty is set aside, the Board of
1337 Medical Licensure may investigate and consider all activities of
1338 the petitioner since the disciplinary action was taken against
1339 him, the offense for which he was disciplined, his activity during
1340 the time his certificate was in good standing, his general
1341 reputation for truth, professional ability and good character; and
1342 it may require the petitioner to pass an oral examination.



1343 (4) The investigation shall require the petitioner to
1344 undergo a fingerprint-based criminal history records check of the
1345 Mississippi central criminal database and the Federal Bureau of
1346 Investigation criminal history database. Such investigation shall
1347 be conducted in accordance with the provisions of Sections 1
1348 through 7 of this act. Each petitioner shall submit a full set of
1349 the petitioner's fingerprints in a form and manner prescribed by
1350 the board, which shall be forwarded to the Mississippi Department
1351 of Public Safety (department) and the Federal Bureau of
1352 Investigation Identification Division for this purpose.

1353 Any and all state or national criminal history records
1354 information obtained by the board that is not already a matter of
1355 public record shall be deemed nonpublic and confidential
1356 information restricted to the exclusive use of the board, its
1357 members, officers, investigators, agents and attorneys in
1358 evaluating the applicant's eligibility or disqualification for
1359 licensure, and shall be exempt from the Mississippi Public Records
1360 Act of 1983. Except when introduced into evidence in a hearing
1361 before the board to determine licensure, no such information or
1362 records related thereto shall, except with the written consent of
1363 the applicant or by order of a court of competent jurisdiction, be
1364 released or otherwise disclosed by the board to any other person
1365 or agency.

1366 The board shall provide to the department the fingerprints of
1367 the petitioner, any additional information that may be required by



1368 the department, and a form signed by the petitioner consenting to
1369 the check of the criminal records and to the use of the
1370 fingerprints and other identifying information required by the
1371 state or national repositories.

1372 The board shall charge and collect from the petitioner, in
1373 addition to all other applicable fees and costs, such amount as
1374 may be incurred by the board in requesting and obtaining state and
1375 national criminal history records information on the applicant.

1376 (5) The Secretary-Treasurer of the Board of Medical
1377 Licensure shall enter into his records of the case all actions of
1378 the board in setting aside a disciplinary penalty under this
1379 section and he shall certify notices to the proper court clerk.
1380 The clerk shall make such changes on his records as may be
1381 necessary.

1382 **SECTION 22.** Section 73-26-3, Mississippi Code of 1972, is
1383 amended as follows:

1384 73-26-3. (1) The State Board of Medical Licensure shall
1385 license and regulate the practice of physician assistants in
1386 accordance with the provisions of this chapter.

1387 (2) All physician assistants who are employed as physician
1388 assistants by a Department of Veterans Affairs health care
1389 facility, a branch of the United States military or the Federal
1390 Bureau of Prisons, and who are practicing as physician assistants
1391 in a federal facility in Mississippi on July 1, 2000, and those
1392 physician assistants who trained in a Mississippi physician



1393 assistant program and have been continuously practicing as a
1394 physician assistant in Mississippi since 1976, shall be eligible
1395 for licensure if they submit an application for licensure to the
1396 board by December 31, 2000. Physician assistants licensed under
1397 this subsection will be eligible for license renewal so long as
1398 they meet standard renewal requirements.

1399 (3) Before December 31, 2004, applicants for physician
1400 assistant licensure, except those licensed under subsection (2) of
1401 this section, must be graduates of physician assistant educational
1402 programs accredited by the Commission on Accreditation of Allied
1403 Health Educational Programs or its predecessor or successor
1404 agency, have passed the certification examination administered by
1405 the National Commission on Certification of Physician Assistants
1406 (NCCPA), have current NCCPA certification, and possess a minimum
1407 of a baccalaureate degree. Physician assistants meeting these
1408 licensure requirements will be eligible for license renewal so
1409 long as they meet standard renewal requirements.

1410 (4) On or after December 31, 2004, applicants for physician
1411 assistant licensure must meet all of the requirements in
1412 subsection (3) of this section and, in addition, must have
1413 obtained a minimum of a master's degree in a health-related or
1414 science field.

1415 (5) Applicants for licensure who meet all licensure
1416 requirements except for the master's degree may be granted a
1417 temporary license by the board so long as they can show proof of



1418 enrollment in a master's program that will, when completed, meet
1419 the master's degree requirement. The temporary license will be
1420 valid for no longer than one (1) year, and may not be renewed.
1421 This subsection shall stand repealed on July 1, 2019.

1422 (6) For new graduate physician assistants and all physician
1423 assistants receiving initial licenses in the state, except those
1424 licensed under subsection (2) of this section, supervision shall
1425 require the on-site presence of a supervising physician for one
1426 hundred twenty (120) days.

1427 (7) To qualify for a Mississippi physician assistant
1428 license, an applicant must have successfully been cleared for
1429 licensure through an investigation that shall consist of a
1430 determination as to good moral character and verification that the
1431 prospective licensee is not guilty of or in violation of any
1432 statutory ground for denial of licensure. To make such a
1433 determination and successfully clear the applicant for licensure,
1434 the board must follow the provisions set forth in Sections 1
1435 through 7 of this act. To assist the board in conducting its
1436 licensure investigation, all applicants shall undergo a
1437 fingerprint-based criminal history records check of the
1438 Mississippi central criminal database and the Federal Bureau of
1439 Investigation criminal history database. Each applicant shall
1440 submit a full set of the applicant's fingerprints in a form and
1441 manner prescribed by the board, which shall be forwarded to the
1442 Mississippi Department of Public Safety (department) and the



1443 Federal Bureau of Investigation Identification Division for this
1444 purpose.

1445 Any and all state or national criminal history records
1446 information obtained by the board that is not already a matter of
1447 public record shall be deemed nonpublic and confidential
1448 information restricted to the exclusive use of the board, its
1449 members, officers, investigators, agents and attorneys in
1450 evaluating the applicant's eligibility or disqualification for
1451 licensure, and shall be exempt from the Mississippi Public Records
1452 Act of 1983. Except when introduced into evidence in a hearing
1453 before the board to determine licensure, no such information or
1454 records related thereto shall, except with the written consent of
1455 the applicant or by order of a court of competent jurisdiction, be
1456 released or otherwise disclosed by the board to any other person
1457 or agency.

1458 The board shall provide to the department the fingerprints of
1459 the applicant, any additional information that may be required by
1460 the department, and a form signed by the applicant consenting to
1461 the check of the criminal records and to the use of the
1462 fingerprints and other identifying information required by the
1463 state or national repositories.

1464 The board shall charge and collect from the applicant, in
1465 addition to all other applicable fees and costs, such amount as
1466 may be incurred by the board in requesting and obtaining state and
1467 national criminal history records information on the applicant.



1468 **SECTION 23.** Section 73-27-5, Mississippi Code of 1972, is
1469 amended as follows:

1470 73-27-5. All applicants for license shall have attained the
1471 age of twenty-one (21) years, and shall be of good moral
1472 character; they shall have had at least four (4) years high school
1473 and be graduates of same; they shall have at least one (1) year
1474 prepodiatry college education and be graduates of some college of
1475 podiatry recognized as being in good standing by the State Board
1476 of Medical Licensure. No college of podiatry or chiropody shall
1477 be accredited by the board as a college of good standing that does
1478 not require for graduation a course of study of at least four (4)
1479 years (eight and one-half (8-1/2) months each) and be recognized
1480 by the Council on Education of the American Podiatry Association.
1481 However, all podiatrists actively engaged in the practice of
1482 podiatry in the State of Mississippi, prior to January 1, 1938,
1483 whether graduates or not, shall, upon furnishing proof thereof by
1484 displaying their state privilege tax license to the Secretary of
1485 the State Board of Medical Licensure, and upon payment of fee of
1486 Ten Dollars and Twenty-five Cents (\$10.25), be entitled to a
1487 license without an examination, and applications for the license
1488 shall be filed not later than sixty (60) days after February 17,
1489 1938. Upon payment of a fee prescribed by the State Board of
1490 Medical Licensure, not to exceed Five Hundred Dollars (\$500.00), a
1491 license without examination may be issued to podiatrists of other
1492 states maintaining equal statutory requirements for the practice



1493 of podiatry and extending the same reciprocal privileges to this
1494 state. The State Board of Medical Licensure may affiliate with
1495 the National Board of Chiropractic or Podiatry Licensure in granting
1496 licenses to practice podiatry in Mississippi, provided the written
1497 examination covers at least two-thirds (2/3) of the subjects set
1498 forth in Section 73-27-9. The issuance of a license by
1499 reciprocity to a military-trained applicant or military spouse
1500 shall be subject to the provisions of Section 73-50-1.

1501 To qualify for a Mississippi podiatry license, an applicant
1502 must have successfully been cleared for licensure through an
1503 investigation that shall consist of a determination as to good
1504 moral character and verification that the prospective licensee is
1505 not guilty of or in violation of any statutory ground for denial
1506 of licensure as set forth in Section 73-27-13. To make such a
1507 determination and successfully clear the applicant for licensure,
1508 the board must follow the provisions set forth in Sections 1
1509 through 7 of this act. To assist the board in conducting its
1510 licensure investigation, all applicants shall undergo a
1511 fingerprint-based criminal history records check of the
1512 Mississippi central criminal database and the Federal Bureau of
1513 Investigation criminal history database. Each applicant shall
1514 submit a full set of the applicant's fingerprints in a form and
1515 manner prescribed by the board, which shall be forwarded to the
1516 Mississippi Department of Public Safety (department) and the



1517 Federal Bureau of Investigation Identification Division for this
1518 purpose.

1519 Any and all state or national criminal history records
1520 information obtained by the board that is not already a matter of
1521 public record shall be deemed nonpublic and confidential
1522 information restricted to the exclusive use of the board, its
1523 members, officers, investigators, agents and attorneys in
1524 evaluating the applicant's eligibility or disqualification for
1525 licensure, and shall be exempt from the Mississippi Public Records
1526 Act of 1983. Except when introduced into evidence in a hearing
1527 before the board to determine licensure, no such information or
1528 records related thereto shall, except with the written consent of
1529 the applicant or by order of a court of competent jurisdiction, be
1530 released or otherwise disclosed by the board to any other person
1531 or agency.

1532 The board shall provide to the department the fingerprints of
1533 the applicant, any additional information that may be required by
1534 the department, and a form signed by the applicant consenting to
1535 the check of the criminal records and to the use of the
1536 fingerprints and other identifying information required by the
1537 state or national repositories.

1538 The board shall charge and collect from the applicant, in
1539 addition to all other applicable fees and costs, such amount as
1540 may be incurred by the board in requesting and obtaining state and
1541 national criminal history records information on the applicant.



1542 Each application or filing made under this section shall
1543 include the social security number(s) of the applicant in
1544 accordance with Section 93-11-64.

1545 **SECTION 24.** Section 73-27-12, Mississippi Code of 1972, is
1546 amended as follows:

1547 73-27-12. (1) Except as provided in Section 33-1-39, the
1548 license of every person licensed to practice podiatry in the State
1549 of Mississippi shall be renewed annually.

1550 On or before May 1 of each year, the board shall mail a
1551 notice of renewal of license to every podiatrist to whom a license
1552 was issued or renewed during the current licensing year. The
1553 notice shall provide instructions for obtaining and submitting
1554 applications for renewal. The State Board of Medical Licensure is
1555 authorized to make applications for renewal available via
1556 electronic means. The applicant shall obtain and complete the
1557 application and submit it to the board in the manner prescribed by
1558 the board in the notice before June 30 with the renewal fee of an
1559 amount established by the board, but not to exceed Three Hundred
1560 Dollars (\$300.00), a portion of which fee shall be used to support
1561 a program to aid impaired podiatrists. Upon receipt of the
1562 application and fee, the board shall verify the accuracy of the
1563 application and issue to applicant a certificate of renewal for
1564 the ensuing year, beginning July 1 and expiring June 30 of the
1565 succeeding calendar year. That renewal shall render the holder
1566 thereof a legal practitioner as stated on the renewal form.



1567 (2) Any podiatrist practicing in Mississippi who allows his
1568 or her license to lapse by failing to renew the license as
1569 provided in subsection (1) may be reinstated by the board on
1570 satisfactory explanation for the failure to renew, by completion
1571 of a reinstatement form, and upon payment of the renewal fee for
1572 the current year, and shall be assessed a fine of Twenty-five
1573 Dollars (\$25.00) plus an additional fine of Five Dollars (\$5.00)
1574 for each month thereafter that the license renewal remains
1575 delinquent.

1576 (3) Any podiatrist not practicing in Mississippi who allows
1577 his or her license to lapse by failing to renew the license as
1578 provided in subsection (1) may be reinstated by the board on
1579 satisfactory explanation for the failure to renew, by completion
1580 of a reinstatement form and upon payment of the arrearages for the
1581 previous five (5) years and the renewal fee for the current year.

1582 (4) Any podiatrist who allows his or her license to lapse
1583 shall be notified by the board within thirty (30) days of that
1584 lapse.

1585 (5) Any person practicing as a licensed podiatrist during
1586 the time his or her license has lapsed shall be considered an
1587 illegal practitioner and shall be subject to penalties set forth
1588 in Section 73-27-17, provided that he or she has not submitted the
1589 required reinstatement form and fee within fifteen (15) days after
1590 notification by the board of the lapse.



1591 (6) Any podiatrist practicing in the State of Mississippi
1592 whose license has lapsed and is deemed an illegal practitioner
1593 under subsection (5) of this section may petition the board for
1594 reinstatement of his or her license on a retroactive basis, if the
1595 podiatrist was unable to meet the June 30 deadline due to
1596 extraordinary or other legitimate reasons, and retroactive
1597 reinstatement of licensure shall be granted or may be denied by
1598 the board only for good cause. Failure to advise the board of
1599 change of address shall not be considered a basis for
1600 reinstatement.

1601 (7) Fees collected under the provisions of this section
1602 shall be used by the board to defray expenses of administering the
1603 licensure provisions of Title 73, Chapter 27, Mississippi Code of
1604 1972, and to support a program to aid impaired podiatrists in an
1605 amount determined by the board.

1606 (8) In order for a podiatrist whose podiatric medical
1607 license has been expired for five (5) years or more to qualify for
1608 reinstatement of license, the podiatrist must have successfully
1609 been cleared for reinstatement through an investigation that shall
1610 consist of a determination as to good moral character and
1611 verification that the prospective licensee is not guilty of or in
1612 violation of any statutory ground for denial of licensure as set
1613 forth in Section 73-27-13. To make such a determination and
1614 successfully clear the applicant for licensure, the board must
1615 follow the provisions set forth in Sections 1 through 7 of this



1616 act. To assist the board in conducting its licensure
1617 investigation, all applicants shall undergo a fingerprint-based
1618 criminal history records check of the Mississippi central criminal
1619 database and the Federal Bureau of Investigation criminal history
1620 database. Each applicant shall submit a full set of the
1621 applicant's fingerprints in a form and manner prescribed by the
1622 board, which shall be forwarded to the Mississippi Department of
1623 Public Safety (department) and the Federal Bureau of Investigation
1624 Identification Division for this purpose.

1625 Any and all state or national criminal history records
1626 information obtained by the board that is not already a matter of
1627 public record shall be deemed nonpublic and confidential
1628 information restricted to the exclusive use of the board, its
1629 members, officers, investigators, agents and attorneys in
1630 evaluating the applicant's eligibility or disqualification for
1631 licensure, and shall be exempt from the Mississippi Public Records
1632 Act of 1983. Except when introduced into evidence in a hearing
1633 before the board to determine licensure, no such information or
1634 records related thereto shall, except with the written consent of
1635 the applicant or by order of a court of competent jurisdiction, be
1636 released or otherwise disclosed by the board to any other person
1637 or agency.

1638 The board shall provide to the department the fingerprints of
1639 the applicant, any additional information that may be required by
1640 the department, and a form signed by the applicant consenting to



1641 the check of the criminal records and to the use of the
1642 fingerprints and other identifying information required by the
1643 state or national repositories.

1644 The board shall charge and collect from the applicant, in
1645 addition to all other applicable fees and costs, such amount as
1646 may be incurred by the board in requesting and obtaining state and
1647 national criminal history records information on the applicant.

1648 **SECTION 25.** Section 73-30-9, Mississippi Code of 1972, is
1649 amended as follows:

1650 73-30-9. The board shall issue a license as a licensed
1651 professional counselor, without regard to race, religion, sex or
1652 national origin, to each applicant who furnishes satisfactory
1653 evidence of the following:

1654 (a) The applicant has completed an application on a
1655 form prescribed by the board accompanied by a nonrefundable
1656 initial licensing fee of One Hundred Dollars (\$100.00).

1657 (b) The applicant is at least twenty-one (21) years of
1658 age.

1659 (c) The applicant is of good moral character.

1660 (d) The applicant is a resident of or pays income tax
1661 in the State of Mississippi, or has an immigration document to
1662 verify legal alien work status in the United States. The
1663 immigration document must be current and issued by the United
1664 States Immigration Bureau.



1665 (e) The applicant is not in violation of any of the
1666 provisions of this chapter and the rules and regulations adopted
1667 hereunder.

1668 (f) The applicant shall have an earned doctoral degree
1669 primarily in counseling, guidance or related counseling field, or
1670 have a master's degree or educational specialist's degree from a
1671 regionally or nationally accredited college or university program
1672 in counselor education or a related counseling program subject to
1673 board approval. The master's degree or educational specialist's
1674 degree shall consist of a program of not less than sixty (60)
1675 acceptable semester hours or ninety (90) acceptable quarter hours.
1676 Persons applying for licensure with a master's degree of less than
1677 sixty (60) semester hours or ninety (90) quarter hours may
1678 complete the additional coursework required without earning an
1679 additional degree, provided the coursework is in a regionally or
1680 nationally accredited college or university program in counseling
1681 or a related field. Proof of same must be submitted in the form
1682 of an updated transcript to the board when reapplying for
1683 licensure. All applicants shall provide official transcripts of
1684 all graduate work.

1685 (g) The applicant must pass the examination approved by
1686 the board, as set forth in Section 73-30-7(5).

1687 (h) The applicant has had two (2) years of supervised
1688 experience in professional counseling, or its equivalent,
1689 acceptable to the board, one (1) year of which may be concurrent



1690 with the pursuit of the master's degree program. Applicant shall
1691 submit verification of previous employment.

1692 Each application or filing made under this section shall
1693 include the social security number(s) of the applicant in
1694 accordance with Section 93-11-64, Mississippi Code of 1972.

1695 (i) After January 1, 2008, the board shall require each
1696 first-time applicant for licensure and may require applicants for
1697 license renewal to apply to the Department of Public Safety for a
1698 state and national background check which will include consulting
1699 sex offender registries and shall be performed in accordance with
1700 the provisions of Sections 1 through 7 of this act.

1701 **SECTION 26.** Section 73-31-13, Mississippi Code of 1972, is
1702 amended as follows:

1703 73-31-13. The board shall issue a license as a psychologist
1704 to each applicant who files an application upon a form and in the
1705 manner as the board prescribes, accompanied by the fee as is
1706 required by this chapter; and who furnishes evidence satisfactory
1707 to the board that he or she:

1708 (a) Is at least twenty-one (21) years of age; and

1709 (b) Is a citizen of the United States, a Canadian
1710 citizen applying for licensure under the terms of a reciprocity
1711 agreement, or has declared his or her intention to become a
1712 citizen. A statement by the applicant under oath that he or she
1713 is a citizen, a Canadian citizen applying for licensure under the
1714 terms of a reciprocity agreement, or that he or she intends to



1715 apply for citizenship when he or she becomes eligible to make
1716 that application, shall be sufficient proof of compliance with
1717 this requirement; and

1718 (c) Is of good moral character. The applicant must
1719 have successfully been cleared for licensure through an
1720 investigation that consists of a determination as to good moral
1721 character and verification that the prospective licensee is not
1722 guilty of or in violation of any statutory ground for denial of
1723 licensure. To make such a determination and successfully clear
1724 the applicant for licensure, the board must follow the provisions
1725 set forth in Sections 1 through 7 of this act. For the purposes
1726 of this chapter, good moral character includes an absence of
1727 felony convictions or misdemeanor convictions involving moral
1728 turpitude as established by a criminal background check if such
1729 convictions or misdemeanors are determined to be directly related
1730 to the occupation for which the license is sought as provided in
1731 Sections 1 through 7 of this act. Applicants shall undergo a
1732 fingerprint-based criminal history records check of the
1733 Mississippi central criminal database and the Federal Bureau of
1734 Investigation criminal history database. Each applicant shall
1735 submit a full set of the applicant's fingerprints in a form and
1736 manner prescribed by the board, which shall be forwarded to the
1737 Mississippi Department of Public Safety (department) and the
1738 Federal Bureau of Investigation Identification Division for this
1739 purpose; and



1740 (d) Is not in violation of any of the provisions of
1741 this chapter and the rules and regulations adopted under this
1742 chapter, and is not currently under investigation by another
1743 licensure board; and

1744 (e) Holds a doctoral degree in psychology from an
1745 institution of higher education that is: regionally accredited by
1746 an accrediting body recognized by the United States Department of
1747 Education, or authorized by Provincial statute or Royal Charter to
1748 grant doctoral degrees: and from a program accredited by the
1749 American Psychological Association, or the Canadian Psychological
1750 Association. For graduates from newly established programs
1751 seeking accreditation or in areas where no accreditation exists,
1752 applicants for licensure shall have completed a doctoral program
1753 in psychology that meets recognized acceptable professional
1754 standards as determined by the board. For applicants graduating
1755 from doctoral level psychology training programs outside of the
1756 United States of America or Canada, applicants for licensure shall
1757 have completed a doctoral program in psychology that meets
1758 recognized acceptable professional standards as determined by the
1759 board; and

1760 (f) Has two (2) years of supervised experience in the
1761 same area of emphasis as the academic degree, which includes an
1762 internship and one (1) year of supervised post-doctoral
1763 experience, that meet the standards of training as defined by the
1764 board. Each year (or equivalent) shall be comprised of at least



1765 two thousand (2,000) hours of actual work, to include direct
1766 service, training and supervisory time. A pre-doctoral internship
1767 may be counted as one (1) of the two (2) years of experience; and

1768 (g) Demonstrates professional knowledge by passing a
1769 written (as used in this paragraph, the term "written" means
1770 either paper and pencil or computer administered or computerized
1771 testing) and oral examination in psychology prescribed by the
1772 board; except that upon examination of credentials, the board may,
1773 by unanimous consent, consider these credentials adequate evidence
1774 of professional knowledge.

1775 Upon investigation of the application and other evidence
1776 submitted, the board shall, not less than thirty (30) days before
1777 the examination, notify each applicant that the application and
1778 evidence submitted is satisfactory and accepted or unsatisfactory
1779 and rejected; if rejected, the notice shall state the reasons for
1780 the rejection.

1781 The place of examination shall be designated in advance by
1782 the board, and the examination shall be given at such time and
1783 place and under such supervision as the board may determine. The
1784 examination used by the board shall consist of written tests and
1785 oral tests, and shall fairly test the applicant's knowledge and
1786 application thereof in those areas deemed relevant by the
1787 board. All examinations serve the purpose of verifying that a
1788 candidate for licensure has acquired a basic core of knowledge in
1789 the discipline of psychology and can apply that knowledge to the



1790 problems confronted in the practice of psychology within the
1791 applicant's area of practice.

1792 The board shall evaluate the results from both the written
1793 and oral examinations. The passing scores for the written and
1794 oral examinations shall be established by the board in its rules
1795 and regulations. If an applicant fails to receive a passing score
1796 on the entire examination, he or she may reapply and shall be
1797 allowed to take a later examination. An applicant who has failed
1798 two (2) successive examinations by the board may not reapply until
1799 after two (2) years from the date of the last examination failed.
1800 The board shall keep the written examination scores, and an
1801 accurate transcript of the questions and answers relating to the
1802 oral examinations, and the grade assigned to each answer thereof,
1803 as part of its records for at least two (2) years after the date
1804 of examination.

1805 If any psychologist duly licensed under this chapter, by
1806 virtue of additional training and experience, becomes qualified to
1807 practice in a specialty other than that for which he or she was
1808 deemed competent at the time of initial licensing, and wishes to
1809 offer that service under the provisions of this chapter, he or she
1810 shall at the time of annual renewal of licenses submit additional
1811 credentials and be given the opportunity to demonstrate his or her
1812 knowledge and application thereof in areas deemed relevant to his
1813 or her specialty. The board may charge a reasonable fee for
1814 evaluating these credentials and the applicant's knowledge.



1815 Each application or filing made under this section shall
1816 include the social security number(s) of the applicant in
1817 accordance with Section 93-11-64.

1818 **SECTION 27.** Section 73-34-14, Mississippi Code of 1972, is
1819 amended as follows:

1820 73-34-14. (1) (a) To qualify for a Mississippi real estate
1821 appraiser license, an applicant must have successfully been
1822 cleared for licensure through an investigation that shall consist
1823 of a determination that the applicant does not possess a * * *
1824 conviction which calls into question public trust, as set forth
1825 below in subsection (2), and verification that the prospective
1826 licensee is not guilty of or in violation of any statutory ground
1827 for denial of licensure as set forth in Section 73-34-35. To make
1828 such a determination and successfully clear the applicant for
1829 licensure, the board must follow the provisions set forth in
1830 Sections 1 through 7 of this act.

1831 (b) To assist the board in conducting its licensure
1832 investigation, on and after January 1, 2015, all applicants for a
1833 real estate appraiser license as a licensed real estate appraiser
1834 (license), licensed certified residential real estate appraiser
1835 (certification), or a licensed certified general real estate
1836 appraiser (certification), and all applicants for renewal of any
1837 real estate appraiser license or certification shall undergo a
1838 fingerprint-based criminal history records check of the
1839 Mississippi central criminal database and the Federal Bureau of



1840 Investigation criminal history database. Each applicant shall
1841 submit a full set of the applicant's fingerprints in a form and
1842 manner prescribed by the board, which shall be forwarded to the
1843 Mississippi Department of Public Safety (department) and the
1844 Federal Bureau of Investigation Identification Division for this
1845 purpose.

1846 (c) Any and all state or national criminal history
1847 records information obtained by the board that is not already a
1848 matter of public record shall be deemed nonpublic and confidential
1849 information restricted to the exclusive use of the board, its
1850 members, officers, investigators, agents and attorneys in
1851 evaluating the applicant's eligibility or disqualification for
1852 licensure, and shall be exempt from the Mississippi Public Records
1853 Act of 1983. Except when introduced into evidence in a hearing
1854 before the board to determine licensure, no such information or
1855 records related thereto shall, except with the written consent of
1856 the applicant or by order of a court of competent jurisdiction, be
1857 released or otherwise disclosed by the board to any other person
1858 or agency.

1859 (d) The board shall provide to the department the
1860 fingerprints of the applicant, any additional information that may
1861 be required by the department, and a form signed by the applicant
1862 consenting to the check of the criminal records and to the use of
1863 the fingerprints and other identifying information required by the
1864 state or national repositories.



1865 (e) The board shall charge and collect from the
1866 applicant, in addition to all other applicable fees and costs,
1867 such amount as may be incurred by the board in requesting and
1868 obtaining state and national criminal history records information
1869 on the applicant.

1870 (2) (a) The board must ensure that applicants for a real
1871 estate appraiser license or certification do not possess a * * *
1872 conviction that could call into question public trust. An
1873 applicant found by the board to possess a * * * conviction
1874 determined to be directly related to the occupation for which the
1875 license is sought as provided in Sections 1 through 7 of this act
1876 and which calls into question the applicant's ability to maintain
1877 public trust * * * may not be issued a real estate appraiser
1878 license or certification.

1879 (b) The board shall not issue a real estate appraiser
1880 license or certification if:

1881 (i) The applicant has had an appraiser license or
1882 certification revoked in any governmental jurisdiction within the
1883 five (5) year period immediately preceding the date of the
1884 application;

1885 (ii) The applicant has been convicted of, or pled
1886 guilty or nolo contendere to, a felony in a domestic, or foreign
1887 court:



1888 1. During the five-year period immediately
1889 preceding the date of the application for licensing or
1890 certification; or

1891 2. At any time preceding the date of the
1892 application, if such felony involved an act of fraud, dishonesty,
1893 or a breach of trust, or money laundering.

1894 (iii) The applicant has failed to demonstrate
1895 character and general fitness such as to command the confidence of
1896 the community and to warrant a determination that the appraiser
1897 will operate honestly, fairly and efficiently within the purpose
1898 of these criteria.

1899 (c) The board shall evaluate and consider, by rules and
1900 regulations, additional background issues, including, but not
1901 limited to, those required by the Appraiser Qualifications Board
1902 of the Appraisal Foundation in compliance with federal
1903 requirements, * * * before issuing (or taking disciplinary action
1904 against) a real estate appraiser.

1905 (d) The board shall adopt rules and regulations
1906 necessary to implement, administer and enforce the provisions of
1907 this section in accordance with the provisions of Sections 1
1908 through 7 of this act.

1909 **SECTION 28.** Section 73-34-109, Mississippi Code of 1972, is
1910 amended as follows:

1911 73-34-109. (1) An appraisal management company applying for
1912 registration in this state shall not:



1913 (a) Be owned, in whole or in part, directly or
1914 indirectly, by any person who has had an appraiser license or
1915 certificate in this state or in any other state, refused, denied,
1916 cancelled, surrendered in lieu of revocation, or revoked; or

1917 (b) Be owned by more than ten percent (10%) by a person
1918 who is not of good moral character, as determined in accordance
1919 with the provisions of Sections 1 through 7 of this act, which for
1920 purposes of this section shall require that such person has not
1921 been convicted of, or entered a plea of nolo contendere to a
1922 felony relating to the practice of appraisal, banking, mortgage or
1923 the provision of financial services, or any crime involving fraud,
1924 misrepresentation or moral turpitude.

1925 (2) (a) For purposes of subsection (1)(b) to qualify for
1926 initial registration and every third annual renewed registration
1927 thereafter as an appraisal management company, each individual
1928 owner of more than ten percent (10%) of an appraisal management
1929 company must have successfully been cleared for registration
1930 through an investigation that shall consist of a determination as
1931 to good moral character and verification that the owner is not
1932 guilty of or in violation of any statutory ground for denial of
1933 registration as set forth in this chapter in accordance with the
1934 provisions of Sections 1 through 7 of this act. If no individual
1935 owns more than ten percent (10%) of the appraisal management
1936 company, then an investigation of an owner is not required, but in
1937 such instances, the controlling person designated by the appraisal



1938 management company shall be subject to the requirements of this
1939 subsection. If following the initial registration, any individual
1940 becomes either an owner of more than ten percent (10%) of the
1941 appraisal management company or the designated controlling person
1942 of the appraisal management company, then each such person shall
1943 be subject to the requirements of this subsection at the appraisal
1944 management company's next annual renewal. To assist the board in
1945 conducting its registration investigation, each individual owner
1946 of more than ten percent (10%) of an appraisal management company
1947 shall undergo a fingerprint-based criminal history records check
1948 of the Mississippi central criminal database and the Federal
1949 Bureau of Investigation criminal history database. Each applicant
1950 shall submit a full set of the applicant's fingerprints, in a form
1951 and manner prescribed by the board, which shall be forwarded to
1952 the Mississippi Department of Public Safety (department) and the
1953 Federal Bureau of Investigation Identification Division for this
1954 purpose.

1955 (b) Any state or national criminal history records
1956 information obtained by the board that is not already a matter of
1957 public record shall be deemed nonpublic and confidential
1958 information restricted to the exclusive use of the board, its
1959 members, officers, investigators, agents and attorneys in
1960 evaluating the applicant's eligibility or disqualification for
1961 registration, and shall be exempt from the Mississippi Public
1962 Records Act, Section 25-61-1 et seq. Except upon written consent



1963 of the applicant, or by order of a court of competent
1964 jurisdiction, or when introduced into evidence in a hearing before
1965 the board to determine registration, no such information or
1966 records related thereto shall be released or otherwise disclosed
1967 by the board to any other person or agency.

1968 (c) The board shall provide to the department the
1969 fingerprints of the applicant, any additional information that may
1970 be required by the department, a form signed by the applicant
1971 consenting to the check of the criminal records and to the use of
1972 the fingerprints and other identifying information required by the
1973 state or national repositories.

1974 (d) The board shall charge and collect from the applicant,
1975 in addition to all other applicable fees and costs, such amount as
1976 may be incurred by the board in requesting and obtaining state and
1977 national criminal history records information on the applicant.

1978 **SECTION 29.** Section 73-35-10, Mississippi Code of 1972, is
1979 amended as follows:

1980 73-35-10. (1) (a) To qualify for a Mississippi real estate
1981 broker's license or a Mississippi resident license as a real
1982 estate salesperson, or a nonresident's license in Mississippi, an
1983 applicant must have successfully been cleared for licensure
1984 through an investigation that shall consist of a determination
1985 that the applicant does not possess a * * * conviction which calls
1986 into question public trust, as set forth below in subsection (2),
1987 and verification that the prospective licensee is not guilty of or



1988 in violation of any statutory ground for denial of licensure as
1989 set forth in Section 73-35-21. To make such a determination and
1990 successfully clear the applicant for licensure, the board must
1991 follow the provisions set forth in Sections 1 through 7 of this
1992 act.

1993 (b) To assist the commission in conducting its
1994 licensure investigation, from and after July 1, 2016, all
1995 applicants for a Mississippi real estate broker's license, or a
1996 Mississippi resident license as a real estate salesperson, or a
1997 nonresident's license in Mississippi, and all applicants for
1998 renewal of any real estate license shall undergo a
1999 fingerprint-based criminal history records check of the
2000 Mississippi central criminal database and the Federal Bureau of
2001 Investigation criminal history database. Each applicant shall
2002 submit a full set of the applicant's fingerprints in a form and
2003 manner prescribed by the commission, which shall be forwarded to
2004 the Mississippi Department of Public Safety (department) and the
2005 Federal Bureau of Investigation Identification Division for this
2006 purpose.

2007 (c) Any and all state or national criminal history
2008 records information obtained by the commission that is not already
2009 a matter of public record shall be deemed nonpublic and
2010 confidential information restricted to the exclusive use of the
2011 commission, its members, officers, investigators, agents and
2012 attorneys in evaluating the applicant's eligibility or



2013 disqualification for licensure, and shall be exempt from the
2014 Mississippi Public Records Act of 1983. Except when introduced
2015 into evidence in a hearing before the commission to determine
2016 licensure, no such information or records related thereto shall,
2017 except with the written consent of the applicant or by order of a
2018 court of competent jurisdiction, be released or otherwise
2019 disclosed by the commission to any other person or agency.

2020 (d) The commission shall provide to the department the
2021 fingerprints of the applicant, any additional information that may
2022 be required by the department, and a form signed by the applicant
2023 consenting to the check of the criminal records and to the use of
2024 the fingerprints and other identifying information required by the
2025 state or national repositories.

2026 (e) The commission shall charge and collect from the
2027 applicant, in addition to all other applicable fees and costs,
2028 such amount as may be incurred by the commission in requesting and
2029 obtaining state and national criminal history records information
2030 on the applicant.

2031 (2) (a) The commission must ensure that applicants for real
2032 estate licenses do not possess a * * * conviction that could call
2033 into question public trust. An applicant found by the commission
2034 to possess a * * * conviction determined to be directly related to
2035 the occupation for which the license is sought as provided in
2036 Sections 1 through 7 of this act and which calls into question the



2037 applicant's ability to maintain public trust * * * may not be
2038 issued a real estate license.

2039 (b) The commission shall not issue a real estate
2040 license if:

2041 (i) The applicant has had a real estate license
2042 revoked in any governmental jurisdiction within the five-year
2043 period immediately preceding the date of the application;

2044 (ii) The applicant has been convicted of, or pled
2045 guilty or nolo contendere to, a felony in a domestic or foreign
2046 court:

2047 1. During the five-year period immediately
2048 preceding the date of the application for licensing; or

2049 2. At any time preceding the date of the
2050 application, if such felony involved an act of fraud, dishonesty
2051 or a breach of trust, or money laundering.

