

By: Representative Young

To: Public Health and Human  
Services

HOUSE BILL NO. 1332

1 AN ACT TO BRING FORWARD SECTIONS 73-25-29 AND 73-25-32,  
2 MISSISSIPPI CODE OF 1972, WHICH PROVIDE THE GROUNDS FOR REVOCATION  
3 OR SUSPENSION OF A MEDICAL LICENSE AND AUTHORIZE REINSTATEMENT OF  
4 A SUSPENDED OR REVOKED LICENSE, FOR THE PURPOSE OF POSSIBLE  
5 AMENDMENT; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 73-25-29, Mississippi Code of 1972, is  
8 brought forward as follows:

9 73-25-29. The grounds for the nonissuance, suspension,  
10 revocation or restriction of a license or the denial of  
11 reinstatement or renewal of a license are:

12 (1) Habitual personal use of narcotic drugs, or any  
13 other drug having addiction-forming or addiction-sustaining  
14 liability.

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

17 (3) Administering, dispensing or prescribing any  
18 narcotic drug, or any other drug having addiction-forming or



addiction-sustaining liability otherwise than in the course of  
legitimate professional practice.

(4) Conviction of violation of any federal or state law  
regulating the possession, distribution or use of any narcotic  
drug or any drug considered a controlled substance under state or  
federal law, a certified copy of the conviction order or judgment  
rendered by the trial court being prima facie evidence thereof,  
notwithstanding the pendency of any appeal.

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

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

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

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

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

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

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



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

46 (e) Obtaining a fee as personal compensation or  
47 gain from a person on fraudulent representation of a disease or  
48 injury condition generally considered incurable by competent  
49 medical authority in the light of current scientific knowledge and  
50 practice can be cured or offering, undertaking, attempting or  
51 agreeing to cure or treat the same by a secret method, which he  
52 refuses to divulge to the board upon request.

53 (f) Use of any false, fraudulent or forged  
54 statement or document, or the use of any fraudulent, deceitful,  
55 dishonest or immoral practice in connection with any of the  
56 licensing requirements, including the signing in his professional  
57 capacity any certificate that is known to be false at the time he  
58 makes or signs such certificate.

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

62 (9) The refusal of a licensing authority of another  
63 state or jurisdiction to issue or renew a license, permit or  
64 certificate to practice medicine in that jurisdiction or the  
65 revocation, suspension or other restriction imposed on a license,  
66 permit or certificate issued by such licensing authority which  
67 prevents or restricts practice in that jurisdiction, a certified  
68 copy of the disciplinary order or action taken by the other state



69 or jurisdiction being prima facie evidence thereof,  
70 notwithstanding the pendency of any appeal.

71 (10) Surrender of a license or authorization to  
72 practice medicine in another state or jurisdiction or surrender of  
73 membership on any medical staff or in any medical or professional  
74 association or society while under disciplinary investigation by  
75 any of those authorities or bodies for acts or conduct similar to  
76 acts or conduct which would constitute grounds for action as  
77 defined in this section.

78 (11) Final sanctions imposed by the United States  
79 Department of Health and Human Services, Office of Inspector  
80 General or any successor federal agency or office, based upon a  
81 finding of incompetency, gross misconduct or failure to meet  
82 professionally recognized standards of health care; a certified  
83 copy of the notice of final sanction being prima facie evidence  
84 thereof. As used in this paragraph, the term "final sanction"  
85 means the written notice to a physician from the United States  
86 Department of Health and Human Services, Officer of Inspector  
87 General or any successor federal agency or office, which  
88 implements the exclusion.

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

91 (13) Violation of any provision(s) of the Medical  
92 Practice Act or the rules and regulations of the board or of any  
93 order, stipulation or agreement with the board.



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

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

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

**SECTION 2.** Section 73-25-32, Mississippi Code of 1972, is brought forward as follows:

73-25-32. (1) A person whose license to practice medicine or osteopathy has been revoked or suspended may petition the Mississippi State Board of Medical Licensure to reinstate this license after a period of not less than one (1) year has elapsed



119 from the date of the revocation or suspension. The procedure for  
120 the reinstatement of a license that is suspended for being out of  
121 compliance with an order for support, as defined in Section  
122 93-11-153, shall be governed by Section 93-11-157 or 93-11-163, as  
123 the case may be.

124 (2) The petition shall be accompanied by two (2) or more  
125 verified recommendations from physicians or osteopaths licensed by  
126 the Board of Medical Licensure to which the petition is addressed  
127 and by two (2) or more recommendations from citizens each having  
128 personal knowledge of the activities of the petitioner since the  
129 disciplinary penalty was imposed and such facts as may be required  
130 by the Board of Medical Licensure.

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

138 (3) In determining whether the disciplinary penalty should  
139 be set aside and the terms and conditions, if any, that should be  
140 imposed if the disciplinary penalty is set aside, the Board of  
141 Medical Licensure may investigate and consider all activities of  
142 the petitioner since the disciplinary action was taken against  
143 him, the offense for which he was disciplined, his activity during



the time his certificate was in good standing, his general reputation for truth, professional ability and good character; and it may require the petitioner to pass an oral examination.

(4) The investigation shall require the petitioner to undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database. Each petitioner shall submit a full set of the petitioner's fingerprints in a form and manner prescribed by the board, which shall be forwarded to the Mississippi Department of Public Safety (department) and the Federal Bureau of Investigation Identification Division for this purpose.

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



169       The board shall provide to the department the fingerprints of  
170 the petitioner, any additional information that may be required by  
171 the department, and a form signed by the petitioner consenting to  
172 the check of the criminal records and to the use of the  
173 fingerprints and other identifying information required by the  
174 state or national repositories.

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

179       (5) The Secretary-Treasurer of the Board of Medical  
180 Licensure shall enter into his records of the case all actions of  
181 the board in setting aside a disciplinary penalty under this  
182 section and he shall certify notices to the proper court clerk.  
183 The clerk shall make such changes on his records as may be  
184 necessary.

185       **SECTION 3.** This act shall take effect and be in force from  
186 and after July 1, 2019.

