

By: Representative Karriem

To: Judiciary B

HOUSE BILL NO. 619

1 AN ACT TO AMEND SECTIONS 73-77-1, 73-77-3, 73-77-5, 73-77-7
2 AND 73-77-9, MISSISSIPPI CODE OF 1972, TO REVISE THE FRESH START
3 ACT; TO PROVIDE THAT THE FRESH START ACT SHALL SUPERSEDE ANY OTHER
4 PROVISION OF LAW TO THE CONTRARY; TO MAKE TECHNICAL,
5 NONSUBSTANTIVE CHANGES; TO AMEND SECTIONS 19-5-353, 45-4-9,
6 45-6-11, 73-1-13, 73-3-339, 73-9-61, 73-11-57, 73-14-35, 73-15-29,
7 73-19-23, 73-21-97, 73-25-29, 73-25-101, 73-27-13, 73-29-13,
8 73-29-31, 73-31-21, 73-34-109, 73-39-77, 73-42-9, 73-42-11,
9 73-53-8, 73-55-19, 73-65-13, 73-71-33, 73-73-7, 73-75-19,
10 75-76-35, 75-76-131, 83-7-207, 83-39-15, 9-13-109, 21-27-131,
11 21-27-151, 27-109-5, 37-3-2, 41-29-303, 51-5-3, 67-3-19, 73-2-7,
12 73-3-2, 73-3-25, 73-4-17, 73-5-1, 73-5-11, 73-5-21, 73-6-13,
13 73-9-23, 73-11-51, 73-13-23, 73-13-77, 73-15-19, 73-15-21,
14 73-17-9, 73-17-11, 73-19-17, 73-21-85, 73-21-87, 73-21-111,
15 73-23-47, 73-23-51, 73-24-19, 73-24-21, 73-25-3, 73-25-14,
16 73-25-32, 73-26-3, 73-27-5, 73-27-12, 73-27-16, 73-29-19, 73-30-9,
17 73-31-13, 73-33-1, 73-38-9, 73-39-67, 73-39-71, 73-53-13,
18 73-54-13, 73-63-27, 73-67-21, 73-71-19, 75-27-305, 75-57-49,
19 75-60-31, 75-60-33, 75-76-67, 81-18-9, 83-17-75, 83-39-9,
20 73-34-14, 73-35-10, 73-69-7, 73-69-11, 75-15-11, 75-67-323,
21 75-67-421, 75-67-509, 75-67-609, 27-115-55, 37-13-89, 37-9-17,
22 37-29-232, 73-3-41, 73-4-25, 73-5-25, 73-6-19, 73-7-27, 73-17-15,
23 73-23-59, 73-30-21, 73-35-21, 73-38-27, 73-53-17, 73-60-31,
24 73-67-27, 73-75-13, 75-15-9, 75-60-19, 75-76-137, 77-8-25,
25 83-1-191, 83-17-71, 83-17-421, 83-17-519, 83-21-19, 83-49-11 AND
26 97-33-315, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS
27 OF THIS ACT; TO BRING FORWARD SECTION 73-15-201, MISSISSIPPI CODE
28 OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED
29 PURPOSES.

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



31 **SECTION 1.** Section 73-77-1, Mississippi Code of 1972, is
32 amended as follows:

33 73-77-1. This chapter shall be known and may be cited as the
34 "Fresh Start Act * * *."

35 **SECTION 2.** Section 73-77-3, Mississippi Code of 1972, is
36 amended as follows:

37 73-77-3. **Definitions.** As used in this chapter, the
38 following words and phrases shall have the meanings as defined in
39 this section unless the context clearly indicates otherwise:

40 (a) "Criminal record" * * * means any type of felony or
41 misdemeanor conviction.

42 (b) "Licensing" * * * means any required training,
43 education * * * or fee to work in a specific profession.

44 (c) "Licensing authority" * * * means an agency,
45 examining board, credentialing board * * * or other * * * entity
46 with the authority to impose occupational fees or licensing
47 requirements on * * * a profession.

48 **SECTION 3.** Section 73-77-5, Mississippi Code of 1972, is
49 amended as follows:

50 73-77-5. * * * Notwithstanding any other provision of law to
51 the contrary, no person shall be disqualified from pursuing,
52 practicing * * * or engaging in any occupation for which a license
53 is required solely or in part because of a prior conviction of a
54 crime, unless the crime for which * * * the person was convicted



55 directly relates to the duties and responsibilities for the
56 licensed occupation. * * *

57 **SECTION 4.** Section 73-77-7, Mississippi Code of 1972, is
58 amended as follows:

59 73-77-7. (1) * * * Notwithstanding any other provision of
60 law to the contrary, licensing authorities shall not * * * use
61 vague or generic terms including, but not limited to, "moral
62 turpitude," "any felony," and "good character * * *" when
63 promulgating rules and regulations related to the qualifications
64 for licensure. * * * Notwithstanding any other provision of law
65 to the contrary, when promulgating rules and regulations related
66 to the qualifications for licensure, licensing authorities * * *
67 shall only consider criminal records that are specific and
68 directly related to the duties and responsibilities * * * of the
69 licensed occupation * * *.

70 (2) Notwithstanding any other provision of law to the
71 contrary, the licensing authority shall * * * apply the clear and
72 convincing standard of proof * * * when examining the following
73 factors to determine whether * * * a person with a * * * criminal
74 record will be disqualified from receiving a license:

75 (a) The nature and seriousness of the crime for which
76 the * * * person was convicted;

77 (b) The passage of time since the * * * crime was
78 committed;



79 (c) The relationship of the crime to the ability,
80 capacity * * * and fitness required to perform the duties and
81 discharge the responsibilities of the licensed occupation; and

82 (d) Any evidence of rehabilitation or treatment
83 undertaken by the individual that might mitigate against a direct
84 relation.

85 (3) All licensing authorities shall meet the requirements
86 listed in subsection (1) * * * one hundred twenty (120) days after
87 July 1, * * * 2021.

88 (4) * * * The requirements listed in subsections (1) and (2)
89 shall also apply to any new occupational licenses created after
90 July 1, * * * 2021.

91 * * *

92 **SECTION 5.** Section 73-77-9, Mississippi Code of 1972, is
93 amended as follows:

94 73-77-9. (1) * * * Notwithstanding any other provision of
95 law to the contrary, * * * a person with a criminal record may
96 petition a licensing authority at any time for a determination of
97 whether the * * * person's criminal record will disqualify * * *
98 that person from obtaining a license. This petition shall include
99 details on the * * * person's criminal record. The licensing
100 authority shall inform the individual of his or her standing
101 within thirty (30) days of receiving the petition from the * * *
102 person. The licensing authority may charge a fee * * * not to
103 exceed Twenty-five Dollars (\$25.00) for each petition.



104 (2) If a licensing authority * * * disqualifies a person
105 from receiving a license solely or in part because of the * * *
106 person's * * * criminal record, the licensing authority shall
107 notify the * * * person in writing of the following:

108 (a) The grounds and reasons for * * * disqualification;

109 (b) That the * * * person has the right to a hearing to
110 challenge the licensing authority's decision;

111 (c) The earliest date the person may reapply for a
112 license; and

113 (d) That evidence of rehabilitation may be considered
114 upon reapplication.

115 (3) If * * * a person's criminal * * * record * * *
116 disqualifies a person from receiving a license and the licensing
117 authority determines that the criminal record is directly related
118 to the duties and responsibilities of the licensed occupation, the
119 licensing authority must document its findings in writing
120 sufficient for a reviewing court.

121 (4) In any administrative hearing or civil litigation
122 authorized under this section, the licensing authority shall carry
123 the burden of proof on the question of whether the * * * person's
124 criminal * * * record directly relates to the * * * duties and
125 responsibilities of the licensed occupation.

126 (5) The licensing authority shall * * * promulgate the
127 necessary rules and regulations * * * to implement the provisions
128 of this section.



129 (6) The provisions of * * * the Fresh Start Act shall
130 supersede any other provision of law to the contrary.

131 **SECTION 6.** Section 19-5-353, Mississippi Code of 1972, is
132 amended as follows:

133 19-5-353. (1) The initial minimum standard of training for
134 local public safety and 911 telecommunicators shall be determined
135 by the Board of Emergency Telecommunications Standards and
136 Training. All courses approved for minimum standards shall be
137 taught by instructors certified by the course originator as
138 instructors for such courses.

139 (2) The minimum standards may be changed at any time by the
140 Board of Emergency Telecommunications Standards and Training, but
141 shall always include at least two (2) hours of training related to
142 handling complaints and/or calls of human trafficking and
143 commercial sexual exploitation of children as defined in Section
144 43-21-105, communicating with such victims and requiring the local
145 public safety and 911 telecommunicators to contact the Department
146 of Child Protection Services when human trafficking or commercial
147 sexual exploitation is suspected.

148 (3) Changes in the minimum standards may be made upon
149 request from any bona fide public safety, emergency medical or
150 fire organization operating within the State of Mississippi.
151 Requests for change shall be in writing submitted to either the
152 State Law Enforcement Training Academy; the State Fire Academy;
153 the Mississippi Chapter of the Associated Public Safety



154 Communications Officers, Incorporated; the Mississippi Chapter of
155 the National Emergency Number Association; the Mississippi State
156 Board of Health, Emergency Medical Services Division; the
157 Mississippi Justice Information Center; the Mississippi Sheriff's
158 Association; the Mississippi Fire Chief's Association; the
159 Mississippi Association of Chiefs of Police; or Mississippians for
160 Emergency Medical Services.

161 (4) The minimum standards in no way are intended to restrict
162 or limit any additional training which any department or agency
163 may wish to employ, or any state or federal required training, but
164 to serve as a basis or foundation for basic training.

165 (5) Persons in the employment of any public safety, fire,
166 911 PSAP or emergency medical agency as a telecommunicator on July
167 1, 1993, shall have three (3) years to be certified in the minimum
168 standards courses provided they have been employed by such agency
169 for a period of more than one (1) year prior to July 1, 1993.

170 (6) Persons having been employed by any public safety, fire,
171 911 PSAP or emergency medical agency as a telecommunicator for
172 less than one (1) year prior to July 1, 1993, shall be required to
173 have completed all the requirements for minimum training
174 standards, as set forth in Sections 19-5-351 through 19-5-361,
175 within one (1) year from July 1, 1993. Persons certified on or
176 before July 1, 1993, in any course or courses chosen shall be
177 given credit for these courses, provided the courses are still



178 current and such persons can provide a course completion
179 certificate.

180 (7) Any person hired to perform the duties of a
181 telecommunicator in any public safety, fire, 911 PSAP or emergency
182 medical agency after July 1, 1993, shall complete the minimum
183 training standards as set forth in Sections 19-5-351 through
184 19-5-361 within twelve (12) months of their employment or within
185 twelve (12) months from the date that the Board of Emergency
186 Telecommunications Standards and Training shall become
187 operational.

188 (8) Professional certificates remain the property of the
189 board, and the board reserves the right to either reprimand the
190 holder of a certificate, suspend a certificate upon conditions
191 imposed by the board, or cancel and recall any certificate when:

192 (a) The certificate was issued by administrative error;

193 (b) The certificate was obtained through
194 misrepresentation or fraud;

195 * * *

196 (* * *c) The holder has been convicted of a * * *
197 disqualifying crime as provided in the Fresh Start Act; or

198 (* * *d) Other due cause as determined by the board.

199 When the board believes there is a reasonable basis for
200 either the reprimand, suspension, cancellation of, or recalling
201 the certification of a telecommunicator, notice and opportunity
202 for a hearing shall be provided. Any telecommunicator aggrieved



203 by the findings and order of the board may file an appeal with the
204 chancery court of the county in which such person is employed from
205 the final order of the board. Any telecommunicator whose
206 certification has been cancelled pursuant to Sections 19-5-351
207 through 19-5-361 may reapply for certification but not sooner than
208 two (2) years after the date on which the order of the board
209 canceling such certification became final.

210 (9) Any state agency, political subdivision or "for-profit"
211 ambulance, security or fire service company that employs a person
212 as a telecommunicator who does not meet the requirements of
213 Sections 19-5-351 through 19-5-361, or that employs a person whose
214 certificate has been suspended or revoked under provisions of
215 Sections 19-5-351 through 19-5-361, is prohibited from paying the
216 salary of such person, and any person violating this subsection
217 shall be personally liable for making such payment.

218 (10) These minimum standards and time limitations shall in
219 no way conflict with other state and federal training as may be
220 required to comply with established laws or regulations.