2052 (c) The commission shall adopt rules and regulations
2053 necessary to implement, administer and enforce the provisions of
2054 this section in accordance with the provisions of Sections 1
2055 through 7 of this act.

2056 (d) The requirement of a criminal background check
2057 provided in this section shall not apply to persons who have held
2058 a broker's or salesperson's license in this state for at least
2059 twenty-five (25) years and who are older than seventy (70) years
2060 of age.



2061 **SECTION 30.** Section 73-42-9, Mississippi Code of 1972, is
2062 amended as follows:

2063 73-42-9. (1) An applicant for registration shall submit an
2064 application for registration to the Secretary of State in a form
2065 prescribed by the Secretary of State. An application filed under
2066 this section is a public record. Except as otherwise provided in
2067 subsection (2), the application must be in the name of an
2068 individual, signed by the applicant under penalty of perjury and
2069 must state or contain:

2070 (a) The name of the applicant and the address of the
2071 applicant's principal place of business;

2072 (b) The name of the applicant's business or employer,
2073 if applicable;

2074 (c) Any business or occupation engaged in by the
2075 applicant for the five (5) years next preceding the date of
2076 submission of the application;

2077 (d) A description of the applicant's:

2078 (i) Formal training as an athlete agent;

2079 (ii) Practical experience as an athlete agent; and

2080 (iii) Educational background relating to the

2081 applicant's activities as an athlete agent;

2082 (e) The names and addresses of three (3) individuals
2083 not related to the applicant who are willing to serve as
2084 references;



2085 (f) The name, sport and last known team for each
2086 individual for whom the applicant provided services as an athlete
2087 agent during the five (5) years next preceding the date of
2088 submission of the application;

2089 (g) The names and addresses of all persons who are:

2090 (i) With respect to the athlete agent's business
2091 if it is not a corporation, the partners, officers, associates,
2092 individuals or profit-sharers; and

2093 (ii) With respect to a company or corporation
2094 employing the athlete agent, the officers, directors and any
2095 shareholder of the corporation or member with a five percent (5%)
2096 or greater interest;

2097 * * *

2098 (* * * h) Whether there has been any administrative or
2099 judicial determination that the applicant or any other person
2100 named pursuant to paragraph (g) has made a false, misleading,
2101 deceptive or fraudulent representation;

2102 (* * * i) Any instance in which the conduct of the
2103 applicant or any other person named pursuant to paragraph (g)
2104 resulted in the imposition of a sanction, suspension or
2105 declaration of ineligibility to participate in an interscholastic
2106 or intercollegiate athletic event on a student-athlete or
2107 educational institution;

2108 (* * * j) Any sanction, suspension or disciplinary
2109 action taken against the applicant or any other person named



2110 pursuant to paragraph (g) arising out of occupational or
2111 professional conduct;

2112 (* * *k) Whether there has been any denial of an
2113 application for, suspension or revocation of, or refusal to renew,
2114 the certification, registration or licensure of the applicant or
2115 any other person named pursuant to paragraph (g) as an athlete
2116 agent in any state;

2117 (* * *l) Any pending litigation against the applicant
2118 in the applicant's capacity as an agent;

2119 (* * *m) A list of all other states in which the
2120 applicant is currently licensed or registered as an athlete agent
2121 and a copy of each state's license or registration, as applicable;
2122 and

2123 (* * *n) Consent to submit to a criminal background
2124 check before being issued a certificate of registration in
2125 accordance with the provisions of Sections 1 through 7 of this
2126 act. Any fees connected with the background check shall be
2127 assessed to the applicant.

2128 (2) An individual who has submitted an application for, and
2129 received a certificate of, registration or licensure as an athlete
2130 agent in another state, may submit a copy of the application and a
2131 valid certificate of registration or licensure from the other
2132 state in lieu of submitting an application in the form prescribed
2133 pursuant to subsection (1), along with the information requested
2134 in paragraphs (l), (m), (n) and (o) of subsection (1). The



2135 Secretary of State shall accept the application and the
2136 certificate from the other state as an application for
2137 registration in this state if the application to the other state:

2138 (a) Was submitted in the other state within the six (6)
2139 months next preceding the submission of the application in this
2140 state and the applicant certifies the information contained in the
2141 application is current;

2142 (b) Contains information substantially similar to or
2143 more comprehensive than that required in an application submitted
2144 in this state; and

2145 (c) Was signed by the applicant under penalty of
2146 perjury.

2147 (3) An athlete agent must notify the Secretary of State
2148 within thirty (30) days whenever the information contained in any
2149 application for registration as an athlete agent in this state
2150 changes in a material way or is, or becomes, inaccurate or
2151 incomplete in any respect. Events requiring notice shall include,
2152 but are not limited to, the following:

2153 (a) Change in address of the athlete agent's principal
2154 place of business;

2155 (b) Conviction of a felony or other crime involving
2156 moral turpitude by the athlete agent;

2157 (c) Denial, suspension, refusal to renew, or revocation
2158 of a registration or license of the athlete agent as an athlete
2159 agent in any state; or



2160 (d) Sanction, suspension or other disciplinary action
2161 taken against the athlete agent arising out of occupational or
2162 professional conduct.

2163 **SECTION 31.** Section 73-53-11, Mississippi Code of 1972, is
2164 amended as follows:

2165 73-53-11. (1) In addition to the duties set forth elsewhere
2166 in this chapter and in Sections 73-54-1 through 73-54-39, the
2167 board is authorized to:

2168 (a) Review the quality and availability of social work
2169 services provided in this state and make recommendations for
2170 change to the Legislature;

2171 (b) Recommend to the appropriate law enforcement
2172 official the bringing of civil actions to seek injunctions and
2173 other relief against individuals engaged in the unlicensed
2174 practice of social work or marriage and family therapy for
2175 violations of this chapter or Sections 73-54-1 through 73-54-39;

2176 (c) Adopt, amend or repeal any rules or regulations
2177 necessary to carry out the purposes of this chapter and Sections
2178 73-54-1 through 73-54-39 and the duties and responsibilities of
2179 the board;

2180 (d) Examine and determine the qualifications and
2181 fitness of applicants for licenses to practice social work and
2182 marriage and family therapy in this state and prepare or approve
2183 and conduct all examinations of applicants for licensure;



2184 (e) Issue, renew, deny, suspend or revoke licenses to
2185 practice social work and marriage and family therapy in this state
2186 or otherwise discipline individuals licensed by the board;

2187 (f) Investigate alleged or suspected violations of the
2188 provisions of this chapter and Sections 73-54-1 through 73-54-39
2189 or other laws of this state pertaining to social work and marriage
2190 and family therapy and any rules and regulations adopted by the
2191 board;

2192 (g) Establish reasonable fees for application for
2193 examination, certificates of licensure and renewal, and other
2194 services provided by the board, not to exceed the amounts
2195 specified in Section 73-53-15;

2196 (h) Issue subpoenas for the attendance and testimony of
2197 witnesses and the production of papers, records or other
2198 documentary evidence. Any member of the board may administer
2199 oaths or affirmations to witnesses appearing before the board. If
2200 in any proceeding before the board any witness fails or refuses to
2201 attend upon subpoena issued by the board, refuses to testify, or
2202 refuses to produce any books and papers the production of which is
2203 called for by the subpoena, the attendance of that witness and the
2204 giving of his testimony and the production of the books and papers
2205 shall be enforced by any court of competent jurisdiction of this
2206 state in the manner provided for the enforcement of attendance and
2207 testimony of witnesses in civil cases in the courts of this state;



2208 (i) Maintain an office and employ or retain appropriate
2209 personnel to carry out the powers and duties of the board;

2210 (j) Adopt a code of ethics for licensed social workers
2211 that includes the current National Association of Social Workers
2212 Code of Ethics, and a code of ethics for licensed marriage and
2213 family therapists that includes the American Association for
2214 Marriage and Family Therapy Code of Ethics * * *;

2215 (k) Regulate the practice of social work and marriage
2216 and family therapy by interpreting and enforcing this chapter and
2217 Sections 73-54-1 through 73-54-39;

2218 (l) Provide for the examination and supervision
2219 requirements for social workers and marriage and family
2220 therapists;

2221 (m) Establish mechanisms for assessing the continuing
2222 professional competence of social workers and marriage and family
2223 therapists;

2224 (n) Set criteria for continuing education;

2225 (o) Establish and collect fees for sustaining the
2226 necessary operation and expenses of the board;

2227 (p) Publish, at least annually, final disciplinary
2228 actions against licensees;

2229 (q) Report final disciplinary action taken against a
2230 licensee to other state or federal regulatory agencies and to a
2231 national disciplinary database recognized by the board or as
2232 required by law;



2233 (r) Share documents, materials, or other information,
2234 including confidential and privileged documents, materials, or
2235 information, received or maintained by the board with other state
2236 or federal agencies and with a national disciplinary database
2237 recognized by the board or as required by law, provided that the
2238 recipient agrees to maintain the confidentiality and privileged
2239 status of the document, material, or other information;

2240 (s) Participate in or conduct performance audits;

2241 (t) Through its employees and/or representatives, enter
2242 and make inspections of any workplace or practice of a social
2243 worker or marriage and family therapist who is subject to
2244 investigation by the board in order to inspect and/or copy any
2245 record pertaining to clients or the practice of social work or
2246 marriage and family therapy under this chapter and/or Sections
2247 73-54-1 through 73-54-39; and

2248 (u) Conduct a criminal history records check on
2249 licensees whose licensure is subject to investigation by the board
2250 and on applicants for licensure in accordance with the provisions
2251 of Sections 1 through 7 of this act. In order to determine the
2252 applicant's or licensee's suitability for licensing, the applicant
2253 or licensee shall undergo a fingerprint-based criminal history
2254 records check of the Mississippi central criminal database and the
2255 Federal Bureau of Investigation criminal history database. Each
2256 applicant or licensee, as applicable, shall submit a full set of
2257 the applicant's fingerprints in a form and manner prescribed by



2258 the board, which shall be forwarded to the Mississippi Department
2259 of Public Safety (department) and the Federal Bureau of
2260 Investigation Identification Division for this purpose. The
2261 department shall disseminate the results of the state check and
2262 the national check to the board for a suitability determination.
2263 The board shall be authorized to charge and collect from the
2264 applicant or licensee, in addition to all other applicable fees
2265 and costs, any amount as may be incurred by the board in
2266 requesting and obtaining state and national criminal history
2267 records information on the applicant or licensee.

2268 Any and all state or national criminal history records
2269 information obtained by the board that is not already a matter of
2270 public record shall be deemed nonpublic and confidential
2271 information restricted to the exclusive use of the board, its
2272 members, officers, investigators, agents and attorneys in
2273 evaluating the applicant's or licensee's eligibility or
2274 disqualification for licensure, and shall be exempt from the
2275 Mississippi Public Records Act of 1983. Except when introduced
2276 into evidence in a hearing before the board to determine
2277 licensure, no such information or records related thereto shall,
2278 without the written consent of the applicant or licensee or by
2279 order of a court of competent jurisdiction, be released or
2280 otherwise disclosed by the board to any other person or agency.

2281 (2) The board shall have such other powers as may be
2282 required to carry out the provisions of this chapter.



2283 (3) The powers and duties enumerated in this section are
2284 granted for the purpose of enabling the board to safeguard the
2285 public health, safety and welfare against unqualified or
2286 incompetent practitioners of social work or marriage and family
2287 therapy, and are to be liberally construed to accomplish this
2288 objective.

2289 **SECTION 32.** Section 73-53-13, Mississippi Code of 1972, is
2290 amended as follows:

2291 73-53-13. The board shall issue the appropriate license to
2292 applicants who meet the qualifications of this section.

2293 (a) A license as a "licensed social worker" shall be
2294 issued to an applicant who demonstrates to the satisfaction of the
2295 board that he or she meets the following qualifications:

2296 (i) Has a baccalaureate degree in social work from
2297 a college or university accredited by the Council on Social Work
2298 Education or Southern Association of Colleges and Schools and has
2299 satisfactorily completed the Association for Social Work Boards
2300 (ASWB) examination for this license; or

2301 (ii) Has a comparable license or registration from
2302 another state or territory of the United States of America that
2303 imposes qualifications substantially similar to those of this
2304 chapter.

2305 (b) A license as a "licensed master's social worker"
2306 shall be issued to an applicant who demonstrates to the



2307 satisfaction of the board that he or she meets the following
2308 qualifications:

2309 (i) Has a doctorate or master's degree from a
2310 school of social work accredited by the Council on Social Work
2311 Education; and

2312 (ii) Has satisfactorily completed the ASWB
2313 examination for this license; or

2314 (iii) Has a comparable license or registration
2315 from another state or territory of the United States of America
2316 that imposes qualifications substantially similar to those of this
2317 chapter.

2318 (c) A license as a "licensed certified social worker"
2319 shall be issued to an applicant who demonstrates to the
2320 satisfaction of the board that he or she meets the following
2321 qualifications:

2322 (i) Is licensed under this section as a "master's
2323 social worker"; and

2324 (ii) Has twenty-four (24) months of professional
2325 supervision and clinical or macro social work practice experience
2326 acceptable to the board, under appropriate supervision; and

2327 (iii) Has satisfactorily completed the ASWB
2328 examination for this license; or

2329 (iv) Has a comparable license or registration from
2330 another state or territory of the United States of America that



2331 imposes qualifications substantially similar to those of this
2332 chapter.

2333 (d) In addition to the above qualifications, an
2334 applicant for any of the above licenses must prove to the board's
2335 satisfaction:

2336 (i) Age of at least twenty-one (21) years, and

2337 (ii) Good moral character, which is a continuing
2338 requirement for licensure as determined under the provisions of
2339 Sections 1 through 7 of this act, and

2340 (iii) United States of America citizenship or
2341 status as a legal resident alien, and

2342 (iv) Absence of conviction of a felony related to
2343 the practice of social work for the last ten (10) years.

2344 Conviction, as used in this subparagraph, includes a * * *

2345 conviction determined to be directly related to the practice of
2346 social work as provided in Sections 1 through 7 of this act, and

2347 (v) That the applicant has not been declared
2348 mentally incompetent by any court, and if any such decree has ever
2349 been rendered, that the decree has since been changed, and

2350 (vi) Freedom from dependency on alcohol or drugs,
2351 and

2352 (vii) Complete criminal history records check in
2353 accordance with the provisions of Sections 1 through 7 of this

2354 act, including a fingerprint and an acceptable sex offender check,



2355 by appropriate governmental authorities as prescribed by the
2356 board.

2357 (e) Only individuals licensed as "certified social
2358 workers" shall be permitted to call themselves "clinical social
2359 workers."

2360 The issuance of a license by reciprocity to a
2361 military-trained applicant or military spouse shall be subject to
2362 the provisions of Section 73-50-1.

2363 Each application or filing made under this section shall
2364 include the social security number(s) of the applicant in
2365 accordance with Section 93-11-64.

2366 **SECTION 33.** Section 73-54-17, Mississippi Code of 1972, is
2367 amended as follows:

2368 73-54-17. (1) Any person who applies for a marriage and
2369 family therapy license after September 1, 2000, shall be issued
2370 that license by the board if he or she meets the qualifications
2371 set forth in Section 73-54-13, and submits the required
2372 application fees, and provides satisfactory evidence to the board
2373 that he or she:

2374 (a) Meets educational and experience qualifications as
2375 follows:

2376 (i) Holds a master's degree or doctoral degree in
2377 marriage and family therapy from an institution of higher
2378 education in a program that is accredited by the Commission on
2379 Accreditation for Marriage and Family Therapy Education (COAMFTE),



2380 or that was in COAMFTE candidacy status at the time of graduation
2381 and subsequently received COAMFTE accreditation;

2382 (ii) Following the receipt of the first qualifying
2383 degree, has at least two (2) years of supervised experience in
2384 marriage and family therapy, or its equivalent, acceptable to the
2385 board; and

2386 (iii) Has completed at least one hundred (100)
2387 hours of marriage and family therapy supervision following receipt
2388 of the first qualifying degree, as defined by the board; and

2389 (b) Passes the national Examination in Marital and
2390 Family Therapy prescribed by the Association for Marital and
2391 Family Therapy Regulatory Boards; and

2392 (c) Has been successfully cleared through a criminal
2393 history records check in accordance with the provisions of
2394 Sections 1 through 7 of this act, including a fingerprint and an
2395 acceptable sex offender check, by appropriate governmental
2396 authorities as prescribed by the board.

2397 (2) Any person who applies for a marriage and family therapy
2398 associate license after September 1, 2011, shall be issued that
2399 license by the board for a period of twenty-four (24) months,
2400 which may be renewed biennially for a period not to exceed a total
2401 of forty-eight (48) months, if the applicant meets the
2402 qualifications set forth in Section 73-54-13, submits the required
2403 application fees, and provides satisfactory evidence to the board
2404 that he or she:



2405 (a) Holds a master's degree or doctoral degree in
2406 marriage and family therapy from an institution of higher
2407 education in a program that is accredited by the Commission on
2408 Accreditation for Marriage and Family Therapy Education (COAMFTE),
2409 or that was in COAMFTE candidacy status at the time of graduation
2410 and subsequently received COAMFTE accreditation;

2411 (b) Completed a clinical practicum that consisted of a
2412 minimum of five hundred (500) client contact hours and one hundred
2413 (100) hours of clinical supervision before receipt of the
2414 qualifying degree;

2415 (c) Passes the national Examination in Marital and
2416 Family Therapy prescribed by the Association for Marital and
2417 Family Therapy Regulatory Boards;

2418 (d) Provides all professional services under the
2419 supervision of a qualified supervisor in accordance with a
2420 supervision contract approved by the board; and

2421 (e) Has been successfully cleared through a criminal
2422 history records check in accordance with the provisions of
2423 Sections 1 through 7 of this act, including a fingerprint and an
2424 acceptable sex offender check, by appropriate governmental
2425 authorities as prescribed by the board.

2426 **SECTION 34.** Section 73-67-21, Mississippi Code of 1972, is
2427 amended as follows:

2428 73-67-21. (1) It shall be the responsibility of a massage
2429 therapy establishment to verify the current license of any and all



2430 persons practicing massage therapy at the location of or on behalf
2431 of the establishment. Failure to comply is subject to penalty
2432 assessed by the board of not less than Five Hundred Dollars
2433 (\$500.00) and not more than One Thousand Dollars (\$1,000.00) per
2434 offense.

2435 (2) No person may advertise massage or practice massage for
2436 compensation in this state unless he is licensed as a massage
2437 therapist by the board. No person may use the title of or
2438 represent himself to be a massage therapist or use any other
2439 title, abbreviations, letters, figures, signs or devices that
2440 indicate that the person is a massage therapist unless he is
2441 licensed to practice massage therapy under the provisions of this
2442 chapter. A current massage therapy license issued by the board
2443 shall at all times be prominently displayed in any place where
2444 massage therapy is being practiced.

2445 (3) The following are requirements for licensure:

2446 (a) An applicant must be eighteen (18) years of age, or
2447 older, on the date the application is submitted.

2448 (b) An application must provide proof of high school
2449 graduate equivalency.

2450 (c) An applicant must be of legal status not only to
2451 receive a license, but also to work in the State of Mississippi
2452 with that license.

2453 (d) An applicant must supply proof of current
2454 certification in cardiopulmonary resuscitation (CPR) and first aid



2455 of at least eight (8) hours of training, including practical
2456 testing, and supply documentation of familiarity with the
2457 Americans With Disabilities Act.

2458 (e) All required fees for licensure must be submitted
2459 by the applicant.

2460 (f) Any and all requirements regarding good moral
2461 character and competency, as provided for in this chapter and in
2462 accepted codes of ethics, shall be met.

2463 (g) An applicant must have completed an approved
2464 continuing education course on communicable diseases, including
2465 HIV/AIDS information and prevention.

2466 (h) The applicant's official and certified
2467 transcript(s) from the applicant's massage therapy school. The
2468 transcript must verify that the applicant has completed a
2469 board-approved training program of no less than the minimum
2470 requirement for supervised in-class massage therapy instruction
2471 and student clinic, with a minimum grade requirement of "C" or
2472 better in every course of instruction, as stated for school
2473 requirements.

2474 (4) The following pre-act practitioners are exempt from
2475 having to take any examination for licensure, but must fulfill all
2476 other requirements as stated in this chapter, except for the
2477 requirements in subsection (3) (h) of this section:



2478 (a) Those having more than three hundred (300)
2479 documented, board-accepted in-class hours of massage therapy
2480 education before January 1, 2001.

2481 (b) Those having more than five (5) years of
2482 professional massage therapy experience and a minimum of one
2483 hundred fifty (150) hours of approved massage therapy education.

2484 (c) Those having no formal training, but who have
2485 successfully passed the National Certification Examination for
2486 Therapeutic Massage and Bodywork.

2487 (d) All grandfathering exemption allowances as stated
2488 in this subsection (4) shall end on July 1, 2002, for nonstudents,
2489 and on June 1, 2003, for students who were enrolled in a part-time
2490 massage school curriculum on July 1, 2001. Individuals may apply
2491 for a license until the grandfathering exemption ends, but may not
2492 practice massage beyond the allowed grace period as provided for
2493 in Section 73-67-37 unless a valid massage therapy license or
2494 provisional permit is obtained. Except as provided in subsection
2495 (5) of this section, all other pre-act practitioners and anyone
2496 not practicing massage therapy before January 1, 2001, must take
2497 and pass the licensure examination and follow the requirements in
2498 this chapter to practice massage therapy for compensation in
2499 Mississippi.

2500 (e) Students enrolled in a massage therapy curriculum
2501 of at least five hundred (500) hours on July 1, 2001, who complete
2502 graduation from the same curriculum.



2503 (5) Any person who has practiced massage therapy for a
2504 period of more than twenty-five (25) years before March 14, 2005,
2505 who is employed as a massage therapist by a YMCA or YWCA
2506 authorized and existing as a nonprofit corporation under the laws
2507 of this state on March 14, 2005, is exempt from having to take any
2508 examination for licensure, but must fulfill all other requirements
2509 as stated in this chapter, except for the requirements in
2510 subsection (3) (b), (d), (g) and (h) of this section. Persons
2511 exempt under this subsection may apply for a massage therapy
2512 license until January 1, 2006, but may not practice massage
2513 therapy after January 1, 2006, unless a valid license is obtained.

2514 (6) Certificates of registration issued by the board before
2515 July 1, 2008, shall remain valid as licenses until the next
2516 renewal period.

2517 (7) An applicant must have successfully been cleared for
2518 licensure through an investigation that shall consist of a
2519 determination as to good moral character and verification that the
2520 prospective licensee is not guilty of or in violation of any
2521 statutory ground for denial of licensure as set forth in Section
2522 73-67-27. To make such a determination and successfully clear the
2523 applicant for licensure, the board must follow the provisions set
2524 forth in Sections 1 through 7 of this act.

2525 (a) To assist the board in conducting its licensure
2526 investigation, all applicants shall undergo a fingerprint-based
2527 criminal history records check of the Mississippi central criminal



2528 database and the Federal Bureau of Investigation criminal history
2529 database. Each applicant shall submit a full set of the
2530 applicant's fingerprints in a form and manner prescribed by the
2531 board, which shall be forwarded to the Mississippi Department of
2532 Public Safety (department) and the Federal Bureau of Investigation
2533 Identification Division for this purpose.

2534 (b) Any and all state or national criminal history
2535 records information obtained by the board that is not already a
2536 matter of public record shall be deemed nonpublic and confidential
2537 information restricted to the exclusive use of the board, its
2538 members, officers, investigators, agents and attorneys in
2539 evaluating the applicant's eligibility or disqualification for
2540 licensure, and shall be exempt from the Mississippi Public Records
2541 Act of 1983. Except when introduced into evidence in a hearing
2542 before the board to determine licensure, no such information or
2543 records related thereto shall, except with the written consent of
2544 the applicant or by order of a court of competent jurisdiction, be
2545 released or otherwise disclosed by the board to any other person
2546 or agency.

2547 (c) The board shall provide to the department the
2548 fingerprints of the applicant, any additional information that may
2549 be required by the department, and a form signed by the applicant
2550 consenting to the check of the criminal records and to the use of
2551 the fingerprints and other identifying information required by the
2552 state or national repositories.



2553 (d) The board shall charge and collect from the
2554 applicant, in addition to all other applicable fees and costs,
2555 such amount as may be incurred by the board in requesting and
2556 obtaining state and national criminal history records information
2557 on the applicant.

2558 **SECTION 35.** Section 73-69-7, Mississippi Code of 1972, is
2559 amended as follows:

2560 73-69-7. (1) The State Fire Marshal shall administer and
2561 enforce the provisions of this chapter and shall have the
2562 authority to promulgate and adopt such rules and regulations as
2563 may be necessary for such proper administration and enforcement.
2564 The Electronic Protection Advisory Licensing Board created in
2565 Section 73-69-21 shall advise the State Fire Marshal with respect
2566 to the rules and regulations of the provisions of this chapter.
2567 The State Fire Marshal shall have the authority to approve written
2568 training programs or acceptable equivalents for meeting the
2569 training requirements of this licensing law. The State Fire
2570 Marshal may also accept, as such an equivalent, licensure of a
2571 company or person by a jurisdiction outside this state, which has
2572 standards and requirements of practice which substantially conform
2573 to the provisions of this chapter. The State Fire Marshal shall
2574 also establish continuing education requirements.

2575 (2) Application for a Class A license. In order to engage
2576 in alarm contracting, a company shall apply for and obtain a Class
2577 A license for each operating location doing business in the state.



2578 A Class A license shall authorize a company to engage in any type
2579 of alarm contracting. An applicant for a Class A license shall
2580 submit the following to the State Fire Marshal:

2581 (a) Documentation that the company is an entity duly
2582 authorized to conduct business within this state.

2583 (b) Documentation that the company holds a general
2584 liability and errors and omissions insurance policy, or a surety
2585 bond, in an amount not less than Three Hundred Thousand Dollars
2586 (\$300,000.00).

2587 (c) Documentation that the company carries a current
2588 and valid workers' compensation insurance policy as required by
2589 state law.

2590 (d) The name of the person who will serve as the
2591 designated agent of the company.

2592 (e) For a company applying for a Class A license,
2593 evidence that the company has at least one (1) employee who holds
2594 a Class B license at each of its operating locations.

2595 (f) A statement made in accordance with the provisions
2596 of Sections 1 through 7 of this act that no officer or principal
2597 has been convicted of a felony, has received a first-time offender
2598 pardon for a felony, or has entered a plea of guilty or nolo
2599 contendere to a felony charge.

2600 (g) The application fee authorized by this chapter.

2601 (h) Documentation that the company is located within
2602 the physical boundaries of the state.



2603 (i) Beginning on July 1, 2014, in order to assist the
2604 Office of the State Fire Marshal in determining an applicant's
2605 suitability for a license under this chapter, a Class A applicant,
2606 upon request from the State Fire Marshal, shall submit a set of
2607 fingerprints for all officers and principals * * * at such time as
2608 deemed necessary by the State Fire Marshal and in accordance with
2609 the provisions of Sections 1 through 7 of this act. The Office of
2610 the State Fire Marshal shall forward the fingerprints to the
2611 Department of Public Safety for the purpose of conducting a
2612 criminal history record check. If no disqualifying record is
2613 identified at the state level, the fingerprints shall be forwarded
2614 by the Department of Public Safety to the Federal Bureau of
2615 Investigation for a national criminal history record check. Fees
2616 related to the criminal history record check shall be paid by the
2617 applicant to the State Fire Marshal and the monies from such fees
2618 shall be deposited in the special fund in the State Treasury
2619 designated as the Electronic Protection Licensing Fund.

2620 (j) The name of each company providing monitoring
2621 services.

2622 (3) If the action by the State Fire Marshal is to nonrenew
2623 or to deny an application for license, the State Fire Marshal
2624 shall notify the applicant or licensee and advise, in writing, the
2625 applicant or licensee of the reason for the denial or nonrenewal
2626 of the applicant's or licensee's license. The applicant or
2627 licensee may make written demand upon the State Fire Marshal



2628 within ten (10) days for a hearing before the State Fire Marshal
2629 to determine the reasonableness of the State Fire Marshal's
2630 action. The hearing shall be held within thirty (30) days.

2631 **SECTION 36.** Section 73-69-11, Mississippi Code of 1972, is
2632 amended as follows:

2633 73-69-11. (1) Any person employed by an alarm contracting
2634 company shall hold an individual license issued by the State Fire
2635 Marshal. Such license shall authorize its holder to engage in
2636 alarm contracting, only to the extent of the terms as further
2637 provided in this chapter.

2638 (2) Such application shall be accompanied by:

2639 (a) Two (2) suitable photographs of the applicant
2640 acceptable to the State Fire Marshal. The State Fire Marshal
2641 shall keep one (1) photograph on file and shall make the other
2642 photograph a part of any license subsequently issued to the
2643 applicant.

2644 (b) Documentation that the applicant meets educational
2645 requirements applicable to the type of license for which he is
2646 applying, as follows:

2647 (i) For a Class B license: a minimum of
2648 Electronic Security Association, Level 2 A and Level 2 B Burglar
2649 Alarm training course or the Electronic Security Association, Fire
2650 Alarm Installation Methods and Advanced Intrusion Systems training
2651 courses, or equivalent training approved by the State Fire
2652 Marshal, and documentation proving residency within a radius of



2653 one hundred fifty (150) miles of the office to which he is
2654 assigned.

2655 (ii) For a Class C license: a minimum of
2656 Electronic Security Association Level 1 Certified Alarm/Security
2657 Technician training course, or equivalent training approved by the
2658 State Fire Marshal.

2659 (iii) For a Class D license: a minimum of
2660 Electronic Security Association, Understanding Electronic Security
2661 Systems training course, or equivalent training approved by the
2662 State Fire Marshal.

2663 (iv) For a Class H license: application a Class B
2664 or Class C license holder that they will provide direct
2665 supervision of the Class H licensee.

2666 (c) (i) A statement made in accordance with the
2667 provisions of Sections 1 through 7 of this act by the applicant
2668 that he has not been convicted of a felony, received a first-time
2669 offender pardon for a felony, or entered a plea of guilty or nolo
2670 contendere to a felony charge. A felony that has been dismissed
2671 pursuant to the Mississippi Criminal Code or equivalent judicial
2672 dismissal shall not apply to this paragraph.

2673 (ii) A conviction or a plea of guilty or nolo
2674 contendere to a felony charge or receipt of a first-time offender
2675 pardon shall not constitute an automatic disqualification as
2676 otherwise required pursuant to subparagraph (i) if ten (10) or
2677 more years have elapsed between the date of application and the



2678 successful completion or service of any sentence, deferred
2679 adjudication or period of probation or parole.

2680 (iii) Subparagraph (ii) shall not apply to any
2681 person convicted of a felony crime of violence or a sex offense as
2682 defined within the Mississippi Criminal Code.

2683 (d) The State Fire Marshal shall have the authority to
2684 conduct criminal history verification on a local, state or
2685 national level in accordance with the provisions of Sections 1
2686 through 7 of this act. Beginning on July 1, 2014, in order to
2687 assist the Office of the State Fire Marshal in determining an
2688 applicant's suitability for a license under this chapter, an
2689 applicant shall submit a set of fingerprints with the submission
2690 of an application for license. The Office of the State Fire
2691 Marshal shall forward the fingerprints to the Department of Public
2692 Safety for the purpose of conducting a criminal history record
2693 check. If no disqualifying record is identified at the state
2694 level, the fingerprints shall be forwarded by the Department of
2695 Public Safety to the Federal Bureau of Investigation for a
2696 national criminal history record check. Fees related to the
2697 criminal history record check shall be paid by the applicant to
2698 the State Fire Marshal and the monies from such fees shall be
2699 deposited in the special fund in the State Treasury designated as
2700 the Electronic Protection Licensing Fund.

2701 (e) The application fee authorized by this chapter.



2702 (3) The State Fire Marshal shall have the authority to
2703 determine if information submitted by an applicant is in a form
2704 acceptable to him. The State Fire Marshal shall verify or have
2705 another entity verify information submitted by each applicant.

2706 (4) If the State Fire Marshal finds that an applicant has
2707 met the applicable requirements of the alarm licensing law, he
2708 shall issue the appropriate type of license to the applicant upon
2709 payment of the license fee authorized by this chapter.

2710 (5) Each individual license holder shall maintain his
2711 license on his person while engaging in any type of alarm
2712 contracting as applicable. Each such license holder shall present
2713 his license for inspection upon demand by an employee of the
2714 Office of the State Fire Marshal or a law enforcement officer.

2715 (6) Each individual license holder shall notify the State
2716 Fire Marshal, on a form specified and provided by the State Fire
2717 Marshal, within ten (10) days of the following:

2718 (a) Any change in business or home address.

2719 (b) Any separation from an employer or change in
2720 employer.

2721 (c) Any conviction for a felony or entry of a plea of
2722 guilty or nolo contendere to a felony charge or receipt of a
2723 first-time offender pardon.

2724 (7) No individual licensed under this chapter shall contract
2725 for his services as an independent contractor or agent without
2726 applying for and being issued a Class A license per Section



2727 73-69-9. No alarm contracting company shall contract for the
2728 independent services of a holder of an individual license under
2729 this section.

2730 (8) The State Fire Marshal may enter into reciprocal
2731 agreements with other states for mutual recognition of individual
2732 license holders, if the State Fire Marshal has established the
2733 criteria for acceptance of reciprocal agreements by rule or
2734 regulation. The issuance of a license by reciprocity to a
2735 military-trained applicant or military spouse shall be subject to
2736 the provisions of Section 73-50-1.

2737 (9) If the action by the State Fire Marshal is to nonrenew
2738 or to deny an application for license, the State Fire Marshal
2739 shall notify the applicant or licensee and advise, in writing, the
2740 applicant or licensee of the reason for the denial or nonrenewal
2741 of the applicant's or licensee's license. The applicant or
2742 licensee may make written demand upon the State Fire Marshal
2743 within ten (10) days for a hearing before the State Fire Marshal
2744 to determine the reasonableness of the State Fire Marshal's
2745 action. The hearing shall be held within thirty (30) days.

2746 **SECTION 37.** Section 73-71-19, Mississippi Code of 1972, is
2747 amended as follows:

2748 73-71-19. (1) No person shall be licensed to practice
2749 acupuncture unless he or she has passed an examination and/or has
2750 been found to have the necessary qualifications as prescribed in
2751 the regulations adopted by the board.



2752 (2) Before any applicant is eligible for an examination or
2753 qualification, he or she shall furnish satisfactory proof that he
2754 or she:

2755 (a) Is a citizen or permanent resident of the United
2756 States;

2757 (b) Has demonstrated proficiency in the English
2758 language;

2759 (c) Is at least twenty-one (21) years of age;

2760 (d) Is of good moral character;

2761 (e) Has completed a program of acupuncture and has
2762 received a certificate or diploma from an institute approved by
2763 the board, according to the provisions of this chapter;

2764 (f) Has completed a clinical internship training as
2765 approved by the board; and

2766 (g) Has received training in cardiopulmonary
2767 resuscitation (CPR).

2768 (3) The board may hold an examination at least once a year,
2769 and all applicants shall be notified in writing of the date and
2770 time of all examinations. The board may use a NCCAOM examination
2771 if it deems that national examination to be sufficient to qualify
2772 a practitioner for licensure in this state. In no case shall the
2773 state's own examination be less rigorous than the nationally
2774 recognized examination.

2775 (4) In addition to the written examination, if the
2776 nationally recognized examination does not provide a suitable



2777 practical examination comparable to board standards, the board
2778 shall examine each applicant in the practical application of
2779 Oriental medical diagnostic and treatment techniques in a manner
2780 and by methods that reveal the applicant's skill and knowledge.

2781 (5) The board shall require all qualified applicants to be
2782 examined in the following subjects:

- 2783 (a) Anatomy and physiology;
- 2784 (b) Pathology;
- 2785 (c) Diagnosis;
- 2786 (d) Hygiene, sanitation and sterilization techniques;
- 2787 (e) All major acupuncture principles, practices and
2788 techniques; and
- 2789 (f) Clean Needle Technique Exam.

