

By: Representative Brown

To: Public Health and Human Services

HOUSE BILL NO. 1173

1 AN ACT TO CREATE THE DENTAL THERAPIST LICENSURE ACT; TO  
 2 PROVIDE THE DEFINITIONS FOR THE ACT; TO PROVIDE THAT A LICENSED  
 3 DENTAL THERAPIST IS LIMITED TO PRIMARILY PRACTICING IN SETTINGS  
 4 THAT SERVICE LOW-INCOME, UNINSURED AND UNDERSERVED PATIENTS OR IN  
 5 A DENTAL HEALTH PROFESSIONAL SHORTAGE AREA; TO PROVIDE THAT A  
 6 DENTAL THERAPIST MUST ENTER INTO A WRITTEN COLLABORATIVE  
 7 MANAGEMENT AGREEMENT WITH A MISSISSIPPI-LICENSED DENTIST IN ORDER  
 8 TO BE LICENSED UNDER THE DENTAL THERAPIST LICENSURE ACT; TO  
 9 PROVIDE THE SCOPE OF PRACTICE FOR LICENSED DENTAL THERAPISTS; TO  
 10 BRING FORWARD SECTIONS 73-9-13, 73-9-41, 73-9-57, 73-9-59 AND  
 11 73-9-61, MISSISSIPPI CODE OF 1972, WHICH RELATE TO THE LICENSING  
 12 REQUIREMENTS FOR DENTISTS IN THE STATE OF MISSISSIPPI, FOR THE  
 13 PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

15 **SECTION 1. General.** (1) Sections 1 through 8 of this act  
 16 shall be known and may be cited as the "Dental Therapist Licensure  
 17 Act."

18 (2) A dental therapist licensed under Sections 1 through 8  
 19 of this act shall practice under the supervision of a  
 20 Mississippi-licensed dentist and under the requirements of  
 21 Sections 1 through 8 of this act.



22           **SECTION 2. Definitions.** The following words and phrases  
23 shall have the meanings as defined in this section unless the  
24 context clearly indicates otherwise:

25           (a) "Practice settings that serve the low-income and  
26 underserved" means:

27                   (i) Critical access dental provider settings as  
28 designated by the Mississippi State Board of Dental Examiners;

29                   (ii) Dental hygiene collaborative practice  
30 settings, including medical facilities, assisted living  
31 facilities, federally qualified health centers and organizations  
32 eligible to receive a community clinic grant;

33                   (iii) Military and veterans administration  
34 hospitals, clinics and care settings;

35                   (iv) A patient's residence or home when the  
36 patient is home-bound or receiving or eligible to receive home  
37 care services or home- and community-based waived services,  
38 regardless of the patient's income;

39                   (v) Oral health educational institutions; or

40                   (vi) Any other clinic or practice setting,  
41 including mobile dental units, in which at least fifty percent  
42 (50%) of the total patient base of the dental therapist or  
43 advanced dental therapist consists of patients who:

44                           1. Are enrolled in a Mississippi health care  
45 program;



46                   2. Have a medical disability or chronic  
47 condition that creates a significant barrier to receiving dental  
48 care;

49                   3. Do not have dental health coverage, either  
50 through a public health care program or private insurance, and  
51 have an annual gross family income equal to or less than two  
52 hundred percent (200%) of the federal poverty guidelines; or

53                   4. Do not have dental health coverage, either  
54 through a state public health care program or private insurance,  
55 and whose family gross income is equal to or less than two hundred  
56 percent (200%) of the federal poverty guidelines.

57                   (b) "Dental health professional shortage area" means an  
58 area that meets the criteria established by the secretary of the  
59 United States Department of Health and Human Services and is  
60 designated as such under United States Code, Title 42, Section  
61 254e.

62                   (c) "Board" means the Mississippi State Board of Dental  
63 Examiners.

64                   **SECTION 3. Limited practice settings.** A dental therapist  
65 licensed under Sections 1 through 8 of this act is limited to  
66 primarily practicing in settings that serve low-income, uninsured  
67 and underserved patients or in a dental health professional  
68 shortage area.