221 **SECTION 7.** Section 45-4-9, Mississippi Code of 1972, is
222 amended as follows:

223 45-4-9. (1) (a) After January 1, 2000, no person shall be
224 appointed or employed as a jail officer or a part-time jail
225 officer unless that person has been certified as being qualified
226 under subsection (3) of this section.



227 (b) No person who is required to be certified shall be
228 appointed or employed as a jail officer by any sheriff or police
229 department for a period to exceed two (2) years without being
230 certified. The prohibition against the appointment or employment
231 of a jail officer for a period not to exceed two (2) years may not
232 be nullified by terminating the appointment or employment of such
233 a person before the expiration of the time period and then
234 rehiring the person for another period. Any person who, due to
235 illness or other events beyond his control, as may be determined
236 by the Board on Jail Officer Standards and Training, does not
237 attend the required school or training as scheduled, may serve
238 with full pay and benefits in such a capacity until he can attend
239 the required school or training.

240 (c) No person shall serve as a jail officer in any
241 full-, part-time, reserve or auxiliary capacity during a period
242 when that person's certification has been suspended, cancelled or
243 recalled pursuant to this chapter.

244 (2) Jail officers serving under permanent appointment on
245 January 1, 2000, shall not be required to meet certification
246 requirements of this section as a condition of continued
247 employment; nor shall failure of any such jail officer to fulfill
248 such requirements make that person ineligible for any promotional
249 examination for which that person is otherwise eligible. If any
250 jail officer certified under this chapter leaves his employment
251 and does not become employed as a jail officer within two (2)



252 years from the date of termination of his prior employment, he
253 shall be required to comply with board policy as to rehiring
254 standards in order to be employed as a jail officer.

255 (3) In addition to the other requirements of this section,
256 the Board on Jail Officer Standards and Training, by rules and
257 regulations consistent with other provisions of law, shall fix
258 other qualifications for the employment of jail officers,
259 including education, physical and mental standards,
260 citizenship, * * * experience and such other matters as relate to
261 the competence and reliability of persons to assume and discharge
262 the responsibilities of jail officers, and the board shall
263 prescribe the means for presenting evidence of fulfillment of
264 these requirements. Additionally, the board shall fix
265 qualifications for the appointment or employment of part-time jail
266 officers to essentially the same standards and requirements as
267 jail officers. The board shall develop and implement a part-time
268 jail officer training program that meets the same performance
269 objectives and has essentially the same or similar content as the
270 programs approved by the board for full-time jail officers.

271 (4) (a) The Board on Jail Officer Standards and Training
272 shall issue a certificate evidencing satisfaction of the
273 requirements of subsections (1) and (3) of this section to any
274 applicant who presents such evidence as may be required by its
275 rules and regulations of satisfactory completion of a program or
276 course of instruction in another jurisdiction equivalent in



277 content and quality to that required by the board for approved
278 jail officer education and training programs in this state.

279 (b) The Board on Jail Officer Standards and Training
280 shall issue a certificate to any person who successfully completes
281 the Mississippi Department of Corrections' training program for
282 correctional officers of regional jails.

283 (c) The Board on Jail Officer Standards and Training
284 shall develop and train persons seeking certification as a
285 correctional officer in the prevention of racial profiling. The
286 provisions of this paragraph shall apply to all recruits who begin
287 training on or after January 1, 2005.

288 (5) Professional certificates remain the property of the
289 board, and the board reserves the right to either reprimand the
290 holder of a certificate, suspend a certificate upon conditions
291 imposed by the board, or cancel and recall any certificate when:

292 (a) The certificate was issued by administrative error;

293 (b) The certificate was obtained through
294 misrepresentation or fraud;

295 * * *

296 (* * *c) The holder has been convicted of a * * *
297 disqualifying crime as provided in the Fresh Start Act; or

298 (* * *d) Other due cause as determined by the board.

299 (6) When the board believes there is a reasonable basis for
300 either the reprimand, suspension, cancellation of, or recalling
301 the certification of a jail officer, notice and opportunity for a



302 hearing shall be provided in accordance with law prior to such
303 reprimand, suspension or revocation.

304 (7) Any jail officer aggrieved by the final findings and
305 order of the board may file an appeal with the chancery court of
306 the county in which the person is employed. The appeal must be
307 filed within thirty (30) days of the final order.

308 (8) Any jail officer whose certification has been cancelled
309 may reapply for certification, but not sooner than two (2) years
310 after the date on which the order canceling the certification
311 becomes final.

312 **SECTION 8.** Section 45-6-11, Mississippi Code of 1972, is
313 amended as follows:

314 45-6-11. (1) Law enforcement officers already serving under
315 permanent appointment on July 1, 1981, and personnel of the
316 Division of Community Services under Section 47-7-9, Mississippi
317 Code of 1972, serving on July 1, 1994, shall not be required to
318 meet any requirement of subsections (3) and (4) of this section as
319 a condition of continued employment; nor shall failure of any such
320 law enforcement officer to fulfill such requirements make that
321 person ineligible for any promotional examination for which that
322 person is otherwise eligible. Provided, however, if any law
323 enforcement officer certified under the provisions of this chapter
324 leaves his employment as such and does not become employed as a
325 law enforcement officer within two (2) years from the date of
326 termination of his prior employment, he shall be required to



327 comply with board policy as to rehiring standards in order to be
328 employed as a law enforcement officer; except, that, if any law
329 enforcement officer certified under this chapter leaves his
330 employment as such to serve as a sheriff, he may be employed as a
331 law enforcement officer after he has completed his service as a
332 sheriff without being required to comply with board policy as to
333 rehiring standards. Part-time law enforcement officers serving on
334 or before July 1, 1998, shall have until July 1, 2001, to obtain
335 certification as a part-time officer.

336 (2) (a) Any person who has twenty (20) years of law
337 enforcement experience and who is eligible to be certified under
338 this section shall be eligible for recertification after leaving
339 law enforcement on the same basis as someone who has taken the
340 basic training course. Application to the board to qualify under
341 this paragraph shall be made no later than June 30, 1993.

342 (b) Any person who has twenty-five (25) years of law
343 enforcement experience, whether as a part-time, full-time, reserve
344 or auxiliary officer, and who has received certification as a
345 part-time officer, may be certified as a law enforcement officer
346 as defined in Section 45-6-3(c) without having to meet further
347 requirements. Application to the board to qualify under this
348 paragraph shall be made no later than June 30, 2009.

349 (3) (a) No person shall be appointed or employed as a law
350 enforcement officer or a part-time law enforcement officer unless



351 that person has been certified as being qualified under the
352 provisions of subsection (4) of this section.

353 (b) No person shall be appointed or employed as a law
354 enforcement trainee in a full-time capacity by any law enforcement
355 unit for a period to exceed one (1) year. No person shall be
356 appointed or employed as a law enforcement trainee in a part-time,
357 reserve or auxiliary capacity by any law enforcement unit for a
358 period to exceed two (2) years. The prohibition against the
359 appointment or employment of a law enforcement trainee in a
360 full-time capacity for a period not to exceed one (1) year or a
361 part-time, reserve or auxiliary capacity for a period not to
362 exceed two (2) years may not be nullified by terminating the
363 appointment or employment of such a person before the expiration
364 of the time period and then rehiring the person for another
365 period. Any person, who, due to illness or other events beyond
366 his control, could not attend the required school or training as
367 scheduled, may serve with full pay and benefits in such a capacity
368 until he can attend the required school or training.

369 (c) No person shall serve as a law enforcement officer
370 in any full-time, part-time, reserve or auxiliary capacity during
371 a period when that person's certification has been suspended,
372 cancelled or recalled pursuant to the provisions of this chapter.

373 (4) In addition to the requirements of subsections (3), (7)
374 and (8) of this section, the board, by rules and regulations
375 consistent with other provisions of law, shall fix other



376 qualifications for the employment of law enforcement officers,
377 including minimum age, education, physical and mental standards,
378 citizenship, * * * experience and such other matters as relate to
379 the competence and reliability of persons to assume and discharge
380 the responsibilities of law enforcement officers, and the board
381 shall prescribe the means for presenting evidence of fulfillment
382 of these requirements. Additionally, the board shall fix
383 qualifications for the appointment or employment of part-time law
384 enforcement officers to essentially the same standards and
385 requirements as law enforcement officers. The board shall develop
386 and implement a part-time law enforcement officer training program
387 that meets the same performance objectives and has essentially the
388 same or similar content as the programs approved by the board for
389 full-time law enforcement officers and the board shall provide
390 that such training shall be available locally and held at times
391 convenient to the persons required to receive such training.

392 (5) Any elected sheriff, constable, deputy or chief of
393 police may apply for certification. Such certification shall be
394 granted at the request of the elected official after providing
395 evidence of satisfaction of the requirements of subsections (3)
396 and (4) of this section. Certification granted to such elected
397 officials shall be granted under the same standards and conditions
398 as established by law enforcement officers and shall be subject to
399 recall as in subsection (7) of this section.



400 (6) The board shall issue a certificate evidencing
401 satisfaction of the requirements of subsections (3) and (4) of
402 this section to any applicant who presents such evidence as may be
403 required by its rules and regulations of satisfactory completion
404 of a program or course of instruction in another jurisdiction or
405 military training equivalent in content and quality to that
406 required by the board for approved law enforcement officer
407 education and training programs in this state, and has
408 satisfactorily passed any and all diagnostic testing and
409 evaluation as required by the board to ensure competency.

410 (7) Professional certificates remain the property of the
411 board, and the board reserves the right to either reprimand the
412 holder of a certificate, suspend a certificate upon conditions
413 imposed by the board, or cancel and recall any certificate when:

414 (a) The certificate was issued by administrative error;

415 (b) The certificate was obtained through
416 misrepresentation or fraud;

417 * * *

418 (* * *c) The holder has been convicted of a * * *
419 disqualifying crime as provided in the Fresh Start Act;

420 (* * *d) The holder has committed an act of
421 malfeasance or has been dismissed from his employing law
422 enforcement agency; or

423 (* * *e) Other due cause as determined by the board.



424 (8) When the board believes there is a reasonable basis for
425 either the reprimand, suspension, cancellation of, or recalling
426 the certification of a law enforcement officer or a part-time law
427 enforcement officer, notice and opportunity for a hearing shall be
428 provided in accordance with law prior to such reprimand,
429 suspension or revocation.

430 (9) Any full- or part-time law enforcement officer aggrieved
431 by the findings and order of the board may file an appeal with the
432 chancery court of the county in which such person is employed from
433 the final order of the board. Such appeals must be filed within
434 thirty (30) days of the final order of the board.

435 (10) Any full- or part-time law enforcement officer whose
436 certification has been cancelled pursuant to this chapter may
437 reapply for certification, but not sooner than two (2) years after
438 the date on which the order of the board cancelling such
439 certification becomes final.

440 **SECTION 9.** Section 73-1-13, Mississippi Code of 1972, is
441 amended as follows:

442 73-1-13. (1) The board shall adopt rules and regulations
443 for the eligibility, examination and registration of applicants
444 desiring to practice architecture in accordance with this chapter
445 and may amend, modify or repeal such rules and regulations.

446 The board shall receive applications for registration as an
447 architect only on forms prescribed and furnished by the board and



448 upon receipt of such application may approve such applicant,
449 providing such applicant meets the following requirements:

450 (a) The applicant must have a professional degree in
451 architecture from a school or college of architecture on the list
452 of accredited schools of architecture issued by the National
453 Architectural Accrediting Board;

454 (b) The applicant must have been enrolled for a minimum
455 of one (1) year in, and have completed all requirements of, a
456 practical work internship program patterned after the National
457 Council of Architectural Registration Boards intern-architect
458 development program that will be prepared, adopted and approved by
459 the board and must have received from the board a certification by
460 the board that the applicant has met or exceeded the work
461 requirements of the board. The internship work program shall
462 include but not be limited to the following subjects:

- 463 (i) Design and construction documents;
464 (ii) Construction administration;
465 (iii) Office management; and
466 (iv) Related special activities.

467 (c) The applicant must have passed the applicable
468 National Council of Architectural Registration Board's
469 examination;

470 (d) The applicant must have satisfied the board as to
471 the applicant's good standing in the profession * * *. Any of the



472 following acts shall preclude an applicant's eligibility as a
473 candidate for registration:

474 (i) Conviction by any court for commission of
475 any * * * disqualifying crime as provided in the Fresh Start Act;

476 (ii) Conviction by any court of a misdemeanor
477 involving fraud, deceit or misrepresentation;

478 (iii) Misstatement or misrepresentation of fact by
479 the applicant in connection with the applicant's application for
480 registration in this state or another jurisdiction;

481 (iv) Violation of any of the rules of conduct
482 required of applicants or architects as adopted by board;

483 (v) Practicing architecture, or holding himself
484 out as capable of practicing architecture, in this state in
485 violation of the chapter.