2790 (6) To assist the board in conducting its licensure
2791 investigation, all applicants shall undergo a fingerprint-based
2792 criminal history records check of the Mississippi central criminal
2793 database and the Federal Bureau of Investigation criminal history
2794 database in accordance with the provisions of Sections 1 through 7
2795 of this act. Each applicant shall submit a full set of the
2796 applicant's fingerprints in a form and manner prescribed by the
2797 board, which shall be forwarded to the Mississippi Department of
2798 Public Safety (department) and the Federal Bureau of Investigation
2799 Identification Division for this purpose. Any and all state or
2800 national criminal history records information obtained by the
2801 board that is not already a matter of public record shall be



2802 deemed nonpublic and confidential information restricted to the
2803 exclusive use of the board, its members, officers, investigators,
2804 agents and attorneys in evaluating the applicant's eligibility or
2805 disqualification for licensure, and shall be exempt from the
2806 Mississippi Public Records Act of 1983. Except when introduced
2807 into evidence in a hearing before the board to determine
2808 licensure, no such information or records related thereto shall,
2809 except with the written consent of the applicant or by order of a
2810 court of competent jurisdiction, be released or otherwise
2811 disclosed by the board to any other person or agency. The board
2812 shall provide to the department the fingerprints of the applicant,
2813 any additional information that may be required by the department,
2814 and a form signed by the applicant consenting to the check of the
2815 criminal records and to the use of the fingerprints and other
2816 identifying information required by the state or national
2817 repositories. The board shall charge and collect from the
2818 applicant, in addition to all other applicable fees and costs,
2819 such amount as may be incurred by the board in requesting and
2820 obtaining state and national criminal history records information
2821 on the applicant.

2822 (7) The board shall issue a license to every applicant whose
2823 application has been filed with and approved by the board and who
2824 has paid the required fees and who either:



2825 (a) Has passed the board's written examination and
2826 practical examination, with a score of not less than seventy
2827 percent (70%) on each examination; or

2828 (b) Has achieved a passing score on a board approved
2829 nationally recognized examination, which examination includes a
2830 written and practical portion, as determined by the board; or

2831 (c) Has received certification from a board approved
2832 national certification process; or

2833 (d) Has achieved a passing score on a board approved
2834 nationally recognized written examination and has passed the
2835 board's practical examination with a score of not less than
2836 seventy percent (70%).

2837 (8) The board shall keep a record of all examinations held,
2838 together with the names and addresses of all persons taking
2839 examinations, and the examination results. Within forty-five (45)
2840 days after the examination, the board shall give written notice of
2841 the results of the examination to each applicant.

2842 **SECTION 38.** Section 73-75-13, Mississippi Code of 1972, is
2843 amended as follows:

2844 73-75-13. **Eligibility for license.** To be eligible for
2845 licensure by the board as a behavior analyst or assistant behavior
2846 analyst, a person shall:

2847 (a) Submit to the board an application, upon such form
2848 and in such manner as the board shall prescribe, along with the
2849 applicable fee and personal references;



2850 (b) Certify in accordance with the provisions of
2851 Sections 1 through 7 of this act that the applicant has not been
2852 convicted of a felony as defined by the laws of the State of
2853 Mississippi;

2854 (c) Undergo a fingerprint-based criminal history
2855 records check of the Mississippi central criminal database and the
2856 Federal Bureau of Investigation criminal history database in
2857 accordance with the provisions of Sections 1 through 7 of this
2858 act. Each applicant shall submit a full set of the applicant's
2859 fingerprints in a form and manner prescribed by the board, which
2860 shall be forwarded to the Mississippi Department of Public Safety
2861 and the Federal Bureau of Investigation Identification Division
2862 for this purpose; and

2863 (d) For a behavior analyst:

2864 (i) Possess at least a master's degree, or its
2865 equivalent, from an educational institution recognized by the
2866 board;

2867 (ii) Have current and active certification by the
2868 Behavior Analyst Certification Board as a Board Certified Behavior
2869 Analyst (BCBA) or Board Certified Behavior Analyst-Doctoral
2870 (BCBA-D), verified by the board; and

2871 (iii) Comply with such other requirements of the
2872 board.

2873 (e) For an assistant behavior analyst:



2874 (i) Possess a bachelor's degree, or its
2875 equivalent, from an educational institution recognized by the
2876 board;

2877 (ii) Have current and active certification by the
2878 Behavior Analyst Certification Board as a Board Certified
2879 Assistant Behavior Analyst (BCABA), verified by the board; and

2880 (iii) Provide proof of ongoing supervision by a
2881 licensed behavior analyst.

2882 (f) All licenses issued pursuant to this section shall
2883 be for a term of three (3) years, but shall not exceed the
2884 expiration of the licensee's certification by the Behavior Analyst
2885 Certification Board.

2886 **SECTION 39.** Section 75-15-11, Mississippi Code of 1972, is
2887 amended as follows:

2888 75-15-11. Each application for a license shall be
2889 accompanied by:

2890 (a) Certified financial statements, reasonably
2891 satisfactory to the commissioner, showing that the applicant has a
2892 net worth of at least Twenty-five Thousand Dollars (\$25,000.00)
2893 plus Fifteen Thousand Dollars (\$15,000.00) for each location in
2894 excess of one (1) at which the applicant proposes to conduct money
2895 transmissions in this state, computed according to generally
2896 accepted accounting principles, but in no event shall the net
2897 worth be required to be in excess of Two Hundred Fifty Thousand
2898 Dollars (\$250,000.00).



2899 (b) A surety bond issued by a bonding company or
2900 insurance company authorized to do business in this state, in the
2901 principal sum of Twenty-five Thousand Dollars (\$25,000.00) or in
2902 an amount equal to outstanding money transmissions in Mississippi,
2903 whichever is greater, but in no event shall the bond be required
2904 to be in excess of Five Hundred Thousand Dollars (\$500,000.00).
2905 However, the commissioner may increase the required amount of the
2906 bond upon the basis of the impaired financial condition of a
2907 licensee as evidenced by a reduction in net worth, financial
2908 losses or other relevant criteria. The bond shall be in form
2909 satisfactory to the commissioner and shall run to the state for
2910 the use and benefit of the Department of Banking and Consumer
2911 Finance and any claimants against the applicant or his agents to
2912 secure the faithful performance of the obligations of the
2913 applicant and his agents with respect to the receipt, handling,
2914 transmission and payment of money in connection with money
2915 transmissions in Mississippi. The aggregate liability of the
2916 surety in no event shall exceed the principal sum of the bond.
2917 The surety on the bond shall have the right to cancel the bond
2918 upon giving sixty (60) days' notice in writing to the commissioner
2919 and thereafter shall be relieved of liability for any breach of
2920 condition occurring after the effective date of the cancellation.
2921 Any claimants against the applicant or his agents may themselves
2922 bring suit directly on the bond, or the Attorney General may bring



2923 suit thereon in behalf of those claimants, either in one (1)
2924 action or successive actions.

2925 (c) In lieu of the corporate surety bond, the applicant
2926 may deposit with the State Treasurer bonds or other obligations of
2927 the United States or guaranteed by the United States or bonds or
2928 other obligations of this state or of any municipal corporation,
2929 county, or other political subdivision or agency of this state, or
2930 certificates of deposit of national or state banks doing business
2931 in Mississippi, having an aggregate market value at least equal to
2932 that of the corporate surety bond otherwise required. Those bonds
2933 or obligations or certificates of deposit shall be deposited with
2934 the State Treasurer to secure the same obligations as would a
2935 corporate surety bond, but the depositor shall be entitled to
2936 receive all interest and dividends thereon and shall have the
2937 right to substitute other bonds or obligations or certificates of
2938 deposit for those deposited, with the approval of the
2939 commissioner, and shall be required so to do on order of the
2940 commissioner made for good cause shown. The State Treasurer shall
2941 provide for custody of the bonds or obligations or certificates of
2942 deposits by a qualified trust company or bank located in the State
2943 of Mississippi or by any Federal Reserve Bank. The compensation,
2944 if any, of the custodian for acting as such under this section
2945 shall be paid by the depositing licensee.

2946 (d) Proof of registration as a money service business
2947 per 31 CFR Section 103.41, if applicable.



2948 (e) A set of fingerprints from any local law
2949 enforcement agency for each owner of a sole proprietorship,
2950 partners in a partnership or principal owners of a limited
2951 liability company that own at least ten percent (10%) of the
2952 voting shares of the company, shareholders owning ten percent
2953 (10%) or more of the outstanding shares of the corporation, except
2954 publically traded corporations and their subsidiaries, and any
2955 other executive officer with significant oversight duties of the
2956 business. In order to determine the applicant's suitability for
2957 license in accordance with the provisions of Sections 1 through 7
2958 of this act, the commissioner shall forward the fingerprints to
2959 the Department of Public Safety for a state criminal history
2960 records check, and the fingerprints shall be forwarded by the
2961 Department of Public Safety to the FBI for a national criminal
2962 history records check. The department shall not issue a license
2963 if it finds that the applicant, or any person who is an owner,
2964 partner, director or executive officer of the applicant, has * * *
2965 a conviction determined to be directly related to the occupation
2966 for which the license is sought as provided in Sections 1 through
2967 7 of this act. For the purposes of this chapter, a person shall
2968 be deemed to have been convicted of a crime if the person has
2969 pleaded guilty to a crime before a court or federal magistrate, or
2970 plea of nolo contendere, or has been found guilty of a crime by
2971 the decision or judgment of a court or federal magistrate or by
2972 the verdict of a jury, irrespective of the pronouncement of



2973 sentence or the suspension of a sentence, unless the person
2974 convicted of the crime has received a pardon from the President of
2975 the United States or the Governor or other pardoning authority in
2976 the jurisdiction where the conviction was obtained.

2977 **SECTION 40.** Section 75-67-323, Mississippi Code of 1972, is
2978 amended as follows:

2979 75-67-323. (1) To be eligible for a pawnbroker license, an
2980 applicant shall:

2981 (a) Operate lawfully and fairly within the purposes of
2982 this article;

2983 (b) Not have been convicted of a felony in accordance
2984 with the provisions of Sections 1 through 7 of this act in the
2985 last ten (10) years or be active as a beneficial owner for someone
2986 who has been convicted of a felony in the last ten (10) years;

2987 (c) File with the commissioner a bond with good
2988 security in the penal sum of Ten Thousand Dollars (\$10,000.00),
2989 payable to the State of Mississippi for the faithful performance
2990 by the licensee of the duties and obligations pertaining to the
2991 business so licensed and the prompt payment of any judgment which
2992 may be recovered against such licensee on account of damages or
2993 other claim arising directly or collaterally from any violation of
2994 the provisions of this article; such bond shall not be valid until
2995 it is approved by the commissioner; such applicant may file, in
2996 lieu thereof, cash, a certificate of deposit, or government bonds
2997 in the amount of Ten Thousand Dollars (\$10,000.00); such deposit



2998 shall be filed with the commissioner and is subject to the same
2999 terms and conditions as are provided for in the surety bond
3000 required herein; any interest or earnings on such deposits are
3001 payable to the depositor;

3002 (d) File with the commissioner an application
3003 accompanied by the initial license fee required in this article;

3004 (e) Submit a set of fingerprints from any local law
3005 enforcement agency in accordance with the provisions of Sections 1
3006 through 7 of this act. In order to determine the applicant's
3007 suitability for license, the commissioner shall forward the
3008 fingerprints to the Department of Public Safety; and if no
3009 disqualifying record is identified at the state level, the
3010 fingerprints shall be forwarded by the Department of Public Safety
3011 to the FBI for a national criminal history record check.

3012 (2) Every licensee shall post his license in a conspicuous
3013 place at each place of business.

3014 (3) Every licensee shall post and display a sign which
3015 measures at least twenty (20) inches by twenty (20) inches in a
3016 conspicuous place and in easy view of all persons who enter the
3017 place of business. The sign shall display bold, blocked letters,
3018 easily readable, with the following information: "This pawnshop
3019 is licensed and regulated by the Mississippi Department of Banking
3020 and Consumer Finance. If you encounter any unresolved problem
3021 with a transaction at this location, you are entitled to
3022 assistance. Please call or write: Mississippi Department of



3023 Banking and Consumer Finance, Post Office Drawer 23729, Jackson,
3024 MS 39225-3729; Phone 1-800-844-2499."

3025 (4) From and after December 1, 2010, each application for an
3026 initial license shall include evidence of the satisfactory
3027 completion of at least six (6) hours of approved prelicensing
3028 education, and each application for renewal shall include evidence
3029 of the satisfactory completion of at least six (6) hours of
3030 approved continuing education, by the owners or designated
3031 representative in pawnbroker transactions. Two (2) of the six (6)
3032 hours shall consist of instruction on the Mississippi Pawnshop Act
3033 and shall be approved by the department once the course is
3034 approved by the Mississippi Pawnbrokers Association or the
3035 National Pawnbrokers Association.

3036 **SECTION 41.** Section 75-67-421, Mississippi Code of 1972, is
3037 amended as follows:

3038 75-67-421. (1) To be eligible for a title pledge lender
3039 license, an applicant shall:

3040 (a) Operate lawfully and fairly within the purposes of
3041 this article;

3042 (b) Not have been convicted of a felony in accordance
3043 with the provisions of Sections 1 through 7 of this act in the
3044 last ten (10) years or be active as a beneficial owner for someone
3045 who has been convicted of a felony in the last ten (10) years;

3046 (c) File with the commissioner a bond with good
3047 security in the penal sum of Fifty Thousand Dollars (\$50,000.00)



3048 for each location at which the applicant proposes to engage in the
3049 business of title pledge lending, but in no event shall the
3050 aggregate amount of the bond for all locations per applicant
3051 exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) and no
3052 more than Fifty Thousand Dollars (\$50,000.00) shall be payable or
3053 recoverable on the bond for each location; the bond shall be
3054 payable to the State of Mississippi for the faithful performance
3055 by the licensee of the duties and obligations pertaining to the
3056 business so licensed and the prompt payment of any judgment which
3057 may be recovered against the licensee on account of damages or
3058 other claim arising directly or collaterally from any violation of
3059 the provisions of this article; the bond shall not be valid until
3060 it is approved by the commissioner; the applicant may file, in
3061 lieu thereof, cash, a certificate of deposit or government bonds
3062 in the amount of Twenty-five Thousand Dollars (\$25,000.00) for
3063 each location at which the applicant proposes to engage in the
3064 business of title pledge lending, but in no event shall the
3065 aggregate amount of the cash, certificate of deposit or government
3066 bonds for all locations per applicant exceed Two Hundred Fifty
3067 Thousand Dollars (\$250,000.00) and no more than Twenty-five
3068 Thousand Dollars (\$25,000.00) shall be payable or recoverable on
3069 the cash, certificate of deposit or government bonds for each
3070 location; the deposit of the cash, certificate of deposit or
3071 government bonds shall be filed with the commissioner and is
3072 subject to the same terms and conditions as are provided for in



3073 the surety bond required herein; any interest or earnings on such
3074 deposits are payable to the depositor * * *;

3075 (d) File with the commissioner an application
3076 accompanied by a set of fingerprints from any local law
3077 enforcement agency, and the initial license fee required in this
3078 article in accordance with the provisions of Sections 1 through 7
3079 of this act. In order to determine the applicant's suitability
3080 for license, the commissioner shall forward the fingerprints to
3081 the Department of Public Safety; and if no disqualifying record is
3082 identified at the state level, the fingerprints shall be forwarded
3083 by the Department of Public Safety to the FBI for a national
3084 criminal history record check.

3085 (2) Upon the filing of an application in a form prescribed
3086 by the commissioner, accompanied by the fee and documents required
3087 in this article, the department shall investigate to ascertain
3088 whether the qualifications prescribed by this article have been
3089 satisfied. If the commissioner finds that the qualifications have
3090 been satisfied and, if he approves the documents so filed by the
3091 applicant, he shall issue to the applicant a license to engage in
3092 the business of title pledge lending in this state.

3093 (3) Complete and file with the commissioner an annual
3094 renewal application accompanied by the renewal fee required in
3095 this article.

3096 (4) The license shall be kept conspicuously posted in the
3097 place of business of the licensee.



3098 **SECTION 42.** Section 75-67-509, Mississippi Code of 1972, is
3099 amended as follows:

3100 75-67-509. To be eligible for a check casher license, an
3101 applicant shall:

3102 (a) Operate lawfully and fairly within the purposes of
3103 this article.

3104 (b) Not have been convicted of a felony in accordance
3105 with the provisions of Sections 1 through 7 of this act in the
3106 last ten (10) years or be active as a beneficial owner for someone
3107 who has been convicted of a felony in the last ten (10) years.

3108 (c) File with the commissioner a bond with good
3109 security in the penal sum of Ten Thousand Dollars (\$10,000.00),
3110 payable to the State of Mississippi for the faithful performance
3111 by the licensee of the duties and obligations pertaining to the
3112 business so licensed and the prompt payment of any judgment which
3113 may be recovered against the licensee on account of charges or
3114 other claims arising directly or collectively from any violation
3115 of the provisions of this article. The bond shall not be valid
3116 until it is approved by the commissioner. The applicant may file,
3117 in lieu of the bond, cash, a certificate of deposit or government
3118 bonds in the amount of Ten Thousand Dollars (\$10,000.00). Those
3119 deposits shall be filed with the commissioner and are subject to
3120 the same terms and conditions as are provided for in the surety
3121 bond required in this paragraph. Any interest or earnings on
3122 those deposits are payable to the depositor.



3123 (d) File with the commissioner an application for a
3124 license and the initial license fee required in this article. If
3125 applicant's application is approved, a check casher license will
3126 be issued within thirty (30) days.

3127 (e) Submit a set of fingerprints from any local law
3128 enforcement agency in accordance with the provisions of Sections 1
3129 through 7 of this act. In order to determine the applicant's
3130 suitability for license, the commissioner shall forward the
3131 fingerprints to the Department of Public Safety; and if no
3132 disqualifying record is identified at the state level, the
3133 fingerprints shall be forwarded by the Department of Public Safety
3134 to the FBI for a national criminal history record check.

3135 (f) Complete and file with the commissioner an annual
3136 renewal application for a license accompanied by the renewal fee
3137 required in this article.

3138 **SECTION 43.** Section 75-67-609, Mississippi Code of 1972, is
3139 amended as follows:

3140 75-67-609. To be eligible for a credit availability license,
3141 an applicant shall:

3142 (a) Operate lawfully and fairly within the purposes of
3143 this article.

3144 (b) Not have been convicted in accordance with the
3145 provisions of Sections 1 through 7 of this act in the last ten
3146 (10) years or be active as a beneficial owner for someone who has
3147 been convicted in the last ten (10) years of a crime that the



3148 commissioner finds directly relates to the duties and
3149 responsibilities of the business of offering credit availability
3150 transactions.

3151 (c) File with the commissioner a bond with good
3152 security in the penal sum of Ten Thousand Dollars (\$10,000.00),
3153 payable to the State of Mississippi, for the faithful performance
3154 by the licensee of the duties and obligations pertaining to the
3155 business so licensed and the prompt payment of any judgment which
3156 may be recovered against the licensee on account of charges or
3157 other claims arising directly or collectively from any violation
3158 of the provisions of this article. The bond shall not be valid
3159 until the commissioner approves it. The applicant may file, in
3160 lieu of the bond, cash, a certificate of deposit or government
3161 bonds in the amount of Ten Thousand Dollars (\$10,000.00). Those
3162 deposits shall be filed with the commissioner and are subject to
3163 the same terms and conditions as are provided for in the surety
3164 bond required in this paragraph. Any interest or earnings on
3165 those deposits are payable to the depositor. Applicants applying
3166 for multiple licenses may submit a single bond for all licenses,
3167 provided that the total value of the bond is equal to Ten Thousand
3168 Dollars (\$10,000.00) per license applied for.

3169 (d) File with the commissioner an application for a
3170 license and the initial license fee required in this article. If
3171 applicant's application is approved, a credit availability license
3172 will be issued within thirty (30) days.



3173 (e) File with the commissioner a set of fingerprints
3174 from any local law enforcement agency in accordance with the
3175 provisions of Sections 1 through 7 of this act for each owner of a
3176 sole proprietorship, partners in a partnership or principal owners
3177 of a limited liability company that own at least ten percent (10%)
3178 of the voting shares of the company, shareholders owning ten
3179 percent (10%) or more of the outstanding shares of the
3180 corporation, except publically traded corporations and their
3181 subsidiaries, and any other executive officer with significant
3182 oversight duties of the business. In order to determine the
3183 applicant's suitability for license, the commissioner shall
3184 forward the fingerprints to the Department of Public Safety; and
3185 if no disqualifying record is identified at the state level, the
3186 Department of Public Safety shall forward the fingerprints to the
3187 FBI for a national criminal history record check.

3188 (f) Complete and file with the commissioner an annual
3189 renewal application for a license accompanied by the renewal fee
3190 required in this article.

3191 **SECTION 44.** Section 81-1-135, Mississippi Code of 1972, is
3192 amended as follows:

3193 81-1-135. (1) The Legislature finds that a uniform
3194 multistate administration of a multistate licensing system for
3195 consumer industry licensees regulated by the Department of Banking
3196 and Consumer Finance is consistent with both the public interest
3197 and the provisions of law regulating those licensees; therefore,



3198 the Commissioner of Banking and Consumer Finance may require
3199 consumer industry licensees to participate in a multistate
3200 licensing system.

3201 (2) Nothing in this section shall authorize the commissioner
3202 to require any person exempt from licensure under the provisions
3203 of law regulating consumer industry licensees to participate in
3204 the multistate licensing system.

3205 (3) The commissioner may establish, by rule, regulation or
3206 order, requirements as necessary, including, but not limited to:

3207 (a) Background checks in accordance with the provisions
3208 of Sections 1 through 7 of this act for:

3209 (i) Criminal history through fingerprint or other
3210 databases;

3211 (ii) Civil or administrative records;

3212 (iii) Credit history; or

3213 (iv) Any other information as deemed necessary by
3214 the multistate licensing system.

3215 (b) The payment of fees to apply for or renew licenses
3216 through the multistate licensing system.

3217 (c) The setting or resetting as necessary of renewal or
3218 reporting dates; and

3219 (d) Requirements for amending or surrendering a license
3220 or any other such activities as the commissioner deems necessary
3221 for participation in the multistate licensing system.



3222 (4) Any person engaged in activity that requires licensure
3223 pursuant to this section shall utilize the multistate licensing
3224 system for application, renewal, amendment, surrender and any
3225 other activity as the commissioner may require, and shall pay all
3226 applicable charges to utilize the multistate licensing system.

3227 (5) The commissioner is authorized to establish
3228 relationships or contacts with the multistate licensing system or
3229 other entities designated by the multistate licensing system to
3230 collect and maintain records and process transaction fees or other
3231 fees related to licensees.

3232 **SECTION 45.** Section 81-18-9, Mississippi Code of 1972, is
3233 amended as follows:

3234 81-18-9. (1) Applicants for a license shall apply in a form
3235 as prescribed by the commissioner. Each such form shall contain
3236 content as set forth by rule, regulation, instruction or procedure
3237 of the commissioner and may be changed or updated as necessary by
3238 the commissioner in order to carry out the purposes of this
3239 chapter.

3240 (2) The mortgage broker and mortgage lender application
3241 through the Nationwide Mortgage Licensing System and Registry
3242 shall include, but is not limited to, the following:

3243 (a) The legal name, residence and business address of
3244 the applicant and, if applicable, the legal name, residence and
3245 business address of every principal and executive officer,
3246 together with the résumé of the applicant and of every principal



3247 and executive officer of the applicant. In addition, an
3248 independent credit report obtained from a consumer-reporting
3249 agency described in Section 603(p) of the Fair Credit Reporting
3250 Act and information related to any administrative, civil or
3251 criminal findings by any governmental jurisdiction of every
3252 principal and executive officer.

3253 (b) The legal name of the mortgage broker or mortgage
3254 lender in addition to the name under which the applicant will
3255 conduct business in the state, neither of which may be already
3256 assigned to a licensed mortgage broker or mortgage lender.

3257 (c) The complete address of the applicant's principal
3258 place of business, branch office(s) and any other locations at
3259 which the applicant will engage in any business activity covered
3260 by this chapter. All locations shall be within the United States
3261 of America or a territory of the United States of America,
3262 including Puerto Rico and the U.S. Virgin Islands.

3263 (d) A copy of the certificate of incorporation, if a
3264 Mississippi corporation.

3265 (e) Documentation satisfactory to the department as to
3266 a certificate of existence of authority to transact business
3267 lawfully in Mississippi from the Mississippi Secretary of State's
3268 office, if a limited liability company, partnership, trust or any
3269 other group of persons, however organized. This paragraph does
3270 not pertain to applicants organized as an individual or as a sole
3271 proprietorship.



3272 (f) If a foreign entity, a copy of a certificate of
3273 authority to conduct business in Mississippi and the address of
3274 the principal place of business of the foreign entity.

3275 (g) Documentation of a minimum of two (2) years'
3276 experience directly related to mortgage activities by a person
3277 named as the qualifying individual of the company. The qualifying
3278 individual shall be primarily responsible for the operations of
3279 the licensed mortgage broker or mortgage lender. Only one (1)
3280 qualifying individual shall be named for Mississippi and this
3281 person shall be the qualifying individual for only one (1)
3282 licensee. Evidence of experience shall include, where applicable:

3283 (i) Copies of business licenses issued by
3284 governmental agencies.

3285 (ii) Employment history of the person filing the
3286 application for at least two (2) years before the date of the
3287 filing of an application, including, but not limited to, job
3288 descriptions, length of employment, names, addresses and phone
3289 numbers for past employers.

3290 (iii) Any other data and pertinent information as
3291 the department may require with respect to the applicant, its
3292 directors, principals, trustees, officers, members, contractors or
3293 agents. A résumé alone shall not be sufficient proof of
3294 employment history.



3295 (3) The mortgage broker and mortgage lender applications
3296 shall be filed on the Nationwide Mortgage Licensing System and
3297 Registry together with the following:

3298 (a) The license fee specified in Section 81-18-15;

3299 (b) An original or certified copy of a surety bond in
3300 favor of the State of Mississippi for the use, benefit and
3301 indemnity of any person who suffers any damage or loss as a result
3302 of the company's breach of contract or of any obligation arising
3303 therefrom or any violation of law;

3304 (c) A set of fingerprints from any local law
3305 enforcement agency in accordance with the provisions of Sections 1
3306 through 7 of this act from the following applicants:

3307 (i) All persons operating as a sole proprietorship
3308 that plan to conduct a mortgage-brokering or lending business in
3309 the State of Mississippi;

3310 (ii) Partners in a partnership or principal owners
3311 of a limited liability company that own at least ten percent (10%)
3312 of the voting shares of the company;

3313 (iii) Any shareholders owning ten percent (10%) or
3314 more of the outstanding shares of the corporation;

3315 (iv) All executive officers of the applicant;

3316 (v) All loan originators; and

3317 (vi) The named qualifying individual of the

3318 company as required in Section 81-18-9(2)(g). The applicant shall



3319 name only one (1) individual as the qualifying individual for the
3320 State of Mississippi; and

3321 (d) At least one (1) employee shall be licensed as a
3322 loan originator at a licensed location.

3323 (4) In connection with an application for licensing as a
3324 mortgage broker or lender under this chapter, the required
3325 stockholders, owners, directors and executive officers of the
3326 applicant shall, at a minimum, furnish to the Nationwide Mortgage
3327 Licensing System and Registry information concerning the
3328 individual's identity, including:

3329 (a) Fingerprints from any local law enforcement agency
3330 for submission to the Federal Bureau of Investigation and any
3331 governmental entity authorized to receive that information for a
3332 state, national and/or international criminal history background
3333 check; and

3334 (b) Personal history and experience in a form
3335 prescribed by the Nationwide Mortgage Licensing System and
3336 Registry, including the submission of authorization for the
3337 Nationwide Mortgage Licensing System and Registry and the
3338 commissioner to obtain:

3339 (i) An independent credit report obtained from a
3340 consumer-reporting agency described in Section 603(p) of the Fair
3341 Credit Reporting Act; and

3342 (ii) Information related to any administrative,
3343 civil or criminal findings by any governmental jurisdiction.



3344 (5) Upon receipt of an application for licensure, the
3345 department or designated third party shall conduct an
3346 investigation as it deems necessary to determine that the
3347 applicant and its officers, directors and principals are of good
3348 character and ethical reputation; that the applicant demonstrates
3349 reasonable financial responsibility; and that the applicant has
3350 reasonable policies and procedures to receive and process customer
3351 grievances and inquiries promptly and fairly.

3352 (6) The commissioner shall not license an applicant unless
3353 he is satisfied that the applicant will operate its mortgage
3354 activities in compliance with the laws, rules and regulations of
3355 this state and the United States.

3356 (7) If an applicant satisfies the requirements of this
3357 chapter for a mortgage broker or mortgage lender license, the
3358 commissioner shall issue the license unless the commissioner finds
3359 any of the following:

3360 (a) The applicant has had a mortgage lender, mortgage
3361 broker or mortgage servicer license revoked in any governmental
3362 jurisdiction, except that a subsequent formal vacation of the
3363 revocation shall not be deemed a revocation; or

3364 (b) The applicant or its controlling persons has been
3365 convicted of, or pled guilty or nolo contendere to, (i) a felony
3366 in a domestic, foreign or military court during the seven-year
3367 period preceding the date of application for licensing; or (ii) at
3368 any time preceding the date of application if such felony involved



3369 an act of fraud, dishonesty, a breach of trust, or money
3370 laundering. However, any pardon or expungement of a conviction
3371 shall not be a conviction for purposes of this subsection.

3372 (8) Applicants for a mortgage loan originator license shall
3373 apply in a form as prescribed by the commissioner and shall be
3374 filed on the Nationwide Mortgage Licensing System and Registry.
3375 Each such form shall contain content as set forth by rules,
3376 regulations, instructions or procedures of the commissioner and
3377 may be changed or updated as necessary by the commissioner in
3378 order to carry out the purposes of this chapter. The initial
3379 license of a mortgage loan originator shall be accompanied by a
3380 fee of Two Hundred Dollars (\$200.00), to be paid to the Nationwide
3381 Mortgage Licensing System and Registry, and any additional fees as
3382 required by the Nationwide Mortgage Licensing System and Registry.
3383 The commissioner shall not issue a mortgage loan originator
3384 license unless the commissioner makes at a minimum the following
3385 findings:

3386 (a) The applicant has never had a mortgage loan
3387 originator license revoked in any governmental jurisdiction,
3388 except that a later formal vacation of that revocation shall not
3389 be deemed a revocation.

3390 (b) The applicant has not been convicted of, or pled
3391 guilty or nolo contendere to, * * * an offense directly related to
3392 the mortgage loan originator license as provided in Sections 1
3393 through 7 of this act. However, any pardon or expungement of a



3394 conviction shall not be a conviction for purposes of this
3395 subsection.

3396 (c) The applicant has demonstrated financial
3397 responsibility, character and general fitness such as to command
3398 the confidence of the community and to warrant a determination
3399 that the mortgage loan originator will operate honestly, fairly
3400 and efficiently within the purposes of this chapter.

3401 (d) The applicant has completed the prelicensing
3402 education requirement described in Section 81-18-14(1).

3403 (e) The applicant has passed a written test that meets
3404 the test requirement described in Section 81-18-14(7).

3405 (f) The applicant has met the surety bond requirement
3406 as provided in Section 81-18-11.

3407 (g) This individual must work for a Mississippi
3408 licensed company and work from the location licensed with the
3409 department. The licensed location that he or she is assigned to
3410 must be within one hundred twenty-five (125) miles of his or her
3411 residency. If the licensed loan originator resides and works in
3412 Mississippi, then he or she may work from any licensed location of
3413 the licensed company within the State of Mississippi. However, an
3414 owner of a minimum of ten percent (10%) of a licensed company or
3415 the named qualifying individual on file with the department, who
3416 is a licensed loan originator with the department, may work from
3417 any licensed location of the licensed company within the State of



3418 Mississippi in the capacity of a loan originator as described in
3419 this chapter.

3420 (9) In order to fulfill the purposes of this chapter, the
3421 commissioner is authorized to establish relationships or contracts
3422 with the Nationwide Mortgage Licensing System and Registry or
3423 other entities designated by the Nationwide Mortgage Licensing
3424 System and Registry to collect and maintain records and process
3425 transaction fees or other fees related to licensees or other
3426 persons subject to this chapter.

3427 (10) In connection with an application for licensing as a
3428 mortgage loan originator, the applicant shall, at a minimum,
3429 furnish to the Nationwide Mortgage Licensing System and Registry
3430 information concerning the applicant's identity, including:

3431 (a) Fingerprints for submission to the Federal Bureau
3432 of Investigation, and any governmental agency or entity authorized
3433 to receive that information for a state, national and/or
3434 international criminal history background check; and

3435 (b) Personal history and experience in a form
3436 prescribed by the Nationwide Mortgage Licensing System and
3437 Registry, including the submission of authorization for the
3438 Nationwide Mortgage Licensing System and Registry and the
3439 commissioner to obtain:

3440 (i) An independent credit report obtained from a
3441 consumer-reporting agency described in Section 603(p) of the Fair
3442 Credit Reporting Act; and



3443 (ii) Information related to any administrative,
3444 civil or criminal findings by any governmental jurisdiction.

3445 (11) For the purposes of this section and in order to reduce
3446 the points of contact which the Federal Bureau of Investigation
3447 may have to maintain for purposes of subsection (10) (a) and
3448 (b) (ii) of this section, the commissioner may use the Nationwide
3449 Mortgage Licensing System and Registry as a channeling agent for
3450 requesting information from and distributing information to the
3451 Department of Justice or any governmental agency.

3452 (12) For the purposes of this section and in order to reduce
3453 the points of contact which the commissioner may have to maintain
3454 for purposes of subsection (10) (b) (i) and (ii) of this section,
3455 the commissioner may use the Nationwide Mortgage Licensing System
3456 and Registry as a channeling agent for requesting and distributing
3457 information to and from any source so directed by the
3458 commissioner.

3459 **SECTION 46.** Section 81-18-61, Mississippi Code of 1972, is
3460 amended as follows:

3461 81-18-61. (1) In addition to any other duties imposed upon
3462 the commissioner by law, the commissioner shall require mortgage
3463 loan originators to be licensed through the Nationwide Mortgage
3464 Licensing System and Registry. In order to carry out this
3465 requirement, the commissioner is authorized to participate in the
3466 Nationwide Mortgage Licensing System and Registry. For this



3467 purpose, the commissioner may establish, by rule, regulation or
3468 order, requirements as necessary, including, but not limited to:

3469 (a) Background checks in accordance with the provisions
3470 of Sections 1 through 7 of this act for:

3471 (i) Criminal history through fingerprint or other
3472 databases;

3473 (ii) Civil or administrative records;

3474 (iii) Credit history; or

3475 (iv) Any other information as deemed necessary by
3476 the Nationwide Mortgage Licensing System and Registry;

3477 (b) The payment of fees to apply for or renew licenses
3478 through the Nationwide Mortgage Licensing System and Registry;

3479 (c) The setting or resetting as necessary of renewal or
3480 reporting dates; and

3481 (d) Requirements for amending or surrendering a license
3482 or any other such activities as the commissioner deems necessary
3483 for participation in the Nationwide Mortgage Licensing System and
3484 Registry.

3485 (2) The commissioner shall establish a process by which
3486 mortgage loan originators may challenge information entered into
3487 the Nationwide Mortgage Licensing System and Registry by the
3488 commissioner.

3489 (3) In order to fulfill the purposes of this chapter, the
3490 commissioner is authorized to establish relationships or contracts
3491 with the Nationwide Mortgage Licensing System and Registry or



3492 other entities designated by the Nationwide Mortgage Licensing
3493 System and Registry to collect and maintain records and process
3494 transaction fees or other fees related to licensees or other
3495 persons subject to this chapter.