69                   **SECTION 4. Collaborative management agreement.** (1) Before  
70 performing any of the services authorized in Sections 1 through 8



71 of this act, a dental therapist must enter into a written  
72 collaborative management agreement with a Mississippi-licensed  
73 dentist. A collaborating dentist is limited to entering into a  
74 collaborative agreement with no more than five (5) dental  
75 therapists or advanced dental therapists at any one time. The  
76 agreement must include:

77 (a) Practice settings where services may be provided  
78 and the populations to be served;

79 (b) Any limitations on the services that may be  
80 provided by the dental therapist, including the level of  
81 supervision required by the collaborating dentist;

82 (c) Age- and procedure-specific practice protocols,  
83 including case selection criteria, assessment guidelines, and  
84 imaging frequency;

85 (d) A procedure for creating and maintaining dental  
86 records for the patients that are treated by the dental therapist;

87 (e) A plan to manage medical emergencies in each  
88 practice setting where the dental therapist provides care;

89 (f) A quality assurance plan for monitoring care  
90 provided by the dental therapist, including patient care review,  
91 referral follow-up, and a quality assurance chart review;

92 (g) Protocols for administering and dispensing  
93 medications authorized under Section 6 of this act, including the  
94 specific conditions and circumstance under which these medications  
95 are to be dispensed and administered;



96 (h) Criteria relating to the provision of care to  
97 patients with specific medical conditions or complex medication  
98 histories, including requirements for consultation before the  
99 initiation of care;

100 (i) Supervision criteria of dental assistants; and

101 (j) A plan for the provision of clinical resources and  
102 referrals in situations which are beyond the capabilities of the  
103 dental therapist.

104 (2) A collaborating dentist must be licensed and practicing  
105 in Mississippi. The collaborating dentist shall accept  
106 responsibility for all services authorized and performed by the  
107 dental therapist pursuant to the management agreement. Any  
108 licensed dentist who permits a dental therapist to perform a  
109 dental service other than those authorized under this section or  
110 by the board, or any dental therapist who performs an unauthorized  
111 service, violates Sections 1 through 8 of this act and Sections  
112 73-9-1 through 73-9-65.

113 (3) Collaborative management agreements must be signed and  
114 maintained by the collaborating dentist and the dental therapist.  
115 Agreements must be reviewed, updated and submitted to the board on  
116 an annual basis.

117 **SECTION 5. Scope of practice.** (1) A licensed dental  
118 therapist may perform dental services as authorized under this  
119 section within the parameters of the collaborative management  
120 agreement.



121           (2) The services authorized to be performed by a licensed  
122 dental therapist include the oral health services, as specified in  
123 subsections (3) and (4), and services within the parameters of the  
124 collaborative management agreement.

125           (3) A licensed dental therapist may perform the following  
126 services under general supervision, unless restricted or  
127 prohibited in the collaborative management agreement:

- 128           (a) Oral health instruction and disease prevention  
129 education, including nutritional counseling and dietary analysis;
- 130           (b) Preliminary charting of the oral cavity;
- 131           (c) Making radiographs;
- 132           (d) Mechanical polishing;
- 133           (e) Application of topical preventive or prophylactic  
134 agents, including fluoride varnishes and pit and fissure sealants;
- 135           (f) Pulp vitality testing;
- 136           (g) Application of desensitizing medication or resin;
- 137           (h) Fabrication of athletic mouthguards;
- 138           (i) Placement of temporary restorations;
- 139           (j) Fabrication of soft occlusal guards;
- 140           (k) Tissue conditioning and soft relines;
- 141           (l) Atraumatic restorative therapy;
- 142           (m) Dressing changes;
- 143           (n) Tooth reimplantation;
- 144           (o) Administration of local anesthetic; and
- 145           (p) Administration of nitrous oxide.