486 The board may admit an applicant otherwise precluded from
487 consideration because of the prohibitions imposed in this
488 paragraph (d) if the board determines that the applicant has shown
489 clear and convincing evidence of rehabilitation and reform. Such
490 decision is in the sole discretion of the board and upon such
491 terms, conditions and evidence as the board may require.

492 Additionally, notwithstanding the provisions of paragraph (b)
493 of this subsection, if the applicant can provide sufficient and
494 satisfactory evidence that he is unable to obtain the
495 intern-architect development program certification, the board may
496 accept in lieu thereof certification by the applicant that he has



497 completed not less than three (3) continuous years of actual
498 engagement in architectural work in the office or offices of a
499 licensed architect or architects. Such certification shall be on
500 such terms, conditions and requirements as the board may
501 establish.

502 (2) The board may require that the applicant appear before
503 the board for a personal interview.

504 **SECTION 10.** Section 73-3-339, Mississippi Code of 1972, is
505 amended as follows:

506 73-3-339. Whenever any attorney subject to the disciplinary
507 jurisdiction of the court shall be convicted in any state court or
508 in any federal court, or enter a plea of guilty or a plea of nolo
509 contendere therein, of any * * * disqualifying crime as provided
510 in the Fresh Start Act or any violation of the United States
511 Internal Revenue Code, or of any offense involving fraud,
512 dishonesty, misrepresentation, deceit, or failure to account for
513 money or property of a client, * * * a certified copy of the
514 judgment of conviction shall be presented to the court by the
515 Board of Commissioners. Upon the presentation of such certified
516 copy of judgment, the court shall forthwith strike the name of the
517 attorney so convicted or who entered such a plea from the rolls of
518 The Mississippi Bar and order his immediate suspension from
519 practice, pending an appeal and final disposition of disciplinary
520 proceedings. Such attorney will be reinstated immediately upon
521 the reversal of his conviction for the offense that has resulted



522 in his automatic suspension, but such reinstatement shall not
523 terminate any disciplinary proceeding then pending against the
524 attorney.

525 A certified copy of the final judgment of conviction of an
526 attorney for any offense hereinabove specified shall be conclusive
527 evidence of his guilt of that offense in any disciplinary
528 proceeding instituted against him and based on said conviction.

529 Upon the conviction of an attorney, or the entry by him of a
530 plea of nolo contendere, for the above offenses, excluding
531 manslaughter or any violation of the United States Internal
532 Revenue Code, the Board of Commissioners shall immediately direct
533 complaint counsel to institute a disciplinary proceeding in which
534 the sole issue to be determined will be the extent of the final
535 discipline to be imposed; provided, however, a disciplinary
536 proceeding so instituted shall not be brought to hearing until all
537 appeals from such conviction have been concluded.

538 The judge of any court within this state in which an attorney
539 has been convicted for any of the above enumerated offenses shall
540 cause to be transmitted to the court and to the Board of
541 Commissioners a certified copy of the judgment of conviction.

542 **SECTION 11.** Section 73-9-61, Mississippi Code of 1972, is
543 amended as follows:

544 73-9-61. (1) Upon satisfactory proof, and in accordance
545 with statutory provisions elsewhere set out for such hearings and
546 protecting the rights of the accused as well as the public, the



547 State Board of Dental Examiners may deny the issuance or renewal
548 of a license or may revoke or suspend the license of any licensed
549 dentist or dental hygienist practicing in the State of
550 Mississippi, or take any other action in relation to the license
551 as the board may deem proper under the circumstances, for any of
552 the following reasons:

553 (a) Misrepresentation in obtaining a license, or
554 attempting to obtain, obtaining, attempting to renew or renewing a
555 license or professional credential by making any material
556 misrepresentation, including the signing in his or her
557 professional capacity any certificate that is known to be false at
558 the time he or she makes or signs the certificate.

559 (b) Willful violation of any of the rules or
560 regulations duly promulgated by the board, or of any of the rules
561 or regulations duly promulgated by the appropriate dental
562 licensure agency of another state or jurisdiction.

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

568 (d) Administering, dispensing or prescribing any
569 prescriptive medication or drug outside the course of legitimate
570 professional dental practice.



571 (e) Being convicted or found guilty of or entering a
572 plea of nolo contendere to, regardless of adjudication, a
573 violation of any federal or state law regulating the possession,
574 distribution or use of any narcotic drug or any drug considered a
575 controlled substance under state or federal law, a certified copy
576 of the conviction order or judgment rendered by the trial court
577 being prima facie evidence thereof, notwithstanding the pendency
578 of any appeal.

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

581 (g) Being convicted or found guilty of or entering a
582 plea of nolo contendere to, regardless of adjudication, a crime in
583 any jurisdiction that relates to the practice of dentistry or
584 dental hygiene, a certified copy of the conviction order or
585 judgment rendered by the trial court being prima facie evidence
586 thereof, notwithstanding the pendency of any appeal.

587 (h) Being convicted or found guilty of or entering a
588 plea of nolo contendere to * * * a disqualifying crime as provided
589 in the Fresh Start Act in any jurisdiction, a certified copy of
590 the conviction order or judgment rendered by the trial court being
591 prima facie evidence thereof, notwithstanding the pendency of any
592 appeal.

593 (i) Delegating professional responsibilities to a
594 person who is not qualified by training, experience or licensure
595 to perform them.



596 (j) The refusal of a licensing authority of another
597 state or jurisdiction to issue or renew a license, permit or
598 certificate to practice dentistry or dental hygiene in that
599 jurisdiction or the revocation, suspension or other restriction
600 imposed on a license, permit or certificate issued by the
601 licensing authority that prevents or restricts practice in that
602 jurisdiction, a certified copy of the disciplinary order or action
603 taken by the other state or jurisdiction being prima facie
604 evidence thereof, notwithstanding the pendency of any appeal.

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

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

612 * * *

613 (* * *i) Practicing deceit or other fraud upon
614 the public.

615 (* * *ii) Practicing dentistry or dental hygiene
616 under a false or assumed name.

617 (* * *iii) Advertising that is false, deceptive
618 or misleading.

619 (* * *iv) Announcing a specialized practice shall
620 be considered advertising that tends to deceive or mislead the



621 public unless the dentist announcing as a specialist conforms to
622 other statutory provisions and the duly promulgated rules or
623 regulations of the board pertaining to practice of dentistry in
624 the State of Mississippi.

625 (m) Failure to provide and maintain reasonable sanitary
626 facilities and conditions or failure to follow board rules
627 regarding infection control.

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

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

633 (ii) Conduct of a licensee that is intended to
634 intimidate, coerce, influence or trick any person employed by or
635 for the licensee in a dental practice or educational setting for
636 the purpose of engaging in sexual activity or activity intended
637 for the sexual gratification of the licensee.

638 (o) Violation of a lawful order of the board previously
639 entered in a disciplinary or licensure hearing; failure to
640 cooperate with any lawful request or investigation by the board;
641 or failure to comply with a lawfully issued subpoena of the board.

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



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

647 (r) Violation(s) of the provisions of Sections 41-121-1
648 through 41-121-9 relating to deceptive advertisement by health
649 care practitioners. This paragraph shall stand repealed on July
650 1, 2025.

651 (2) In lieu of revocation of a license as provided for
652 above, the board may suspend the license of the offending dentist
653 or dental hygienist, suspend the sedation permit of the offending
654 dentist, or take any other action in relation to his or her
655 license as the board may deem proper under the circumstances.

656 (3) When a license to practice dentistry or dental hygiene
657 is revoked or suspended by the board, the board may, in its
658 discretion, stay the revocation or suspension and simultaneously
659 place the licensee on probation upon the condition that the
660 licensee shall not violate the laws of the State of Mississippi
661 pertaining to the practice of dentistry or dental hygiene and
662 shall not violate the rules and regulations of the board and shall
663 not violate any terms in relation to his or her license as may be
664 set by the board.

665 (4) In a proceeding conducted under this section by the
666 board for the denial, revocation or suspension of a license to
667 practice dentistry or dental hygiene, the board shall have the
668 power and authority for the grounds stated for that denial,
669 revocation or suspension, and in addition thereto or in lieu of



670 that denial, revocation or suspension may assess and levy upon any
671 person licensed to practice dentistry or dental hygiene in the
672 State of Mississippi, a monetary penalty, as follows:

673 (a) For the first violation of any of * * * paragraph
674 (a), (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of
675 subsection (1) of this section, a monetary penalty of not less
676 than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars
677 (\$500.00).

678 (b) For the second violation of any of * * * paragraph
679 (a), (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of
680 subsection (1) of this section, a monetary penalty of not less
681 than One Hundred Dollars (\$100.00) nor more than One Thousand
682 Dollars (\$1,000.00).

683 (c) For the third and any subsequent violation of any
684 of * * * paragraph (a), (b), (c), (d), (f), (i), (l), (m), (n),
685 (o) or (q) of subsection (1) of this section, a monetary penalty
686 of not less than Five Hundred Dollars (\$500.00) and not more than
687 Five Thousand Dollars (\$5,000.00).

688 (d) For any violation of any of * * * paragraphs (a)
689 through (q) of subsection (1) of this section, those reasonable
690 costs that are expended by the board in the investigation and
691 conduct of a proceeding for licensure revocation or suspension,
692 including, but not limited to, the cost of process service, court
693 reporters, expert witnesses and investigators.



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

699 (6) A licensee shall have the right of appeal from the
700 assessment and levy of a monetary penalty as provided in this
701 section under the same conditions as a right of appeal is provided
702 elsewhere for appeals from an adverse ruling, order or decision of
703 the board.

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

708 (8) A monetary penalty assessed and levied under this
709 section shall be paid to the board by the licensee upon the
710 expiration of the period allowed for appeal of those penalties
711 under this section or may be paid sooner if the licensee elects.
712 With the exception of subsection (4)(d) of this section, monetary
713 penalties collected by the board under this section shall be
714 deposited to the credit of the General Fund of the State Treasury.
715 Any monies collected by the board under subsection (4)(d) of this
716 section shall be deposited into the special fund operating account
717 of the board.



718 (9) When payment of a monetary penalty assessed and levied
719 by the board against a licensee in accordance with this section is
720 not paid by the licensee when due under this section, the board
721 shall have power to institute and maintain proceedings in its name
722 for enforcement of payment in the chancery court of the county and
723 judicial district of residence of the licensee, and if the
724 licensee is a nonresident of the State of Mississippi, the
725 proceedings shall be in the Chancery Court of the First Judicial
726 District of Hinds County, Mississippi.

727 (10) In addition to the reasons specified in subsection (1)
728 of this section, the board shall be authorized to suspend the
729 license of any licensee for being out of compliance with an order
730 for support, as defined in Section 93-11-153. The procedure for
731 suspension of a license for being out of compliance with an order
732 for support, and the procedure for the reissuance or reinstatement
733 of a license suspended for that purpose, and the payment of any
734 fees for the reissuance or reinstatement of a license suspended
735 for that purpose, shall be governed by Section 93-11-157 or
736 93-11-163, as the case may be. If there is any conflict between
737 any provision of Section 93-11-157 or 93-11-163 and any provision
738 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
739 as the case may be, shall control.

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



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

744 **SECTION 12.** Section 73-11-57, Mississippi Code of 1972, is
745 amended as follows:

746 73-11-57. (1) The board, upon satisfactory proof at proper
747 hearing and in accordance with the provisions of this chapter and
748 the regulations of the board, may suspend, revoke, or refuse to
749 issue or renew any license under this chapter, reprimand or place
750 the holder of a license on a term of probation, and/or take any
751 other action in relation to a license as the board may deem proper
752 under the circumstances upon any of the following grounds:

753 (a) The employment of fraud or deception in applying
754 for a license or in passing the examination provided for in this
755 chapter;

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

757 (c) The conviction of a * * * disqualifying crime as
758 provided in the Fresh Start Act by any court in this state or any
759 federal court or by the court of any other state or territory of
760 the United States; having been convicted of or pled guilty to
761 a * * * disqualifying crime as provided in the Fresh Start Act in
762 the courts of this state or any other state, territory or country
763 which would prevent a person from holding elected office.