3496 (4) A loan processor or underwriter who is an independent
3497 contractor may not engage in the activities of a loan processor or
3498 underwriter unless the independent contractor loan processor or
3499 underwriter obtains and maintains a license under Section
3500 81-18-7(4). Each independent contractor loan processor or
3501 underwriter licensed as a mortgage loan originator must have and
3502 maintain a valid unique identifier issued by the Nationwide
3503 Mortgage Licensing System and Registry.

3504 **SECTION 47.** Section 83-39-3, Mississippi Code of 1972, is
3505 amended as follows:

3506 83-39-3. (1) No person shall act in the capacity of
3507 professional bail agent, soliciting bail agent or bail enforcement
3508 agent, as defined in Section 83-39-1, or perform any of the
3509 functions, duties or powers of the same unless that person shall
3510 be qualified and licensed as provided in this chapter. The terms
3511 of this chapter shall not apply to any automobile club or
3512 association, financial institution, insurance company or other
3513 organization or association or their employees who execute bail
3514 bonds on violations arising out of the use of a motor vehicle by
3515 their members, policyholders or borrowers when bail bond is not



3516 the principal benefit of membership, the policy of insurance or of
3517 a loan to such member, policyholder or borrower.

3518 (2) (a) No license shall be issued or renewed except in
3519 compliance with this chapter, and none shall be issued except to
3520 an individual. No firm, partnership, association or corporation,
3521 as such, shall be so licensed. No professional bail agent shall
3522 operate under more than one (1) trade name. A soliciting bail
3523 agent and bail enforcement agent shall operate only under the
3524 professional bail agent's name. No license shall be issued to or
3525 renewed for any person who has ever been convicted of a crime that
3526 the commissioner finds directly relates to the duties and
3527 responsibilities of the business of a professional bail agent,
3528 soliciting bail agent, or bail enforcement agent, including, but
3529 not limited to, any felony that involves an act of fraud,
3530 dishonesty, or a breach of trust, or money laundering in
3531 accordance with the provisions of Sections 1 through 7 of this
3532 act. No license shall be issued to any person who is under
3533 twenty-one (21) years of age. No person engaged as a law
3534 enforcement or judicial official or attorney shall be licensed
3535 hereunder. A person who is employed in any capacity at any jail
3536 or corrections facility that houses state, county or municipal
3537 inmates who are or may be eligible for bail, whether the person is
3538 a public employee, independent contractor, or the employee of an
3539 independent contractor, may not be licensed under this section.



3540 (b) (i) No person who is a relative of either a sworn
3541 state, county or municipal law enforcement official or judicial
3542 official, or an employee, independent contractor or the
3543 contractor's employee of any police department, sheriff's
3544 department, jail or corrections facility that houses or holds
3545 federal, state, county or municipal inmates who are or may be
3546 eligible for bail, shall write a bond in the county where the law
3547 enforcement entity or court in which the person's relative serves
3548 is located. "Relative" means a spouse, parent, grandparent,
3549 child, sister, brother, or a consanguineous aunt, uncle, niece or
3550 nephew. Violation of this prohibition shall result in license
3551 revocation.

3552 (ii) No person licensed under this chapter shall
3553 act as a personal surety agent in the writing of bail during a
3554 period he or she is licensed as a limited surety agent, as defined
3555 herein.

3556 (iii) No person licensed under this chapter shall
3557 give legal advice or a legal opinion in any form.

3558 (3) The department is vested with the authority to enforce
3559 this chapter. The department may conduct investigations or
3560 request other state, county or local officials to conduct
3561 investigations and promulgate such rules and regulations as may be
3562 necessary for the enforcement of this chapter. The department may
3563 establish monetary fines and collect such fines as necessary for
3564 the enforcement of such rules and regulations. All fines



3565 collected shall be deposited in the Special Insurance Department
3566 Fund for the operation of that agency.

3567 (4) (a) Each license issued hereunder shall expire
3568 biennially on the last day of September of each odd-numbered year,
3569 unless revoked or suspended prior thereto by the department, or
3570 upon notice served upon the commissioner by the insurer that the
3571 authority of a limited surety agent to act for or on behalf of
3572 such insurer had been terminated, or upon notice served upon the
3573 commissioner that the authority of a soliciting bail agent or bail
3574 enforcement agent had been terminated by such professional bail
3575 agent.

3576 (b) A soliciting bail agent or bail enforcement agent
3577 may, upon termination by a professional bail agent or upon his
3578 cessation of employment with a professional bail agent, be
3579 relicensed without having to comply with the provisions of
3580 subsection (7) (a) and (b) of this section, if he has held a
3581 license in his respective license category within ninety (90) days
3582 of the new application, meets all other requirements set forth in
3583 Section 83-39-5 and subsection (7) (b) of this section, and
3584 notifies the previous professional bail agent in writing that he
3585 is submitting an application for a new license.

3586 (5) The department shall prepare and deliver to each
3587 licensee a license showing the name, address and classification of
3588 the licensee, and shall certify that the person is a licensed
3589 professional bail agent, being designated as a personal surety



3590 agent or a limited surety agent, a soliciting bail agent or a bail
3591 enforcement agent. In addition, the license of a soliciting bail
3592 agent or bail enforcement agent, shall show the name of the
3593 professional bail agent and any other information as the
3594 commissioner deems proper.

3595 (6) The commissioner, after a hearing under Section
3596 83-39-17, may refuse to issue a privilege license for a soliciting
3597 bail agent to change from one (1) professional bail agent to
3598 another if he owes any premium or debt to the professional bail
3599 agent with whom he is currently licensed. The commissioner, after
3600 a hearing under Section 83-39-17, shall refuse to issue a license
3601 for a limited surety agent if he owes any premium or debt to an
3602 insurer to which he has been appointed. If a license has been
3603 granted to a limited surety agent or a soliciting bail agent who
3604 owed any premium or debt to an insurer or professional bail agent,
3605 the commissioner, after a hearing under Section 83-39-17, shall
3606 revoke the license.

3607 (7) (a) Before the issuance of any initial professional
3608 bail agent, soliciting bail agent or bail enforcement agent
3609 license, the applicant shall submit proof of successful completion
3610 of forty (40) hours of prelicensing education approved by the
3611 Mississippi Insurance Department unless the applicant is currently
3612 licensed under this chapter on July 1, 2014, and has maintained
3613 that license in compliance with the continuing education
3614 requirements of subsection (8) of this section. Any applicant who



3615 has met all continuing education requirements as set forth in
3616 subsection (8) (a) of this section and has been properly licensed
3617 under this chapter within ninety (90) days of submitting an
3618 application for a license shall not be subject to the prelicensing
3619 education requirement.

3620 (b) All applicants for a professional bail agent,
3621 soliciting bail agent or bail enforcement agent license applying
3622 for an original license after July 1, 2014, shall successfully
3623 complete a limited examination by the department for the
3624 restricted lines of business before the license can be issued;
3625 however, this examination requirement shall not apply to any
3626 licensed bail soliciting agent and bail enforcement agent
3627 transferring to another professional bail agent license, any
3628 licensed bail soliciting agent applying for a bail enforcement
3629 agent license, and any licensed bail enforcement agent applying
3630 for a bail soliciting agent license. An applicant shall only be
3631 required to successfully complete the limited examination once.

3632 (c) Beginning on July 1, 2011, in order to assist the
3633 department in determining an applicant's suitability for a license
3634 under this chapter, the applicant shall submit a set of
3635 fingerprints * * * in accordance with the provisions of Sections 1
3636 through 7 of this act. The department shall forward the
3637 fingerprints to the Department of Public Safety for the purpose of
3638 conducting a criminal history record check. If no disqualifying
3639 record is identified at the state level, the Department of Public



3640 Safety shall forward the fingerprints to the Federal Bureau of
3641 Investigation for a national criminal history record check. Fees
3642 related to the criminal history record check shall be paid by the
3643 applicant to the commissioner and the monies from such fees shall
3644 be deposited in the special fund in the State Treasury designated
3645 as the "Insurance Department Fund."

3646 (8) (a) Before the renewal of the license of any
3647 professional bail agent, soliciting bail agent or bail enforcement
3648 agent, the applicant shall submit proof of successful completion
3649 of continuing education hours as follows:

3650 (i) There shall be no continuing education
3651 required for the first licensure year;

3652 (ii) Except as provided in subparagraph (i), eight
3653 (8) hours of continuing education for each year or part of a year
3654 of the two-year license period, for a total of sixteen (16) hours
3655 per license period.

3656 (b) If an applicant for renewal failed to obtain the
3657 required eight (8) hours for each year of the license period
3658 during the actual license year in which the education was required
3659 to be obtained, the applicant shall not be eligible for a renewal
3660 license but shall be required to obtain an original license and be
3661 subject to the education requirements set forth in subsection (7).
3662 The commissioner shall not be required to comply with Section
3663 83-39-17 in denying an application for a renewal license under
3664 this paragraph (b).



3665 (c) The education hours required under this subsection
3666 (8) shall be approved by the Mississippi Insurance Department.

3667 (d) The continuing education requirements under this
3668 subsection (8) shall not be required for renewal of a bail agent
3669 license for any applicant who is sixty-five (65) years of age and
3670 who has been licensed as a bail agent for a continuous period of
3671 twenty (20) years immediately preceding the submission of the
3672 application as evidenced by submission of an affidavit, under
3673 oath, on a form prescribed by the department, signed by the
3674 licensee attesting to satisfaction of the age, licensing, and
3675 experience requirements of this paragraph (d).

3676 (9) No license as a professional bail agent shall be issued
3677 unless the applicant has been duly licensed by the department as a
3678 soliciting bail agent for a period of three (3) consecutive years
3679 immediately preceding the submission of the application. However,
3680 this subsection (9) shall not apply to any person who was licensed
3681 as a professional bail agent before July 1, 2011.

3682 (10) A nonresident person may be licensed as a professional
3683 bail agent, bail soliciting agent or bail enforcement agent if:

3684 (a) The person's home state awards licenses to
3685 residents of this state on the same basis; and

3686 (b) The person has satisfied all requirements set forth
3687 in this chapter.

3688 (11) On or before October 1, 2016, the Insurance Department
3689 shall establish a statewide Electronic Bondsmen Registry for all



3690 licenses, powers of appointment and powers of attorney requiring
3691 registration under this section. Once established, each
3692 professional bail agent, limited surety agent, bail soliciting
3693 agent, bail enforcement agent or insurance company writing bail
3694 bonds shall be required under this subsection (11) to register and
3695 maintain a record of each required license, power of appointment
3696 and power of attorney in the registry. Failure to comply with
3697 this provision will subject the agent to the penalties provided in
3698 Section 83-39-29.

3699 (12) From and after July 1, 2016, the expenses of this
3700 agency shall be defrayed by appropriation from the State General
3701 Fund and all user charges and fees authorized under this section
3702 shall be deposited into the State General Fund as authorized by
3703 law.

3704 (13) From and after July 1, 2016, no state agency shall
3705 charge another state agency a fee, assessment, rent or other
3706 charge for services or resources received by authority of this
3707 section.

3708 **SECTION 48.** Section 97-33-307, Mississippi Code of 1972, is
3709 amended as follows:

3710 97-33-307. (1) An operator offering fantasy contests to be
3711 played by persons in this state must obtain a license from the
3712 commission to conduct fantasy contests within this state.

3713 (2) An operator offering fantasy contests within this state
3714 must be lawfully conducting business within this state.



3715 (3) Application for licensure shall be made to the executive
3716 director on forms furnished by the executive director and in
3717 accordance with the regulations of the commission. The
3718 application shall include:

3719 (a) The name of the proposed licensee.

3720 (b) The location of his place or places of business.

3721 (c) The names of all persons directly or indirectly
3722 interested in the business and the nature of such interest.

3723 (d) Complete information and details with respect to
3724 the applicant's antecedents, habits, character, business
3725 activities, financial affairs and business associates, covering at
3726 least a ten-year period immediately preceding the date of the
3727 application.

3728 (e) The applicant's criminal history received in
3729 accordance with the provisions of Sections 1 through 7 of this
3730 act.

3731 (f) Evidence of compliance with Section 97-33-305(2).

3732 (g) Such other information and details as the
3733 commission or the executive director may require in order to
3734 discharge their duties properly.

3735 (4) An application to conduct fantasy contests shall not be
3736 granted unless the applicant has satisfied the commission that:

3737 (a) The applicant has adequate business probity,
3738 competence and experience; and

3739 (b) The proposed financing of the entire operation is:



3740 (i) Adequate for the nature of the proposed
3741 operation; and

3742 (ii) From a suitable source; any lender or other
3743 source of money or credit which the commission finds does not meet
3744 the standards set forth in this paragraph (b) may be deemed
3745 unsuitable.

3746 (c) An application for a license to conduct fantasy
3747 contests constitutes a request for a determination of the general
3748 character, integrity and ability to participate or engage in, or
3749 be associated with fantasy contests of any individual associated
3750 with the applicant. Any written or oral statement made in the
3751 course of an official proceeding of the commission or the
3752 executive director or any testimony of a witness testifying under
3753 oath that is relevant to the purpose of the proceeding is
3754 absolutely privileged and does not impose liability for defamation
3755 or constitute a ground for recovery in any civil action.

3756 (d) The commission, in its discretion, may grant a
3757 license to a corporation that has complied with the provisions of
3758 Sections 97-33-301 through 97-33-317.

3759 (e) The commission, in its discretion, may grant a
3760 license to a limited partnership that has complied with the
3761 provisions of Sections 97-33-301 through 97-33-317.

3762 (f) No limited partnership, except one whose sole
3763 limited partner is a publicly traded corporation that is licensed
3764 by the commission, or business trust or organization or other



3765 association of a quasi-corporate character is eligible to receive
3766 or hold any license under Sections 97-33-301 through 97-33-317
3767 unless all persons having any direct or indirect interest therein
3768 of any nature whatsoever, whether financial, administrative,
3769 policymaking or supervisory, are individually qualified to be
3770 licensed under the provisions of Sections 97-33-301 through
3771 97-33-317.

3772 (5) Only a licensee under the Gaming Control Act may offer
3773 on-premises fantasy contests in the licensee's licensed gaming
3774 establishment. It is illegal to offer on-premises fantasy
3775 contests at any other commercial or business establishment. An
3776 operator offering on-premises fantasy contests under this
3777 subsection (5) must verify that a fantasy contest player is
3778 twenty-one (21) years of age or older.

3779 (6) Each applicant for licensure as a fantasy contest
3780 operator shall pay an application fee of Five Thousand Dollars
3781 (\$5,000.00). A license is valid for three (3) years.

3782 **SECTION 49.** Section 97-17-71.1, Mississippi Code of 1972, is
3783 amended as follows:

3784 97-17-71.1. (1) (a) From and after August 7, 2008, it
3785 shall be unlawful for any scrap metal dealer or any person who
3786 purchases scrap metal, deals in scrap metal, or otherwise engages
3787 in the scrap metal business to fail to register with the Secretary
3788 of State. All registrations under this section shall expire two



3789 (2) years from the date of the registration or the renewal
3790 thereof.

3791 (b) The Secretary of State may promulgate and adopt
3792 such rules and regulations as are reasonably necessary to carry
3793 out the provisions of this section and establish such registration
3794 and renewal fees as are adequate to cover the administrative costs
3795 associated with the registration program.

3796 (c) The Secretary of State may deny, suspend, revoke or
3797 refuse to renew any registration following notice to the applicant
3798 or registrant in accordance with the promulgated rules and an
3799 opportunity for a hearing for any failure to comply with this
3800 section, or for other good cause.

3801 (2) A violation of this section is a misdemeanor punishable
3802 by a fine of not less than Five Hundred Dollars (\$500.00) but not
3803 to exceed One Thousand Dollars (\$1,000.00) for the first offense.
3804 Any person who shall be guilty of any subsequent violations of
3805 this section requiring registration shall be guilty of a felony
3806 offense and shall be imprisoned in the custody of the Department
3807 of Corrections for a term not to exceed three (3) years, fined not
3808 more than Five Thousand Dollars (\$5,000.00), or both.

3809 (3) (a) To register or renew registration, the registrant
3810 must declare, under penalty of perjury, whether such registrant
3811 has ever been convicted of a violation of Section 97-17-71 or
3812 convicted of a criminal offense of larceny, burglary or vandalism,



3813 where the offense involved metal property as defined in Section
3814 97-17-71.

3815 (b) (i) An applicant who has been convicted of a
3816 violation of Section 97-17-71, or who has a conviction for a
3817 criminal offense of larceny, burglary or vandalism where such
3818 offense involved metal property, shall be prohibited from
3819 registering under this section for five (5) years from the date of
3820 conviction.

3821 (ii) Any false statement submitted to the
3822 Secretary of State for the purpose of unlawfully registering under
3823 this section shall be punished as perjury in the manner provided
3824 in Section 97-9-61, and a person so convicted shall be
3825 disqualified for life from registering as a scrap metal dealer
3826 under this section.

3827 (4) The Secretary of State shall immediately report any
3828 suspected criminal violation accompanied by all relevant records
3829 to the Office of Attorney General and the appropriate district
3830 attorney for further proceedings.

3831 (5) The Secretary of State shall have the authority to:

3832 (a) Conduct and carry out criminal background history
3833 verification of the information provided by the applicant or
3834 registrant in accordance with the provisions of Sections 1 through
3835 7 and to require the submission of information and forms from the
3836 applicant or registrant in order to accomplish the registration
3837 duties imposed by this section;



3838 (b) Issue a cease and desist order, with a prior
3839 hearing, against the scrap metal dealer or other purchaser alleged
3840 to be in violation of this section, directing the person or
3841 persons to cease and desist from further illegal activity;

3842 (c) (i) Issue an order against any scrap metal dealer
3843 or other purchaser for any violation of this section, imposing an
3844 administrative penalty up to a maximum of One Thousand Dollars
3845 (\$1,000.00) for each offense. Each violation shall be considered
3846 a separate offense in a single proceeding or a series of related
3847 proceedings. Any administrative penalty, plus reimbursement for
3848 all costs and expenses incurred in the investigation of the
3849 violation and any administrative proceedings, shall be paid to the
3850 Secretary of State;

3851 (ii) For the purpose of determining the amount or
3852 extent of a sanction, if any, to be imposed under paragraph (c)(i)
3853 of this subsection, the Secretary of State shall consider, among
3854 other factors, the frequency, persistence and willfulness of the
3855 conduct constituting a violation of this section or any rule or
3856 order hereunder; the number of persons adversely affected by the
3857 conduct; and the resources of the person committing the violation;

3858 (d) Bring an action in chancery court to enjoin the
3859 acts or practices complained of to enforce compliance with this
3860 section or any rule promulgated or order entered hereunder. Upon
3861 a proper showing, a permanent or temporary injunction, restraining
3862 order, or writ of mandamus shall be granted and a receiver or



3863 conservator may be appointed for the defendant or the defendant's
3864 assets. In addition, upon a proper showing by the Secretary of
3865 State, the court may enter an order of rescission or restitution
3866 directed to any person who has engaged in any act constituting a
3867 violation of any provision of this section or any rule or order
3868 hereunder, or the court may impose a civil penalty up to a maximum
3869 of One Thousand Dollars (\$1,000.00) for each offense, provided
3870 that each violation shall be considered as a separate offense in a
3871 single proceeding or a series of related proceedings. The court
3872 may not require the Secretary of State to post a bond.

3873 (6) Any person aggrieved by a final order of the Secretary
3874 of State may obtain a review of the order in the Chancery Court of
3875 the First Judicial District of Hinds County, Mississippi, by
3876 filing in the court, within thirty (30) days after the entry of
3877 the order, a written petition praying that the order be modified
3878 or set aside, in whole or in part. A copy of the petition shall
3879 be forthwith served upon the Secretary of State and thereupon the
3880 Secretary of State shall certify and file in court a copy of the
3881 filing and evidence upon which the order was entered. When these
3882 have been filed, the court has exclusive jurisdiction to affirm,
3883 modify, enforce or set aside the order, in whole or in part.

3884 **SECTION 50.** Section 37-9-17, Mississippi Code of 1972, is
3885 brought forward as follows:

3886 37-9-17. (1) On or before April 1 of each year, the
3887 principal of each school shall recommend to the superintendent of



3888 the local school district the licensed employees or
3889 noninstructional employees to be employed for the school involved
3890 except those licensed employees or noninstructional employees who
3891 have been previously employed and who have a contract valid for
3892 the ensuing scholastic year. If such recommendations meet with
3893 the approval of the superintendent, the superintendent shall
3894 recommend the employment of such licensed employees or
3895 noninstructional employees to the local school board, and, unless
3896 good reason to the contrary exists, the board shall elect the
3897 employees so recommended. If, for any reason, the local school
3898 board shall decline to elect any employee so recommended,
3899 additional recommendations for the places to be filled shall be
3900 made by the principal to the superintendent and then by the
3901 superintendent to the local school board as provided above. The
3902 school board of any local school district shall be authorized to
3903 designate a personnel supervisor or another principal employed by
3904 the school district to recommend to the superintendent licensed
3905 employees or noninstructional employees; however, this
3906 authorization shall be restricted to no more than two (2)
3907 positions for each employment period for each school in the local
3908 school district. Any noninstructional employee employed upon the
3909 recommendation of a personnel supervisor or another principal
3910 employed by the local school district must have been employed by
3911 the local school district at the time the superintendent was
3912 elected or appointed to office; a noninstructional employee



3913 employed under this authorization may not be paid compensation in
3914 excess of the statewide average compensation for such
3915 noninstructional position with comparable experience, as
3916 established by the State Department of Education. The school
3917 board of any local school district shall be authorized to
3918 designate a personnel supervisor or another principal employed by
3919 the school district to accept the recommendations of principals or
3920 their designees for licensed employees or noninstructional
3921 employees and to transmit approved recommendations to the local
3922 school board; however, this authorization shall be restricted to
3923 no more than two (2) positions for each employment period for each
3924 school in the local school district.

3925 When the licensed employees have been elected as provided in
3926 the preceding paragraph, the superintendent of the district shall
3927 enter into a contract with such persons in the manner provided in
3928 this chapter.

3929 If, at the commencement of the scholastic year, any licensed
3930 employee shall present to the superintendent a license of a higher
3931 grade than that specified in such individual's contract, such
3932 individual may, if funds are available from adequate education
3933 program funds of the district, or from district funds, be paid
3934 from such funds the amount to which such higher grade license
3935 would have entitled the individual, had the license been held at
3936 the time the contract was executed.



3937 (2) Superintendents/directors of schools under the purview
3938 of the State Board of Education, the superintendent of the local
3939 school district and any private firm under contract with the local
3940 public school district to provide substitute teachers to teach
3941 during the absence of a regularly employed schoolteacher shall
3942 require, through the appropriate governmental authority, that
3943 current criminal records background checks and current child abuse
3944 registry checks are obtained, and that such criminal record
3945 information and registry checks are on file for any new hires
3946 applying for employment as a licensed or nonlicensed employee at a
3947 school and not previously employed in such school under the
3948 purview of the State Board of Education or at such local school
3949 district prior to July 1, 2000. In order to determine the
3950 applicant's suitability for employment, the applicant shall be
3951 fingerprinted. If no disqualifying record is identified at the
3952 state level, the fingerprints shall be forwarded by the Department
3953 of Public Safety to the Federal Bureau of Investigation for a
3954 national criminal history record check. The fee for such
3955 fingerprinting and criminal history record check shall be paid by
3956 the applicant, not to exceed Fifty Dollars (\$50.00); however, the
3957 State Board of Education, the school board of the local school
3958 district or a private firm under contract with a local school
3959 district to provide substitute teachers to teach during the
3960 temporary absence of the regularly employed schoolteacher, in its
3961 discretion, may elect to pay the fee for the fingerprinting and



3962 criminal history record check on behalf of any applicant. Under
3963 no circumstances shall a member of the State Board of Education,
3964 superintendent/director of schools under the purview of the State
3965 Board of Education, local school district superintendent, local
3966 school board member or any individual other than the subject of
3967 the criminal history record checks disseminate information
3968 received through any such checks except insofar as required to
3969 fulfill the purposes of this section. Any nonpublic school which
3970 is accredited or approved by the State Board of Education may
3971 avail itself of the procedures provided for herein and shall be
3972 responsible for the same fee charged in the case of local public
3973 schools of this state. The determination whether the applicant
3974 has a disqualifying crime, as set forth in subsection (3) of this
3975 section, shall be made by the appropriate governmental authority,
3976 and the appropriate governmental authority shall notify the
3977 private firm whether a disqualifying crime exists.

3978 (3) If such fingerprinting or criminal record checks
3979 disclose a felony conviction, guilty plea or plea of nolo
3980 contendere to a felony of possession or sale of drugs, murder,
3981 manslaughter, armed robbery, rape, sexual battery, sex offense
3982 listed in Section 45-33-23(h), child abuse, arson, grand larceny,
3983 burglary, gratification of lust or aggravated assault which has
3984 not been reversed on appeal or for which a pardon has not been
3985 granted, the new hire shall not be eligible to be employed at such
3986 school. Any employment contract for a new hire executed by the



3987 superintendent of the local school district or any employment of a
3988 new hire by a superintendent/director of a new school under the
3989 purview of the State Board of Education or by a private firm shall
3990 be voidable if the new hire receives a disqualifying criminal
3991 record check. However, the State Board of Education or the school
3992 board may, in its discretion, allow any applicant aggrieved by the
3993 employment decision under this section to appear before the
3994 respective board, or before a hearing officer designated for such
3995 purpose, to show mitigating circumstances which may exist and
3996 allow the new hire to be employed at the school. The State Board
3997 of Education or local school board may grant waivers for such
3998 mitigating circumstances, which shall include, but not be limited
3999 to: (a) age at which the crime was committed; (b) circumstances
4000 surrounding the crime; (c) length of time since the conviction and
4001 criminal history since the conviction; (d) work history; (e)
4002 current employment and character references; (f) other evidence
4003 demonstrating the ability of the person to perform the employment
4004 responsibilities competently and that the person does not pose a
4005 threat to the health or safety of the children at the school.

4006 (4) No local school district, local school district
4007 employee, member of the State Board of Education or employee of a
4008 school under the purview of the State Board of Education shall be
4009 held liable in any employment discrimination suit in which an
4010 allegation of discrimination is made regarding an employment
4011 decision authorized under this Section 37-9-17.



4012 **SECTION 51.** Section 41-59-101, Mississippi Code of 1972, is
4013 brought forward as follows:

4014 41-59-101. The EMS Personnel Licensure Interstate Compact is
4015 enacted into law and entered into by this state with any and all
4016 states legally joining in the Compact in accordance with its terms
4017 in the form substantially as follows:

4018 **EMS PERSONNEL LICENSURE INTERSTATE COMPACT**

4019 **Section 1. Purpose.** In order to protect the public through
4020 verification of competency and ensure accountability for patient
4021 care related activities all states license emergency medical
4022 services (EMS) personnel, such as emergency medical technicians
4023 (EMTs), advanced EMTs and paramedics. This Compact is intended to
4024 facilitate the day-to-day movement of EMS personnel across state
4025 boundaries in the performance of their EMS duties as assigned by
4026 an appropriate authority and authorize state EMS offices to afford
4027 immediate legal recognition to EMS personnel licensed in a member
4028 state. This Compact recognizes that states have a vested interest
4029 in protecting the public's health and safety through their
4030 licensing and regulation of EMS personnel and that such state
4031 regulation shared among the member states will best protect public
4032 health and safety. This Compact is designed to achieve the
4033 following purposes and objectives:

- 4034 (a) Increase public access to EMS personnel;
- 4035 (b) Enhance the states' ability to protect the public's
4036 health and safety, especially patient safety;



4037 (c) Encourage the cooperation of member states in the
4038 areas of EMS personnel licensure and regulation;

4039 (d) Support licensing of military members who are
4040 separating from an active duty tour and their spouses;

4041 (e) Facilitate the exchange of information between
4042 member states regarding EMS personnel licensure, adverse action
4043 and significant investigatory information;

4044 (f) Promote compliance with the laws governing EMS
4045 personnel practice in each member state; and

4046 (g) Invest all member states with the authority to hold
4047 EMS personnel accountable through the mutual recognition of member
4048 state licenses.

4049 **Section 2. Definitions.** In this Compact:

4050 (a) "Advanced Emergency Medical Technician (AEMT)"
4051 means an individual licensed with cognitive knowledge and a scope
4052 of practice that corresponds to that level in the National EMS
4053 Education Standards and National EMS Scope of Practice Model.

4054 (b) "Adverse action" means any administrative, civil,
4055 equitable or criminal action permitted by a state's laws which may
4056 be imposed against licensed EMS personnel by a state EMS authority
4057 or state court, including, but not limited to, actions against an
4058 individual's license such as revocation, suspension, probation,
4059 consent agreement, monitoring or other limitation or encumbrance
4060 on the individual's practice, letters of reprimand or admonition,



4061 fines, criminal convictions and state court judgments enforcing
4062 adverse actions by the state EMS authority.

4063 (c) "Alternative program" means a voluntary,
4064 nondisciplinary substance abuse recovery program approved by a
4065 state EMS authority.

4066 (d) "Certification" means the successful verification
4067 of entry-level cognitive and psychomotor competency using a
4068 reliable, validated, and legally defensible examination.

4069 (e) "Commission" means the national administrative body
4070 of which all states that have enacted the Compact are members.

4071 (f) "Emergency Medical Technician (EMT)" means an
4072 individual licensed with cognitive knowledge and a scope of
4073 practice that corresponds to that level in the National EMS
4074 Education Standards and National EMS Scope of Practice Model.

4075 (g) "Home state" means a member state where an
4076 individual is licensed to practice emergency medical services.

4077 (h) "License" means the authorization by a state for an
4078 individual to practice as an EMT, AEMT, paramedic, or a level in
4079 between EMT and paramedic.

4080 (i) "Medical director" means a physician licensed in a
4081 member state who is accountable for the care delivered by EMS
4082 personnel.

4083 (j) "Member state" means a state that has enacted this
4084 Compact.



4085 (k) "Privilege to practice" means an individual's
4086 authority to deliver emergency medical services in remote states
4087 as authorized under this Compact.

4088 (l) "Paramedic" means an individual licensed with
4089 cognitive knowledge and a scope of practice that corresponds to
4090 that level in the National EMS Education Standards and National
4091 EMS Scope of Practice Model.

4092 (m) "Remote state" means a member state in which an
4093 individual is not licensed.

4094 (n) "Restricted" means the outcome of an adverse action
4095 that limits a license or the privilege to practice.

4096 (o) "Rule" means a written statement by the Interstate
4097 Commission promulgated pursuant to Section 12 of this Compact that
4098 is of general applicability; implements, interprets, or prescribes
4099 a policy or provision of the Compact; or is an organizational,
4100 procedural, or practice requirement of the Commission and has the
4101 force and effect of statutory law in a member state and includes
4102 the amendment, repeal, or suspension of an existing rule.

4103 (p) "Scope of practice" means defined parameters of
4104 various duties or services that may be provided by an individual
4105 with specific credentials. Whether regulated by rule, statute, or
4106 court decision, it tends to represent the limits of services an
4107 individual may perform.

4108 (q) "Significant investigatory information" means:



4109 (i) Investigative information that a state EMS
4110 authority, after a preliminary inquiry that includes notification
4111 and an opportunity to respond if required by state law, has reason
4112 to believe, if proved true, would result in the imposition of an
4113 adverse action on a license or privilege to practice; or

4114 (ii) Investigative information that indicates that
4115 the individual represents an immediate threat to public health and
4116 safety regardless of whether the individual has been notified and
4117 had an opportunity to respond.

4118 (r) "State" means any state, commonwealth, district, or
4119 territory of the United States.

4120 (s) "State EMS authority" means the board, office, or
4121 other agency with the legislative mandate to license EMS
4122 personnel.

4123 **Section 3. Home state licensure.** (1) Any member state in
4124 which an individual holds a current license shall be deemed a home
4125 state for purposes of this Compact.

4126 (2) Any member state may require an individual to obtain and
4127 retain a license to be authorized to practice in the member state
4128 under circumstances not authorized by the privilege to practice
4129 under the terms of this Compact.

4130 (3) A home state's license authorizes an individual to
4131 practice in a remote state under the privilege to practice only if
4132 the home state:



4133 (a) Currently requires the use of the National Registry
4134 of Emergency Medical Technicians (NREMT) examination as a
4135 condition of issuing initial licenses at the EMT and paramedic
4136 levels;

4137 (b) Has a mechanism in place for receiving and
4138 investigating complaints about individuals;

4139 (c) Notifies the Commission, in compliance with the
4140 terms herein, of any adverse action or significant investigatory
4141 information regarding an individual;

4142 (d) No later than five (5) years after activation of
4143 the Compact, requires a criminal background check of all
4144 applicants for initial licensure, including the use of the results
4145 of fingerprint or other biometric data checks compliant with the
4146 requirements of the Federal Bureau of Investigation with the
4147 exception of federal employees who have suitability determination
4148 in accordance with US CFR Section 731.202 and submit documentation
4149 of such as promulgated in the rules of the Commission; and

4150 (e) Complies with the rules of the Commission.

4151 **Section 4. Compact privilege to practice.** (1) Member
4152 states shall recognize the privilege to practice of an individual
4153 licensed in another member state that is in conformance with
4154 Section 3.

4155 (2) To exercise the privilege to practice under the terms
4156 and provisions of this Compact, an individual must:

4157 (a) Be at least eighteen (18) years of age;



4158 (b) Possess a current unrestricted license in a member
4159 state as an EMT, AEMT, paramedic, or state recognized and licensed
4160 level with a scope of practice and authority between EMT and
4161 paramedic; and

4162 (c) Practice under the supervision of a medical
4163 director.

4164 (3) An individual providing patient care in a remote state
4165 under the privilege to practice shall function within the scope of
4166 practice authorized by the home state unless and until modified by
4167 an appropriate authority in the remote state as may be defined in
4168 the rules of the Commission.

4169 (4) Except as provided in Section 4(3), an individual
4170 practicing in a remote state will be subject to the remote state's
4171 authority and laws. A remote state may, in accordance with due
4172 process and that state's laws, restrict, suspend, or revoke an
4173 individual's privilege to practice in the remote state and may
4174 take any other necessary actions to protect the health and safety
4175 of its citizens. If a remote state takes action it shall promptly
4176 notify the home state and the Commission.

4177 (5) If an individual's license in any home state is
4178 restricted or suspended, the individual shall not be eligible to
4179 practice in a remote state under the privilege to practice until
4180 the individual's home state license is restored.

4181 (6) If an individual's privilege to practice in any remote
4182 state is restricted, suspended, or revoked the individual shall



4183 not be eligible to practice in any remote state until the
4184 individual's privilege to practice is restored.

4185 **Section 5. Conditions of practice in a remote state.** An
4186 individual may practice in a remote state under a privilege to
4187 practice only in the performance of the individual's EMS duties as
4188 assigned by an appropriate authority, as defined in the rules of
4189 the Commission, and under the following circumstances:

4190 (a) The individual originates a patient transport in a
4191 home state and transports the patient to a remote state;

4192 (b) The individual originates in the home state and
4193 enters a remote state to pick up a patient and provide care and
4194 transport of the patient to the home state;

4195 (c) The individual enters a remote state to provide
4196 patient care and/or transport within that remote state;

4197 (d) The individual enters a remote state to pick up a
4198 patient and provide care and transport to a third member state;

4199 (e) Other conditions as determined by rules promulgated
4200 by the Commission.

4201 **Section 6. Relationship to Emergency Management Assistance**
4202 **Compact.** Upon a member state's governor's declaration of a state
4203 of emergency or disaster that activates the Emergency Management
4204 Assistance Compact (EMAC), all relevant terms and provisions of
4205 EMAC shall apply and to the extent any terms or provisions of this
4206 Compact conflicts with EMAC, the terms of EMAC shall prevail with



4207 respect to any individual practicing in the remote state in
4208 response to such declaration.

4209 **Section 7. Veterans, service members separating from active**
4210 **duty military, and their spouses.** (1) Member states shall
4211 consider a veteran, active military service member, and member of
4212 the National Guard and Reserves separating from an active duty
4213 tour, and a spouse thereof, who holds a current valid and
4214 unrestricted NREMT certification at or above the level of the
4215 state license being sought as satisfying the minimum training and
4216 examination requirements for such licensure.