146 (4) A licensed dental therapist may perform the following  
147 services under indirect supervision:

- 148 (a) Emergency palliative treatment of dental pain;
- 149 (b) The placement and removal of space maintainers;
- 150 (c) Cavity preparation;
- 151 (d) Restoration of primary and permanent teeth;
- 152 (e) Placement of temporary crowns;
- 153 (f) Preparation and placement of preformed crowns;
- 154 (g) Pulpotomies on primary teeth;
- 155 (h) Indirect and direct pulp capping on primary and  
156 permanent teeth;
- 157 (i) Stabilization of reimplanted teeth;
- 158 (j) Extractions of primary teeth;
- 159 (k) Suture removal;
- 160 (l) Brush biopsies;
- 161 (m) Repair of defective prosthetic devices; and
- 162 (n) Recementing of permanent crowns.

163 (5) For purposes of this section, "general supervision"  
164 means the supervision of tasks or procedures that do not require  
165 the presence of the dentist in the office or on the premises at  
166 the time the tasks or procedures are being performed but require  
167 the tasks be performed with the prior knowledge and consent of the  
168 dentist, and "indirect supervision" means the dentist is in the  
169 office, authorizes the procedures, and remains in the office while  
170 the procedures are being performed by the allied dental personnel.



171           **SECTION 6. Dispensing authority.** (1) A licensed dental  
172 therapist may dispense and administer the following drugs within  
173 the parameters of the collaborative management agreement and  
174 within the scope of practice of the dental therapist as prescribed  
175 in Section 5 of this act: analgesics, anti-inflammatories, and  
176 antibiotics.

177           (2) The authority to dispense and administer shall extend  
178 only to the categories of drugs identified in this section, and  
179 may be further limited by the collaborative management agreement.

180           (3) The authority to dispense includes the authority to  
181 dispense sample drugs within the categories identified in this  
182 section if dispensing is permitted by the collaborative management  
183 agreement.

184           (4) A licensed dental therapist is prohibited from  
185 dispensing or administering a narcotic drug.

186           **SECTION 7. Application of other laws.** A licensed dental  
187 therapist authorized to practice under Sections 1 through 8 of  
188 this act is not in violation of Section 73-9-41 as it relates to  
189 the unauthorized practice of dentistry if the practice is  
190 authorized under Sections 1 through 8 of this act and is within  
191 the parameters of the collaborative management agreement.

192           **SECTION 8. Use of dental assistants.** (1) A licensed dental  
193 therapist may supervise dental assistants to the extent permitted  
194 in the collaborative management agreement.





195           (2) Except as otherwise provided in subsection (1) of this  
196 section, a licensed dental therapist is limited to supervising no  
197 more than four (4) licensed dental assistants or nonlicensed  
198 dental assistants at any one (1) practice setting.

199           **SECTION 9.** Section 73-9-13, Mississippi Code of 1972, is  
200 brought forward as follows:

201           73-9-13. The State Board of Dental Examiners shall each year  
202 elect from their number a president, vice president and  
203 secretary-treasurer to serve for the coming year and until their  
204 successors are qualified. Only dentist members of the board may  
205 hold the offices of president and vice president. The board shall  
206 have a seal with appropriate wording to be kept at the offices of  
207 the board. The secretary and the executive director of the board  
208 shall be required to make bond in such sum and with such surety as  
209 the board may determine. It shall be the duty of the executive  
210 director to keep a complete record of the acts and proceedings of  
211 the board and to preserve all papers, documents and correspondence  
212 received by the board relating to its duties and office.

213           The board shall have the following powers and duties:

214           (a) To carry out the purposes and provisions of the  
215 state laws pertaining to dentistry and dental hygiene, and the  
216 practice thereof and matters related thereto, particularly  
217 Sections 73-9-1 through 73-9-117, together with all amendments and  
218 additions thereto.



219 (b) To regulate the practice of dentistry and dental  
220 hygiene and to promulgate reasonable regulations as are necessary  
221 or convenient for the protection of the public; however, the board  
222 shall not adopt any rule or regulation or impose any requirement  
223 regarding the licensing of dentists that conflicts with the  
224 prohibitions in Section 73-49-3.