764 Conviction, as used in this paragraph, shall include a deferred
765 conviction, deferred prosecution, deferred sentence, finding or



766 verdict of guilt, an admission of guilty, or a plea of nolo
767 contendere;

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

770 (e) The impersonation of another funeral service or
771 funeral directing licensee;

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

775 (g) Violation of any provision of this chapter or any
776 rule or regulation of the board;

777 (h) Having had a license for the practice of funeral
778 service or funeral directing suspended or revoked in any
779 jurisdiction, having voluntarily surrendered his license in any
780 jurisdiction, having been placed on probation in any jurisdiction,
781 having been placed under disciplinary order(s) or other
782 restriction in any manner for funeral directing and/or funeral
783 service, or operating a funeral establishment (a certified copy of
784 the order of suspension, revocation, probation or disciplinary
785 action shall be prima facie evidence of such action);

786 (i) Solicitation of dead human bodies by the licensee,
787 his agents, assistants or employees, whether such solicitation
788 occurs after death or when death is imminent; if the person
789 solicited has made known a desire not to receive the
790 communication, or if the solicitation involves coercion, duress or



791 harassment, or if the solicitation takes place at the residence of
792 the client or prospective client and is uninvited by the client or
793 prospective client and has not been previously agreed to by the
794 client or prospective client; however, this shall not be deemed to
795 prohibit general advertising;

796 (j) Employment directly or indirectly of any
797 apprentice, agent, assistant, employee, or other person, on a
798 part-time or full-time basis or on commission, for the purpose of
799 calling upon individuals or institutions by whose influence dead
800 human bodies may be turned over to a particular funeral
801 establishment;

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

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

808 (ii) Not furnishing, in writing, an adequate
809 explanation covering the matter contained in a complaint filed
810 with the board;

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

814 (iv) Not reasonably providing access, as directed
815 by the board for its authorized agents or representatives seeking



816 to perform reviews or inspections at facilities or places utilized
817 by the license holder in the practice of funeral service or
818 funeral directing and/or in performing any other activity
819 regulated by the board under this chapter;

820 (v) Failure to provide information within the
821 specified time allotted and as required by the board and/or its
822 representatives or designees;

823 (vi) Failure to cooperate with the board or its
824 designees or representatives in the investigation of any alleged
825 misconduct or interfering with a board investigation by willful
826 misrepresentation of facts;

827 (vii) Deceiving or attempting to deceive the board
828 regarding any matter under investigation, including altering or
829 destroying any records; and

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

832 (l) Knowingly performing any act that in any way
833 assists an unlicensed person to practice funeral service or
834 funeral directing;

835 (m) Knowingly making a false statement on death
836 certificates;

837 * * *

838 (* * *n) Violating any statute, ordinance, rule or
839 regulation of the state or any of its boards, agencies or



840 political subdivisions affecting the registration of deaths or the
841 handling, custody, care or transportation of dead human bodies; or
842 (* * * o) Unprofessional conduct in the practice of
843 funeral service or funeral directing which includes, but is not
844 limited to:

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

847 (ii) Knowingly performing any act which in any way
848 assists an unlicensed person to practice funeral service or
849 funeral directing;

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

852 (iv) Any act or omission in the practice of
853 funeral service or directing which constitutes dishonesty, fraud
854 or misrepresentation with the intent to benefit the licensee,
855 another person or funeral establishment, or with the intent to
856 substantially injure another person, licensee or funeral
857 establishment; or

858 (v) Any act or conduct, whether the same or of a
859 different character than specified above, which constitutes or
860 demonstrates bad faith, incompetency or untrustworthiness; or
861 dishonest, fraudulent or improper dealing; or any other violation
862 of the provisions of this chapter, the rules and regulations
863 established by the board or any rule or regulation promulgated by



864 the Federal Trade Commission relative to the practice of funeral
865 service or funeral directing.

866 (2) Any person, including a member of the board, may
867 initiate a complaint against a licensee of the board by filing
868 with the board a written complaint on a form prescribed by the
869 board.

870 (a) Upon receipt of a properly verified complaint, the
871 board shall send a copy of the complaint to the affected licensee
872 by certified mail to the address of such licensee appearing of
873 record with the board. The licensee shall answer the complaint in
874 writing within twenty (20) days after receipt of the complaint.
875 The licensee shall mail a copy of his, her or its response to the
876 board and the complainant. Upon receipt of the licensee's
877 response or lapse of twenty (20) days, the board is authorized to
878 investigate a complaint that appears to show the existence of any
879 of the causes or grounds for disciplinary action as provided in
880 Section 73-11-57. Upon finding reasonable cause to believe that
881 the charges are not frivolous, unfounded or filed in bad faith,
882 the board may, in its discretion, cause a hearing to be held, at a
883 time and place fixed by the board, regarding the charges that a
884 violation of this chapter has occurred. The board shall order a
885 hearing for the licensee to appear and show cause why he/she
886 should not be disciplined for a violation of this chapter.



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

890 (c) Any party appearing before the board may be
891 accompanied by counsel.

892 (d) Before commencing a hearing, the chairman or
893 designee of the board shall determine if all parties are present
894 and ready to proceed. If the complainant fails to attend a
895 hearing without good cause shown, the complaint shall be dismissed
896 summarily and all fees and expenses of convening the hearing shall
897 be assessed to, and paid by, the complainant. If any affected
898 licensee fails to appear for a hearing without good cause shown,
899 such licensee shall be presumed to have waived his right to appear
900 before the board and be heard.

901 (e) Upon the chair's determination that all parties are
902 ready to proceed, the chair or designee shall call the hearing to
903 order and the complainant and the licensee may give opening
904 statements. The board may order the sequestration of nonparty
905 witnesses.

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

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



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

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

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

922 (4) The board may temporarily suspend a license under this
923 chapter without any hearing, simultaneously with the institution
924 of proceedings under this section, if it finds that the evidence
925 in support of the board's determination is clear, competent and
926 unequivocal and that the licensee's continuation in practice would
927 constitute an imminent danger to public health and safety.

928 (5) The board may, upon satisfactory proof that the
929 applicant or licensee has been guilty of any of the offenses above
930 enumerated, take the action authorized by this section against an
931 applicant or licensee of the board upon a majority vote of the
932 board members, after a hearing thereon. The board is vested with
933 full power and authority to hold and conduct such hearings, compel
934 the attendance of witnesses and the production of books, records
935 and documents, issue subpoenas therefor, administer oaths, examine
936 witnesses, and do all things necessary to properly conduct such



937 hearings. The board may waive the necessity of a hearing if the
938 person accused of a violation admits that he has been guilty of
939 such offense. Any person who has been refused a license or whose
940 license has been revoked or suspended may, within thirty (30) days
941 after the decision of the board, file with the board a written
942 notice stating that he feels himself aggrieved by such decision
943 and may appeal therefrom to the circuit court of the county and
944 judicial district of residence of the person, or if the person is
945 a nonresident of the State of Mississippi, to the Circuit Court of
946 the First Judicial District of Hinds County. The circuit court
947 shall determine the action of the board was in accord or
948 consistent with law, or was arbitrary, unwarranted or an abuse of
949 discretion. The appeal shall be perfected upon filing notice of
950 the appeal with the circuit court and by the prepayment of all
951 costs, including the cost of the preparation of the record of the
952 proceedings by the board. An appeal from the circuit court
953 judgment or decree may be reviewed by the Supreme Court as is
954 provided by law for other appeals. An appeal of a decision or
955 order of the board does not act as a supersedeas.

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



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

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

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

969 (d) For any violation of any of the subparagraphs of
970 subsection (1) of this section, those reasonable costs that are
971 expended by the board in the investigation and conduct of a
972 proceeding for licensure revocation or suspension, including, but
973 not limited to, the cost of process service, court reporters,
974 expert witnesses and investigators.

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

980 (8) A licensee shall have the right of appeal from the
981 assessment and levy of a monetary penalty as provided in this
982 section under the same conditions as a right of appeal is provided
983 elsewhere for appeals from an adverse ruling, order or decision of
984 the board.



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

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

992 With the exception of subsection (5)(d) of this section,
993 monetary penalties collected by the board under this section shall
994 be deposited in the State Treasury to the credit of the State
995 Board of Funeral Service. Any monies collected by the board under
996 subsection (5)(d) of this section shall be deposited into the
997 special fund operating account of the board.

998 (11) When payment of a monetary penalty assessed and levied
999 by the board against a licensee in accordance with this section is
1000 not paid by the licensee when due under this section, the board
1001 shall have power to institute and maintain proceedings in its name
1002 for enforcement of payment in the chancery court of the county and
1003 judicial district of residence of the licensee, or if the licensee
1004 is a nonresident of the State of Mississippi, in the Chancery
1005 Court of the First Judicial District of Hinds County, Mississippi.

1006 (12) In any administrative or judicial proceeding in which
1007 the board prevails, the board shall have the right to recover
1008 reasonable attorney fees.



1009 (13) In addition to the reasons specified in subsection (1)
1010 of this section, the board shall be authorized to suspend the
1011 license of any licensee for being out of compliance with an order
1012 for support, as defined in Section 93-11-153. The procedure for
1013 suspension of a license for being out of compliance with an order
1014 for support, and the procedure for the reissuance or reinstatement
1015 of a license suspended for that purpose, and the payment of any
1016 fees for the reissuance or reinstatement of a license suspended
1017 for that purpose, shall be governed by Section 93-11-157 or
1018 93-11-163, as the case may be. Actions taken by the board in
1019 suspending a license when required by Section 93-11-157 or
1020 93-11-163 are not actions from which an appeal may be taken under
1021 this section. Any appeal of a license suspension that is required
1022 by Section 93-11-157 or 93-11-163 shall be taken in accordance
1023 with the appeal procedure specified in Section 93-11-157 or
1024 93-11-163, as the case may be, rather than the procedure specified
1025 in this section. If there is any conflict between any provision
1026 of Section 93-11-157 or 93-11-163 and any provision of this
1027 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
1028 case may be, shall control.

1029 **SECTION 13.** Section 73-14-35, Mississippi Code of 1972, is
1030 amended as follows:

1031 73-14-35. (1) Any person registered under this chapter may
1032 have his license or certificate revoked or suspended for a fixed



1033 period to be determined by the board for any of the following
1034 causes:

1035 (a) Being convicted of * * * a disqualifying crime as
1036 provided in the Fresh Start Act. The record of such conviction,
1037 or certified copy thereof from the clerk of the court where such
1038 conviction occurred or by the judge of that court, shall be
1039 sufficient evidence to warrant revocation or suspension.

1040 (b) By securing a license or certificate under this
1041 chapter through fraud or deceit.

1042 (c) For unethical conduct or for gross ignorance or
1043 inefficiency in the conduct of his practice.

1044 (d) For knowingly practicing while suffering with a
1045 contagious or infectious disease.

1046 (e) For the use of a false name or alias in the
1047 practice of his profession.

1048 (f) For violating any of the provisions of this chapter
1049 or any rules or regulations promulgated pursuant to this chapter.

1050 (g) For violating the provisions of any applicable
1051 federal laws or regulations.

1052 (h) Discipline by another jurisdiction if at least one
1053 (1) of the grounds for the discipline is the same or substantially
1054 equivalent to those set forth in this chapter or rules and
1055 regulations promulgated pursuant to this chapter.

1056 (2) In addition to the causes specified in subsection (1) of
1057 this section, the board shall be authorized to suspend the license



1058 of any licensee for being out of compliance with an order for
1059 support, as defined in Section 93-11-153. The procedure for
1060 suspension of a license for being out of compliance with an order
1061 for support, and the procedure for the reissuance or reinstatement
1062 of a license suspended for that purpose, and the payment of any
1063 fees for the reissuance or reinstatement of a license suspended
1064 for that purpose, shall be governed by Section 93-11-157 or
1065 93-11-163, as the case may be. If there is any conflict between
1066 any provision of Section 93-11-157 or 93-11-163 and any provision
1067 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
1068 as the case may be, shall control.