4217 (2) Member states shall expedite the processing of licensure
4218 applications submitted by veterans, active military service
4219 members, and members of the National Guard and Reserves separating
4220 from an active duty tour, and their spouses.

4221 (3) All individuals functioning with a privilege to practice
4222 under this section remain subject to the adverse actions
4223 provisions of Section 8.

4224 **Section 8. Adverse actions.** (1) A home state shall have
4225 exclusive power to impose adverse action against an individual's
4226 license issued by the home state.

4227 (2) If an individual's license in any home state is
4228 restricted or suspended, the individual shall not be eligible to
4229 practice in a remote state under the privilege to practice until
4230 the individual's home state license is restored.



4231 (a) All home state adverse action orders shall include
4232 a statement that the individual's Compact privileges are inactive.
4233 The order may allow the individual to practice in remote states
4234 with prior written authorization from both the home state and
4235 remote state's EMS authority.

4236 (b) An individual currently subject to adverse action
4237 in the home state shall not practice in any remote state without
4238 prior written authorization from both the home state and remote
4239 state's EMS authority.

4240 (3) A member state shall report adverse actions and any
4241 occurrences that the individual's Compact privileges are
4242 restricted, suspended, or revoked to the Commission in accordance
4243 with the rules of the Commission.

4244 (4) A remote state may take adverse action on an
4245 individual's privilege to practice within that state.

4246 (5) Any member state may take adverse action against an
4247 individual's privilege to practice in that state based on the
4248 factual findings of another member state, so long as each state
4249 follows its own procedures for imposing such adverse action.

4250 (6) A home state's EMS authority shall investigate and take
4251 appropriate action with respect to reported conduct in a remote
4252 state as it would if such conduct had occurred within the home
4253 state. In such cases, the home state's law shall control in
4254 determining the appropriate adverse action.



4255 (7) Nothing in this Compact shall override a member state's
4256 decision that participation in an alternative program may be used
4257 in lieu of adverse action and that such participation shall remain
4258 nonpublic if required by the member state's laws. Member states
4259 must require individuals who enter any alternative programs to
4260 agree not to practice in any other member state during the term of
4261 the alternative program without prior authorization from such
4262 other member state.

4263 **Section 9. Additional powers invested in a member state's**
4264 **EMS authority.** A member state's EMS authority, in addition to any
4265 other powers granted under state law, is authorized under this
4266 Compact to:

4267 (a) Issue subpoenas for both hearings and
4268 investigations that require the attendance and testimony of
4269 witnesses and the production of evidence. Subpoenas issued by a
4270 member state's EMS authority for the attendance and testimony of
4271 witnesses, and/or the production of evidence from another member
4272 state, shall be enforced in the remote state by any court of
4273 competent jurisdiction, according to that court's practice and
4274 procedure in considering subpoenas issued in its own proceedings.
4275 The issuing state EMS authority shall pay any witness fees, travel
4276 expenses, mileage, and other fees required by the service statutes
4277 of the state where the witnesses and/or evidence are located; and
4278 (b) Issue cease and desist orders to restrict, suspend,
4279 or revoke an individual's privilege to practice in the state.



4280 **Section 10. Establishment of the Interstate Commission for**
4281 **EMS Personnel Practice.** (1) The Compact states hereby create and
4282 establish a joint public agency known as the Interstate Commission
4283 for EMS Personnel Practice.

4284 (a) The Commission is a body politic and an
4285 instrumentality of the Compact states.

4286 (b) Venue is proper and judicial proceedings by or
4287 against the Commission shall be brought solely and exclusively in
4288 a court of competent jurisdiction where the principal office of
4289 the Commission is located. The Commission may waive venue and
4290 jurisdictional defenses to the extent it adopts or consents to
4291 participate in alternative dispute resolution proceedings.

4292 (c) Nothing in this Compact shall be construed to be a
4293 waiver of sovereign immunity.

4294 (2) Membership, voting, and meetings.

4295 (a) Each member state shall have and be limited to one
4296 (1) delegate. The responsible official of the state EMS authority
4297 or his designee shall be the delegate to this Compact for each
4298 member state. Any delegate may be removed or suspended from
4299 office as provided by the law of the state from which the delegate
4300 is appointed. Any vacancy occurring in the Commission shall be
4301 filled in accordance with the laws of the member state in which
4302 the vacancy exists. In the event that more than one (1) board,
4303 office, or other agency with the legislative mandate to license
4304 EMS personnel at and above the level of EMT exists, the Governor



4305 of the state will determine which entity will be responsible for
4306 assigning the delegate.

4307 (b) Each delegate shall be entitled to one (1) vote
4308 with regard to the promulgation of rules and creation of bylaws
4309 and shall otherwise have an opportunity to participate in the
4310 business and affairs of the Commission. A delegate shall vote in
4311 person or by such other means as provided in the bylaws. The
4312 bylaws may provide for delegates' participation in meetings by
4313 telephone or other means of communication.

4314 (c) The Commission shall meet at least once during each
4315 calendar year. Additional meetings shall be held as set forth in
4316 the bylaws.

4317 (d) All meetings shall be open to the public, and
4318 public notice of meetings shall be given in the same manner as
4319 required under the rulemaking provisions in Section 12.

4320 (e) The Commission may convene in a closed, nonpublic
4321 meeting if the Commission must discuss:

4322 (i) Noncompliance of a member state with its
4323 obligations under the Compact;

4324 (ii) The employment, compensation, discipline or
4325 other personnel matters, practices or procedures related to
4326 specific employees or other matters related to the Commission's
4327 internal personnel practices and procedures;

4328 (iii) Current, threatened, or reasonably
4329 anticipated litigation;



4330 (iv) Negotiation of contracts for the purchase or
4331 sale of goods, services, or real estate;

4332 (v) Accusing any person of a crime or formally
4333 censuring any person;

4334 (vi) Disclosure of trade secrets or commercial or
4335 financial information that is privileged or confidential;

4336 (vii) Disclosure of information of a personal
4337 nature where disclosure would constitute a clearly unwarranted
4338 invasion of personal privacy;

4339 (viii) Disclosure of investigatory records
4340 compiled for law enforcement purposes;

4341 (ix) Disclosure of information related to any
4342 investigatory reports prepared by or on behalf of or for use of
4343 the Commission or other committee charged with responsibility of
4344 investigation or determination of compliance issues pursuant to
4345 the Compact; or

4346 (x) Matters specifically exempted from disclosure
4347 by federal or member state statute.

4348 (f) If a meeting, or portion of a meeting, is closed
4349 pursuant to this provision, the Commission's legal counsel or
4350 designee shall certify that the meeting may be closed and shall
4351 reference each relevant exempting provision. The Commission shall
4352 keep minutes that fully and clearly describe all matters discussed
4353 in a meeting and shall provide a full and accurate summary of
4354 actions taken, and the reasons therefore, including a description



4355 of the views expressed. All documents considered in connection
4356 with an action shall be identified in such minutes. All minutes
4357 and documents of a closed meeting shall remain under seal, subject
4358 to release by a majority vote of the Commission or order of a
4359 court of competent jurisdiction.

4360 (3) The Commission shall, by a majority vote of the
4361 delegates, prescribe bylaws and/or rules to govern its conduct as
4362 may be necessary or appropriate to carry out the purposes and
4363 exercise the powers of the Compact, including but not limited to:

4364 (a) Establishing the fiscal year of the Commission;

4365 (b) Providing reasonable standards and procedures:

4366 (i) For the establishment and meetings of other
4367 committees; and

4368 (ii) Governing any general or specific delegation
4369 of any authority or function of the Commission;

4370 (c) Providing reasonable procedures for calling and
4371 conducting meetings of the Commission, ensuring reasonable advance
4372 notice of all meetings, and providing an opportunity for
4373 attendance of such meetings by interested parties, with enumerated
4374 exceptions designed to protect the public's interest, the privacy
4375 of individuals, and proprietary information, including trade
4376 secrets. The Commission may meet in closed session only after a
4377 majority of the membership votes to close a meeting in whole or in
4378 part. As soon as practicable, the Commission must make public a



4379 copy of the vote to close the meeting revealing the vote of each
4380 member with no proxy votes allowed;

4381 (d) Establishing the titles, duties and authority, and
4382 reasonable procedures for the election of the officers of the
4383 Commission;

4384 (e) Providing reasonable standards and procedures for
4385 the establishment of the personnel policies and programs of the
4386 Commission. Notwithstanding any civil service or other similar
4387 laws of any member state, the bylaws shall exclusively govern the
4388 personnel policies and programs of the Commission;

4389 (f) Promulgating a code of ethics to address
4390 permissible and prohibited activities of Commission members and
4391 employees;

4392 (g) Providing a mechanism for winding up the operations
4393 of the Commission and the equitable disposition of any surplus
4394 funds that may exist after the termination of the Compact after
4395 the payment and/or reserving of all of its debts and obligations;

4396 (h) The Commission shall publish its bylaws and file a
4397 copy thereof, and a copy of any amendment thereto, with the
4398 appropriate agency or officer in each of the member states, if
4399 any;

4400 (i) The Commission shall maintain its financial records
4401 in accordance with the bylaws;

4402 (j) The Commission shall meet and take such actions as
4403 are consistent with the provisions of this Compact and the bylaws.



4404 (4) The Commission shall have the following powers:

4405 (a) The authority to promulgate uniform rules to

4406 facilitate and coordinate implementation and administration of

4407 this Compact. The rules shall have the force and effect of law

4408 and shall be binding in all member states;

4409 (b) To bring and prosecute legal proceedings or actions

4410 in the name of the Commission, provided that the standing of any

4411 state EMS authority or other regulatory body responsible for EMS

4412 personnel licensure to sue or be sued under applicable law shall

4413 not be affected;

4414 (c) To purchase and maintain insurance and bonds;

4415 (d) To borrow, accept, or contract for services of

4416 personnel, including, but not limited to, employees of a member

4417 state;

4418 (e) To hire employees, elect or appoint officers, fix

4419 compensation, define duties, grant such individuals appropriate

4420 authority to carry out the purposes of the Compact, and to

4421 establish the Commission's personnel policies and programs

4422 relating to conflicts of interest, qualifications of personnel,

4423 and other related personnel matters;

4424 (f) To accept any and all appropriate donations and

4425 grants of money, equipment, supplies, materials and services, and

4426 to receive, utilize and dispose of the same; provided that at all

4427 times the Commission shall strive to avoid any appearance of

4428 impropriety and/or conflict of interest;



4429 (g) To lease, purchase, accept appropriate gifts or
4430 donations of, or otherwise to own, hold, improve or use, any
4431 property, real, personal or mixed; provided that at all times the
4432 Commission shall strive to avoid any appearance of impropriety;

4433 (h) To sell convey, mortgage, pledge, lease, exchange,
4434 abandon, or otherwise dispose of any property real, personal, or
4435 mixed;

4436 (i) To establish a budget and make expenditures;

4437 (j) To borrow money;

4438 (k) To appoint committees, including advisory
4439 committees comprised of members, state regulators, state
4440 legislators or their representatives, and consumer
4441 representatives, and such other interested persons as may be
4442 designated in this Compact and the bylaws;

4443 (l) To provide and receive information from, and to
4444 cooperate with, law enforcement agencies;

4445 (m) To adopt and use an official seal; and

4446 (n) To perform such other functions as may be necessary
4447 or appropriate to achieve the purposes of this Compact consistent
4448 with the state regulation of EMS personnel licensure and practice.

4449 (5) Financing of the Commission.

4450 (a) The Commission shall pay, or provide for the
4451 payment of, the reasonable expenses of its establishment,
4452 organization, and ongoing activities.



4453 (b) The Commission may accept any and all appropriate
4454 revenue sources, donations, and grants of money, equipment,
4455 supplies, materials, and services.

4456 (c) The Commission may levy on and collect an annual
4457 assessment from each member state or impose fees on other parties
4458 to cover the cost of the operations and activities of the
4459 Commission and its staff, which must be in a total amount
4460 sufficient to cover its annual budget as approved each year for
4461 which revenue is not provided by other sources. The aggregate
4462 annual assessment amount shall be allocated based upon a formula
4463 to be determined by the Commission, which shall promulgate a rule
4464 binding upon all member states.

4465 (d) The Commission shall not incur obligations of any
4466 kind prior to securing the funds adequate to meet the same; nor
4467 shall the Commission pledge the credit of any of the member
4468 states, except by and with the authority of the member state.

4469 (e) The Commission shall keep accurate accounts of all
4470 receipts and disbursements. The receipts and disbursements of the
4471 Commission shall be subject to the audit and accounting procedures
4472 established under its bylaws. However, all receipts and
4473 disbursements of funds handled by the Commission shall be audited
4474 yearly by a certified or licensed public accountant, and the
4475 report of the audit shall be included in and become part of the
4476 annual report of the Commission.

4477 (6) Qualified immunity, defense, and indemnification.



4478 (a) The members, officers, executive director,
4479 employees and representatives of the Commission shall be immune
4480 from suit and liability, either personally or in their official
4481 capacity, for any claim for damage to or loss of property or
4482 personal injury or other civil liability caused by or arising out
4483 of any actual or alleged act, error or omission that occurred, or
4484 that the person against whom the claim is made had a reasonable
4485 basis for believing occurred within the scope of Commission
4486 employment, duties or responsibilities; provided that nothing in
4487 this paragraph shall be construed to protect any such person from
4488 suit and/or liability for any damage, loss, injury, or liability
4489 caused by the intentional or willful or wanton misconduct of that
4490 person.

4491 (b) The Commission shall defend any member, officer,
4492 executive director, employee or representative of the Commission
4493 in any civil action seeking to impose liability arising out of any
4494 actual or alleged act, error, or omission that occurred within the
4495 scope of Commission employment, duties, or responsibilities, or
4496 that the person against whom the claim is made had a reasonable
4497 basis for believing occurred within the scope of Commission
4498 employment, duties, or responsibilities; provided that nothing
4499 herein shall be construed to prohibit that person from retaining
4500 his or her own counsel; and provided further, that the actual or
4501 alleged act, error, or omission did not result from that person's
4502 intentional or willful or wanton misconduct.



4503 (c) The Commission shall indemnify and hold harmless
4504 any member, officer, executive director, employee, or
4505 representative of the Commission for the amount of any settlement
4506 or judgment obtained against that person arising out of any actual
4507 or alleged act, error or omission that occurred within the scope
4508 of Commission employment, duties, or responsibilities, or that
4509 such person had a reasonable basis for believing occurred within
4510 the scope of Commission employment, duties, or responsibilities,
4511 provided that the actual or alleged act, error, or omission did
4512 not result from the intentional or willful or wanton misconduct of
4513 that person.

4514 **Section 11. Coordinated database.** (1) The Commission shall
4515 provide for the development and maintenance of a coordinated
4516 database and reporting system containing licensure, adverse
4517 action, and significant investigatory information on all licensed
4518 individuals in member states.

4519 (2) Notwithstanding any other provision of state law to the
4520 contrary, a member state shall submit a uniform data set to the
4521 coordinated database on all individuals to whom this Compact is
4522 applicable as required by the rules of the Commission, including:

- 4523 (a) Identifying information;
- 4524 (b) Licensure data;
- 4525 (c) Significant investigatory information;
- 4526 (d) Adverse actions against an individual's license;



4527 (e) An indicator that an individual's privilege to
4528 practice is restricted, suspended or revoked;

4529 (f) Nonconfidential information related to alternative
4530 program participation;

4531 (g) Any denial of application for licensure, and the
4532 reason(s) for such denial; and

4533 (h) Other information that may facilitate the
4534 administration of this Compact, as determined by the rules of the
4535 Commission.

4536 (3) The coordinated database administrator shall promptly
4537 notify all member states of any adverse action taken against, or
4538 significant investigative information on, any individual in a
4539 member state.

4540 (4) Member states contributing information to the
4541 coordinated database may designate information that may not be
4542 shared with the public without the express permission of the
4543 contributing state.

4544 (5) Any information submitted to the coordinated database
4545 that is subsequently required to be expunged by the laws of the
4546 member state contributing the information shall be removed from
4547 the coordinated database.

4548 **Section 12. Rulemaking.** (1) The Commission shall exercise
4549 its rulemaking powers pursuant to the criteria set forth in this
4550 section and the rules adopted thereunder. Rules and amendments



4551 shall become binding as of the date specified in each rule or
4552 amendment.

4553 (2) If a majority of the Legislatures of the member states
4554 rejects a rule, by enactment of a statute or resolution in the
4555 same manner used to adopt the Compact, then such rule shall have
4556 no further force and effect in any member state.

4557 (3) Rules or amendments to the rules shall be adopted at a
4558 regular or special meeting of the Commission.

4559 (4) Prior to promulgation and adoption of a final rule or
4560 rules by the Commission, and at least sixty (60) days in advance
4561 of the meeting at which the rule will be considered and voted
4562 upon, the Commission shall file a Notice of Proposed Rulemaking:

- 4563 (a) On the website of the Commission; and
4564 (b) On the website of each member state EMS authority
4565 or the publication in which each state would otherwise publish
4566 proposed rules.

4567 (5) The Notice of Proposed Rulemaking shall include:

- 4568 (a) The proposed time, date, and location of the
4569 meeting in which the rule will be considered and voted upon;
4570 (b) The text of the proposed rule or amendment and the
4571 reason for the proposed rule;
4572 (c) A request for comments on the proposed rule from
4573 any interested person; and



4574 (d) The manner in which interested persons may submit
4575 notice to the Commission of their intention to attend the public
4576 hearing and any written comments.

4577 (6) Prior to adoption of a proposed rule, the Commission
4578 shall allow persons to submit written data, facts, opinions, and
4579 arguments, which shall be made available to the public.

4580 (7) The Commission shall grant an opportunity for a public
4581 hearing before it adopts a rule or amendment if a hearing is
4582 requested by:

- 4583 (a) At least twenty-five (25) persons;
- 4584 (b) A governmental subdivision or agency; or
- 4585 (c) An association having at least twenty-five (25)
4586 members.

4587 (8) If a hearing is held on the proposed rule or amendment,
4588 the Commission shall publish the place, time, and date of the
4589 scheduled public hearing.

4590 (a) All persons wishing to be heard at the hearing
4591 shall notify the executive director of the Commission or other
4592 designated member in writing of their desire to appear and testify
4593 at the hearing not less than five (5) business days before the
4594 scheduled date of the hearing.

4595 (b) Hearings shall be conducted in a manner providing
4596 each person who wishes to comment a fair and reasonable
4597 opportunity to comment orally or in writing.



4598 (c) No transcript of the hearing is required, unless a
4599 written request for a transcript is made, in which case the person
4600 requesting the transcript shall bear the cost of producing the
4601 transcript. A recording may be made in lieu of a transcript under
4602 the same terms and conditions as a transcript. This subsection
4603 shall not preclude the Commission from making a transcript or
4604 recording of the hearing if it so chooses.

4605 (d) Nothing in this section shall be construed as
4606 requiring a separate hearing on each rule. Rules may be grouped
4607 for the convenience of the Commission at hearings required by this
4608 section.

4609 (9) Following the scheduled hearing date, or by the close of
4610 business on the scheduled hearing date if the hearing was not
4611 held, the Commission shall consider all written and oral comments
4612 received.

4613 (10) The Commission shall, by majority vote of all members,
4614 take final action on the proposed rule and shall determine the
4615 effective date of the rule, if any, based on the rulemaking record
4616 and the full text of the rule.

4617 (11) If no written notice of intent to attend the public
4618 hearing by interested parties is received, the Commission may
4619 proceed with promulgation of the proposed rule without a public
4620 hearing.

4621 (12) Upon determination that an emergency exists, the
4622 Commission may consider and adopt an emergency rule without prior



4623 notice, opportunity for comment, or hearing, provided that the
4624 usual rulemaking procedures provided in the Compact and in this
4625 section shall be retroactively applied to the rule as soon as
4626 reasonably possible, in no event later than ninety (90) days after
4627 the effective date of the rule. For the purposes of this
4628 provision, an emergency rule is one that must be adopted
4629 immediately in order to:

4630 (a) Meet an imminent threat to public health, safety,
4631 or welfare;

4632 (b) Prevent a loss of Commission or member state funds;

4633 (c) Meet a deadline for the promulgation of an
4634 administrative rule that is established by federal law or rule; or

4635 (d) Protect public health and safety.

4636 (13) The Commission or an authorized committee of the
4637 Commission may direct revisions to a previously adopted rule or
4638 amendment for purposes of correcting typographical errors, errors
4639 in format, errors in consistency, or grammatical errors. Public
4640 notice of any revisions shall be posted on the website of the
4641 Commission. The revision shall be subject to challenge by any
4642 person for a period of thirty (30) days after posting. The
4643 revision may be challenged only on grounds that the revision
4644 results in a material change to a rule. A challenge shall be made
4645 in writing, and delivered to the chair of the Commission prior to
4646 the end of the notice period. If no challenge is made, the
4647 revision will take effect without further action. If the revision



4648 is challenged, the revision may not take effect without the
4649 approval of the Commission.

4650 **Section 13. Oversight, dispute resolution, and enforcement.**

4651 (1) Oversight:

4652 (a) The executive, legislative, and judicial branches
4653 of state government in each member state shall enforce this
4654 Compact and take all actions necessary and appropriate to
4655 effectuate the Compact's purposes and intent. The provisions of
4656 this Compact and the rules promulgated hereunder shall have
4657 standing as statutory law.

4658 (b) All courts shall take judicial notice of the
4659 Compact and the rules in any judicial or administrative proceeding
4660 in a member state pertaining to the subject matter of this Compact
4661 which may affect the powers, responsibilities or actions of the
4662 Commission.

4663 (c) The Commission shall be entitled to receive service
4664 of process in any such proceeding, and shall have standing to
4665 intervene in such a proceeding for all purposes. Failure to
4666 provide service of process to the Commission shall render a
4667 judgment or order void as to the Commission, this Compact, or
4668 promulgated rules.

4669 (2) Default, technical assistance and termination.

4670 (a) If the Commission determines that a member state
4671 has defaulted in the performance of its obligations or



4672 responsibilities under this Compact or the promulgated rules, the
4673 Commission shall:

4674 (i) Provide written notice to the defaulting state
4675 and other member states of the nature of the default, the proposed
4676 means of curing the default and/or any other action to be taken by
4677 the Commission; and

4678 (ii) Provide remedial training and specific
4679 technical assistance regarding the default.

4680 (b) If a state in default fails to cure the default,
4681 the defaulting state may be terminated from the Compact upon an
4682 affirmative vote of a majority of the member states, and all
4683 rights, privileges and benefits conferred by this Compact may be
4684 terminated on the effective date of termination. A cure of the
4685 default does not relieve the offending state of obligations or
4686 liabilities incurred during the period of default.

4687 (c) Termination of membership in the Compact shall be
4688 imposed only after all other means of securing compliance have
4689 been exhausted. Notice of intent to suspend or terminate shall be
4690 given by the Commission to the Governor, the majority and minority
4691 leaders of the defaulting state's Legislature, and each of the
4692 member states.

4693 (d) A state that has been terminated is responsible for
4694 all assessments, obligations, and liabilities incurred through the
4695 effective date of termination, including obligations that extend
4696 beyond the effective date of termination.



4697 (e) The Commission shall not bear any costs related to
4698 a state that is found to be in default or that has been terminated
4699 from the Compact, unless agreed upon in writing between the
4700 Commission and the defaulting state.

4701 (f) The defaulting state may appeal the action of the
4702 Commission by petitioning the United States District Court for the
4703 District of Columbia or the federal district where the Commission
4704 has its principal offices. The prevailing member shall be awarded
4705 all costs of such litigation, including reasonable attorney's
4706 fees.

4707 (3) Dispute resolution.

4708 (a) Upon request by a member state, the Commission
4709 shall attempt to resolve disputes related to the Compact that
4710 arise among member states and between member and nonmember states.

4711 (b) The Commission shall promulgate a rule providing
4712 for both mediation and binding dispute resolution for disputes as
4713 appropriate.

4714 (4) Enforcement.

4715 (a) The Commission, in the reasonable exercise of its
4716 discretion, shall enforce the provisions and rules of this
4717 Compact.

4718 (b) By majority vote, the Commission may initiate legal
4719 action in the United States District Court for the District of
4720 Columbia or the federal district where the Commission has its
4721 principal offices against a member state in default to enforce



4722 compliance with the provisions of the Compact and its promulgated
4723 rules and bylaws. The relief sought may include both injunctive
4724 relief and damages. In the event judicial enforcement is
4725 necessary, the prevailing member shall be awarded all costs of
4726 such litigation, including reasonable attorney's fees.

4727 (c) The remedies herein shall not be the exclusive
4728 remedies of the Commission. The Commission may pursue any other
4729 remedies available under federal or state law.

4730 **Section 14. Date of implementation of the Interstate**
4731 **Commission for EMS personnel practice and associated rules,**
4732 **withdrawal, and amendment.** (1) The Compact shall come into
4733 effect on the date on which the Compact statute is enacted into
4734 law in the tenth member state. The provisions, which become
4735 effective at that time, shall be limited to the powers granted to
4736 the Commission relating to assembly and the promulgation of rules.
4737 Thereafter, the Commission shall meet and exercise rulemaking
4738 powers necessary to the implementation and administration of the
4739 Compact.

4740 (2) Any state that joins the Compact subsequent to the
4741 Commission's initial adoption of the rules shall be subject to the
4742 rules as they exist on the date on which the Compact becomes law
4743 in that state. Any rule that has been previously adopted by the
4744 Commission shall have the full force and effect of law on the day
4745 the Compact becomes law in that state.



4746 (3) Any member state may withdraw from this Compact by
4747 enacting a statute repealing the same.

4748 (a) A member state's withdrawal shall not take effect
4749 until six (6) months after enactment of the repealing statute.

4750 (b) Withdrawal shall not affect the continuing
4751 requirement of the withdrawing state's EMS authority to comply
4752 with the investigative and adverse action reporting requirements
4753 of this act prior to the effective date of withdrawal.

4754 (4) Nothing contained in this Compact shall be construed to
4755 invalidate or prevent any EMS personnel licensure agreement or
4756 other cooperative arrangement between a member state and a
4757 nonmember state that does not conflict with the provisions of this
4758 Compact.

4759 (5) This Compact may be amended by the member states. No
4760 amendment to this Compact shall become effective and binding upon
4761 any member state until it is enacted into the laws of all member
4762 states.

4763 **Section 15. Construction and severability.** This Compact
4764 shall be liberally construed so as to effectuate the purposes
4765 thereof. If this Compact shall be held contrary to the
4766 Constitution of any state member thereto, the Compact shall remain
4767 in full force and effect as to the remaining member states.
4768 Nothing in this Compact supersedes state law or rules related to
4769 licensure of EMS agencies.



4770 **SECTION 52.** Section 43-11-13, Mississippi Code of 1972, is
4771 brought forward as follows:

4772 43-11-13. (1) The licensing agency shall adopt, amend,
4773 promulgate and enforce such rules, regulations and standards,
4774 including classifications, with respect to all institutions for
4775 the aged or infirm to be licensed under this chapter as may be
4776 designed to further the accomplishment of the purpose of this
4777 chapter in promoting adequate care of individuals in those
4778 institutions in the interest of public health, safety and welfare.
4779 Those rules, regulations and standards shall be adopted and
4780 promulgated by the licensing agency and shall be recorded and
4781 indexed in a book to be maintained by the licensing agency in its
4782 main office in the State of Mississippi, entitled "Rules,
4783 Regulations and Minimum Standards for Institutions for the Aged or
4784 Infirm" and the book shall be open and available to all
4785 institutions for the aged or infirm and the public generally at
4786 all reasonable times. Upon the adoption of those rules,
4787 regulations and standards, the licensing agency shall mail copies
4788 thereof to all those institutions in the state that have filed
4789 with the agency their names and addresses for this purpose, but
4790 the failure to mail the same or the failure of the institutions to
4791 receive the same shall in no way affect the validity thereof. The
4792 rules, regulations and standards may be amended by the licensing
4793 agency, from time to time, as necessary to promote the health,
4794 safety and welfare of persons living in those institutions.



4795 (2) The licensee shall keep posted in a conspicuous place on
4796 the licensed premises all current rules, regulations and minimum
4797 standards applicable to fire protection measures as adopted by the
4798 licensing agency. The licensee shall furnish to the licensing
4799 agency at least once each six (6) months a certificate of approval
4800 and inspection by state or local fire authorities. Failure to
4801 comply with state laws and/or municipal ordinances and current
4802 rules, regulations and minimum standards as adopted by the
4803 licensing agency, relative to fire prevention measures, shall be
4804 prima facie evidence for revocation of license.

4805 (3) The State Board of Health shall promulgate rules and
4806 regulations restricting the storage, quantity and classes of drugs
4807 allowed in personal care homes and adult foster care facilities.
4808 Residents requiring administration of Schedule II Narcotics as
4809 defined in the Uniform Controlled Substances Law may be admitted
4810 to a personal care home. Schedule drugs may only be allowed in a
4811 personal care home if they are administered or stored utilizing
4812 proper procedures under the direct supervision of a licensed
4813 physician or nurse.

4814 (4) (a) Notwithstanding any determination by the licensing
4815 agency that skilled nursing services would be appropriate for a
4816 resident of a personal care home, that resident, the resident's
4817 guardian or the legally recognized responsible party for the
4818 resident may consent in writing for the resident to continue to
4819 reside in the personal care home, if approved in writing by a



4820 licensed physician. However, no personal care home shall allow
4821 more than two (2) residents, or ten percent (10%) of the total
4822 number of residents in the facility, whichever is greater, to
4823 remain in the personal care home under the provisions of this
4824 subsection (4). This consent shall be deemed to be appropriately
4825 informed consent as described in the regulations promulgated by
4826 the licensing agency. After that written consent has been
4827 obtained, the resident shall have the right to continue to reside
4828 in the personal care home for as long as the resident meets the
4829 other conditions for residing in the personal care home. A copy
4830 of the written consent and the physician's approval shall be
4831 forwarded by the personal care home to the licensing agency.

4832 (b) The State Board of Health shall promulgate rules
4833 and regulations restricting the handling of a resident's personal
4834 deposits by the director of a personal care home. Any funds given
4835 or provided for the purpose of supplying extra comforts,
4836 conveniences or services to any resident in any personal care
4837 home, and any funds otherwise received and held from, for or on
4838 behalf of any such resident, shall be deposited by the director or
4839 other proper officer of the personal care home to the credit of
4840 that resident in an account that shall be known as the Resident's
4841 Personal Deposit Fund. No more than one (1) month's charge for
4842 the care, support, maintenance and medical attention of the
4843 resident shall be applied from the account at any one time. After
4844 the death, discharge or transfer of any resident for whose benefit



4845 any such fund has been provided, any unexpended balance remaining
4846 in his personal deposit fund shall be applied for the payment of
4847 care, cost of support, maintenance and medical attention that is
4848 accrued. If any unexpended balance remains in that resident's
4849 personal deposit fund after complete reimbursement has been made
4850 for payment of care, support, maintenance and medical attention,
4851 and the director or other proper officer of the personal care home
4852 has been or shall be unable to locate the person or persons
4853 entitled to the unexpended balance, the director or other proper
4854 officer may, after the lapse of one (1) year from the date of that
4855 death, discharge or transfer, deposit the unexpended balance to
4856 the credit of the personal care home's operating fund.

4857 (c) The State Board of Health shall promulgate rules
4858 and regulations requiring personal care homes to maintain records
4859 relating to health condition, medicine dispensed and administered,
4860 and any reaction to that medicine. The director of the personal
4861 care home shall be responsible for explaining the availability of
4862 those records to the family of the resident at any time upon
4863 reasonable request.

4864 (5) (a) For the purposes of this subsection (5):

4865 (i) "Licensed entity" means a hospital, nursing
4866 home, personal care home, home health agency, hospice or adult
4867 foster care facility;

4868 (ii) "Covered entity" means a licensed entity or a
4869 health care professional staffing agency;



4870 (iii) "Employee" means any individual employed by
4871 a covered entity, and also includes any individual who by contract
4872 provides to the patients, residents or clients being served by the
4873 covered entity direct, hands-on, medical patient care in a
4874 patient's, resident's or client's room or in treatment or recovery
4875 rooms. The term "employee" does not include health care
4876 professional/vocational technical students performing clinical
4877 training in a licensed entity under contracts between their
4878 schools and the licensed entity, and does not include students at
4879 high schools located in Mississippi who observe the treatment and
4880 care of patients in a licensed entity as part of the requirements
4881 of an allied-health course taught in the high school, if:

4882 1. The student is under the supervision of a
4883 licensed health care provider; and

4884 2. The student has signed an affidavit that
4885 is on file at the student's school stating that he or she has not
4886 been convicted of or pleaded guilty or nolo contendere to a felony
4887 listed in paragraph (d) of this subsection (5), or that any such
4888 conviction or plea was reversed on appeal or a pardon was granted
4889 for the conviction or plea. Before any student may sign such an
4890 affidavit, the student's school shall provide information to the
4891 student explaining what a felony is and the nature of the felonies
4892 listed in paragraph (d) of this subsection (5).

4893 However, the health care professional/vocational technical
4894 academic program in which the student is enrolled may require the



4895 student to obtain criminal history record checks. In such
4896 incidences, paragraph (a)(iii)1 and 2 of this subsection (5) does
4897 not preclude the licensing entity from processing submitted
4898 fingerprints of students from healthcare-related
4899 professional/vocational technical programs who, as part of their
4900 program of study, conduct observations and provide clinical care
4901 and services in a covered entity.

4902 (b) Under regulations promulgated by the State Board of
4903 Health, the licensing agency shall require to be performed a
4904 criminal history record check on (i) every new employee of a
4905 covered entity who provides direct patient care or services and
4906 who is employed on or after July 1, 2003, and (ii) every employee
4907 of a covered entity employed before July 1, 2003, who has a
4908 documented disciplinary action by his or her present employer. In
4909 addition, the licensing agency shall require the covered entity to
4910 perform a disciplinary check with the professional licensing
4911 agency of each employee, if any, to determine if any disciplinary
4912 action has been taken against the employee by that agency.

4913 Except as otherwise provided in paragraph (c) of this
4914 subsection (5), no such employee hired on or after July 1, 2003,
4915 shall be permitted to provide direct patient care until the
4916 results of the criminal history record check have revealed no
4917 disqualifying record or the employee has been granted a waiver.
4918 In order to determine the employee applicant's suitability for
4919 employment, the applicant shall be fingerprinted. Fingerprints



4920 shall be submitted to the licensing agency from scanning, with the
4921 results processed through the Department of Public Safety's
4922 Criminal Information Center. The fingerprints shall then be
4923 forwarded by the Department of Public Safety to the Federal Bureau
4924 of Investigation for a national criminal history record check.
4925 The licensing agency shall notify the covered entity of the
4926 results of an employee applicant's criminal history record check.
4927 If the criminal history record check discloses a felony
4928 conviction, guilty plea or plea of nolo contendere to a felony of
4929 possession or sale of drugs, murder, manslaughter, armed robbery,
4930 rape, sexual battery, sex offense listed in Section 45-33-23(h),
4931 child abuse, arson, grand larceny, burglary, gratification of lust
4932 or aggravated assault, or felonious abuse and/or battery of a
4933 vulnerable adult that has not been reversed on appeal or for which
4934 a pardon has not been granted, the employee applicant shall not be
4935 eligible to be employed by the covered entity.

4936 (c) Any such new employee applicant may, however, be
4937 employed on a temporary basis pending the results of the criminal
4938 history record check, but any employment contract with the new
4939 employee shall be voidable if the new employee receives a
4940 disqualifying criminal history record check and no waiver is
4941 granted as provided in this subsection (5).