225 (c) To make rules and regulations by which clinical  
226 facilities within institutions, schools, colleges, universities  
227 and other agencies may be recognized and approved for the practice  
228 of dentistry or of dental hygiene by unlicensed persons therein,  
229 as a precondition to their being excepted from the dental practice  
230 act and authorized in accordance with Section 73-9-3(g) and (h).

231 (d) To provide for the enforcement of and to enforce  
232 the laws of the State of Mississippi and the rules and regulations  
233 of the State Board of Dental Examiners.

234 (e) To compile at least once each calendar year and to  
235 maintain an adequate list of prospective dentist and dental  
236 hygienist appointees for approval by the Governor as provided for  
237 elsewhere by law.

238 (f) To issue licenses and permits to applicants when  
239 found to be qualified.

240 (g) To provide for reregistration of all licenses and  
241 permits duly issued by the board.

242 (h) To maintain an up-to-date list of all licensees and  
243 permit holders in the state, together with their addresses.



244 (i) To examine applicants for the practice of dentistry  
245 or dental hygiene at least annually.

246 (j) To issue licenses or duplicates and  
247 reregistration/renewal certificates, and to collect and account  
248 for fees for same.

249 (k) To maintain an office adequately staffed insofar as  
250 funds are available for the purposes of carrying out the powers  
251 and duties of the board.

252 (l) To provide by appropriate rules and regulations,  
253 within the provisions of the state laws, for revoking or  
254 suspending licenses and permits and a system of fines for lesser  
255 penalties.

256 (m) To prosecute, investigate or initiate prosecution  
257 for violations of the laws of the state pertaining to practice of  
258 dentistry or dental hygiene, or matters affecting the rights and  
259 duties, or related thereto.

260 (n) To provide by rules for the conduct of as much  
261 board business as practicable by mail, which, when so done, shall  
262 be and have the same force and effect as if done in a regular  
263 meeting duly organized.

264 (o) To adopt rules and regulations providing for the  
265 reasonable regulation of advertising by dentists and dental  
266 hygienists.

267 (p) To employ, in its discretion, a duly licensed  
268 attorney to represent the board in individual cases.



269 (q) To employ, in its discretion, technical and  
270 professional personnel to conduct dental office sedation site  
271 visits, administer and monitor state board examinations and carry  
272 out the powers and duties of the board.

273 **SECTION 10.** Section 73-9-41, Mississippi Code of 1972, is  
274 brought forward as follows:

275 73-9-41. (1) No person shall practice, attempt to practice  
276 or offer to practice dentistry or dental hygiene within the state  
277 without first having been authorized and issued a license by the  
278 board; nor shall any person practice, attempt to practice, or  
279 offer to practice dentistry or dental hygiene within the state  
280 during any period of suspension of his or her license by the board  
281 or after revocation or being voided for failure to reregister by  
282 the board of any license previously issued to the offending  
283 person.

284 (2) A person who has never been issued a license to practice  
285 dentistry or dental hygiene or whose license has been suspended,  
286 voided or revoked by action of the board, shall not perform any  
287 act that would constitute the practice of dentistry or dental  
288 hygiene as defined in Sections 73-9-3 and 73-9-5, including, but  
289 not limited to, the following:

290 (a) Making impressions or casts of the human mouth or  
291 teeth;



292 (b) Constructing or supplying dentures without the work  
293 authorization or prescription of a person licensed under the laws  
294 of this state to practice dentistry; and

295 (c) Constructing or supplying dentures from impressions  
296 or casts without the work authorization or prescription of a  
297 person licensed under the laws of this state to practice  
298 dentistry.

299 (3) The fact that any person engages in or performs or  
300 offers to engage in or performs any of the practices, acts or  
301 operations set forth in Section 73-9-3 or Section 73-9-5 is prima  
302 facie evidence that the person is engaged in the practice of  
303 dentistry or dental hygiene.