1069 **SECTION 14.** Section 73-15-29, Mississippi Code of 1972, is
1070 amended as follows:

1071 73-15-29. (1) The board shall have power to revoke, suspend
1072 or refuse to renew any license issued by the board, or to revoke
1073 or suspend any privilege to practice, or to deny an application
1074 for a license, or to fine, place on probation and/or discipline a
1075 licensee, in any manner specified in this article, upon proof that
1076 such person:

1077 (a) Has committed fraud or deceit in securing or
1078 attempting to secure such license;

1079 (b) Has been convicted of a * * * disqualifying crime
1080 as provided in the Fresh Start Act, has had accepted by a court a
1081 plea of nolo contendere to a * * * disqualifying crime as provided
1082 in the Fresh Start Act (a certified copy of the judgment of the



1083 court of competent jurisdiction of such conviction or pleas shall
1084 be prima facie evidence of such conviction);

1085 (c) Has negligently or willfully acted in a manner
1086 inconsistent with the health or safety of the persons under the
1087 licensee's care;

1088 (d) Has had a license or privilege to practice as a
1089 registered nurse or a licensed practical nurse suspended or
1090 revoked in any jurisdiction, has voluntarily surrendered such
1091 license or privilege to practice in any jurisdiction, has been
1092 placed on probation as a registered nurse or licensed practical
1093 nurse in any jurisdiction or has been placed under a disciplinary
1094 order(s) in any manner as a registered nurse or licensed practical
1095 nurse in any jurisdiction, (a certified copy of the order of
1096 suspension, revocation, probation or disciplinary action shall be
1097 prima facie evidence of such action);

1098 (e) Has negligently or willfully practiced nursing in a
1099 manner that fails to meet generally accepted standards of such
1100 nursing practice;

1101 (f) Has negligently or willfully violated any order,
1102 rule or regulation of the board pertaining to nursing practice or
1103 licensure;

1104 (g) Has falsified or in a repeatedly negligent manner
1105 made incorrect entries or failed to make essential entries on
1106 records;



1107 (h) Is addicted to or dependent on alcohol or other
1108 habit-forming drugs or is a habitual user of narcotics,
1109 barbiturates, amphetamines, hallucinogens, or other drugs having
1110 similar effect, or has misappropriated any medication;

1111 (i) Has a physical, mental or emotional condition that
1112 renders the licensee unable to perform nursing services or duties
1113 with reasonable skill and safety;

1114 (j) Has * * * committed a disqualifying crime as
1115 provided in the Fresh Start Act;

1116 (k) Engages in conduct likely to deceive, defraud or
1117 harm the public;

1118 (l) Engages in any unprofessional conduct as identified
1119 by the board in its rules;

1120 (m) Has violated any provision of this article; or

1121 (n) Violation(s) of the provisions of Sections 41-121-1
1122 through 41-121-9 relating to deceptive advertisement by health
1123 care practitioners. This paragraph shall stand repealed on July
1124 1, 2025.

1125 (2) When the board finds any person unqualified because of
1126 any of the grounds set forth in subsection (1) of this section, it
1127 may enter an order imposing one or more of the following
1128 penalties:

1129 (a) Denying application for a license or other
1130 authorization to practice nursing or practical nursing;

1131 (b) Administering a reprimand;



1132 (c) Suspending or restricting the license or other
1133 authorization to practice as a registered nurse or licensed
1134 practical nurse for up to two (2) years without review;

1135 (d) Revoking the license or other authorization to
1136 practice nursing or practical nursing;

1137 (e) Requiring the discipline to submit to care,
1138 counseling or treatment by persons and/or agencies approved or
1139 designated by the board as a condition for initial, continued or
1140 renewed licensure or other authorization to practice nursing or
1141 practical nursing;

1142 (f) Requiring the discipline to participate in a
1143 program of education prescribed by the board as a condition for
1144 initial, continued or renewed licensure or other authorization to
1145 practice;

1146 (g) Requiring the discipline to practice under the
1147 supervision of a registered nurse for a specified period of time;
1148 or

1149 (h) Imposing a fine not to exceed Five Hundred Dollars
1150 (\$500.00).

1151 (3) In addition to the grounds specified in subsection (1)
1152 of this section, the board shall be authorized to suspend the
1153 license or privilege to practice of any licensee for being out of
1154 compliance with an order for support, as defined in Section
1155 93-11-153. The procedure for suspension of a license or privilege
1156 to practice for being out of compliance with an order for support,



1157 and the procedure for the reissuance or reinstatement of a license
1158 or privilege to practice suspended for that purpose, and the
1159 payment of any fees for the reissuance or reinstatement of a
1160 license or privilege to practice suspended for that purpose, shall
1161 be governed by Section 93-11-157 or 93-11-163, as the case may be.
1162 If there is any conflict between any provision of Section
1163 93-11-157 or 93-11-163 and any provision of this article, the
1164 provisions of Section 93-11-157 or 93-11-163, as the case may be,
1165 shall control.

1166 (4) If the public health, safety or welfare imperatively
1167 requires emergency action and the board incorporates a finding to
1168 that effect in an order, the board may order summary suspension of
1169 a license pending proceedings for revocation or other action.
1170 These proceedings shall be promptly instituted and determined by
1171 the board.

1172 (5) The board may establish by rule an alternative to
1173 discipline program for licensees who have an impairment as a
1174 result of substance abuse or a mental health condition, which
1175 program shall include at least the following components:

1176 (a) Participation in the program is voluntary with the
1177 licensee, and the licensee must enter the program before the board
1178 holds a disciplinary action hearing regarding the licensee;

1179 (b) The full cost of participation in the program,
1180 including the cost of any care, counseling, treatment and/or



1181 education received by the licensee, shall be borne by the
1182 licensee;

1183 (c) All of the procedures and records regarding the
1184 licensee's participation in the program shall be confidential,
1185 shall not be disclosed and shall be exempt from the provisions of
1186 the Mississippi Public Records Act of 1983; and

1187 (d) A licensee may not participate in the program more
1188 often than one (1) time during any period of five (5) years or
1189 such longer period as set by the board.

1190 **SECTION 15.** Section 73-19-23, Mississippi Code of 1972, is
1191 amended as follows:

1192 73-19-23. (1) (a) The board shall refuse to grant a
1193 certificate of licensure to any applicant and may cancel, revoke
1194 or suspend the operation of any certificate by it granted for any
1195 or all of the following reasons: unprofessional and unethical
1196 conduct * * *, habitual intemperance in the use of ardent spirits,
1197 or stimulants, narcotics, or any other substance that impairs the
1198 intellect and judgment to such an extent as to incapacitate one
1199 for the performance of the duties of an optometrist. The
1200 certificate of licensure of any person can be revoked for
1201 violating any section of this chapter.

1202 (b) The board shall conduct a criminal history records
1203 check on licensure applicants and on licensees whose licenses are
1204 subject to investigation.



1205 (i) The applicant or licensee shall undergo a
1206 fingerprint-based criminal history records check of the
1207 Mississippi central criminal database and the Federal Bureau of
1208 Investigation criminal history database. Each applicant or
1209 licensee shall submit a full set of the applicant's fingerprints
1210 in a form or manner prescribed by the board, which shall be
1211 forwarded to the Bureau of Investigation Identification Division
1212 for this purpose.

1213 (ii) Any and all state or national criminal
1214 history records information obtained by the board that is not
1215 already a matter of public record shall be deemed nonpublic and
1216 confidential information restricted to the exclusive use of the
1217 board, its members, officers, investigators, agents and attorneys
1218 in evaluating the applicant's eligibility or disqualification for
1219 licensure, and shall be exempt from the Mississippi Public Records
1220 Act of 1983. Except when introduced into evidence in a hearing
1221 before the board to determine licensure, no such information or
1222 records related thereto shall, except with the written consent of
1223 the applicant or licensee or by order of a court of competent
1224 jurisdiction, be released or otherwise disclosed by the board to
1225 any other person or agency.

1226 (iii) The board shall provide to the department
1227 the fingerprints of the applicant or licensee, any additional
1228 information that may be required by the department, and a form
1229 signed by the applicant consenting to the check of the criminal



1230 records and to the use of the fingerprints and other identifying
1231 information required by the state or national repositories.

1232 (iv) The board shall charge and collect from the
1233 applicant or licensee, in addition to all other applicable fees
1234 and costs, such amount as may be incurred by the board in
1235 requesting and obtaining state and national criminal history
1236 records information on the applicant or licensee.

1237 (2) The board shall further be authorized to take
1238 disciplinary action against a licensee for any unlawful acts,
1239 which shall include violations of regulations promulgated by the
1240 board, as well as the following acts:

1241 (a) Fraud or misrepresentation in applying for or
1242 procuring an optometric license or in connection with applying for
1243 or procuring periodic renewal of an optometric license.

1244 (b) Cheating on or attempting to subvert the optometric
1245 licensing examination(s).

1246 (c) The conviction of a * * * disqualifying crime as
1247 provided in the Fresh Start Act in this state or any other
1248 jurisdiction, or the entry of a guilty or nolo contendere plea to
1249 a * * * disqualifying crime.

1250 (d) The conviction of a * * * disqualifying crime as
1251 provided in the Fresh Start Act as defined by federal law, or the
1252 entry of a guilty or nolo contendere plea to a * * * disqualifying
1253 crime.



1254 (e) Conduct likely to deceive, defraud or harm the
1255 public.

1256 (f) Making a false or misleading statement regarding
1257 his or her skill or the efficacy or value of the medicine, device,
1258 treatment or remedy prescribed by him or her or used at his or her
1259 direction in the treatment of any disease or other condition.

1260 (g) Willfully or negligently violating the
1261 confidentiality between doctor and patient, except as required by
1262 law.

1263 (h) Negligence or gross incompetence in the practice of
1264 optometry as determined by the board.

1265 (i) Being found to be a person with mental illness or
1266 with an intellectual disability by any court of competent
1267 jurisdiction.

1268 (j) The use of any false, fraudulent, deceptive or
1269 misleading statement in any document connected with the practice
1270 of optometry.

1271 (k) Aiding or abetting the practice of optometry by an
1272 unlicensed, incompetent or impaired person.

1273 (l) Commission of any act of sexual abuse, misconduct
1274 or exploitation related to the licensee's practice of optometry.

1275 (m) Being addicted or habituated to a drug or
1276 intoxicant.

1277 (n) Violating any state or federal law or regulation
1278 relating to a drug legally classified as a controlled substance.



1279 (o) Obtaining any fee by fraud, deceit or
1280 misrepresentation.

1281 (p) Disciplinary action of another state or
1282 jurisdiction against a licensee or other authorization to practice
1283 optometry based upon acts or conduct by the licensee similar to
1284 acts or conduct that would constitute grounds for action as
1285 defined in this chapter, a certified copy of the record of the
1286 action taken by the other state or jurisdiction being conclusive
1287 evidence thereof.

1288 (q) Failure to report to the board the relocation of
1289 his or her office in or out of the jurisdiction, or to furnish
1290 floor plans as required by regulation.

1291 (r) Violation of any provision(s) of the Optometry
1292 Practice Act or the rules and regulations of the board or of an
1293 action, stipulation or agreement of the board.

1294 (s) To advertise in a manner that tends to deceive,
1295 mislead or defraud the public.

1296 (t) The designation of any person licensed under this
1297 chapter, other than by the terms "optometrist," "Doctor of
1298 Optometry" or "O.D.," which through June 30, 2025, shall include
1299 any violation(s) of the provisions of Sections 41-121-1 through
1300 41-121-9 relating to deceptive advertisement by health care
1301 practitioners.



1302 (u) To knowingly submit or cause to be submitted any
1303 misleading, deceptive or fraudulent representation on a claim
1304 form, bill or statement.

1305 (v) To practice or attempt to practice optometry while
1306 his or her license is suspended.

1307 (3) Any person who is a holder of a certificate of licensure
1308 or who is an applicant for examination for a certificate of
1309 licensure, against whom is preferred any charges, shall be
1310 furnished by the board with a copy of the complaint and shall have
1311 a hearing in Jackson, Mississippi, before the board, at which
1312 hearing he may be represented by counsel. At the hearing,
1313 witnesses may be examined for and against the accused respecting
1314 those charges, and the hearing orders or appeals will be conducted
1315 according to the procedure now provided in Section 73-25-27. The
1316 suspension of a certificate of licensure by reason of the use of
1317 stimulants or narcotics may be removed when the holder of the
1318 certificate has been adjudged by the board to be cured and capable
1319 of practicing optometry.

1320 (4) In addition to the reasons specified in subsections (1)
1321 and (2) of this section, the board shall be authorized to suspend
1322 the license of any licensee for being out of compliance with an
1323 order for support, as defined in Section 93-11-153. The procedure
1324 for suspension of a license for being out of compliance with an
1325 order for support, and the procedure for the reissuance or
1326 reinstatement of a license suspended for that purpose, and the



1327 payment of any fees for the reissuance or reinstatement of a
1328 license suspended for that purpose, shall be governed by Section
1329 93-11-157 or 93-11-163, as the case may be. If there is any
1330 conflict between any provision of Section 93-11-157 or 93-11-163
1331 and any provision of this chapter, the provisions of Section
1332 93-11-157 or 93-11-163, as the case may be, shall control.