4942 (d) Under regulations promulgated by the State Board of
4943 Health, the licensing agency shall require every employee of a
4944 covered entity employed before July 1, 2003, to sign an affidavit



4945 stating that he or she has not been convicted of or pleaded guilty
4946 or nolo contendere to a felony of possession or sale of drugs,
4947 murder, manslaughter, armed robbery, rape, sexual battery, any sex
4948 offense listed in Section 45-33-23(h), child abuse, arson, grand
4949 larceny, burglary, gratification of lust, aggravated assault, or
4950 felonious abuse and/or battery of a vulnerable adult, or that any
4951 such conviction or plea was reversed on appeal or a pardon was
4952 granted for the conviction or plea. No such employee of a covered
4953 entity hired before July 1, 2003, shall be permitted to provide
4954 direct patient care until the employee has signed the affidavit
4955 required by this paragraph (d). All such existing employees of
4956 covered entities must sign the affidavit required by this
4957 paragraph (d) within six (6) months of the final adoption of the
4958 regulations promulgated by the State Board of Health. If a person
4959 signs the affidavit required by this paragraph (d), and it is
4960 later determined that the person actually had been convicted of or
4961 pleaded guilty or nolo contendere to any of the offenses listed in
4962 this paragraph (d) and the conviction or plea has not been
4963 reversed on appeal or a pardon has not been granted for the
4964 conviction or plea, the person is guilty of perjury. If the
4965 offense that the person was convicted of or pleaded guilty or nolo
4966 contendere to was a violent offense, the person, upon a conviction
4967 of perjury under this paragraph, shall be punished as provided in
4968 Section 97-9-61. If the offense that the person was convicted of
4969 or pleaded guilty or nolo contendere to was a nonviolent offense,



4970 the person, upon a conviction of perjury under this paragraph,
4971 shall be punished by a fine of not more than Five Hundred Dollars
4972 (\$500.00), or by imprisonment in the county jail for not more than
4973 six (6) months, or by both such fine and imprisonment.

4974 (e) The covered entity may, in its discretion, allow
4975 any employee who is unable to sign the affidavit required by
4976 paragraph (d) of this subsection (5) or any employee applicant
4977 aggrieved by an employment decision under this subsection (5) to
4978 appear before the covered entity's hiring officer, or his or her
4979 designee, to show mitigating circumstances that may exist and
4980 allow the employee or employee applicant to be employed by the
4981 covered entity. The covered entity, upon report and
4982 recommendation of the hiring officer, may grant waivers for those
4983 mitigating circumstances, which shall include, but not be limited
4984 to: (i) age at which the crime was committed; (ii) circumstances
4985 surrounding the crime; (iii) length of time since the conviction
4986 and criminal history since the conviction; (iv) work history; (v)
4987 current employment and character references; and (vi) other
4988 evidence demonstrating the ability of the individual to perform
4989 the employment responsibilities competently and that the
4990 individual does not pose a threat to the health or safety of the
4991 patients of the covered entity.

4992 (f) The licensing agency may charge the covered entity
4993 submitting the fingerprints a fee not to exceed Fifty Dollars
4994 (\$50.00), which covered entity may, in its discretion, charge the



4995 same fee, or a portion thereof, to the employee applicant. Any
4996 increase in the fee charged by the licensing agency under this
4997 paragraph shall be in accordance with the provisions of Section
4998 41-3-65. Any costs incurred by a covered entity implementing this
4999 subsection (5) shall be reimbursed as an allowable cost under
5000 Section 43-13-116.

5001 (g) If the results of an employee applicant's criminal
5002 history record check reveals no disqualifying event, then the
5003 covered entity shall, within two (2) weeks of the notification of
5004 no disqualifying event, provide the employee applicant with a
5005 notarized letter signed by the chief executive officer of the
5006 covered entity, or his or her authorized designee, confirming the
5007 employee applicant's suitability for employment based on his or
5008 her criminal history record check. An employee applicant may use
5009 that letter for a period of two (2) years from the date of the
5010 letter to seek employment with any covered entity without the
5011 necessity of an additional criminal history record check. Any
5012 covered entity presented with the letter may rely on the letter
5013 with respect to an employee applicant's criminal background and is
5014 not required for a period of two (2) years from the date of the
5015 letter to conduct or have conducted a criminal history record
5016 check as required in this subsection (5).

5017 (h) The licensing agency, the covered entity, and their
5018 agents, officers, employees, attorneys and representatives, shall
5019 be presumed to be acting in good faith for any employment decision



5020 or action taken under this subsection (5). The presumption of
5021 good faith may be overcome by a preponderance of the evidence in
5022 any civil action. No licensing agency, covered entity, nor their
5023 agents, officers, employees, attorneys and representatives shall
5024 be held liable in any employment decision or action based in whole
5025 or in part on compliance with or attempts to comply with the
5026 requirements of this subsection (5).

5027 (i) The licensing agency shall promulgate regulations
5028 to implement this subsection (5).

5029 (j) The provisions of this subsection (5) shall not
5030 apply to:

5031 (i) Applicants and employees of the University of
5032 Mississippi Medical Center for whom criminal history record checks
5033 and fingerprinting are obtained in accordance with Section
5034 37-115-41; or

5035 (ii) Health care professional/vocational technical
5036 students for whom criminal history record checks and
5037 fingerprinting are obtained in accordance with Section 37-29-232.

5038 (6) The State Board of Health shall promulgate rules,
5039 regulations and standards regarding the operation of adult foster
5040 care facilities.

5041 **SECTION 53.** Section 43-20-14, Mississippi Code of 1972, is
5042 brought forward as follows:



5043 43-20-14. (1) The licensing agency may deny a license or
5044 refuse to renew a license for any of the reasons set forth in
5045 subsection (3) of this section.

5046 (2) Before the licensing agency may deny or refuse to renew,
5047 the applicant or person named on the license shall be entitled to
5048 a hearing in order to show cause why the license should not be
5049 denied or should be renewed.

5050 (3) The licensing agency may suspend, revoke or restrict the
5051 license of any child care facility upon one or more of the
5052 following grounds:

5053 (a) Fraud, misrepresentation or concealment of material
5054 facts;

5055 (b) Conviction of an operator for any crime if the
5056 licensing agency finds that the act or acts for which the operator
5057 was convicted could have a detrimental effect on children cared
5058 for by any child care facility;

5059 (c) Violation of any of the provisions of this act or
5060 of the regulations governing the licensing and regulation of child
5061 care facilities promulgated by the licensing agency;

5062 (d) Any conduct, or failure to act, that is found or
5063 determined by the licensing agency to threaten the health or
5064 safety of children at the facility;

5065 (e) Failure by the child care facility to comply with
5066 the provisions of Section 43-20-8(3) regarding background checks
5067 of caregivers; and



5068 (f) Information received by the licensing agency as a
5069 result of the criminal records background check and the child
5070 abuse registry check on all operators under Section 43-20-8.

5071 (4) Before the licensing agency may suspend, revoke or
5072 restrict the license of any facility, any licensee affected by
5073 that decision of the licensing agency shall be entitled to a
5074 hearing in which the licensee may show cause why the license
5075 should not be suspended, revoked or restricted.

5076 (5) Any licensee who disagrees with or is aggrieved by a
5077 decision of the Mississippi State Department of Health in regard
5078 to the denial, refusal to renew, suspension, revocation or
5079 restriction of the license of the licensee, may appeal to the
5080 chancery court of the county in which the facility is located.
5081 The appeal shall be filed no later than thirty (30) days after the
5082 licensee receives written notice of the final administrative
5083 action by the Mississippi State Department of Health as to the
5084 suspension, revocation or restriction of the license of the
5085 licensee.

5086 **SECTION 54.** Section 43-21-907, Mississippi Code of 1972, is
5087 brought forward as follows:

5088 43-21-907. (1) The licensing agency shall have the
5089 following powers and duties, in addition to the other duties
5090 prescribed by law:

5091 (a) To adopt the licensing standards set forth by the
5092 Juvenile Detention and Alternatives Taskforce's 2014 report;



5093 (b) To promulgate future rules and regulations
5094 concerning the licensing and regulation of juvenile detention
5095 facilities;

5096 (c) To issue, deny, suspend, revoke, restrict, or
5097 otherwise take disciplinary action against juvenile detention
5098 facilities;

5099 (d) To provide the training required by the rules and
5100 regulations promulgated by the licensing agency to all facility
5101 administrators and facility staff; and

5102 (e) To have such other powers as may be required to
5103 carry out the provisions of Sections 43-21-901 through 43-21-915.

5104 (2) The licensing agency shall require a criminal records
5105 background check and a child abuse registry check for all facility
5106 administrators and facility staff of a juvenile detention
5107 facility. The Department of Human Services has the authority to
5108 disclose to the licensing agency any potential applicant whose
5109 name is listed on the Child Abuse Central Registry or has a
5110 pending administrative review. That information shall remain
5111 confidential.

5112 (3) The licensing agency shall have the authority to exclude
5113 individuals or entities for prospective or current employment on
5114 the basis of a particular crime or crimes or a substantiated
5115 finding of child abuse or neglect.

5116 (4) Information in the possession of the licensing agency
5117 concerning the license of a juvenile detention facility may be



5118 disclosed to the public, but the information shall not be
5119 disclosed in a manner that would identify children detained in the
5120 facility. Nothing in this section affects the agency's authority
5121 to release findings of investigations into allegations of abuse
5122 under either Section 43-21-353(8) or Section 43-21-257.

5123 (5) The Mississippi Department of Education is responsible
5124 for promulgating rules and regulations related to the education of
5125 all children housed in a juvenile detention facility. The
5126 Mississippi Department of Education must conduct inspections of
5127 the facility's educational services at least annually or more
5128 often as deemed necessary. After each inspection, the department
5129 must provide the licensing agency with its determination of the
5130 facility's compliance with the education provisions. The
5131 licensing agency shall use the information in its determination of
5132 the facility's eligibility for licensure.

5133 **SECTION 55.** Section 73-15-201, Mississippi Code of 1972, is
5134 brought forward as follows:

5135 73-15-201. The Nurse Licensure Compact is enacted into law
5136 and entered into by this state with any and all states legally
5137 joining in the compact in accordance with its term, in the form
5138 substantially as follows:

5139 **ARTICLE I.**

5140 **Findings and declaration of purpose.**

5141 (a) The party states find that:



5142 1. The health and safety of the public are
5143 affected by the degree of compliance with and the effectiveness of
5144 enforcement activities related to state nurse licensure laws;

5145 2. Violations of nurse licensure and other laws
5146 regulating the practice of nursing may result in injury or harm to
5147 the public;

5148 3. The expanded mobility of nurses and the use of
5149 advanced communication technologies as part of our nation's health
5150 care delivery system require greater coordination and cooperation
5151 among states in the areas of nurse licensure and regulation;

5152 4. New practice modalities and technology make
5153 compliance with individual state nurse licensure laws difficult
5154 and complex;

5155 5. The current system of duplicative licensure for
5156 nurses practicing in multiple states is cumbersome and redundant
5157 for both nurses and states; and

5158 6. Uniformity of nurse licensure requirements
5159 throughout the states promotes public safety and public health
5160 benefits.

5161 (b) The general purposes of this compact are to:

5162 1. Facilitate the states' responsibility to
5163 protect the public's health and safety;

5164 2. Ensure and encourage the cooperation of party
5165 states in the areas of nurse licensure and regulation;



5166 3. Facilitate the exchange of information between
5167 party states in the areas of nurse regulation, investigation and
5168 adverse actions;

5169 4. Promote compliance with the laws governing the
5170 practice of nursing in each jurisdiction;

5171 5. Invest all party states with the authority to
5172 hold a nurse accountable for meeting all state practice laws in
5173 the state in which the patient is located at the time care is
5174 rendered through the mutual recognition of party state licenses;

5175 6. Decrease redundancies in the consideration and
5176 issuance of nurse licenses; and

5177 7. Provide opportunities for interstate practice
5178 by nurses who meet uniform licensure requirements.

5179 **ARTICLE II.**

5180 **Definitions.**

5181 As used in this compact:

5182 (a) "Adverse action" means any administrative, civil,
5183 equitable or criminal action permitted by a state's laws which is
5184 imposed by a licensing board or other authority against a
5185 nurse, including actions against an individual's license or
5186 multistate licensure privilege such as revocation, suspension,
5187 probation, monitoring of the licensee, limitation on the
5188 licensee's practice, or any other encumbrance on licensure
5189 affecting a nurse's authorization to practice, including issuance
5190 of a cease and desist action.



5191 (b) "Alternative program" means a nondisciplinary
5192 monitoring program approved by a licensing board.

5193 (c) "Coordinated licensure information system" means an
5194 integrated process for collecting, storing and sharing information
5195 on nurse licensure and enforcement activities related to nurse
5196 licensure laws that is administered by a nonprofit organization
5197 composed of and controlled by licensing boards.

5198 (d) "Current significant investigative information"
5199 means:

5200 1. Investigative information that a licensing
5201 board, after a preliminary inquiry that includes notification and
5202 an opportunity for the nurse to respond, if required by state law,
5203 has reason to believe is not groundless and, if proved true, would
5204 indicate more than a minor infraction; or

5205 2. Investigative information that indicates that
5206 the nurse represents an immediate threat to public health and
5207 safety regardless of whether the nurse has been notified and had
5208 an opportunity to respond.

5209 (e) "Encumbrance" means a revocation or suspension of,
5210 or any limitation on, the full and unrestricted practice of
5211 nursing imposed by a licensing board.

5212 (f) "Home state" means the party state which is the
5213 nurse's primary state of residence.

5214 (g) "Licensing board" means a party state's regulatory
5215 body responsible for issuing nurse licenses.



5216 (h) "Multistate license" means a license to practice as
5217 a registered or a licensed practical/vocational nurse (LPN/VN)
5218 issued by a home state licensing board that authorizes the
5219 licensed nurse to practice in all party states under a multistate
5220 licensure privilege.

5221 (i) "Multistate licensure privilege" means a legal
5222 authorization associated with a multistate license permitting the
5223 practice of nursing as either a registered nurse (RN) or LPN/VN in
5224 a remote state.

5225 (j) "Nurse" means RN or LPN/VN, as those terms are
5226 defined by each party state's practice laws.

5227 (k) "Party state" means any state that has adopted this
5228 compact.

5229 (l) "Remote state" means a party state, other than the
5230 home state.

5231 (m) "Single-state license" means a nurse license issued
5232 by a party state that authorizes practice only within the issuing
5233 state and does not include a multistate licensure privilege to
5234 practice in any other party state.

5235 (n) "State" means a state, territory or possession of
5236 the United States and the District of Columbia.

5237 (o) "State practice laws" means a party state's laws,
5238 rules and regulations that govern the practice of nursing, define
5239 the scope of nursing practice, and create the methods and grounds
5240 for imposing discipline. "State practice laws" do not include



5241 requirements necessary to obtain and retain a license, except for
5242 qualifications or requirements of the home state.

5243 **ARTICLE III.**

5244 **General provisions and jurisdiction.**

5245 (a) A multistate license to practice registered or
5246 licensed practical/vocational nursing issued by a home state to a
5247 resident in that state will be recognized by each party state as
5248 authorizing a nurse to practice as a registered nurse (RN) or as a
5249 licensed practical/vocational nurse (LPN/VN), under a multistate
5250 licensure privilege, in each party state.

5251 (b) A state must implement procedures for considering
5252 the criminal history records of applicants for initial multistate
5253 license or licensure by endorsement. Such procedures shall
5254 include the submission of fingerprints or other biometric-based
5255 information by applicants for the purpose of obtaining an
5256 applicant's criminal history record information from the Federal
5257 Bureau of Investigation and the agency responsible for retaining
5258 that state's criminal records.

5259 (c) Each party state shall require the following for an
5260 applicant to obtain or retain a multistate license in the home
5261 state:

5262 1. Meets the home state's qualifications for
5263 licensure or renewal of licensure, as well as, all other
5264 applicable state laws;



5265 2. (i) Has graduated or is eligible to graduate
5266 from a licensing board-approved RN or LPN/VN prelicensure
5267 education program; or

5268 (ii) Has graduated from a foreign RN or
5269 LPN/VN prelicensure education program that (a) has been approved
5270 by the authorized accrediting body in the applicable country and
5271 (b) has been verified by an independent credentials review agency
5272 to be comparable to a licensing board-approved prelicensure
5273 education program;

5274 3. Has, if a graduate of a foreign prelicensure
5275 education program not taught in English or if English is not the
5276 individual's native language, successfully passed an English
5277 proficiency examination that includes the components of reading,
5278 speaking, writing and listening;

5279 4. Has successfully passed a National Council
5280 Licensure Examination-Registered Nurse (NCLEX-RN®) or National
5281 Council Licensure Examination-Practical Nurse (NCLEX-PN®)
5282 Examination or recognized predecessor, as applicable;

5283 5. Is eligible for or holds an active,
5284 unencumbered license;

5285 6. Has submitted, in connection with an
5286 application for initial licensure or licensure by endorsement,
5287 fingerprints or other biometric data for the purpose of obtaining
5288 criminal history record information from the Federal Bureau of



5289 Investigation and the agency responsible for retaining that
5290 state's criminal records;

5291 7. Has not been convicted or found guilty, or has
5292 entered into an agreed disposition, of a felony offense under
5293 applicable state or federal criminal law;

5294 8. Has not been convicted or found guilty, or has
5295 entered into an agreed disposition, of a misdemeanor offense
5296 related to the practice of nursing as determined on a case-by-case
5297 basis;

5298 9. Is not currently enrolled in an alternative
5299 program;

5300 10. Is subject to self-disclosure requirements
5301 regarding current participation in an alternative program; and

5302 11. Has a valid United States social security
5303 number.

5304 (d) All party states shall be authorized, in accordance
5305 with existing state due process law, to take adverse action
5306 against a nurse's multistate licensure privilege such as
5307 revocation, suspension, probation or any other action that affects
5308 a nurse's authorization to practice under a multistate licensure
5309 privilege, including cease and desist actions. If a party state
5310 takes such action, it shall promptly notify the administrator of
5311 the coordinated licensure information system. The administrator
5312 of the coordinated licensure information system shall promptly
5313 notify the home state of any such actions by remote states.



5314 (e) A nurse practicing in a party state must comply
5315 with the state practice laws of the state in which the client is
5316 located at the time service is provided. The practice of nursing
5317 is not limited to patient care, but shall include all nursing
5318 practice as defined by the state practice laws of the party state
5319 in which the client is located. The practice of nursing in a
5320 party state under a multistate licensure privilege will subject a
5321 nurse to the jurisdiction of the licensing board, the courts and
5322 the laws of the party state in which the client is located at the
5323 time service is provided.

5324 (f) Individuals not residing in a party state shall
5325 continue to be able to apply for a party state's single-state
5326 license as provided under the laws of each party state. However,
5327 the single-state license granted to these individuals will not be
5328 recognized as granting the privilege to practice nursing in any
5329 other party state. Nothing in this compact shall affect the
5330 requirements established by a party state for the issuance of a
5331 single-state license.

5332 (g) Any nurse holding a home state multistate license,
5333 on the effective date of this compact, may retain and renew the
5334 multistate license issued by the nurse's then-current home state,
5335 provided that:

5336 1. A nurse, who changes primary state of residence
5337 after this compact's effective date, must meet all applicable



5362 (c) If a nurse changes primary state of residence by
5363 moving between two (2) party states, the nurse must apply for
5364 licensure in the new home state, and the multistate license issued
5365 by the prior home state will be deactivated in accordance with
5366 applicable rules adopted by the commission.

5367 1. The nurse may apply for licensure in advance of
5368 a change in primary state of residence.

5369 2. A multistate license shall not be issued by the
5370 new home state until the nurse provides satisfactory evidence of a
5371 change in primary state of residence to the new home state and
5372 satisfies all applicable requirements to obtain a multistate
5373 license from the new home state.

5374 (d) If a nurse changes primary state of residence by
5375 moving from a party state to a nonparty state, the multistate
5376 license issued by the prior home state will convert to a
5377 single-state license, valid only in the former home state.

5378 **ARTICLE V.**

5379 **Additional authorities invested in party state licensing boards.**

5380 (a) In addition to the other powers conferred by state
5381 law, a licensing board shall have the authority to:

5382 1. Take adverse action against a nurse's
5383 multistate licensure privilege to practice within that party
5384 state.



5385 (i) Only the home state shall have the power
5386 to take adverse action against a nurse's license issued by the
5387 home state.

5388 (ii) For purposes of taking adverse action,
5389 the home state licensing board shall give the same priority and
5390 effect to reported conduct received from a remote state as it
5391 would if such conduct had occurred within the home state.

5392 In so doing, the home state shall apply its own state laws to
5393 determine appropriate action.

5394 2. Issue cease and desist orders or impose an
5395 encumbrance on a nurse's authority to practice within that party
5396 state.

5397 3. Complete any pending investigations of a nurse
5398 who changes primary state of residence during the course of such
5399 investigations. The licensing board shall also have the authority
5400 to take appropriate action(s) and shall promptly report the
5401 conclusions of such investigations to the administrator of the
5402 coordinated licensure information system. The administrator of
5403 the coordinated licensure information system shall promptly notify
5404 the new home state of any such actions.

5405 4. Issue subpoenas for both hearings and
5406 investigations that require the attendance and testimony of
5407 witnesses, as well as, the production of evidence.

5408 Subpoenas issued by a licensing board in a party state for
5409 the attendance and testimony of witnesses or the production of



5410 evidence from another party state shall be enforced in the latter
5411 state by any court of competent jurisdiction, according to the
5412 practice and procedure of that court applicable to subpoenas
5413 issued in proceedings pending before it. The issuing authority
5414 shall pay any witness fees, travel expenses, mileage and other
5415 fees required by the service statutes of the state in which the
5416 witnesses or evidence are located.

5417 5. Obtain and submit, for each nurse licensure
5418 applicant, fingerprint or other biometric-based information to the
5419 Federal Bureau of Investigation for criminal background checks,
5420 receive the results of the Federal Bureau of Investigation record
5421 search on criminal background checks and use the results in making
5422 licensure decisions.

5423 6. If otherwise permitted by state law, recover
5424 from the affected nurse the costs of investigations and
5425 disposition of cases resulting from any adverse action taken
5426 against that nurse.

5427 7. Take adverse action based on the factual
5428 findings of the remote state, provided that the licensing board
5429 follows its own procedures for taking such adverse action.

5430 (b) If adverse action is taken by the home state
5431 against a nurse's multistate license, the nurse's multistate
5432 licensure privilege to practice in all other party states shall be
5433 deactivated until all encumbrances have been removed from the
5434 multistate license. All home state disciplinary orders that



5435 impose adverse action against a nurse's multistate license shall
5436 include a statement that the nurse's multistate licensure
5437 privilege is deactivated in all party states during the pendency
5438 of the order.

5439 (c) Nothing in this compact shall override a party
5440 state's decision that participation in an alternative program may
5441 be used in lieu of adverse action. The home state licensing board
5442 shall deactivate the multistate licensure privilege under the
5443 multistate license of any nurse for the duration of the nurse's
5444 participation in an alternative program.

5445 **ARTICLE VI.**

5446 **Coordinated licensure information system and exchange of**
5447 **information.**

5448 (a) All party states shall participate in a coordinated
5449 licensure information system of all licensed registered nurses
5450 (RNs) and licensed practical/vocational nurses (LPNs/VNs). This
5451 system will include information on the licensure and disciplinary
5452 history of each nurse, as submitted by party states, to assist in
5453 the coordination of nurse licensure and enforcement efforts.

5454 (b) The commission, in consultation with the
5455 administrator of the coordinated licensure information system,
5456 shall formulate necessary and proper procedures for the
5457 identification, collection and exchange of information under this
5458 compact.



5459 (c) All licensing boards shall promptly report to the
5460 coordinated licensure information system any adverse action, any
5461 current significant investigative information, denials of
5462 applications (with the reasons for such denials) and nurse
5463 participation in alternative programs known to the licensing board
5464 regardless of whether such participation is deemed nonpublic or
5465 confidential under state law.

5466 (d) Current significant investigative information and
5467 participation in nonpublic or confidential alternative programs
5468 shall be transmitted through the coordinated licensure information
5469 system only to party state licensing boards.

5470 (e) Notwithstanding any other provision of law, all
5471 party state licensing boards contributing information to the
5472 coordinated licensure information system may designate information
5473 that may not be shared with nonparty states or disclosed to other
5474 entities or individuals without the express permission of the
5475 contributing state.

5476 (f) Any personally identifiable information obtained
5477 from the coordinated licensure information system by a party state
5478 licensing board shall not be shared with nonparty states or
5479 disclosed to other entities or individuals except to the extent
5480 permitted by the laws of the party state contributing the
5481 information.

5482 (g) Any information contributed to the coordinated
5483 licensure information system that is subsequently required to be



5484 expunged by the laws of the party state contributing that
5485 information shall also be expunged from the coordinated licensure
5486 information system.

5487 (h) The compact administrator of each party state shall
5488 furnish a uniform data set to the compact administrator of each
5489 other party state, which shall include, at a minimum:

- 5490 1. Identifying information;
- 5491 2. Licensure data;
- 5492 3. Information related to alternative program
5493 participation; and
- 5494 4. Other information that may facilitate the
5495 administration of this compact, as determined by commission rules.

5496 (i) The compact administrator of a party state shall
5497 provide all investigative documents and information requested by
5498 another party state.

5499 **ARTICLE VII.**

5500 **Establishment of the Interstate Commission of Nurse Licensure**
5501 **Compact administrators.**

5502 (a) The party states hereby create and establish a
5503 joint public entity known as the Interstate Commission of Nurse
5504 Licensure Compact Administrators.

- 5505 1. The commission is an instrumentality of the
5506 party states.
- 5507 2. Venue is proper, and judicial proceedings by or
5508 against the commission shall be brought solely and exclusively, in



5509 a court of competent jurisdiction where the principal office of
5510 the commission is located. The commission may waive venue and
5511 jurisdictional defenses to the extent it adopts or consents to
5512 participate in alternative dispute resolution proceedings.

5513 3. Nothing in this compact shall be construed to
5514 be a waiver of sovereign immunity.

5515 (b) Membership, voting and meetings.

5516 1. Each party state shall have and be limited to
5517 one (1) administrator. The head of the state licensing board or
5518 designee shall be the administrator of this compact for each party
5519 state. Any administrator may be removed or suspended from office
5520 as provided by the law of the state from which the administrator
5521 is appointed. Any vacancy occurring in the commission shall be
5522 filled in accordance with the laws of the party state in which the
5523 vacancy exists.

5524 2. Each administrator shall be entitled to one (1)
5525 vote with regard to the promulgation of rules and creation of
5526 bylaws and shall otherwise have an opportunity to participate in
5527 the business and affairs of the commission. An administrator
5528 shall vote in person or by such other means as provided in the
5529 bylaws. The bylaws may provide for an administrator's
5530 participation in meetings by telephone or other means of
5531 communication.

5532 3. The commission shall meet at least once during
5533 each calendar year.



5534 Additional meetings shall be held as set forth in the bylaws
5535 or rules of the commission.

5536 4. All meetings shall be open to the public, and
5537 public notice of meetings shall be given in the same manner as
5538 required under the rulemaking provisions in Article VIII.

5539 5. The commission may convene in a closed,
5540 nonpublic meeting if the commission must discuss:

5541 (i) Noncompliance of a party state with its
5542 obligations under this compact;

5543 (ii) The employment, compensation, discipline
5544 or other personnel matters, practices or procedures related to
5545 specific employees or other matters related to the commission's
5546 internal personnel practices and procedures;

5547 (iii) Current, threatened or reasonably
5548 anticipated litigation;

5549 (iv) Negotiation of contracts for the
5550 purchase or sale of goods, services or real estate;

5551 (v) Accusing any person of a crime or
5552 formally censuring any person;

5553 (vi) Disclosure of trade secrets or
5554 commercial or financial information that is privileged or
5555 confidential;

5556 (vii) Disclosure of information of a personal
5557 nature where disclosure would constitute a clearly unwarranted
5558 invasion of personal privacy;



5559 (viii) Disclosure of investigatory records
5560 compiled for law enforcement purposes;

5561 (ix) Disclosure of information related to any
5562 reports prepared by or on behalf of the commission for the purpose
5563 of investigation of compliance with this compact; or

5564 (x) Matters specifically exempted from
5565 disclosure by federal or state statute.

5566 6. If a meeting, or portion of a meeting, is
5567 closed pursuant to this provision, the commission's legal counsel
5568 or designee shall certify that the meeting may be closed and shall
5569 reference each relevant exempting provision. The commission shall
5570 keep minutes that fully and clearly describe all matters discussed
5571 in a meeting and shall provide a full and accurate summary of
5572 actions taken, and the reasons therefor, including a description
5573 of the views expressed. All documents considered in connection
5574 with an action shall be identified in such minutes. All minutes
5575 and documents of a closed meeting shall remain under seal, subject
5576 to release by a majority vote of the commission or order of a
5577 court of competent jurisdiction.

5578 (c) The commission shall, by a majority vote of the
5579 administrators, prescribe bylaws or rules to govern its conduct as
5580 may be necessary or appropriate to carry out the purposes and
5581 exercise the powers of this compact, including, but not limited
5582 to:

5583 1. Establishing the fiscal year of the commission;



5584 2. Providing reasonable standards and procedures:

5585 (i) For the establishment and meetings of
5586 other committees; and

5587 (ii) Governing any general or specific
5588 delegation of any authority or function of the commission;

5589 3. Providing reasonable procedures for calling and
5590 conducting meetings of the commission, ensuring reasonable advance
5591 notice of all meetings and providing an opportunity for attendance
5592 of such meetings by interested parties, with enumerated exceptions
5593 designed to protect the public's interest, the privacy of
5594 individuals, and proprietary information, including trade secrets.
5595 The commission may meet in closed session only after a majority of
5596 the administrators vote to close a meeting in whole or in part.
5597 As soon as practicable, the commission must make public a copy of
5598 the vote to close the meeting revealing the vote of each
5599 administrator, with no proxy votes allowed;

5600 4. Establishing the titles, duties and authority
5601 and reasonable procedures for the election of the officers of the
5602 commission;

5603 5. Providing reasonable standards and procedures
5604 for the establishment of the personnel policies and programs of
5605 the commission. Notwithstanding any civil service or other
5606 similar laws of any party state, the bylaws shall exclusively
5607 govern the personnel policies and programs of the commission; and



5608 6. Providing a mechanism for winding up the
5609 operations of the commission and the equitable disposition of any
5610 surplus funds that may exist after the termination of this compact
5611 after the payment or reserving of all of its debts and
5612 obligations;

5613 (d) The commission shall publish its bylaws and rules,
5614 and any amendments thereto, in a convenient form on the website of
5615 the commission.

5616 (e) The commission shall maintain its financial records
5617 in accordance with the bylaws.

5618 (f) The commission shall meet and take such actions as
5619 are consistent with the provisions of this compact and the bylaws.

5620 (g) The commission shall have the following powers:

5621 1. To promulgate uniform rules to facilitate and
5622 coordinate implementation and administration of this compact. The
5623 rules shall have the force and effect of law and shall be binding
5624 in all party states;

5625 2. To bring and prosecute legal proceedings or
5626 actions in the name of the commission, provided that the standing
5627 of any licensing board to sue or be sued under applicable law
5628 shall not be affected;

5629 3. To purchase and maintain insurance and bonds;

5630 4. To borrow, accept or contract for services of
5631 personnel, including, but not limited to, employees of a party
5632 state or nonprofit organizations;



5633 5. To cooperate with other organizations that
5634 administer state compacts related to the regulation of nursing,
5635 including, but not limited to, sharing administrative or staff
5636 expenses, office space or other resources;

5637 6. To hire employees, elect or appoint officers,
5638 fix compensation, define duties, grant such individuals
5639 appropriate authority to carry out the purposes of this compact,
5640 and to establish the commission's personnel policies and programs
5641 relating to conflicts of interest, qualifications of personnel and
5642 other related personnel matters;

5643 7. To accept any and all appropriate donations,
5644 grants and gifts of money, equipment, supplies, materials and
5645 services, and to receive, utilize and dispose of the same;
5646 provided that at all times the commission shall avoid any
5647 appearance of impropriety or conflict of interest;

5648 8. To lease, purchase, accept appropriate gifts or
5649 donations of, or otherwise to own, hold, improve or use, any
5650 property, whether real, personal or mixed; provided that at all
5651 times the commission shall avoid any appearance of impropriety;

5652 9. To sell, convey, mortgage, pledge, lease,
5653 exchange, abandon or otherwise dispose of any property, whether
5654 real, personal or mixed;

5655 10. To establish a budget and make expenditures;

5656 11. To borrow money;



5657 12. To appoint committees, including advisory
5658 committees comprised of administrators, state nursing regulators,
5659 state legislators or their representatives, and consumer
5660 representatives, and other such interested persons;

5661 13. To provide and receive information from, and
5662 to cooperate with, law enforcement agencies;

5663 14. To adopt and use an official seal; and

5664 15. To perform such other functions as may be
5665 necessary or appropriate to achieve the purposes of this compact
5666 consistent with the state regulation of nurse licensure and
5667 practice.

5668 (h) Financing of the commission.

5669 1. The commission shall pay, or provide for the
5670 payment of, the reasonable expenses of its establishment,
5671 organization and ongoing activities.

5672 2. The commission may also levy on and collect an
5673 annual assessment from each party state to cover the cost of its
5674 operations, activities and staff in its annual budget as approved
5675 each year. The aggregate annual assessment amount, if any, shall
5676 be allocated based upon a formula to be determined by the
5677 commission, which shall promulgate a rule that is binding upon all
5678 party states.

5679 3. The commission shall not incur obligations of
5680 any kind prior to securing the funds adequate to meet the same;



5681 nor shall the commission pledge the credit of any of the party
5682 states, except by, and with the authority of, such party state.

5683 4. The commission shall keep accurate accounts of
5684 all receipts and disbursements. The receipts and disbursements of
5685 the commission shall be subject to the audit and accounting
5686 procedures established under its bylaws. However, all receipts
5687 and disbursements of funds handled by the commission shall be
5688 audited yearly by a certified or licensed public accountant, and
5689 the report of the audit shall be included in and become part of
5690 the annual report of the commission.

5691 (i) Qualified immunity, defense and indemnification.

5692 1. The administrators, officers, executive
5693 director, employees and representatives of the commission shall be
5694 immune from suit and liability, either personally or in their
5695 official capacity, for any claim for damage to or loss of property
5696 or personal injury or other civil liability caused by or arising
5697 out of any actual or alleged act, error or omission that occurred,
5698 or that the person against whom the claim is made had a reasonable
5699 basis for believing occurred, within the scope of commission
5700 employment, duties or responsibilities; provided that nothing in
5701 this paragraph shall be construed to protect any such person from
5702 suit or liability for any damage, loss, injury or liability caused
5703 by the intentional, willful or wanton misconduct of that person.

5704 2. The commission shall defend any administrator,
5705 officer, executive director, employee or representative of the



5706 commission in any civil action seeking to impose liability arising
5707 out of any actual or alleged act, error or omission that occurred
5708 within the scope of commission employment, duties or
5709 responsibilities, or that the person against whom the claim is
5710 made had a reasonable basis for believing occurred within the
5711 scope of commission employment, duties or responsibilities;
5712 provided that nothing herein shall be construed to prohibit that
5713 person from retaining his or her own counsel; and provided further
5714 that the actual or alleged act, error or omission did not result
5715 from that person's intentional, willful or wanton misconduct.

5716 3. The commission shall indemnify and hold
5717 harmless any administrator, officer, executive director, employee
5718 or representative of the commission for the amount of any
5719 settlement or judgment obtained against that person arising out of
5720 any actual or alleged act, error or omission that occurred within
5721 the scope of commission employment, duties or responsibilities, or
5722 that such person had a reasonable basis for believing occurred
5723 within the scope of commission employment, duties or
5724 responsibilities, provided that the actual or alleged act, error
5725 or omission did not result from the intentional, willful or wanton
5726 misconduct of that person.

5727 **ARTICLE VIII.**

5728 **Rulemaking.**

5729 (a) The commission shall exercise its rulemaking powers
5730 pursuant to the criteria set forth in this article and the rules



5731 adopted thereunder. Rules and amendments shall become binding as
5732 of the date specified in each rule or amendment and shall have the
5733 same force and effect as provisions of this compact.

5734 (b) Rules or amendments to the rules shall be adopted
5735 at a regular or special meeting of the commission.