304 (4) In addition to any other civil remedy or criminal  
305 penalty provided for by law, the executive director or the  
306 secretary of the board may issue a summons to appear before the  
307 board to any person or persons who the executive director or any  
308 member of the board has probable cause to believe has violated  
309 this section by practicing, attempting to practice, or offering to  
310 practice dentistry or dental hygiene without a current, valid  
311 license or permit and any necessary witnesses. The summons issued  
312 by the board shall command each person to whom it is directed to  
313 attend and give testimony at a time and place specified in the  
314 summons. The summons shall be served upon the individual  
315 personally or by any type of mailing requiring a return receipt  
316 and shall include a statement of the charges and an explanation of



317 the manner in which the unlicensed person shall be required to  
318 respond to the board.

319 (5) In proceedings conducted pursuant to subsection (4) of  
320 this section, the board may levy for each and every violation a  
321 civil penalty upon any unlicensed person who after a hearing is  
322 found to have practiced dentistry or dental hygiene without the  
323 benefit of a current, valid license having been issued by the  
324 board under the provisions of this chapter, as follows:

325 (a) For the first violation, a monetary penalty of not  
326 more than Five Hundred Dollars (\$500.00).

327 (b) For the second violation, a monetary penalty of not  
328 more than One Thousand Dollars (\$1,000.00).

329 (c) For the third and any subsequent violations, a  
330 monetary penalty of not more than Five Thousand Dollars  
331 (\$5,000.00).

332 (d) For any violation, the board may assess those  
333 reasonable costs that are expended by the board in the  
334 investigation and conduct of the hearing as provided in subsection  
335 (4) of this section, including, but not limited to, the cost of  
336 process service, court reporters, expert witnesses and other  
337 witness expenses paid by the board, and investigators. Appeals  
338 from the board's decision may be taken as provided in Section  
339 73-9-65. Any monetary penalty or assessment levied under this  
340 section shall be paid to the board by the illegal practitioner  
341 upon the expiration of the period allowed for appealing those



342 penalties or may be paid sooner if the illegal practitioner  
343 elects. Monetary penalties collected by the board under this  
344 section shall be deposited to the credit of the General Fund of  
345 the State Treasury. Any monies collected for assessment of costs  
346 by the board shall be deposited into the special fund of the  
347 board.

348 (6) No person practicing dentistry or dental hygiene without  
349 a current valid license shall have the right to receive any  
350 compensation for services so rendered. In addition to any other  
351 penalties imposed under this section, any person who practices  
352 dentistry or dental hygiene without a license shall return any  
353 fees collected for practicing dentistry or dental hygiene and  
354 shall be liable for any damages resulting from negligent conduct.  
355 The board or any patient shall have the right to enforce the  
356 obligation provided in this section.

357 **SECTION 11.** Section 73-9-57, Mississippi Code of 1972, is  
358 brought forward as follows:

359 73-9-57. If any person for any reason whatsoever, shall  
360 practice, attempt, or offer to practice dentistry or dental  
361 hygiene illegally within the meaning of this chapter, he or she  
362 shall be deemed guilty of a misdemeanor, and upon conviction shall  
363 be fined not less than Two Thousand Dollars (\$2,000.00) nor more  
364 than Five Thousand Dollars (\$5,000.00) or be imprisoned in the  
365 county jail not less than two (2) months nor more than six (6)  
366 months.



367           **SECTION 12.** Section 73-9-59, Mississippi Code of 1972, is  
368 brought forward as follows:

369           73-9-59. It shall be the duty of the several prosecuting  
370 officers of this state on notice from a member of the board or  
371 other persons having knowledge of violations of this chapter to  
372 institute prosecutions in the same manner as for other  
373 misdemeanors.