1333 **SECTION 16.** Section 73-21-97, Mississippi Code of 1972, is
1334 amended as follows:

1335 73-21-97. (1) The board may refuse to issue or renew, or
1336 may suspend, reprimand, revoke or restrict the license,
1337 registration or permit of any person upon one or more of the
1338 following grounds:

1339 (a) Unprofessional conduct as defined by the rules and
1340 regulations of the board;

1341 (b) Incapacity of a nature that prevents a pharmacist
1342 from engaging in the practice of pharmacy with reasonable skill,
1343 confidence and safety to the public;

1344 (c) Being found guilty by a court of competent
1345 jurisdiction of one or more of the following:

1346 (i) A * * * disqualifying crime as provided in the
1347 Fresh Start Act;

1348 (ii) Any act involving * * * gross immorality; or

1349 (iii) Violation of pharmacy or drug laws of this
1350 state or rules or regulations pertaining thereto, or of statutes,
1351 rules or regulations of any other state or the federal government;



1352 (d) Fraud or intentional misrepresentation by a
1353 licensee or permit holder in securing the issuance or renewal of a
1354 license or permit;

1355 (e) Engaging or aiding and abetting an individual to
1356 engage in the practice of pharmacy without a license;

1357 (f) Violation of any of the provisions of this chapter
1358 or rules or regulations adopted pursuant to this chapter;

1359 (g) Failure to comply with lawful orders of the board;

1360 (h) Negligently or willfully acting in a manner
1361 inconsistent with the health or safety of the public;

1362 (i) Addiction to or dependence on alcohol or controlled
1363 substances or the unauthorized use or possession of controlled
1364 substances;

1365 (j) Misappropriation of any prescription drug;

1366 (k) Being found guilty by the licensing agency in
1367 another state of violating the statutes, rules or regulations of
1368 that jurisdiction;

1369 (l) The unlawful or unauthorized possession of a
1370 controlled substance;

1371 (m) Willful failure to submit drug monitoring
1372 information or willful submission of incorrect dispensing
1373 information as required by the Prescription Monitoring Program
1374 under Section 73-21-127;

1375 (n) Failure to obtain the license, registration or
1376 permit required by this chapter; or



1377 (o) Violation(s) of the provisions of Sections 41-121-1
1378 through 41-121-9 relating to deceptive advertisement by health
1379 care practitioners. This paragraph shall stand repealed on July
1380 1, 2025.

1381 (2) In lieu of suspension, revocation or restriction of a
1382 license as provided for above, the board may warn or reprimand the
1383 offending pharmacist.

1384 (3) In addition to the grounds specified in subsection (1)
1385 of this section, the board shall be authorized to suspend the
1386 license, registration or permit of any person for being out of
1387 compliance with an order for support, as defined in Section
1388 93-11-153. The procedure for suspension of a license,
1389 registration or permit for being out of compliance with an order
1390 for support, and the procedure for the reissuance or reinstatement
1391 of a license, registration or permit suspended for that purpose,
1392 and the payment of any fees for the reissuance or reinstatement of
1393 a license, registration or permit suspended for that purpose,
1394 shall be governed by Section 93-11-157 or 93-11-163, as the case
1395 may be. If there is any conflict between any provision of Section
1396 93-11-157 or 93-11-163 and any provision of this chapter, the
1397 provisions of Section 93-11-157 or 93-11-163, as the case may be,
1398 shall control.

1399 **SECTION 17.** Section 73-25-29, Mississippi Code of 1972, is
1400 amended as follows:



1401 73-25-29. The grounds for the nonissuance, suspension,
1402 revocation or restriction of a license or the denial of
1403 reinstatement or renewal of a license are:

1404 (1) Habitual personal use of narcotic drugs, or any
1405 other drug having addiction-forming or addiction-sustaining
1406 liability.

1407 (2) Habitual use of intoxicating liquors, or any
1408 beverage, to an extent which affects professional competency.

1409 (3) Administering, dispensing or prescribing any
1410 narcotic drug, or any other drug having addiction-forming or
1411 addiction-sustaining liability otherwise than in the course of
1412 legitimate professional practice.

1413 (4) Conviction of violation of any federal or state law
1414 regulating the possession, distribution or use of any narcotic
1415 drug or any drug considered a controlled substance under state or
1416 federal law, a certified copy of the conviction order or judgment
1417 rendered by the trial court being prima facie evidence thereof,
1418 notwithstanding the pendency of any appeal.

1419 (5) Procuring, or attempting to procure, or aiding in,
1420 an abortion that is not medically indicated.

1421 (6) Conviction of a * * * disqualifying crime as
1422 provided in the Fresh Start Act, a certified copy of the
1423 conviction order or judgment rendered by the trial court being
1424 prima facie evidence thereof, notwithstanding the pendency of any
1425 appeal.



1426 (7) Obtaining or attempting to obtain a license by
1427 fraud or deception.

1428 (8) Unprofessional conduct, which includes, but is not
1429 limited to:

1430 (a) Practicing medicine under a false or assumed
1431 name or impersonating another practitioner, living or dead.

1432 (b) Knowingly performing any act which in any way
1433 assists an unlicensed person to practice medicine.

1434 (c) Making or willfully causing to be made any
1435 flamboyant claims concerning the licensee's professional
1436 excellence.

1437 (d) Being guilty of any dishonorable or unethical
1438 conduct likely to deceive, defraud or harm the public.

1439 (e) Obtaining a fee as personal compensation or
1440 gain from a person on fraudulent representation of a disease or
1441 injury condition generally considered incurable by competent
1442 medical authority in the light of current scientific knowledge and
1443 practice can be cured or offering, undertaking, attempting or
1444 agreeing to cure or treat the same by a secret method, which he
1445 refuses to divulge to the board upon request.

1446 (f) Use of any false, fraudulent or forged
1447 statement or document, or the use of any fraudulent, deceitful,
1448 dishonest or immoral practice in connection with any of the
1449 licensing requirements, including the signing in his professional



1450 capacity any certificate that is known to be false at the time he
1451 makes or signs such certificate.

1452 (g) Failing to identify a physician's school of
1453 practice in all professional uses of his name by use of his earned
1454 degree or a description of his school of practice.

1455 (9) The refusal of a licensing authority of another
1456 state or jurisdiction to issue or renew a license, permit or
1457 certificate to practice medicine in that jurisdiction or the
1458 revocation, suspension or other restriction imposed on a license,
1459 permit or certificate issued by such licensing authority which
1460 prevents or restricts practice in that jurisdiction, a certified
1461 copy of the disciplinary order or action taken by the other state
1462 or jurisdiction being prima facie evidence thereof,
1463 notwithstanding the pendency of any appeal.

1464 (10) Surrender of a license or authorization to
1465 practice medicine in another state or jurisdiction or surrender of
1466 membership on any medical staff or in any medical or professional
1467 association or society while under disciplinary investigation by
1468 any of those authorities or bodies for acts or conduct similar to
1469 acts or conduct which would constitute grounds for action as
1470 defined in this section.

1471 (11) Final sanctions imposed by the United States
1472 Department of Health and Human Services, Office of Inspector
1473 General or any successor federal agency or office, based upon a
1474 finding of incompetency, gross misconduct or failure to meet



1475 professionally recognized standards of health care; a certified
1476 copy of the notice of final sanction being prima facie evidence
1477 thereof. As used in this paragraph, the term "final sanction"
1478 means the written notice to a physician from the United States
1479 Department of Health and Human Services, Officer of Inspector
1480 General or any successor federal agency or office, which
1481 implements the exclusion.

1482 (12) Failure to furnish the board, its investigators or
1483 representatives information legally requested by the board.

1484 (13) Violation of any provision(s) of the Medical
1485 Practice Act or the rules and regulations of the board or of any
1486 order, stipulation or agreement with the board.

1487 (14) Violation(s) of the provisions of Sections
1488 41-121-1 through 41-121-9 relating to deceptive advertisement by
1489 health care practitioners.

1490 (15) Performing or inducing an abortion on a woman in
1491 violation of any provision of Sections 41-41-131 through
1492 41-41-145.

1493 (16) Performing an abortion on a pregnant woman after
1494 determining that the unborn human individual that the pregnant
1495 woman is carrying has a detectable fetal heartbeat as provided in
1496 Section 41-41-34.1.

1497 In addition to the grounds specified above, the board shall
1498 be authorized to suspend the license of any licensee for being out
1499 of compliance with an order for support, as defined in Section



1500 93-11-153. The procedure for suspension of a license for being
1501 out of compliance with an order for support, and the procedure for
1502 the reissuance or reinstatement of a license suspended for that
1503 purpose, and the payment of any fees for the reissuance or
1504 reinstatement of a license suspended for that purpose, shall be
1505 governed by Section 93-11-157 or 93-11-163, as the case may be.
1506 If there is any conflict between any provision of Section
1507 93-11-157 or 93-11-163 and any provision of this chapter, the
1508 provisions of Section 93-11-157 or 93-11-163, as the case may be,
1509 shall control.

1510 **SECTION 18.** Section 73-25-101, Mississippi Code of 1972, is
1511 amended as follows:

1512 73-25-101. The Interstate Medical Licensure Compact is
1513 enacted into law and entered into by this state with any and all
1514 states legally joining in the Compact in accordance with its
1515 terms, in the form substantially as follows:

1516 **INTERSTATE MEDICAL LICENSURE COMPACT**

1517 **SECTION 1**

1518 **Purpose**

1519 In order to strengthen access to health care, and in
1520 recognition of the advances in the delivery of health care, the
1521 member states of the Interstate Medical Licensure Compact have
1522 allied in common purpose to develop a comprehensive process that
1523 complements the existing licensing and regulatory authority of
1524 state medical boards, provides a streamlined process that allows



1525 physicians to become licensed in multiple states, thereby
1526 enhancing the portability of a medical license and ensuring the
1527 safety of patients. The Compact creates another pathway for
1528 licensure and does not otherwise change a state's existing Medical
1529 Practice Act. The Compact also adopts the prevailing standard for
1530 licensure and affirms that the practice of medicine occurs where
1531 the patient is located at the time of the physician-patient
1532 encounter, and therefore, requires the physician to be under the
1533 jurisdiction of the state medical board where the patient is
1534 located. State medical boards that participate in the Compact
1535 retain the jurisdiction to impose an adverse action against a
1536 license to practice medicine in that state issued to a physician
1537 through the procedures in the Compact.

1538 **SECTION 2**

1539 **Definitions**

1540 In this Compact:

1541 (a) "Bylaws" means those bylaws established by the
1542 Interstate Commission pursuant to Section 11 for its governance,
1543 or for directing and controlling its actions and conduct.

1544 (b) "Commissioner" means the voting representative
1545 appointed by each member board pursuant to Section 11.

1546 (c) "Conviction" means a finding by a court that an
1547 individual is guilty of a criminal offense through adjudication,
1548 or entry of a plea of guilt or no contest to the charge by the
1549 offender. Evidence of an entry of a conviction of a criminal



1550 offense by the court shall be considered final for purposes of
1551 disciplinary action by a member board.

1552 (d) "Expedited license" means a full and unrestricted
1553 medical license granted by a member state to an eligible physician
1554 through the process set forth in the Compact.

1555 (e) "Interstate Commission" means the interstate
1556 commission created pursuant to Section 11.

1557 (f) "License" means authorization by a state for a
1558 physician to engage in the practice of medicine, which would be
1559 unlawful without the authorization.

1560 (g) "Medical Practice Act" means laws and regulations
1561 governing the practice of allopathic and osteopathic medicine
1562 within a member state.

1563 (h) "Member board" means a state agency in a member
1564 state that acts in the sovereign interests of the state by
1565 protecting the public through licensure, regulation, and education
1566 of physicians as directed by the state government.

1567 (i) "Member state" means a state that has enacted the
1568 Compact.

1569 (j) "Practice of medicine" means the clinical
1570 prevention, diagnosis, or treatment of human disease, injury, or
1571 condition requiring a physician to obtain and maintain a license
1572 in compliance with the Medical Practice Act of a member state.