5736 (c) Prior to promulgation and adoption of a final rule
5737 or rules by the commission, and at least sixty (60) days in
5738 advance of the meeting at which the rule will be considered and
5739 voted upon, the commission shall file a notice of proposed
5740 rulemaking:

- 5741 1. On the website of the commission; and
5742 2. On the website of each licensing board or the
5743 publication in which each state would otherwise publish proposed
5744 rules.

5745 (d) The notice of proposed rulemaking shall include:

- 5746 1. The proposed time, date and location of the
5747 meeting in which the rule will be considered and voted upon;
5748 2. The text of the proposed rule or amendment, and
5749 the reason for the proposed rule;
5750 3. A request for comments on the proposed rule
5751 from any interested person; and
5752 4. The manner in which interested persons may
5753 submit notice to the commission of their intention to attend the
5754 public hearing and any written comments.



5755 (e) Prior to adoption of a proposed rule, the
5756 commission shall allow persons to submit written data, facts,
5757 opinions and arguments, which shall be made available to the
5758 public.

5759 (f) The commission shall grant an opportunity for a
5760 public hearing before it adopts a rule or amendment.

5761 (g) The commission shall publish the place, time and
5762 date of the scheduled public hearing.

5763 1. Hearings shall be conducted in a manner
5764 providing each person who wishes to comment a fair and reasonable
5765 opportunity to comment orally or in writing.

5766 All hearings will be recorded, and a copy will be made
5767 available upon request.

5768 2. Nothing in this section shall be construed as
5769 requiring a separate hearing on each rule. Rules may be grouped
5770 for the convenience of the commission at hearings required by this
5771 section.

5772 (h) If no one appears at the public hearing, the
5773 commission may proceed with promulgation of the proposed rule.

5774 (i) Following the scheduled hearing date, or by the
5775 close of business on the scheduled hearing date if the hearing was
5776 not held, the commission shall consider all written and oral
5777 comments received.

5778 (j) The commission shall, by majority vote of all
5779 administrators, take final action on the proposed rule and shall



5780 determine the effective date of the rule, if any, based on the
5781 rulemaking record and the full text of the rule.

5782 (k) Upon determination that an emergency exists, the
5783 commission may consider and adopt an emergency rule without prior
5784 notice, opportunity for comment or hearing, provided that the
5785 usual rulemaking procedures provided in this compact and in this
5786 section shall be retroactively applied to the rule as soon as
5787 reasonably possible, in no event later than ninety (90) days after
5788 the effective date of the rule. For the purposes of this
5789 provision, an emergency rule is one that must be adopted
5790 immediately in order to:

- 5791 1. Meet an imminent threat to public health,
5792 safety or welfare;
- 5793 2. Prevent a loss of commission or party state
5794 funds; or
- 5795 3. Meet a deadline for the promulgation of an
5796 administrative rule that is required by federal law or rule.

5797 (l) The commission may direct revisions to a previously
5798 adopted rule or amendment for purposes of correcting typographical
5799 errors, errors in format, errors in consistency or grammatical
5800 errors. Public notice of any revisions shall be posted on the
5801 website of the commission. The revision shall be subject to
5802 challenge by any person for a period of thirty (30) days after
5803 posting. The revision may be challenged only on grounds that the
5804 revision results in a material change to a rule. A challenge



5805 shall be made in writing, and delivered to the commission, prior
5806 to the end of the notice period. If no challenge is made, the
5807 revision will take effect without further action. If the revision
5808 is challenged, the revision may not take effect without the
5809 approval of the commission.

5810 **ARTICLE IX.**

5811 **Oversight, dispute resolution and enforcement.**

5812 (a) Oversight:

5813 1. Each party state shall enforce this compact and
5814 take all actions necessary and appropriate to effectuate this
5815 compact's purposes and intent.

5816 2. The commission shall be entitled to receive
5817 service of process in any proceeding that may affect the powers,
5818 responsibilities or actions of the commission, and shall have
5819 standing to intervene in such a proceeding for all purposes.
5820 Failure to provide service of process in such proceeding to the
5821 commission shall render a judgment or order void as to the
5822 commission, this compact or promulgated rules.

5823 (b) Default, technical assistance and termination:

5824 1. If the commission determines that a party state
5825 has defaulted in the performance of its obligations or
5826 responsibilities under this compact or the promulgated rules, the
5827 commission shall:

5828 (i) Provide written notice to the defaulting
5829 state and other party states of the nature of the default, the



5830 proposed means of curing the default or any other action to be
5831 taken by the commission; and

5832 (ii) Provide remedial training and specific
5833 technical assistance regarding the default.

5834 2. If a state in default fails to cure the
5835 default, the defaulting state's membership in this compact may be
5836 terminated upon an affirmative vote of a majority of the
5837 administrators, and all rights, privileges and benefits conferred
5838 by this compact may be terminated on the effective date of
5839 termination. A cure of the default does not relieve the offending
5840 state of obligations or liabilities incurred during the period of
5841 default.

5842 3. Termination of membership in this compact shall
5843 be imposed only after all other means of securing compliance have
5844 been exhausted. Notice of intent to suspend or terminate shall be
5845 given by the commission to the Governor of the defaulting state
5846 and to the executive officer of the defaulting state's licensing
5847 board and each of the party states.

5848 4. A state whose membership in this compact has
5849 been terminated is responsible for all assessments, obligations
5850 and liabilities incurred through the effective date of
5851 termination, including obligations that extend beyond the
5852 effective date of termination.

5853 5. The commission shall not bear any costs related
5854 to a state that is found to be in default or whose membership in



5855 this compact has been terminated unless agreed upon in writing
5856 between the commission and the defaulting state.

5857 6. The defaulting state may appeal the action of
5858 the commission by petitioning the United States District Court for
5859 the District of Columbia or the federal district in which the
5860 commission has its principal offices. The prevailing party shall
5861 be awarded all costs of such litigation, including reasonable
5862 attorneys' fees.

5863 (c) Dispute resolution:

5864 1. Upon request by a party state, the commission
5865 shall attempt to resolve disputes related to the compact that
5866 arise among party states and between party and nonparty states.

5867 2. The commission shall promulgate a rule
5868 providing for both mediation and binding dispute resolution for
5869 disputes, as appropriate.

5870 3. In the event the commission cannot resolve
5871 disputes among party states arising under this compact:

5872 (i) The party states may submit the issues in
5873 dispute to an arbitration panel, which will be comprised of
5874 individuals appointed by the compact administrator in each of the
5875 affected party states and an individual mutually agreed upon by
5876 the compact administrators of all the party states involved in the
5877 dispute.

5878 (ii) The decision of a majority of the
5879 arbitrators shall be final and binding.



5880 (d) Enforcement:

5881 1. The commission, in the reasonable exercise of
5882 its discretion, shall enforce the provisions and rules of this
5883 compact.

5884 2. By majority vote, the commission may initiate
5885 legal action in the United States District Court for the District
5886 of Columbia or the federal district in which the commission has
5887 its principal offices against a party state that is in default to
5888 enforce compliance with the provisions of this compact and its
5889 promulgated rules and bylaws.

5890 The relief sought may include both injunctive relief and
5891 damages. In the event judicial enforcement is necessary, the
5892 prevailing party shall be awarded all costs of such litigation,
5893 including reasonable attorneys' fees.

5894 3. The remedies herein shall not be the exclusive
5895 remedies of the commission. The commission may pursue any other
5896 remedies available under federal or state law.

5897 **ARTICLE X.**

5898 **Effective date, withdrawal and amendment.**

5899 (a) This compact shall become effective and binding on
5900 the earlier of the date of legislative enactment of this compact
5901 into law by no less than twenty-six (26) states or December 31,
5902 2018. All party states to this compact, that also were parties to
5903 the prior Nurse Licensure Compact, superseded by this compact,
5904 ("prior compact"), shall be deemed to have withdrawn from the



5905 prior compact within six (6) months after the effective date of
5906 this compact.

5907 (b) Each party state to this compact shall continue to
5908 recognize a nurse's multistate licensure privilege to practice in
5909 that party state issued under the prior compact until such party
5910 state has withdrawn from the prior compact.

5911 (c) Any party state may withdraw from this compact by
5912 enacting a statute repealing the same. A party state's withdrawal
5913 shall not take effect until six (6) months after enactment of the
5914 repealing statute.

5915 (d) A party state's withdrawal or termination shall not
5916 affect the continuing requirement of the withdrawing or terminated
5917 state's licensing board to report adverse actions and significant
5918 investigations occurring prior to the effective date of such
5919 withdrawal or termination.

5920 (e) Nothing contained in this compact shall be
5921 construed to invalidate or prevent any nurse licensure agreement
5922 or other cooperative arrangement between a party state and a
5923 nonparty state that is made in accordance with the other
5924 provisions of this compact.

5925 (f) This compact may be amended by the party states.
5926 No amendment to this compact shall become effective and binding
5927 upon the party states unless and until it is enacted into the laws
5928 of all party states.



5929 (g) Representatives of nonparty states to this compact
5930 shall be invited to participate in the activities of the
5931 commission, on a nonvoting basis, prior to the adoption of this
5932 compact by all states.

5933 **ARTICLE XI.**

5934 **Construction and severability.**

5935 This compact shall be liberally construed so as to effectuate
5936 the purposes thereof.

5937 The provisions of this compact shall be severable, and if any
5938 phrase, clause, sentence or provision of this compact is declared
5939 to be contrary to the Constitution of any party state or of the
5940 United States, or if the applicability thereof to any government,
5941 agency, person or circumstance is held invalid, the validity of
5942 the remainder of this compact and the applicability thereof to any
5943 government, agency, person or circumstance shall not be affected
5944 thereby. If this compact shall be held to be contrary to the
5945 Constitution of any party state, this compact shall remain in full
5946 force and effect as to the remaining party states and in full
5947 force and effect as to the party state affected as to all
5948 severable matters.

5949 **SECTION 56.** Section 73-23-101, Mississippi Code of 1972, is
5950 brought forward as follows:

5951 73-23-101. The Physical Therapy Licensure Compact is enacted
5952 into law and entered into by this state with any and all states



5953 legally joining in the Compact in accordance with its terms, in
5954 the form substantially as follows:

5955 **PHYSICAL THERAPY LICENSURE COMPACT**

5956 **Section 1.**

5957 **PURPOSE**

5958 The purpose of this Compact is to facilitate interstate
5959 practice of physical therapy with the goal of improving public
5960 access to physical therapy services. The practice of physical
5961 therapy occurs in the state where the patient/client is located at
5962 the time of the patient/client encounter. The Compact preserves
5963 the regulatory authority of states to protect public health and
5964 safety through the current system of state licensure.

5965 This Compact is designed to achieve the following objectives:

5966 1. Increase public access to physical therapy services by
5967 providing for the mutual recognition of other member state
5968 licenses;

5969 2. Enhance the states' ability to protect the public's
5970 health and safety;

5971 3. Encourage the cooperation of member states in regulating
5972 multi-state physical therapy practice;

5973 4. Support spouses of relocating military members;

5974 5. Enhance the exchange of licensure, investigative, and
5975 disciplinary information between member states; and



6001 5. "Continuing competence" means a requirement, as a
6002 condition of license renewal, to provide evidence of participation
6003 in, and/or completion of, educational and professional activities
6004 relevant to practice or area of work.

6005 6. "Data system" means a repository of information about
6006 licensees, including examination, licensure, investigative,
6007 compact privilege, and adverse action.

6008 7. "Encumbered license" means a license that a physical
6009 therapy licensing board has limited in any way.

6010 8. "Executive Board" means a group of directors elected or
6011 appointed to act on behalf of, and within the powers granted to
6012 them by, the Commission.

6013 9. "Home state" means the member state that is the
6014 licensee's primary state of residence.

6015 10. "Investigative information" means information, records,
6016 and documents received or generated by a physical therapy
6017 licensing board pursuant to an investigation.

6018 11. "Jurisprudence requirement" means the assessment of an
6019 individual's knowledge of the laws and rules governing the
6020 practice of physical therapy in a state.

6021 12. "Licensee" means an individual who currently holds an
6022 authorization from the state to practice as a physical therapist
6023 or to work as a physical therapist assistant.

6024 13. "Member state" means a state that has enacted the
6025 Compact.



6026 14. "Party state" means any member state in which a licensee
6027 holds a current license or compact privilege or is applying for a
6028 license or compact privilege.

6029 15. "Physical therapist" means an individual who is licensed
6030 by a state to practice physical therapy.

6031 16. "Physical therapist assistant" means an individual who
6032 is licensed/certified by a state and who assists the physical
6033 therapist in selected components of physical therapy.

6034 17. "Physical therapy," "physical therapy practice," and
6035 "the practice of physical therapy" mean the care and services
6036 provided by or under the direction and supervision of a licensed
6037 physical therapist.

6038 18. "Physical Therapy Compact Commission" or "Commission"
6039 means the national administrative body whose membership consists
6040 of all states that have enacted the Compact.

6041 19. "Physical therapy licensing board" or "licensing board"
6042 means the agency of a state that is responsible for the licensing
6043 and regulation of physical therapists and physical therapist
6044 assistants.

6045 20. "Remote state" means a member state other than the home
6046 state, where a licensee is exercising or seeking to exercise the
6047 compact privilege.

6048 21. "Rule" means a regulation, principle, or directive
6049 promulgated by the Commission that has the force of law.



6100 7. Meet any jurisprudence requirements established by
6101 the remote state(s) in which the licensee is seeking a compact
6102 privilege; and

6103 8. Report to the Commission adverse action taken by any
6104 nonmember state within thirty (30) days from the date the adverse
6105 action is taken.

6106 B. The compact privilege is valid until the expiration date
6107 of the home license. The licensee must comply with the
6108 requirements of Section 4.A to maintain the compact privilege in
6109 the remote state.

6110 C. A licensee providing physical therapy in a remote state
6111 under the compact privilege shall function within the laws and
6112 regulations of the remote state.

6113 D. A licensee providing physical therapy in a remote state
6114 is subject to that state's regulatory authority. A remote state
6115 may, in accordance with due process and that state's laws, remove
6116 a licensee's compact privilege in the remote state for a specific
6117 period of time, impose fines, and/or take any other necessary
6118 actions to protect the health and safety of its citizens. The
6119 licensee is not eligible for a compact privilege in any state
6120 until the specific time for removal has passed and all fines are
6121 paid.

6122 E. If a home state license is encumbered, the licensee shall
6123 lose the compact privilege in any remote state until the following
6124 occur:



6149 C. State of current residence if it is different than the
6150 PCS state or home of record.

6151 **Section 6.**

6152 **ADVERSE ACTIONS**

6153 A. A home state shall have exclusive power to impose adverse
6154 action against a license issued by the home state.

6155 B. A home state may take adverse action based on the
6156 investigative information of a remote state, so long as the home
6157 state follows its own procedures for imposing adverse action.

6158 C. Nothing in this Compact shall override a member state's
6159 decision that participation in an alternative program may be used
6160 in lieu of adverse action and that such participation shall remain
6161 nonpublic if required by the member state's laws. Member states
6162 must require licensees who enter any alternative programs in lieu
6163 of discipline to agree not to practice in any other member state
6164 during the term of the alternative program without prior
6165 authorization from such other member state.

6166 D. Any member state may investigate actual or alleged
6167 violations of the statutes and rules authorizing the practice of
6168 physical therapy in any other member state in which a physical
6169 therapist or physical therapist assistant holds a license or
6170 compact privilege.

6171 E. A remote state shall have the authority to:

6172 1. Take adverse actions as set forth in Section 4.D
6173 against a licensee's compact privilege in the state;



6199 A. The Compact member states hereby create and establish a
6200 joint public agency known as the Physical Therapy Compact
6201 Commission:

6202 1. The Commission is an instrumentality of the Compact
6203 states.

6204 2. Venue is proper and judicial proceedings by or
6205 against the Commission shall be brought solely and exclusively in
6206 a court of competent jurisdiction where the principal office of
6207 the Commission is located. The Commission may waive venue and
6208 jurisdictional defenses to the extent it adopts or consents to
6209 participate in alternative dispute resolution proceedings.

6210 3. Nothing in this Compact shall be construed to be a
6211 waiver of sovereign immunity.

6212 B. Membership, Voting, and Meetings.

6213 1. Each member state shall have and be limited to one
6214 (1) delegate selected by that member state's licensing board.

6215 2. The delegate shall be a current member of the
6216 licensing board, who is a physical therapist, physical therapist
6217 assistant, public member, or the board administrator.

6218 3. Any delegate may be removed or suspended from office
6219 as provided by the law of the state from which the delegate is
6220 appointed.

6221 4. The member state board shall fill any vacancy
6222 occurring in the Commission.



6223 5. Each delegate shall be entitled to one (1) vote with
6224 regard to the promulgation of rules and creation of bylaws and
6225 shall otherwise have an opportunity to participate in the business
6226 and affairs of the Commission.

6227 6. A delegate shall vote in person or by such other
6228 means as provided in the bylaws. The bylaws may provide for
6229 delegates' participation in meetings by telephone or other means
6230 of communication.

6231 7. The Commission shall meet at least once during each
6232 calendar year. Additional meetings shall be held as set forth in
6233 the bylaws.

6234 C. The Commission shall have the following powers and
6235 duties:

6236 1. Establish the fiscal year of the Commission;

6237 2. Establish bylaws;

6238 3. Maintain its financial records in accordance with
6239 the bylaws;

6240 4. Meet and take such actions as are consistent with
6241 the provisions of this Compact and the bylaws;

6242 5. Promulgate uniform rules to facilitate and
6243 coordinate implementation and administration of this Compact. The
6244 rules shall have the force and effect of law and shall be binding
6245 in all member states;

6246 6. Bring and prosecute legal proceedings or actions in
6247 the name of the Commission, provided that the standing of any



6248 state physical therapy licensing board to sue or be sued under
6249 applicable law shall not be affected;

6250 7. Purchase and maintain insurance and bonds;

6251 8. Borrow, accept, or contract for services of
6252 personnel, including, but not limited to, employees of a member
6253 state;

6254 9. Hire employees, elect or appoint officers, fix
6255 compensation, define duties, grant such individuals appropriate
6256 authority to carry out the purposes of the Compact, and to
6257 establish the Commission's personnel policies and programs
6258 relating to conflicts of interest, qualifications of personnel,
6259 and other related personnel matters;

6260 10. Accept any and all appropriate donations and grants
6261 of money, equipment, supplies, materials and services, and to
6262 receive, utilize and dispose of the same; provided that at all
6263 times the Commission shall avoid any appearance of impropriety
6264 and/or conflict of interest;

6265 11. Lease, purchase, accept appropriate gifts or
6266 donations of, or otherwise to own, hold, improve or use, any
6267 property, real, personal or mixed; provided that at all times the
6268 Commission shall avoid any appearance of impropriety;

6269 12. Sell, convey, mortgage, pledge, lease, exchange,
6270 abandon, or otherwise dispose of any property real, personal, or
6271 mixed;

6272 13. Establish a budget and make expenditures;



- 6273 14. Borrow money;
- 6274 15. Appoint committees, including standing committees
6275 comprised of members, state regulators, state legislators or their
6276 representatives, and consumer representatives, and such other
6277 interested persons as may be designated in this Compact and the
6278 bylaws;
- 6279 16. Provide and receive information from, and cooperate
6280 with, law enforcement agencies;
- 6281 17. Establish and elect an Executive Board; and
- 6282 18. Perform such other functions as may be necessary or
6283 appropriate to achieve the purposes of this Compact consistent
6284 with the state regulation of physical therapy licensure and
6285 practice.

6286 D. The Executive Board.

6287 The Executive Board shall have the power to act on behalf of
6288 the Commission according to the terms of this Compact.

6289 1. The Executive Board shall be comprised of nine (9)
6290 members:

6291 a. Seven (7) voting members who are elected by the
6292 Commission from the current membership of the Commission;

6293 b. One (1) ex-officio, nonvoting member from the
6294 recognized national physical therapy professional association; and

6295 c. One (1) ex-officio, nonvoting member from the
6296 recognized membership organization of the physical therapy
6297 licensing boards.



6298 2. The ex-officio members will be selected by their
6299 respective organizations.

6300 3. The Commission may remove any member of the
6301 Executive Board as provided in bylaws.

6302 4. The Executive Board shall meet at least annually.

6303 5. The Executive Board shall have the following duties
6304 and responsibilities:

6305 a. Recommend to the entire Commission changes to
6306 the rules or bylaws, changes to this Compact legislation, fees
6307 paid by Compact member states such as annual dues, and any
6308 commission Compact fee charged to licensees for the compact
6309 privilege;

6310 b. Ensure Compact administration services are
6311 appropriately provided, contractual or otherwise;

6312 c. Prepare and recommend the budget;

6313 d. Maintain financial records on behalf of the
6314 Commission;

6315 e. Monitor Compact compliance of member states and
6316 provide compliance reports to the Commission;

6317 f. Establish additional committees as necessary;

6318 and

6319 g. Other duties as provided in rules or bylaws.

6320 E. Meetings of the Commission.



6321 1. All meetings shall be open to the public, and public
6322 notice of meetings shall be given in the same manner as required
6323 under the rulemaking provisions in Section 9.

6324 2. The Commission or the Executive Board or other
6325 committees of the Commission may convene in a closed, nonpublic
6326 meeting if the Commission or Executive Board or other committees
6327 of the Commission must discuss:

6328 a. Noncompliance of a member state with its
6329 obligations under the Compact;

6330 b. The employment, compensation, discipline or
6331 other matters, practices or procedures related to specific
6332 employees or other matters related to the Commission's internal
6333 personnel practices and procedures;

6334 c. Current, threatened, or reasonably anticipated
6335 litigation;

6336 d. Negotiation of contracts for the purchase,
6337 lease, or sale of goods, services, or real estate;

6338 e. Accusing any person of a crime or formally
6339 censuring any person;

6340 f. Disclosure of trade secrets or commercial or
6341 financial information that is privileged or confidential;

6342 g. Disclosure of information of a personal nature
6343 where disclosure would constitute a clearly unwarranted invasion
6344 of personal privacy;



6345 h. Disclosure of investigative records compiled
6346 for law enforcement purposes;

6347 i. Disclosure of information related to any
6348 investigative reports prepared by or on behalf of or for use of
6349 the Commission or other committee charged with responsibility of
6350 investigation or determination of compliance issues pursuant to
6351 the Compact; or

6352 j. Matters specifically exempted from disclosure
6353 by federal or member state statute.

6354 3. If a meeting, or portion of a meeting, is closed
6355 pursuant to this provision, the Commission's legal counsel or
6356 designee shall certify that the meeting may be closed and shall
6357 reference each relevant exempting provision.

6358 4. The Commission shall keep minutes that fully and
6359 clearly describe all matters discussed in a meeting and shall
6360 provide a full and accurate summary of actions taken, and the
6361 reasons therefore, including a description of the views expressed.
6362 All documents considered in connection with an action shall be
6363 identified in such minutes. All minutes and documents of a closed
6364 meeting shall remain under seal, subject to release by a majority
6365 vote of the Commission or order of a court of competent
6366 jurisdiction.

6367 F. Financing of the Commission.



6368 1. The Commission shall pay, or provide for the payment
6369 of, the reasonable expenses of its establishment, organization,
6370 and ongoing activities.

6371 2. The Commission may accept any and all appropriate
6372 revenue sources, donations, and grants of money, equipment,
6373 supplies, materials, and services.

6374 3. The Commission may levy on and collect an annual
6375 assessment from each member state or impose fees on other parties
6376 to cover the cost of the operations and activities of the
6377 Commission and its staff, which must be in a total amount
6378 sufficient to cover its annual budget as approved each year for
6379 which revenue is not provided by other sources. The aggregate
6380 annual assessment amount shall be allocated based upon a formula
6381 to be determined by the Commission, which shall promulgate a rule
6382 binding upon all member states.

6383 4. The Commission shall not incur obligations of any
6384 kind prior to securing the funds adequate to meet the same; nor
6385 shall the Commission pledge the credit of any of the member
6386 states, except by and with the authority of the member state.

6387 5. The Commission shall keep accurate accounts of all
6388 receipts and disbursements. The receipts and disbursements of the
6389 Commission shall be subject to the audit and accounting procedures
6390 established under its bylaws. However, all receipts and
6391 disbursements of funds handled by the Commission shall be audited
6392 yearly by a certified or licensed public accountant, and the



6393 report of the audit shall be included in and become part of the
6394 annual report of the Commission.

6395 G. Qualified Immunity, Defense, and Indemnification.

6396 1. The members, officers, executive director, employees
6397 and representatives of the Commission shall be immune from suit
6398 and liability, either personally or in their official capacity,
6399 for any claim for damage to or loss of property or personal injury
6400 or other civil liability caused by or arising out of any actual or
6401 alleged act, error or omission that occurred, or that the person
6402 against whom the claim is made had a reasonable basis for
6403 believing occurred within the scope of Commission employment,
6404 duties or responsibilities; provided that nothing in this
6405 paragraph shall be construed to protect any such person from suit
6406 and/or liability for any damage, loss, injury, or liability caused
6407 by the intentional or willful or wanton misconduct of that person.

6408 2. The Commission shall defend any member, officer,
6409 executive director, employee or representative of the Commission
6410 in any civil action seeking to impose liability arising out of any
6411 actual or alleged act, error, or omission that occurred within the
6412 scope of Commission employment, duties, or responsibilities, or
6413 that the person against whom the claim is made had a reasonable
6414 basis for believing occurred within the scope of Commission
6415 employment, duties, or responsibilities; provided that nothing
6416 herein shall be construed to prohibit that person from retaining
6417 his or her own counsel; and provided further, that the actual or



6468 **RULEMAKING**

6469 A. The Commission shall exercise its rulemaking powers
6470 pursuant to the criteria set forth in this section and the rules
6471 adopted thereunder. Rules and amendments shall become binding as
6472 of the date specified in each rule or amendment.

6473 B. If a majority of the legislatures of the member states
6474 rejects a rule, by enactment of a statute or resolution in the
6475 same manner used to adopt the Compact within four (4) years of the
6476 date of adoption of the rule, then such rule shall have no further
6477 force and effect in any member state.

6478 C. Rules or amendments to the rules shall be adopted at a
6479 regular or special meeting of the Commission.

6480 D. Prior to promulgation and adoption of a final rule or
6481 rules by the Commission, and at least thirty (30) days in advance
6482 of the meeting at which the rule will be considered and voted
6483 upon, the Commission shall file a Notice of Proposed Rulemaking:

6484 1. On the website of the Commission or other publicly
6485 accessible platform; and

6486 2. On the website of each member state physical therapy
6487 licensing board or other publicly accessible platform or the
6488 publication in which each state would otherwise publish proposed
6489 rules.

6490 E. The Notice of Proposed Rulemaking shall include:

6491 1. The proposed time, date, and location of the meeting
6492 in which the rule will be considered and voted upon;



6493 2. The text of the proposed rule or amendment and the
6494 reason for the proposed rule;

6495 3. A request for comments on the proposed rule from any
6496 interested person; and

6497 4. The manner in which interested persons may submit
6498 notice to the Commission of their intention to attend the public
6499 hearing and any written comments.

6500 F. Prior to adoption of a proposed rule, the Commission
6501 shall allow persons to submit written data, facts, opinions, and
6502 arguments, which shall be made available to the public.

6503 G. The Commission shall grant an opportunity for a public
6504 hearing before it adopts a rule or amendment if a hearing is
6505 requested by:

6506 1. At least twenty-five (25) persons;

6507 2. A state or federal governmental subdivision or
6508 agency; or

6509 3. An association having at least twenty-five (25)
6510 members.

6511 H. If a hearing is held on the proposed rule or amendment,
6512 the Commission shall publish the place, time, and date of the
6513 scheduled public hearing. If the hearing is held via electronic
6514 means, the Commission shall publish the mechanism for access to
6515 the electronic hearing.

6516 1. All persons wishing to be heard at the hearing shall
6517 notify the executive director of the Commission or other



6518 designated member in writing of their desire to appear and testify
6519 at the hearing not less than five (5) business days before the
6520 scheduled date of the hearing.

6521 2. Hearings shall be conducted in a manner providing
6522 each person who wishes to comment a fair and reasonable
6523 opportunity to comment orally or in writing.

6524 3. All hearings will be recorded. A copy of the
6525 recording will be made available on request.

6526 4. Nothing in this section shall be construed as
6527 requiring a separate hearing on each rule. Rules may be grouped
6528 for the convenience of the Commission at hearings required by this
6529 section.

6530 I. Following the scheduled hearing date, or by the close of
6531 business on the scheduled hearing date if the hearing was not
6532 held, the Commission shall consider all written and oral comments
6533 received.

6534 J. If no written notice of intent to attend the public
6535 hearing by interested parties is received, the Commission may
6536 proceed with promulgation of the proposed rule without a public
6537 hearing.

6538 K. The Commission shall, by majority vote of all members,
6539 take final action on the proposed rule and shall determine the
6540 effective date of the rule, if any, based on the rulemaking record
6541 and the full text of the rule.



6542 L. Upon determination that an emergency exists, the
6543 Commission may consider and adopt an emergency rule without prior
6544 notice, opportunity for comment, or hearing, provided that the
6545 usual rulemaking procedures provided in the Compact and in this
6546 section shall be retroactively applied to the rule as soon as
6547 reasonably possible, in no event later than ninety (90) days after
6548 the effective date of the rule. For the purposes of this
6549 provision, an emergency rule is one that must be adopted
6550 immediately in order to:

- 6551 1. Meet an imminent threat to public health, safety, or
6552 welfare;
- 6553 2. Prevent a loss of Commission or member state funds;
- 6554 3. Meet a deadline for the promulgation of an
6555 administrative rule that is established by federal law or rule; or
6556 4. Protect public health and safety.

6557 M. The Commission or an authorized committee of the
6558 Commission may direct revisions to a previously adopted rule or
6559 amendment for purposes of correcting typographical errors, errors
6560 in format, errors in consistency, or grammatical errors. Public
6561 notice of any revisions shall be posted on the website of the
6562 Commission. The revision shall be subject to challenge by any
6563 person for a period of thirty (30) days after posting. The
6564 revision may be challenged only on grounds that the revision
6565 results in a material change to a rule. A challenge shall be made
6566 in writing, and delivered to the chair of the Commission prior to



6567 the end of the notice period. If no challenge is made, the
6568 revision will take effect without further action. If the revision
6569 is challenged, the revision may not take effect without the
6570 approval of the Commission.

6571 **Section 10.**

6572 **OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

6573 A. Oversight.

6574 1. The executive, legislative, and judicial branches of
6575 state government in each member state shall enforce this Compact
6576 and take all actions necessary and appropriate to effectuate the
6577 Compact's purposes and intent. The provisions of this Compact and
6578 the rules promulgated hereunder shall have standing as statutory
6579 law.

6580 2. All courts shall take judicial notice of the Compact
6581 and the rules in any judicial or administrative proceeding in a
6582 member state pertaining to the subject matter of this Compact
6583 which may affect the powers, responsibilities or actions of the
6584 Commission.

6585 3. The Commission shall be entitled to receive service
6586 of process in any such proceeding, and shall have standing to
6587 intervene in such a proceeding for all purposes. Failure to
6588 provide service of process to the Commission shall render a
6589 judgment or order void as to the Commission, this Compact, or
6590 promulgated rules.

6591 B. Default, Technical Assistance, and Termination.



6592 1. If the Commission determines that a member state has
6593 defaulted in the performance of its obligations or
6594 responsibilities under this Compact or the promulgated rules, the
6595 Commission shall:

6596 a. Provide written notice to the defaulting state
6597 and other member states of the nature of the default, the proposed
6598 means of curing the default and/or any other action to be taken by
6599 the Commission; and

6600 b. Provide remedial training and specific
6601 technical assistance regarding the default.

6602 2. If a state in default fails to cure the default, the
6603 defaulting state may be terminated from the Compact upon an
6604 affirmative vote of a majority of the member states, and all
6605 rights, privileges and benefits conferred by this Compact may be
6606 terminated on the effective date of termination. A cure of the
6607 default does not relieve the offending state of obligations or
6608 liabilities incurred during the period of default.

6609 3. Termination of membership in the Compact shall be
6610 imposed only after all other means of securing compliance have
6611 been exhausted. Notice of intent to suspend or terminate shall be
6612 given by the Commission to the governor, the majority and minority
6613 leaders of the defaulting state's legislature, and each of the
6614 member states.

6615 4. A state that has been terminated is responsible for
6616 all assessments, obligations, and liabilities incurred through the



6617 effective date of termination, including obligations that extend
6618 beyond the effective date of termination.

6619 5. The Commission shall not bear any costs related to a
6620 state that is found to be in default or that has been terminated
6621 from the Compact, unless agreed upon in writing between the
6622 Commission and the defaulting state.

6623 6. The defaulting state may appeal the action of the
6624 Commission by petitioning the United States District Court for the
6625 District of Columbia or the federal district where the Commission
6626 has its principal offices. The prevailing member shall be awarded
6627 all costs of such litigation, including reasonable attorney's
6628 fees.

6629 C. Dispute Resolution.

6630 1. Upon request by a member state, the Commission shall
6631 attempt to resolve disputes related to the Compact that arise
6632 among member states and between member and nonmember states.

6633 2. The Commission shall promulgate a rule providing for
6634 both mediation and binding dispute resolution for disputes as
6635 appropriate.

6636 D. Enforcement.

6637 1. The Commission, in the reasonable exercise of its
6638 discretion, shall enforce the provisions and rules of this
6639 Compact.

6640 2. By majority vote, the Commission may initiate legal
6641 action in the United States District Court for the District of



6642 Columbia or the federal district where the Commission has its
6643 principal offices against a member state in default to enforce
6644 compliance with the provisions of the Compact and its promulgated
6645 rules and bylaws. The relief sought may include both injunctive
6646 relief and damages. In the event judicial enforcement is
6647 necessary, the prevailing member shall be awarded all costs of
6648 such litigation, including reasonable attorney's fees.

6649 3. The remedies herein shall not be the exclusive remedies
6650 of the Commission. The Commission may pursue any other remedies
6651 available under federal or state law.

6652 **Section 11.**

6653 **DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR PHYSICAL**
6654 **THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT**

6655 A. The Compact shall come into effect on the date on which
6656 the Compact is enacted into law in the tenth member state. The
6657 provisions, which become effective at that time, shall be limited
6658 to the powers granted to the Commission relating to assembly and
6659 the promulgation of rules. Thereafter, the Commission shall meet
6660 and exercise rulemaking powers necessary to the implementation and
6661 administration of the Compact.

6662 B. Any state that joins the Compact subsequent to the
6663 Commission's initial adoption of the rules shall be subject to the
6664 rules as they exist on the date on which the Compact becomes law
6665 in that state. Any rule that has been previously adopted by the



6666 Commission shall have the full force and effect of law on the day
6667 the Compact becomes law in that state.

6668 C. Any member state may withdraw from this Compact by
6669 enacting a statute repealing the same.

6670 1. A member state's withdrawal shall not take effect
6671 until six (6) months after enactment of the repealing statute.

6672 2. Withdrawal shall not affect the continuing
6673 requirement of the withdrawing state's physical therapy licensing
6674 board to comply with the investigative and adverse action
6675 reporting requirements of this Compact prior to the effective date
6676 of withdrawal.

6677 D. Nothing contained in this Compact shall be construed to
6678 invalidate or prevent any physical therapy licensure agreement or
6679 other cooperative arrangement between a member state and a
6680 nonmember state that does not conflict with the provisions of this
6681 Compact.

6682 E. This Compact may be amended by the member states. No
6683 amendment to this Compact shall become effective and binding upon
6684 any member state until it is enacted into the laws of all member
6685 states.

6686 **Section 12.**

6687 **CONSTRUCTION AND SEVERABILITY**

6688 This Compact shall be liberally construed so as to effectuate
6689 the purposes thereof. The provisions of this Compact shall be
6690 severable and if any phrase, clause, sentence or provision of this



6691 Compact is declared to be contrary to the constitution of any
6692 party state or of the United States or the applicability thereof
6693 to any government, agency, person or circumstance is held invalid,
6694 the validity of the remainder of this Compact and the
6695 applicability thereof to any government, agency, person or
6696 circumstance shall not be affected thereby. If this Compact shall
6697 be held contrary to the constitution of any party state, the
6698 Compact shall remain in full force and effect as to the remaining
6699 party states and in full force and effect as to the party state
6700 affected as to all severable matters.