374           **SECTION 13.** Section 73-9-61, Mississippi Code of 1972, is  
375 brought forward as follows:

376           73-9-61. (1) Upon satisfactory proof, and in accordance  
377 with statutory provisions elsewhere set out for such hearings and  
378 protecting the rights of the accused as well as the public, the  
379 State Board of Dental Examiners may deny the issuance or renewal  
380 of a license or may revoke or suspend the license of any licensed  
381 dentist or dental hygienist practicing in the State of  
382 Mississippi, or take any other action in relation to the license  
383 as the board may deem proper under the circumstances, for any of  
384 the following reasons:

385                   (a) Misrepresentation in obtaining a license, or  
386 attempting to obtain, obtaining, attempting to renew or renewing a  
387 license or professional credential by making any material  
388 misrepresentation, including the signing in his or her  
389 professional capacity any certificate that is known to be false at  
390 the time he or she makes or signs the certificate.





391 (b) Willful violation of any of the rules or  
392 regulations duly promulgated by the board, or of any of the rules  
393 or regulations duly promulgated by the appropriate dental  
394 licensure agency of another state or jurisdiction.

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

400 (d) Administering, dispensing or prescribing any  
401 prescriptive medication or drug outside the course of legitimate  
402 professional dental practice.

403 (e) Being convicted or found guilty of or entering a  
404 plea of nolo contendere to, regardless of adjudication, a  
405 violation of any federal or state law regulating the possession,  
406 distribution or use of any narcotic drug or any drug considered a  
407 controlled substance under state or federal law, a certified copy  
408 of the conviction order or judgment rendered by the trial court  
409 being prima facie evidence thereof, notwithstanding the pendency  
410 of any appeal.

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

413 (g) Being convicted or found guilty of or entering a  
414 plea of nolo contendere to, regardless of adjudication, a crime in  
415 any jurisdiction that relates to the practice of dentistry or



416 dental hygiene, a certified copy of the conviction order or  
417 judgment rendered by the trial court being prima facie evidence  
418 thereof, notwithstanding the pendency of any appeal.

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

424 (i) Delegating professional responsibilities to a  
425 person who is not qualified by training, experience or licensure  
426 to perform them.

427 (j) The refusal of a licensing authority of another  
428 state or jurisdiction to issue or renew a license, permit or  
429 certificate to practice dentistry or dental hygiene in that  
430 jurisdiction or the revocation, suspension or other restriction  
431 imposed on a license, permit or certificate issued by the  
432 licensing authority that prevents or restricts practice in that  
433 jurisdiction, a certified copy of the disciplinary order or action  
434 taken by the other state or jurisdiction being prima facie  
435 evidence thereof, notwithstanding the pendency of any appeal.

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



440 (1) Any unprofessional conduct to be determined by the  
441 board on a case-by-case basis, which shall include, but not be  
442 restricted to, the following:

443 (i) Committing any crime involving moral  
444 turpitude.

445 (ii) Practicing deceit or other fraud upon the  
446 public.

447 (iii) Practicing dentistry or dental hygiene under  
448 a false or assumed name.

449 (iv) Advertising that is false, deceptive or  
450 misleading.

451 (v) Announcing a specialized practice shall be  
452 considered advertising that tends to deceive or mislead the public  
453 unless the dentist announcing as a specialist conforms to other  
454 statutory provisions and the duly promulgated rules or regulations  
455 of the board pertaining to practice of dentistry in the State of  
456 Mississippi.

457 (m) Failure to provide and maintain reasonable sanitary  
458 facilities and conditions or failure to follow board rules  
459 regarding infection control.

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

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



465                   (ii) Conduct of a licensee that is intended to  
466 intimidate, coerce, influence or trick any person employed by or  
467 for the licensee in a dental practice or educational setting for  
468 the purpose of engaging in sexual activity or activity intended  
469 for the sexual gratification of the licensee.

470                   (o) Violation of a lawful order of the board previously  
471 entered in a disciplinary or licensure hearing; failure to  
472 cooperate with any lawful request or investigation by the board;  
473 or failure to comply with a lawfully issued subpoena of the board.