1573 (k) "Physician" means any person who:



- 1574 (1) Is a graduate of a medical school accredited
1575 by the Liaison Committee on Medical Education, the Commission on
1576 Osteopathic College Accreditation, or a medical school listed in
1577 the International Medical Education Directory or its equivalent;
- 1578 (2) Passed each component of the United States
1579 Medical Licensing Examination (USMLE) or the Comprehensive
1580 Osteopathic Medical Licensing Examination (COMLEX-USA) within
1581 three (3) attempts, or any of its predecessor examinations
1582 accepted by a state medical board as an equivalent examination for
1583 licensure purposes;
- 1584 (3) Successfully completed graduate medical
1585 education approved by the Accreditation Council for Graduate
1586 Medical Education or the American Osteopathic Association;
- 1587 (4) Holds specialty certification or a
1588 time-unlimited specialty certificate recognized by the American
1589 Board of Medical Specialties or the American Osteopathic
1590 Association's Bureau of Osteopathic Specialists;
- 1591 (5) Possesses a full and unrestricted license to
1592 engage in the practice of medicine issued by a member board;
- 1593 (6) Has never been convicted, received
1594 adjudication, deferred adjudication, community supervision, or
1595 deferred disposition for any offense by a court of appropriate
1596 jurisdiction;
- 1597 (7) Has never held a license authorizing the
1598 practice of medicine subjected to discipline by a licensing agency



1599 in any state, federal, or foreign jurisdiction, excluding any
1600 action related to nonpayment of fees related to a license;

1601 (8) Has never had a controlled substance license
1602 or permit suspended or revoked by a state or the United States
1603 Drug Enforcement Administration; and

1604 (9) Is not under active investigation by a
1605 licensing agency or law enforcement authority in any state,
1606 federal, or foreign jurisdiction.

1607 (l) "Offense" means a * * * disqualifying crime as
1608 provided in the Fresh Start Act.

1609 (m) "Rule" means a written statement by the Interstate
1610 Commission promulgated pursuant to Section 12 of the Compact that
1611 is of general applicability, implements, interprets, or prescribes
1612 a policy or provision of the Compact, or an organizational,
1613 procedural, or practice requirement of the Interstate Commission,
1614 and has the force and effect of statutory law in a member state,
1615 and includes the amendment, repeal, or suspension of an existing
1616 rule.

1617 (n) "State" means any state, commonwealth, district, or
1618 territory of the United States.

1619 (o) "State of principal license" means a member state
1620 where a physician holds a license to practice medicine and which
1621 has been designated as such by the physician for purposes of
1622 registration and participation in the Compact.

1623 **SECTION 3**



1624
1625
1626
1627
1628
1629
1630
1631
1632
1633
1634
1635
1636
1637
1638
1639
1640
1641
1642
1643
1644
1645
1646
1647

Eligibility

(a) A physician must meet the eligibility requirements as defined in Section 2(k) to receive an expedited license under the terms and provisions of the Compact.

(b) A physician who does not meet the requirements of Section 2(k) may obtain a license to practice medicine in a member state if the individual complies with all laws and requirements, other than the Compact, relating to the issuance of a license to practice medicine in that state.

SECTION 4

Designation of State of Principal License

(a) A physician shall designate a member state as the state of principal license for purposes of registration for expedited licensure through the Compact if the physician possesses a full and unrestricted license to practice medicine in that state, and the state is:

- (1) The state of primary residence for the physician,
- or
- (2) The state where at least twenty-five percent (25%) of the practice of medicine occurs, or
- (3) The location of the physician's employer, or
- (4) If no state qualifies under subsection (1), subsection (2), or subsection (3), the state designated as state of residence for purpose of federal income tax.



1648 (b) A physician may redesignate a member state as state of
1649 principal license at any time, as long as the state meets the
1650 requirements in subsection (a).

1651 (c) The Interstate Commission is authorized to develop rules
1652 to facilitate redesignation of another member state as the state
1653 of principal license.

1654 **SECTION 5**

1655 **Application and Issuance of Expedited Licensure**

1656 (a) A physician seeking licensure through the Compact shall
1657 file an application for an expedited license with the member board
1658 of the state selected by the physician as the state of principal
1659 license.

1660 (b) Upon receipt of an application for an expedited license,
1661 the member board within the state selected as the state of
1662 principal license shall evaluate whether the physician is eligible
1663 for expedited licensure and issue a letter of qualification,
1664 verifying or denying the physician's eligibility, to the
1665 Interstate Commission.

1666 (i) Static qualifications, which include verification
1667 of medical education, graduate medical education, results of any
1668 medical or licensing examination, and other qualifications as
1669 determined by the Interstate Commission through rule, shall not be
1670 subject to additional primary source verification where already
1671 primary source verified by the state of principal license.



1672 (ii) The member board within the state selected as the
1673 state of principal license shall, in the course of verifying
1674 eligibility, perform a criminal background check of an applicant,
1675 including the use of the results of fingerprint or other biometric
1676 data checks compliant with the requirements of the Federal Bureau
1677 of Investigation, with the exception of federal employees who have
1678 suitability determination in accordance with United States Code of
1679 Federal Regulation Section 731.202.

1680 (iii) Appeal on the determination of eligibility shall
1681 be made to the member state where the application was filed and
1682 shall be subject to the law of that state.

1683 (c) Upon verification in subsection (b), physicians eligible
1684 for an expedited license shall complete the registration process
1685 established by the Interstate Commission to receive a license in a
1686 member state selected pursuant to subsection (a), including the
1687 payment of any applicable fees.

1688 (d) After receiving verification of eligibility under
1689 subsection (b) and any fees under subsection (c), a member board
1690 shall issue an expedited license to the physician. This license
1691 shall authorize the physician to practice medicine in the issuing
1692 state consistent with the Medical Practice Act and all applicable
1693 laws and regulations of the issuing member board and member state.

1694 (e) An expedited license shall be valid for a period
1695 consistent with the licensure period in the member state and in



1696 the same manner as required for other physicians holding a full
1697 and unrestricted license within the member state.

1698 (f) An expedited license obtained through the Compact shall
1699 be terminated if a physician fails to maintain a license in the
1700 state of principal licensure for a nondisciplinary reason, without
1701 redesignation of a new state of principal licensure.

1702 (g) The Interstate Commission is authorized to develop rules
1703 regarding the application process, including payment of any
1704 applicable fees, and the issuance of an expedited license.

1705 **SECTION 6**

1706 **Fees for Expedited Licensure**

1707 (a) A member state issuing an expedited license authorizing
1708 the practice of medicine in that state may impose a fee for a
1709 license issued or renewed through the Compact.

1710 (b) The Interstate Commission is authorized to develop rules
1711 regarding fees for expedited licenses.

1712 **SECTION 7**

1713 **Renewal and Continued Participation**

1714 (a) A physician seeking to renew an expedited license
1715 granted in a member state shall complete a renewal process with
1716 the Interstate Commission if the physician:

1717 (1) Maintains a full and unrestricted license in a
1718 state of principal license;

1719 (2) Has not been convicted, received adjudication,
1720 deferred adjudication, community supervision, or deferred



1721 disposition for any offense by a court of appropriate
1722 jurisdiction;

1723 (3) Has not had a license authorizing the practice of
1724 medicine subject to discipline by a licensing agency in any state,
1725 federal, or foreign jurisdiction, excluding any action related to
1726 nonpayment of fees related to a license; and

1727 (4) Has not had a controlled substance license or
1728 permit suspended or revoked by a state or the United States Drug
1729 Enforcement Administration.

1730 (b) Physicians shall comply with all continuing professional
1731 development or continuing medical education requirements for
1732 renewal of a license issued by a member state.

1733 (c) The Interstate Commission shall collect any renewal fees
1734 charged for the renewal of a license and distribute the fees to
1735 the applicable member board.

1736 (d) Upon receipt of any renewal fees collected in subsection
1737 (c), a member board shall renew the physician's license.

1738 (e) Physician information collected by the Interstate
1739 Commission during the renewal process will be distributed to all
1740 member boards.

1741 (f) The Interstate Commission is authorized to develop rules
1742 to address renewal of licenses obtained through the Compact.

1743 SECTION 8

1744 Coordinated Information System



1745 (a) The Interstate Commission shall establish a database of
1746 all physicians licensed, or who have applied for licensure, under
1747 Section 5.

1748 (b) Notwithstanding any other provision of law, member
1749 boards shall report to the Interstate Commission any public action
1750 or complaints against a licensed physician who has applied or
1751 received an expedited license through the Compact.

1752 (c) Member boards shall report disciplinary or investigatory
1753 information determined as necessary and proper by rule of the
1754 Interstate Commission.

1755 (d) Member boards may report any nonpublic complaint,
1756 disciplinary, or investigatory information not required by
1757 subsection (c) to the Interstate Commission.

1758 (e) Member boards shall share complaint or disciplinary
1759 information about a physician upon request of another member
1760 board.

1761 (f) All information provided to the Interstate Commission or
1762 distributed by member boards shall be confidential, filed under
1763 seal, and used only for investigatory or disciplinary matters.

1764 (g) The Interstate Commission is authorized to develop rules
1765 for mandated or discretionary sharing of information by member
1766 boards.

1767 **SECTION 9**

1768 **Joint Investigations**



1769 (a) Licensure and disciplinary records of physicians are
1770 deemed investigative.

1771 (b) In addition to the authority granted to a member board
1772 by its respective Medical Practice Act or other applicable state
1773 law, a member board may participate with other member boards in
1774 joint investigations of physicians licensed by the member boards.

1775 (c) A subpoena issued by a member state shall be enforceable
1776 in other member states.

1777 (d) Member boards may share any investigative, litigation,
1778 or compliance materials in furtherance of any joint or individual
1779 investigation initiated under the Compact.

1780 (e) Any member state may investigate actual or alleged
1781 violations of the statutes authorizing the practice of medicine in
1782 any other member state in which a physician holds a license to
1783 practice medicine.

1784 **SECTION 10**

1785 **Disciplinary Actions**

1786 (a) Any disciplinary action taken by any member board
1787 against a physician licensed through the Compact shall be deemed
1788 unprofessional conduct which may be subject to discipline by other
1789 member boards, in addition to any violation of the Medical
1790 Practice Act or regulations in that state.

1791 (b) If a license granted to a physician by the member board
1792 in the state of principal license is revoked, surrendered or
1793 relinquished in lieu of discipline, or suspended, then all



1794 licenses issued to the physician by member boards shall
1795 automatically be placed, without further action necessary by any
1796 member board, on the same status. If the member board in the
1797 state of principal license subsequently reinstates the physician's
1798 license, a license issued to the physician by any other member
1799 board shall remain encumbered until that respective member board
1800 takes action to reinstate the license in a manner consistent with
1801 the Medical Practice Act of that state.

1802 (c) If disciplinary action is taken against a physician by a
1803 member board not in the state of principal license, any other
1804 member board may deem the action conclusive as to matter of law
1805 and fact decided, and:

1806 (i) Impose the same or lesser sanction(s) against the
1807 physician so long as such sanctions are consistent with the
1808 Medical Practice Act of that state; or

1809 (ii) Pursue separate disciplinary action against the
1810 physician under its respective Medical Practice Act, regardless of
1811 the action taken in other member states.

1812 (d) If a license granted to a physician by a member board is
1813 revoked, surrendered or relinquished in lieu of discipline, or
1814 suspended, then any license(s) issued to the physician by any
1815 other member board(s) shall be suspended, automatically and
1816 immediately without further action necessary by the other member
1817 board(s), for ninety (90) days upon entry of the order by the
1818 disciplining board, to permit the member board(s) to investigate



1819 the basis for the action under the Medical Practice Act of that
1820 state. A member board may terminate the automatic suspension of
1821 the license it issued prior to the completion of the ninety (90)
1822 day suspension period in a manner consistent with the Medical
1823 Practice Act of that state.

1824 **SECTION 11**

1825 **Interstate Medical Licensure Compact Commission**

1826 (a) The member states create the "Interstate Medical
1827 Licensure Compact Commission."

1828 (b) The purpose of the Interstate Commission is the
1829 administration of the Interstate Medical Licensure Compact, which
1830 is a discretionary state function.

1831 (c) The Interstate Commission shall be a body corporate and
1832 joint agency of the member states and shall have all the
1833 responsibilities, powers, and duties set forth in the Compact, and
1834 such additional powers as may be conferred upon it by a subsequent
1835 concurrent action of the respective legislatures of the member
1836 states in accordance with the terms of the Compact.