6701 **SECTION 57.** Section 73-25-101, Mississippi Code of 1972, is
6702 brought forward as follows:

6703 73-25-101. The Interstate Medical Licensure Compact is
6704 enacted into law and entered into by this state with any and all
6705 states legally joining in the Compact in accordance with its
6706 terms, in the form substantially as follows:

6707 **INTERSTATE MEDICAL LICENSURE COMPACT**

6708 **SECTION 1**

6709 **Purpose**

6710 In order to strengthen access to health care, and in
6711 recognition of the advances in the delivery of health care, the
6712 member states of the Interstate Medical Licensure Compact have
6713 allied in common purpose to develop a comprehensive process that
6714 complements the existing licensing and regulatory authority of
6715 state medical boards, provides a streamlined process that allows



6716 physicians to become licensed in multiple states, thereby
6717 enhancing the portability of a medical license and ensuring the
6718 safety of patients. The Compact creates another pathway for
6719 licensure and does not otherwise change a state's existing Medical
6720 Practice Act. The Compact also adopts the prevailing standard for
6721 licensure and affirms that the practice of medicine occurs where
6722 the patient is located at the time of the physician-patient
6723 encounter, and therefore, requires the physician to be under the
6724 jurisdiction of the state medical board where the patient is
6725 located. State medical boards that participate in the Compact
6726 retain the jurisdiction to impose an adverse action against a
6727 license to practice medicine in that state issued to a physician
6728 through the procedures in the Compact.

6729 **SECTION 2**

6730 **Definitions**

6731 In this Compact:

6732 (a) "Bylaws" means those bylaws established by the
6733 Interstate Commission pursuant to Section 11 for its governance,
6734 or for directing and controlling its actions and conduct.

6735 (b) "Commissioner" means the voting representative
6736 appointed by each member board pursuant to Section 11.

6737 (c) "Conviction" means a finding by a court that an
6738 individual is guilty of a criminal offense through adjudication,
6739 or entry of a plea of guilt or no contest to the charge by the
6740 offender. Evidence of an entry of a conviction of a criminal



6741 offense by the court shall be considered final for purposes of
6742 disciplinary action by a member board.

6743 (d) "Expedited license" means a full and unrestricted
6744 medical license granted by a member state to an eligible physician
6745 through the process set forth in the Compact.

6746 (e) "Interstate Commission" means the interstate
6747 commission created pursuant to Section 11.

6748 (f) "License" means authorization by a state for a
6749 physician to engage in the practice of medicine, which would be
6750 unlawful without the authorization.

6751 (g) "Medical Practice Act" means laws and regulations
6752 governing the practice of allopathic and osteopathic medicine
6753 within a member state.

6754 (h) "Member board" means a state agency in a member
6755 state that acts in the sovereign interests of the state by
6756 protecting the public through licensure, regulation, and education
6757 of physicians as directed by the state government.

6758 (i) "Member state" means a state that has enacted the
6759 Compact.

6760 (j) "Practice of medicine" means the clinical
6761 prevention, diagnosis, or treatment of human disease, injury, or
6762 condition requiring a physician to obtain and maintain a license
6763 in compliance with the Medical Practice Act of a member state.

6764 (k) "Physician" means any person who:



6765 (1) Is a graduate of a medical school accredited
6766 by the Liaison Committee on Medical Education, the Commission on
6767 Osteopathic College Accreditation, or a medical school listed in
6768 the International Medical Education Directory or its equivalent;

6769 (2) Passed each component of the United States
6770 Medical Licensing Examination (USMLE) or the Comprehensive
6771 Osteopathic Medical Licensing Examination (COMLEX-USA) within
6772 three (3) attempts, or any of its predecessor examinations
6773 accepted by a state medical board as an equivalent examination for
6774 licensure purposes;

6775 (3) Successfully completed graduate medical
6776 education approved by the Accreditation Council for Graduate
6777 Medical Education or the American Osteopathic Association;

6778 (4) Holds specialty certification or a
6779 time-unlimited specialty certificate recognized by the American
6780 Board of Medical Specialties or the American Osteopathic
6781 Association's Bureau of Osteopathic Specialists;

6782 (5) Possesses a full and unrestricted license to
6783 engage in the practice of medicine issued by a member board;

6784 (6) Has never been convicted, received
6785 adjudication, deferred adjudication, community supervision, or
6786 deferred disposition for any offense by a court of appropriate
6787 jurisdiction;

6788 (7) Has never held a license authorizing the
6789 practice of medicine subjected to discipline by a licensing agency



6790 in any state, federal, or foreign jurisdiction, excluding any
6791 action related to nonpayment of fees related to a license;

6792 (8) Has never had a controlled substance license
6793 or permit suspended or revoked by a state or the United States
6794 Drug Enforcement Administration; and

6795 (9) Is not under active investigation by a
6796 licensing agency or law enforcement authority in any state,
6797 federal, or foreign jurisdiction.

6798 (1) "Offense" means a felony, gross misdemeanor, or
6799 crime of moral turpitude.

6800 (m) "Rule" means a written statement by the Interstate
6801 Commission promulgated pursuant to Section 12 of the Compact that
6802 is of general applicability, implements, interprets, or prescribes
6803 a policy or provision of the Compact, or an organizational,
6804 procedural, or practice requirement of the Interstate Commission,
6805 and has the force and effect of statutory law in a member state,
6806 and includes the amendment, repeal, or suspension of an existing
6807 rule.

6808 (n) "State" means any state, commonwealth, district, or
6809 territory of the United States.

6810 (o) "State of principal license" means a member state
6811 where a physician holds a license to practice medicine and which
6812 has been designated as such by the physician for purposes of
6813 registration and participation in the Compact.

6814

SECTION 3



6815

Eligibility

6816 (a) A physician must meet the eligibility requirements as
6817 defined in Section 2(k) to receive an expedited license under the
6818 terms and provisions of the Compact.

6819 (b) A physician who does not meet the requirements of
6820 Section 2(k) may obtain a license to practice medicine in a member
6821 state if the individual complies with all laws and requirements,
6822 other than the Compact, relating to the issuance of a license to
6823 practice medicine in that state.

6824

SECTION 4

6825

Designation of State of Principal License

6826 (a) A physician shall designate a member state as the state
6827 of principal license for purposes of registration for expedited
6828 licensure through the Compact if the physician possesses a full
6829 and unrestricted license to practice medicine in that state, and
6830 the state is:

6831 (1) The state of primary residence for the physician,
6832 or

6833 (2) The state where at least twenty-five percent (25%)
6834 of the practice of medicine occurs, or

6835 (3) The location of the physician's employer, or

6836 (4) If no state qualifies under subsection (1),
6837 subsection (2), or subsection (3), the state designated as state
6838 of residence for purpose of federal income tax.



6839 (b) A physician may redesignate a member state as state of
6840 principal license at any time, as long as the state meets the
6841 requirements in subsection (a).

6842 (c) The Interstate Commission is authorized to develop rules
6843 to facilitate redesignation of another member state as the state
6844 of principal license.

6845 **SECTION 5**

6846 **Application and Issuance of Expedited Licensure**

6847 (a) A physician seeking licensure through the Compact shall
6848 file an application for an expedited license with the member board
6849 of the state selected by the physician as the state of principal
6850 license.

6851 (b) Upon receipt of an application for an expedited license,
6852 the member board within the state selected as the state of
6853 principal license shall evaluate whether the physician is eligible
6854 for expedited licensure and issue a letter of qualification,
6855 verifying or denying the physician's eligibility, to the
6856 Interstate Commission.

6857 (i) Static qualifications, which include verification
6858 of medical education, graduate medical education, results of any
6859 medical or licensing examination, and other qualifications as
6860 determined by the Interstate Commission through rule, shall not be
6861 subject to additional primary source verification where already
6862 primary source verified by the state of principal license.



6863 (ii) The member board within the state selected as the
6864 state of principal license shall, in the course of verifying
6865 eligibility, perform a criminal background check of an applicant,
6866 including the use of the results of fingerprint or other biometric
6867 data checks compliant with the requirements of the Federal Bureau
6868 of Investigation, with the exception of federal employees who have
6869 suitability determination in accordance with United States Code of
6870 Federal Regulation Section 731.202.

6871 (iii) Appeal on the determination of eligibility shall
6872 be made to the member state where the application was filed and
6873 shall be subject to the law of that state.

6874 (c) Upon verification in subsection (b), physicians eligible
6875 for an expedited license shall complete the registration process
6876 established by the Interstate Commission to receive a license in a
6877 member state selected pursuant to subsection (a), including the
6878 payment of any applicable fees.

6879 (d) After receiving verification of eligibility under
6880 subsection (b) and any fees under subsection (c), a member board
6881 shall issue an expedited license to the physician. This license
6882 shall authorize the physician to practice medicine in the issuing
6883 state consistent with the Medical Practice Act and all applicable
6884 laws and regulations of the issuing member board and member state.

6885 (e) An expedited license shall be valid for a period
6886 consistent with the licensure period in the member state and in



6887 the same manner as required for other physicians holding a full
6888 and unrestricted license within the member state.

6889 (f) An expedited license obtained through the Compact shall
6890 be terminated if a physician fails to maintain a license in the
6891 state of principal licensure for a nondisciplinary reason, without
6892 redesignation of a new state of principal licensure.

6893 (g) The Interstate Commission is authorized to develop rules
6894 regarding the application process, including payment of any
6895 applicable fees, and the issuance of an expedited license.

6896 SECTION 6

6897 Fees for Expedited Licensure

6898 (a) A member state issuing an expedited license authorizing
6899 the practice of medicine in that state may impose a fee for a
6900 license issued or renewed through the Compact.

6901 (b) The Interstate Commission is authorized to develop rules
6902 regarding fees for expedited licenses.

6903 SECTION 7

6904 Renewal and Continued Participation

6905 (a) A physician seeking to renew an expedited license
6906 granted in a member state shall complete a renewal process with
6907 the Interstate Commission if the physician:

6908 (1) Maintains a full and unrestricted license in a
6909 state of principal license;

6910 (2) Has not been convicted, received adjudication,
6911 deferred adjudication, community supervision, or deferred



6912 disposition for any offense by a court of appropriate
6913 jurisdiction;

6914 (3) Has not had a license authorizing the practice of
6915 medicine subject to discipline by a licensing agency in any state,
6916 federal, or foreign jurisdiction, excluding any action related to
6917 nonpayment of fees related to a license; and

6918 (4) Has not had a controlled substance license or
6919 permit suspended or revoked by a state or the United States Drug
6920 Enforcement Administration.

6921 (b) Physicians shall comply with all continuing professional
6922 development or continuing medical education requirements for
6923 renewal of a license issued by a member state.

6924 (c) The Interstate Commission shall collect any renewal fees
6925 charged for the renewal of a license and distribute the fees to
6926 the applicable member board.

6927 (d) Upon receipt of any renewal fees collected in subsection
6928 (c), a member board shall renew the physician's license.

6929 (e) Physician information collected by the Interstate
6930 Commission during the renewal process will be distributed to all
6931 member boards.

6932 (f) The Interstate Commission is authorized to develop rules
6933 to address renewal of licenses obtained through the Compact.

6934 **SECTION 8**

6935 **Coordinated Information System**



6936 (a) The Interstate Commission shall establish a database of
6937 all physicians licensed, or who have applied for licensure, under
6938 Section 5.

6939 (b) Notwithstanding any other provision of law, member
6940 boards shall report to the Interstate Commission any public action
6941 or complaints against a licensed physician who has applied or
6942 received an expedited license through the Compact.

6943 (c) Member boards shall report disciplinary or investigatory
6944 information determined as necessary and proper by rule of the
6945 Interstate Commission.

6946 (d) Member boards may report any nonpublic complaint,
6947 disciplinary, or investigatory information not required by
6948 subsection (c) to the Interstate Commission.

6949 (e) Member boards shall share complaint or disciplinary
6950 information about a physician upon request of another member
6951 board.

6952 (f) All information provided to the Interstate Commission or
6953 distributed by member boards shall be confidential, filed under
6954 seal, and used only for investigatory or disciplinary matters.

6955 (g) The Interstate Commission is authorized to develop rules
6956 for mandated or discretionary sharing of information by member
6957 boards.

6958 **SECTION 9**

6959 **Joint Investigations**



6960 (a) Licensure and disciplinary records of physicians are
6961 deemed investigative.

6962 (b) In addition to the authority granted to a member board
6963 by its respective Medical Practice Act or other applicable state
6964 law, a member board may participate with other member boards in
6965 joint investigations of physicians licensed by the member boards.

6966 (c) A subpoena issued by a member state shall be enforceable
6967 in other member states.

6968 (d) Member boards may share any investigative, litigation,
6969 or compliance materials in furtherance of any joint or individual
6970 investigation initiated under the Compact.

6971 (e) Any member state may investigate actual or alleged
6972 violations of the statutes authorizing the practice of medicine in
6973 any other member state in which a physician holds a license to
6974 practice medicine.

6975 **SECTION 10**

6976 **Disciplinary Actions**

6977 (a) Any disciplinary action taken by any member board
6978 against a physician licensed through the Compact shall be deemed
6979 unprofessional conduct which may be subject to discipline by other
6980 member boards, in addition to any violation of the Medical
6981 Practice Act or regulations in that state.

6982 (b) If a license granted to a physician by the member board
6983 in the state of principal license is revoked, surrendered or
6984 relinquished in lieu of discipline, or suspended, then all



6985 licenses issued to the physician by member boards shall
6986 automatically be placed, without further action necessary by any
6987 member board, on the same status. If the member board in the
6988 state of principal license subsequently reinstates the physician's
6989 license, a license issued to the physician by any other member
6990 board shall remain encumbered until that respective member board
6991 takes action to reinstate the license in a manner consistent with
6992 the Medical Practice Act of that state.

6993 (c) If disciplinary action is taken against a physician by a
6994 member board not in the state of principal license, any other
6995 member board may deem the action conclusive as to matter of law
6996 and fact decided, and:

6997 (i) Impose the same or lesser sanction(s) against the
6998 physician so long as such sanctions are consistent with the
6999 Medical Practice Act of that state; or

7000 (ii) Pursue separate disciplinary action against the
7001 physician under its respective Medical Practice Act, regardless of
7002 the action taken in other member states.

7003 (d) If a license granted to a physician by a member board is
7004 revoked, surrendered or relinquished in lieu of discipline, or
7005 suspended, then any license(s) issued to the physician by any
7006 other member board(s) shall be suspended, automatically and
7007 immediately without further action necessary by the other member
7008 board(s), for ninety (90) days upon entry of the order by the
7009 disciplining board, to permit the member board(s) to investigate



7010 the basis for the action under the Medical Practice Act of that
7011 state. A member board may terminate the automatic suspension of
7012 the license it issued prior to the completion of the ninety (90)
7013 day suspension period in a manner consistent with the Medical
7014 Practice Act of that state.

7015 **SECTION 11**

7016 **Interstate Medical Licensure Compact Commission**

7017 (a) The member states create the "Interstate Medical
7018 Licensure Compact Commission."

7019 (b) The purpose of the Interstate Commission is the
7020 administration of the Interstate Medical Licensure Compact, which
7021 is a discretionary state function.

7022 (c) The Interstate Commission shall be a body corporate and
7023 joint agency of the member states and shall have all the
7024 responsibilities, powers, and duties set forth in the Compact, and
7025 such additional powers as may be conferred upon it by a subsequent
7026 concurrent action of the respective legislatures of the member
7027 states in accordance with the terms of the Compact.

7028 (d) The Interstate Commission shall consist of two voting
7029 representatives appointed by each member state who shall serve as
7030 Commissioners. In states where allopathic and osteopathic
7031 physicians are regulated by separate member boards, or if the
7032 licensing and disciplinary authority is split between multiple
7033 member boards within a member state, the member state shall



7034 appoint one (1) representative from each member board. A

7035 Commissioner shall be a(n):

7036 (1) Allopathic or osteopathic physician appointed to a
7037 member board;

7038 (2) Executive director, executive secretary, or similar
7039 executive of a member board; or

7040 (3) Member of the public appointed to a member board.

7041 (e) The Interstate Commission shall meet at least once each
7042 calendar year. A portion of this meeting shall be a business
7043 meeting to address such matters as may properly come before the
7044 Commission, including the election of officers. The chairperson
7045 may call additional meetings and shall call for a meeting upon the
7046 request of a majority of the member states.

7047 (f) The bylaws may provide for meetings of the Interstate
7048 Commission to be conducted by telecommunication or electronic
7049 communication.

7050 (g) Each Commissioner participating at a meeting of the
7051 Interstate Commission is entitled to one vote. A majority of
7052 Commissioners shall constitute a quorum for the transaction of
7053 business, unless a larger quorum is required by the bylaws of the
7054 Interstate Commission. A Commissioner shall not delegate a vote
7055 to another Commissioner. In the absence of its Commissioner, a
7056 member state may delegate voting authority for a specified meeting
7057 to another person from that state who shall meet the requirements
7058 of subsection (d).



7059 (h) The Interstate Commission shall provide public notice of
7060 all meetings and all meetings shall be open to the public. The
7061 Interstate Commission may close a meeting, in full or in portion,
7062 where it determines by a two-thirds (2/3) vote of the
7063 Commissioners present that an open meeting would be likely to:

7064 (1) Relate solely to the internal personnel practices
7065 and procedures of the Interstate Commission;

7066 (2) Discuss matters specifically exempted from
7067 disclosure by federal statute;

7068 (3) Discuss trade secrets, commercial, or financial
7069 information that is privileged or confidential;

7070 (4) Involve accusing a person of a crime, or formally
7071 censuring a person;

7072 (5) Discuss information of a personal nature where
7073 disclosure would constitute a clearly unwarranted invasion of
7074 personal privacy;

7075 (6) Discuss investigative records compiled for law
7076 enforcement purposes; or

7077 (7) Specifically relate to the participation in a civil
7078 action or other legal proceeding.

7079 (i) The Interstate Commission shall keep minutes which shall
7080 fully describe all matters discussed in a meeting and shall
7081 provide a full and accurate summary of actions taken, including
7082 record of any roll call votes.



7083 (j) The Interstate Commission shall make its information and
7084 official records, to the extent not otherwise designated in the
7085 Compact or by its rules, available to the public for inspection.

7086 (k) The Interstate Commission shall establish an executive
7087 committee, which shall include officers, members, and others as
7088 determined by the bylaws. The executive committee shall have the
7089 power to act on behalf of the Interstate Commission, with the
7090 exception of rulemaking, during periods when the Interstate
7091 Commission is not in session. When acting on behalf of the
7092 Interstate Commission, the executive committee shall oversee the
7093 administration of the Compact including enforcement and compliance
7094 with the provisions of the Compact, its bylaws and rules, and
7095 other such duties as necessary.

7096 (l) The Interstate Commission may establish other committees
7097 for governance and administration of the Compact.

7098 **SECTION 12**

7099 **Powers and Duties of the Interstate Commission**

7100 The Interstate Commission shall have the duty and power to:

7101 (a) Oversee and maintain the administration of the Compact;

7102 (b) Promulgate rules which shall be binding to the extent

7103 and in the manner provided for in the Compact;

7104 (c) Issue, upon the request of a member state or member
7105 board, advisory opinions concerning the meaning or interpretation
7106 of the Compact, its bylaws, rules, and actions;



7107 (d) Enforce compliance with Compact provisions, the rules
7108 promulgated by the Interstate Commission, and the bylaws, using
7109 all necessary and proper means, including but not limited to the
7110 use of judicial process;

7111 (e) Establish and appoint committees, including but not
7112 limited to an executive committee as required by Section 11, which
7113 shall have the power to act on behalf of the Interstate Commission
7114 in carrying out its powers and duties;

7115 (f) Pay, or provide for the payment of the expenses related
7116 to the establishment, organization, and ongoing activities of the
7117 Interstate Commission;

7118 (g) Establish and maintain one or more offices;

7119 (h) Borrow, accept, hire, or contract for services of
7120 personnel;

7121 (i) Purchase and maintain insurance and bonds;

7122 (j) Employ an executive director who shall have such powers
7123 to employ, select or appoint employees, agents, or consultants,
7124 and to determine their qualifications, define their duties, and
7125 fix their compensation;

7126 (k) Establish personnel policies and programs relating to
7127 conflicts of interest, rates of compensation, and qualifications
7128 of personnel;

7129 (l) Accept donations and grants of money, equipment,
7130 supplies, materials and services, and to receive, utilize, and



7131 dispose of it in a manner consistent with the conflict of interest
7132 policies established by the Interstate Commission;

7133 (m) Lease, purchase, accept contributions or donations of,
7134 or otherwise to own, hold, improve or use, any property, real,
7135 personal, or mixed;

7136 (n) Sell, convey, mortgage, pledge, lease, exchange,
7137 abandon, or otherwise dispose of any property, real, personal, or
7138 mixed;

7139 (o) Establish a budget and make expenditures;

7140 (p) Adopt a seal and bylaws governing the management and
7141 operation of the Interstate Commission;

7142 (q) Report annually to the legislatures and governors of the
7143 member states concerning the activities of the Interstate
7144 Commission during the preceding year. Such reports shall also
7145 include reports of financial audits and any recommendations that
7146 may have been adopted by the Interstate Commission;

7147 (r) Coordinate education, training, and public awareness
7148 regarding the Compact, its implementation, and its operation;

7149 (s) Maintain records in accordance with the bylaws;

7150 (t) Seek and obtain trademarks, copyrights, and patents; and

7151 (u) Perform such functions as may be necessary or
7152 appropriate to achieve the purposes of the Compact.

7153 **SECTION 13**

7154 **Finance Powers**



7155 (a) The Interstate Commission may levy on and collect an
7156 annual assessment from each member state to cover the cost of the
7157 operations and activities of the Interstate Commission and its
7158 staff. The total assessment must be sufficient to cover the
7159 annual budget approved each year for which revenue is not provided
7160 by other sources. The aggregate annual assessment amount shall be
7161 allocated upon a formula to be determined by the Interstate
7162 Commission, which shall promulgate a rule binding upon all member
7163 states.

7164 (b) The Interstate Commission shall not incur obligations of
7165 any kind prior to securing the funds adequate to meet the same.

7166 (c) The Interstate Commission shall not pledge the credit of
7167 any of the member states, except by, and with the authority of,
7168 the member state.

7169 (d) The Interstate Commission shall be subject to a yearly
7170 financial audit conducted by a certified or licensed public
7171 accountant and the report of the audit shall be included in the
7172 annual report of the Interstate Commission.

7173 **SECTION 14**

7174 **Organization and Operation of the Interstate Commission**

7175 (a) The Interstate Commission shall, by a majority of
7176 Commissioners present and voting, adopt bylaws to govern its
7177 conduct as may be necessary or appropriate to carry out the
7178 purposes of the Compact within twelve (12) months of the first
7179 Interstate Commission meeting.



7180 (b) The Interstate Commission shall elect or appoint
7181 annually from among its Commissioners a chairperson, a vice
7182 chairperson, and a treasurer, each of whom shall have such
7183 authority and duties as may be specified in the bylaws. The
7184 chairperson, or in the chairperson's absence or disability, the
7185 vice chairperson, shall preside at all meetings of the Interstate
7186 Commission.

7187 (c) Officers selected in subsection (b) shall serve without
7188 remuneration from the Interstate Commission.

7189 (d) The officers and employees of the Interstate Commission
7190 shall be immune from suit and liability, either personally or in
7191 their official capacity, for a claim for damage to or loss of
7192 property or personal injury or other civil liability caused or
7193 arising out of, or relating to, an actual or alleged act, error,
7194 or omission that occurred, or that such person had a reasonable
7195 basis for believing occurred, within the scope of Interstate
7196 Commission employment, duties, or responsibilities; provided that
7197 such person shall not be protected from suit or liability for
7198 damage, loss, injury, or liability caused by the intentional or
7199 willful and wanton misconduct of such person.

7200 (1) The liability of the executive director and
7201 employees of the Interstate Commission or representatives of the
7202 Interstate Commission, acting within the scope of such person's
7203 employment or duties for acts, errors, or omissions occurring
7204 within such person's state, may not exceed the limits of liability



7205 set forth under the constitution and laws of that state for state
7206 officials, employees, and agents. The Interstate Commission is
7207 considered to be an instrumentality of the states for the purposes
7208 of any such action. Nothing in this subsection shall be construed
7209 to protect such person from suit or liability for damage, loss,
7210 injury, or liability caused by the intentional or willful and
7211 wanton misconduct of such person.

7212 (2) The Interstate Commission shall defend the
7213 executive director, its employees, and subject to the approval of
7214 the attorney general or other appropriate legal counsel of the
7215 member state represented by an Interstate Commission
7216 representative, shall defend such Interstate Commission
7217 representative in any civil action seeking to impose liability
7218 arising out of an actual or alleged act, error or omission that
7219 occurred within the scope of Interstate Commission employment,
7220 duties or responsibilities, or that the defendant had a reasonable
7221 basis for believing occurred within the scope of Interstate
7222 Commission employment, duties, or responsibilities, provided that
7223 the actual or alleged act, error, or omission did not result from
7224 intentional or willful and wanton misconduct on the part of such
7225 person.

7226 (3) To the extent not covered by the state involved,
7227 member state, or the Interstate Commission, the representatives or
7228 employees of the Interstate Commission shall be held harmless in
7229 the amount of a settlement or judgment, including attorney's fees



7230 and costs, obtained against such persons arising out of an actual
7231 or alleged act, error, or omission that occurred within the scope
7232 of Interstate Commission employment, duties, or responsibilities,
7233 or that such persons had a reasonable basis for believing occurred
7234 within the scope of Interstate Commission employment, duties, or
7235 responsibilities, provided that the actual or alleged act, error,
7236 or omission did not result from intentional or willful and wanton
7237 misconduct on the part of such persons.

7238 **SECTION 15**

7239 **Rulemaking Functions of the Interstate Commission**

7240 (a) The Interstate Commission shall promulgate reasonable
7241 rules in order to effectively and efficiently achieve the purposes
7242 of the Compact. Notwithstanding the foregoing, in the event the
7243 Interstate Commission exercises its rulemaking authority in a
7244 manner that is beyond the scope of the purposes of the Compact, or
7245 the powers granted hereunder, then such an action by the
7246 Interstate Commission shall be invalid and have no force or
7247 effect.

7248 (b) Rules deemed appropriate for the operations of the
7249 Interstate Commission shall be made pursuant to a rulemaking
7250 process that substantially conforms to the "Model State
7251 Administrative Procedure Act" of 2010, and subsequent amendments
7252 thereto.

7253 (c) Not later than thirty (30) days after a rule is
7254 promulgated, any person may file a petition for judicial review of



7255 the rule in the United States District Court for the District of
7256 Columbia or the federal district where the Interstate Commission
7257 has its principal offices, provided that the filing of such a
7258 petition shall not stay or otherwise prevent the rule from
7259 becoming effective unless the court finds that the petitioner has
7260 a substantial likelihood of success. The court shall give
7261 deference to the actions of the Interstate Commission consistent
7262 with applicable law and shall not find the rule to be unlawful if
7263 the rule represents a reasonable exercise of the authority granted
7264 to the Interstate Commission.

7265 **SECTION 16**

7266 **Oversight of Interstate Compact**

7267 (a) The executive, legislative, and judicial branches of
7268 state government in each member state shall enforce the Compact
7269 and shall take all actions necessary and appropriate to effectuate
7270 the Compact's purposes and intent. The provisions of the Compact
7271 and the rules promulgated hereunder shall have standing as
7272 statutory law but shall not override existing state authority to
7273 regulate the practice of medicine.

7274 (b) All courts shall take judicial notice of the Compact and
7275 the rules in any judicial or administrative proceeding in a member
7276 state pertaining to the subject matter of the Compact which may
7277 affect the powers, responsibilities or actions of the Interstate
7278 Commission.



7279 (c) The Interstate Commission shall be entitled to receive
7280 all service of process in any such proceeding, and shall have
7281 standing to intervene in the proceeding for all purposes. Failure
7282 to provide service of process to the Interstate Commission shall
7283 render a judgment or order void as to the Interstate Commission,
7284 the Compact, or promulgated rules.

7285 **SECTION 17**

7286 **Enforcement of Interstate Compact**

7287 (a) The Interstate Commission, in the reasonable exercise of
7288 its discretion, shall enforce the provisions and rules of the
7289 Compact.

7290 (b) The Interstate Commission may, by majority vote of the
7291 Commissioners, initiate legal action in the United States District
7292 Court for the District of Columbia, or, at the discretion of the
7293 Interstate Commission, in the federal district where the
7294 Interstate Commission has its principal offices, to enforce
7295 compliance with the provisions of the Compact, and its promulgated
7296 rules and bylaws, against a member state in default. The relief
7297 sought may include both injunctive relief and damages. In the
7298 event judicial enforcement is necessary, the prevailing party
7299 shall be awarded all costs of such litigation including reasonable
7300 attorney's fees.

7301 (c) The remedies herein shall not be the exclusive remedies
7302 of the Interstate Commission. The Interstate Commission may avail



7303 itself of any other remedies available under state law or the
7304 regulation of a profession.

7305 **SECTION 18**

7306 **Default Procedures**

7307 (a) The grounds for default include, but are not limited to,
7308 failure of a member state to perform such obligations or
7309 responsibilities imposed upon it by the Compact, or the rules and
7310 bylaws of the Interstate Commission promulgated under the Compact.

7311 (b) If the Interstate Commission determines that a member
7312 state has defaulted in the performance of its obligations or
7313 responsibilities under the Compact, or the bylaws or promulgated
7314 rules, the Interstate Commission shall:

7315 (1) Provide written notice to the defaulting state and
7316 other member states, of the nature of the default, the means of
7317 curing the default, and any action taken by the Interstate
7318 Commission. The Interstate Commission shall specify the
7319 conditions by which the defaulting state must cure its default;
7320 and

7321 (2) Provide remedial training and specific technical
7322 assistance regarding the default.

7323 (c) If the defaulting state fails to cure the default, the
7324 defaulting state shall be terminated from the Compact upon an
7325 affirmative vote of a majority of the Commissioners and all
7326 rights, privileges, and benefits conferred by the Compact shall
7327 terminate on the effective date of termination. A cure of the



7328 default does not relieve the offending state of obligations or
7329 liabilities incurred during the period of the default.

7330 (d) Termination of membership in the Compact shall be
7331 imposed only after all other means of securing compliance have
7332 been exhausted. Notice of intent to terminate shall be given by
7333 the Interstate Commission to the Governor, the majority and
7334 minority leaders of the defaulting state's legislature, and each
7335 of the member states.

7336 (e) The Interstate Commission shall establish rules and
7337 procedures to address licenses and physicians that are materially
7338 impacted by the termination of a member state, or the withdrawal
7339 of a member state.

7340 (f) The member state which has been terminated is
7341 responsible for all dues, obligations, and liabilities incurred
7342 through the effective date of termination including obligations,
7343 the performance of which extends beyond the effective date of
7344 termination.

7345 (g) The Interstate Commission shall not bear any costs
7346 relating to any state that has been found to be in default or
7347 which has been terminated from the Compact, unless otherwise
7348 mutually agreed upon in writing between the Interstate Commission
7349 and the defaulting state.

7350 (h) The defaulting state may appeal the action of the
7351 Interstate Commission by petitioning the United States District
7352 Court for the District of Columbia or the federal district where



7353 the Interstate Commission has its principal offices. The
7354 prevailing party shall be awarded all costs of such litigation
7355 including reasonable attorney's fees.

7356 **SECTION 19**

7357 **Dispute Resolution**

7358 (a) The Interstate Commission shall attempt, upon the
7359 request of a member state, to resolve disputes which are subject
7360 to the Compact and which may arise among member states or member
7361 boards.

7362 (b) The Interstate Commission shall promulgate rules
7363 providing for both mediation and binding dispute resolution as
7364 appropriate.

7365 **SECTION 20**

7366 **Member States, Effective Date and Amendment**

7367 (a) Any state is eligible to become a member state of the
7368 Compact.

7369 (b) The Compact shall become effective and binding upon
7370 legislative enactment of the Compact into law by no less than
7371 seven (7) states. Thereafter, it shall become effective and
7372 binding on a state upon enactment of the Compact into law by that
7373 state.

7374 (c) The governors of nonmember states, or their designees,
7375 shall be invited to participate in the activities of the
7376 Interstate Commission on a nonvoting basis prior to adoption of
7377 the Compact by all states.



7378 (d) The Interstate Commission may propose amendments to the
7379 Compact for enactment by the member states. No amendment shall
7380 become effective and binding upon the Interstate Commission and
7381 the member states unless and until it is enacted into law by
7382 unanimous consent of the member states.

7383 **SECTION 21**

7384 **Withdrawal**

7385 (a) Once effective, the Compact shall continue in force and
7386 remain binding upon each and every member state; provided that a
7387 member state may withdraw from the Compact by specifically
7388 repealing the statute which enacted the Compact into law.

7389 (b) Withdrawal from the Compact shall be by the enactment of
7390 a statute repealing the same, but shall not take effect until one
7391 (1) year after the effective date of such statute and until
7392 written notice of the withdrawal has been given by the withdrawing
7393 state to the Governor of each other member state.

7394 (c) The withdrawing state shall immediately notify the
7395 chairperson of the Interstate Commission in writing upon the
7396 introduction of legislation repealing the Compact in the
7397 withdrawing state.

7398 (d) The Interstate Commission shall notify the other member
7399 states of the withdrawing state's intent to withdraw within sixty
7400 (60) days of its receipt of notice provided under subsection (c).

7401 (e) The withdrawing state is responsible for all dues,
7402 obligations and liabilities incurred through the effective date of



7403 withdrawal, including obligations, the performance of which extend
7404 beyond the effective date of withdrawal.

7405 (f) Reinstatement following withdrawal of a member state
7406 shall occur upon the withdrawing state reenacting the Compact or
7407 upon such later date as determined by the Interstate Commission.

7408 (g) The Interstate Commission is authorized to develop rules
7409 to address the impact of the withdrawal of a member state on
7410 licenses granted in other member states to physicians who
7411 designated the withdrawing member state as the state of principal
7412 license.

7413 **SECTION 22**

7414 **Dissolution**

7415 (a) The Compact shall dissolve effective upon the date of
7416 the withdrawal or default of the member state which reduces the
7417 membership in the Compact to one (1) member state.

7418 (b) Upon the dissolution of the Compact, the Compact becomes
7419 null and void and shall be of no further force or effect, and the
7420 business and affairs of the Interstate Commission shall be
7421 concluded and surplus funds shall be distributed in accordance
7422 with the bylaws.

7423 **SECTION 23**

7424 **Severability and Construction**

7425 (a) The provisions of the Compact shall be severable, and if
7426 any phrase, clause, sentence, or provision is deemed



7427 unenforceable, the remaining provisions of the Compact shall be
7428 enforceable.

7429 (b) The provisions of the Compact shall be liberally
7430 construed to effectuate its purposes.

7431 (c) Nothing in the Compact shall be construed to prohibit
7432 the applicability of other interstate compacts to which the states
7433 are members.

7434 **SECTION 24**

7435 **Binding Effect of Compact and Other Laws**

7436 (a) Nothing herein prevents the enforcement of any other law
7437 of a member state that is not inconsistent with the Compact.

7438 (b) All laws in a member state in conflict with the Compact
7439 are superseded to the extent of the conflict.

7440 (c) All lawful actions of the Interstate Commission,
7441 including all rules and bylaws promulgated by the Commission, are
7442 binding upon the member states.

7443 (d) All agreements between the Interstate Commission and the
7444 member states are binding in accordance with their terms.

7445 (e) In the event any provision of the Compact exceeds the
7446 constitutional limits imposed on the legislature of any member
7447 state, such provision shall be ineffective to the extent of the
7448 conflict with the constitutional provision in question in that
7449 member state.

7450 **SECTION 58.** This act shall take effect and be in force from
7451 and after July 1, 2018.