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

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

479                   (r) Violation(s) of the provisions of Sections 41-121-1  
480 through 41-121-9 relating to deceptive advertisement by health  
481 care practitioners. This paragraph shall stand repealed on July  
482 1, 2020.

483                   (2) In lieu of revocation of a license as provided for  
484 above, the board may suspend the license of the offending dentist  
485 or dental hygienist, suspend the sedation permit of the offending  
486 dentist, or take any other action in relation to his or her  
487 license as the board may deem proper under the circumstances.

488                   (3) When a license to practice dentistry or dental hygiene  
489 is revoked or suspended by the board, the board may, in its



490 discretion, stay the revocation or suspension and simultaneously  
491 place the licensee on probation upon the condition that the  
492 licensee shall not violate the laws of the State of Mississippi  
493 pertaining to the practice of dentistry or dental hygiene and  
494 shall not violate the rules and regulations of the board and shall  
495 not violate any terms in relation to his or her license as may be  
496 set by the board.

497 (4) In a proceeding conducted under this section by the  
498 board for the denial, revocation or suspension of a license to  
499 practice dentistry or dental hygiene, the board shall have the  
500 power and authority for the grounds stated for that denial,  
501 revocation or suspension, and in addition thereto or in lieu of  
502 that denial, revocation or suspension may assess and levy upon any  
503 person licensed to practice dentistry or dental hygiene in the  
504 State of Mississippi, a monetary penalty, as follows:

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

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



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

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

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

530 (6) A licensee shall have the right of appeal from the  
531 assessment and levy of a monetary penalty as provided in this  
532 section under the same conditions as a right of appeal is provided  
533 elsewhere for appeals from an adverse ruling, order or decision of  
534 the board.

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



539           (8) A monetary penalty assessed and levied under this  
540 section shall be paid to the board by the licensee upon the  
541 expiration of the period allowed for appeal of those penalties  
542 under this section or may be paid sooner if the licensee elects.  
543 With the exception of subsection (4)(d) of this section, monetary  
544 penalties collected by the board under this section shall be  
545 deposited to the credit of the General Fund of the State Treasury.  
546 Any monies collected by the board under subsection (4)(d) of this  
547 section shall be deposited into the special fund operating account  
548 of the board.

549           (9) When payment of a monetary penalty assessed and levied  
550 by the board against a licensee in accordance with this section is  
551 not paid by the licensee when due under this section, the board  
552 shall have power to institute and maintain proceedings in its name  
553 for enforcement of payment in the chancery court of the county and  
554 judicial district of residence of the licensee, and if the  
555 licensee is a nonresident of the State of Mississippi, the  
556 proceedings shall be in the Chancery Court of the First Judicial  
557 District of Hinds County, Mississippi.

558           (10) In addition to the reasons specified in subsection (1)  
559 of this section, the board shall be authorized to suspend the  
560 license of any licensee for being out of compliance with an order  
561 for support, as defined in Section 93-11-153. The procedure for  
562 suspension of a license for being out of compliance with an order  
563 for support, and the procedure for the reissuance or reinstatement



564 of a license suspended for that purpose, and the payment of any  
565 fees for the reissuance or reinstatement of a license suspended  
566 for that purpose, shall be governed by Section 93-11-157 or  
567 93-11-163, as the case may be. If there is any conflict between  
568 any provision of Section 93-11-157 or 93-11-163 and any provision  
569 of this chapter, the provisions of Section 93-11-157 or 93-11-163,  
570 as the case may be, shall control.

571 (11) All grounds for disciplinary action, including  
572 imposition of fines and assessment of costs as enumerated above,  
573 shall also apply to any other license or permit issued by the  
574 board under this chapter or regulations duly adopted by the board.

575 **SECTION 14.** Sections 1 through 8 of this act shall be  
576 codified as new sections in Chapter 9, Title 73, Mississippi Code  
577 of 1972.

578 **SECTION 15.** This act shall take effect and be in force from  
579 and after July 1, 2018.