1837 (d) The Interstate Commission shall consist of two (2)
1838 voting representatives appointed by each member state who shall
1839 serve as Commissioners. In states where allopathic and
1840 osteopathic physicians are regulated by separate member boards, or
1841 if the licensing and disciplinary authority is split between
1842 multiple member boards within a member state, the member state



1843 shall appoint one (1) representative from each member board. A
1844 Commissioner shall be a(n):

1845 (1) Allopathic or osteopathic physician appointed to a
1846 member board;

1847 (2) Executive director, executive secretary, or similar
1848 executive of a member board; or

1849 (3) Member of the public appointed to a member board.

1850 (e) The Interstate Commission shall meet at least once each
1851 calendar year. A portion of this meeting shall be a business
1852 meeting to address such matters as may properly come before the
1853 Commission, including the election of officers. The chairperson
1854 may call additional meetings and shall call for a meeting upon the
1855 request of a majority of the member states.

1856 (f) The bylaws may provide for meetings of the Interstate
1857 Commission to be conducted by telecommunication or electronic
1858 communication.

1859 (g) Each Commissioner participating at a meeting of the
1860 Interstate Commission is entitled to one (1) vote. A majority of
1861 Commissioners shall constitute a quorum for the transaction of
1862 business, unless a larger quorum is required by the bylaws of the
1863 Interstate Commission. A Commissioner shall not delegate a vote
1864 to another Commissioner. In the absence of its Commissioner, a
1865 member state may delegate voting authority for a specified meeting
1866 to another person from that state who shall meet the requirements
1867 of subsection (d).



1868 (h) The Interstate Commission shall provide public notice of
1869 all meetings and all meetings shall be open to the public. The
1870 Interstate Commission may close a meeting, in full or in portion,
1871 where it determines by a two-thirds (2/3) vote of the
1872 Commissioners present that an open meeting would be likely to:

1873 (1) Relate solely to the internal personnel practices
1874 and procedures of the Interstate Commission;

1875 (2) Discuss matters specifically exempted from
1876 disclosure by federal statute;

1877 (3) Discuss trade secrets, commercial, or financial
1878 information that is privileged or confidential;

1879 (4) Involve accusing a person of a crime, or formally
1880 censuring a person;

1881 (5) Discuss information of a personal nature where
1882 disclosure would constitute a clearly unwarranted invasion of
1883 personal privacy;

1884 (6) Discuss investigative records compiled for law
1885 enforcement purposes; or

1886 (7) Specifically relate to the participation in a civil
1887 action or other legal proceeding.

1888 (i) The Interstate Commission shall keep minutes which shall
1889 fully describe all matters discussed in a meeting and shall
1890 provide a full and accurate summary of actions taken, including
1891 record of any roll call votes.



1892 (j) The Interstate Commission shall make its information and
1893 official records, to the extent not otherwise designated in the
1894 Compact or by its rules, available to the public for inspection.

1895 (k) The Interstate Commission shall establish an executive
1896 committee, which shall include officers, members, and others as
1897 determined by the bylaws. The executive committee shall have the
1898 power to act on behalf of the Interstate Commission, with the
1899 exception of rulemaking, during periods when the Interstate
1900 Commission is not in session. When acting on behalf of the
1901 Interstate Commission, the executive committee shall oversee the
1902 administration of the Compact including enforcement and compliance
1903 with the provisions of the Compact, its bylaws and rules, and
1904 other such duties as necessary.

1905 (l) The Interstate Commission may establish other committees
1906 for governance and administration of the Compact.

1907 **SECTION 12**

1908 **Powers and Duties of the Interstate Commission**

1909 The Interstate Commission shall have the duty and power to:

1910 (a) Oversee and maintain the administration of the Compact;

1911 (b) Promulgate rules which shall be binding to the extent

1912 and in the manner provided for in the Compact;

1913 (c) Issue, upon the request of a member state or member
1914 board, advisory opinions concerning the meaning or interpretation
1915 of the Compact, its bylaws, rules, and actions;



1916 (d) Enforce compliance with Compact provisions, the rules
1917 promulgated by the Interstate Commission, and the bylaws, using
1918 all necessary and proper means, including but not limited to the
1919 use of judicial process;

1920 (e) Establish and appoint committees, including but not
1921 limited to an executive committee as required by Section 11, which
1922 shall have the power to act on behalf of the Interstate Commission
1923 in carrying out its powers and duties;

1924 (f) Pay, or provide for the payment of the expenses related
1925 to the establishment, organization, and ongoing activities of the
1926 Interstate Commission;

1927 (g) Establish and maintain one or more offices;

1928 (h) Borrow, accept, hire, or contract for services of
1929 personnel;

1930 (i) Purchase and maintain insurance and bonds;

1931 (j) Employ an executive director who shall have such powers
1932 to employ, select or appoint employees, agents, or consultants,
1933 and to determine their qualifications, define their duties, and
1934 fix their compensation;

1935 (k) Establish personnel policies and programs relating to
1936 conflicts of interest, rates of compensation, and qualifications
1937 of personnel;

1938 (l) Accept donations and grants of money, equipment,
1939 supplies, materials and services, and to receive, utilize, and



1940 dispose of it in a manner consistent with the conflict of interest
1941 policies established by the Interstate Commission;

1942 (m) Lease, purchase, accept contributions or donations of,
1943 or otherwise to own, hold, improve or use, any property, real,
1944 personal, or mixed;

1945 (n) Sell, convey, mortgage, pledge, lease, exchange,
1946 abandon, or otherwise dispose of any property, real, personal, or
1947 mixed;

1948 (o) Establish a budget and make expenditures;

1949 (p) Adopt a seal and bylaws governing the management and
1950 operation of the Interstate Commission;

1951 (q) Report annually to the legislatures and governors of the
1952 member states concerning the activities of the Interstate
1953 Commission during the preceding year. Such reports shall also
1954 include reports of financial audits and any recommendations that
1955 may have been adopted by the Interstate Commission;

1956 (r) Coordinate education, training, and public awareness
1957 regarding the Compact, its implementation, and its operation;

1958 (s) Maintain records in accordance with the bylaws;

1959 (t) Seek and obtain trademarks, copyrights, and patents; and

1960 (u) Perform such functions as may be necessary or
1961 appropriate to achieve the purposes of the Compact.

1962 **SECTION 13**

1963 **Finance Powers**



1964 (a) The Interstate Commission may levy on and collect an
1965 annual assessment from each member state to cover the cost of the
1966 operations and activities of the Interstate Commission and its
1967 staff. The total assessment must be sufficient to cover the
1968 annual budget approved each year for which revenue is not provided
1969 by other sources. The aggregate annual assessment amount shall be
1970 allocated upon a formula to be determined by the Interstate
1971 Commission, which shall promulgate a rule binding upon all member
1972 states.

1973 (b) The Interstate Commission shall not incur obligations of
1974 any kind prior to securing the funds adequate to meet the same.

1975 (c) The Interstate Commission shall not pledge the credit of
1976 any of the member states, except by, and with the authority of,
1977 the member state.

1978 (d) The Interstate Commission shall be subject to a yearly
1979 financial audit conducted by a certified or licensed public
1980 accountant and the report of the audit shall be included in the
1981 annual report of the Interstate Commission.

1982 **SECTION 14**

1983 **Organization and Operation of the Interstate Commission**

1984 (a) The Interstate Commission shall, by a majority of
1985 Commissioners present and voting, adopt bylaws to govern its
1986 conduct as may be necessary or appropriate to carry out the
1987 purposes of the Compact within twelve (12) months of the first
1988 Interstate Commission meeting.



1989 (b) The Interstate Commission shall elect or appoint
1990 annually from among its Commissioners a chairperson, a vice
1991 chairperson, and a treasurer, each of whom shall have such
1992 authority and duties as may be specified in the bylaws. The
1993 chairperson, or in the chairperson's absence or disability, the
1994 vice chairperson, shall preside at all meetings of the Interstate
1995 Commission.

1996 (c) Officers selected in subsection (b) shall serve without
1997 remuneration from the Interstate Commission.

1998 (d) The officers and employees of the Interstate Commission
1999 shall be immune from suit and liability, either personally or in
2000 their official capacity, for a claim for damage to or loss of
2001 property or personal injury or other civil liability caused or
2002 arising out of, or relating to, an actual or alleged act, error,
2003 or omission that occurred, or that such person had a reasonable
2004 basis for believing occurred, within the scope of Interstate
2005 Commission employment, duties, or responsibilities; provided that
2006 such person shall not be protected from suit or liability for
2007 damage, loss, injury, or liability caused by the intentional or
2008 willful and wanton misconduct of such person.

2009 (1) The liability of the executive director and
2010 employees of the Interstate Commission or representatives of the
2011 Interstate Commission, acting within the scope of such person's
2012 employment or duties for acts, errors, or omissions occurring
2013 within such person's state, may not exceed the limits of liability



2014 set forth under the constitution and laws of that state for state
2015 officials, employees, and agents. The Interstate Commission is
2016 considered to be an instrumentality of the states for the purposes
2017 of any such action. Nothing in this subsection shall be construed
2018 to protect such person from suit or liability for damage, loss,
2019 injury, or liability caused by the intentional or willful and
2020 wanton misconduct of such person.

2021 (2) The Interstate Commission shall defend the
2022 executive director, its employees, and subject to the approval of
2023 the attorney general or other appropriate legal counsel of the
2024 member state represented by an Interstate Commission
2025 representative, shall defend such Interstate Commission
2026 representative in any civil action seeking to impose liability
2027 arising out of an actual or alleged act, error or omission that
2028 occurred within the scope of Interstate Commission employment,
2029 duties or responsibilities, or that the defendant had a reasonable
2030 basis for believing occurred within the scope of Interstate
2031 Commission employment, duties, or responsibilities, provided that
2032 the actual or alleged act, error, or omission did not result from
2033 intentional or willful and wanton misconduct on the part of such
2034 person.

2035 (3) To the extent not covered by the state involved,
2036 member state, or the Interstate Commission, the representatives or
2037 employees of the Interstate Commission shall be held harmless in
2038 the amount of a settlement or judgment, including attorney's fees



2039 and costs, obtained against such persons arising out of an actual
2040 or alleged act, error, or omission that occurred within the scope
2041 of Interstate Commission employment, duties, or responsibilities,
2042 or that such persons had a reasonable basis for believing occurred
2043 within the scope of Interstate Commission employment, duties, or
2044 responsibilities, provided that the actual or alleged act, error,
2045 or omission did not result from intentional or willful and wanton
2046 misconduct on the part of such persons.

2047 **SECTION 15**

2048 **Rulemaking Functions of the Interstate Commission**

2049 (a) The Interstate Commission shall promulgate reasonable
2050 rules in order to effectively and efficiently achieve the purposes
2051 of the Compact. Notwithstanding the foregoing, in the event the
2052 Interstate Commission exercises its rulemaking authority in a
2053 manner that is beyond the scope of the purposes of the Compact, or
2054 the powers granted hereunder, then such an action by the
2055 Interstate Commission shall be invalid and have no force or
2056 effect.

2057 (b) Rules deemed appropriate for the operations of the
2058 Interstate Commission shall be made pursuant to a rulemaking
2059 process that substantially conforms to the "Model State
2060 Administrative Procedure Act" of 2010, and subsequent amendments
2061 thereto.

2062 (c) Not later than thirty (30) days after a rule is
2063 promulgated, any person may file a petition for judicial review of



2064 the rule in the United States District Court for the District of
2065 Columbia or the federal district where the Interstate Commission
2066 has its principal offices, provided that the filing of such a
2067 petition shall not stay or otherwise prevent the rule from
2068 becoming effective unless the court finds that the petitioner has
2069 a substantial likelihood of success. The court shall give
2070 deference to the actions of the Interstate Commission consistent
2071 with applicable law and shall not find the rule to be unlawful if
2072 the rule represents a reasonable exercise of the authority granted
2073 to the Interstate Commission.

2074 **SECTION 16**

2075 **Oversight of Interstate Compact**

2076 (a) The executive, legislative, and judicial branches of
2077 state government in each member state shall enforce the Compact
2078 and shall take all actions necessary and appropriate to effectuate
2079 the Compact's purposes and intent. The provisions of the Compact
2080 and the rules promulgated hereunder shall have standing as
2081 statutory law but shall not override existing state authority to
2082 regulate the practice of medicine.

2083 (b) All courts shall take judicial notice of the Compact and
2084 the rules in any judicial or administrative proceeding in a member
2085 state pertaining to the subject matter of the Compact which may
2086 affect the powers, responsibilities or actions of the Interstate
2087 Commission.



2088 (c) The Interstate Commission shall be entitled to receive
2089 all service of process in any such proceeding, and shall have
2090 standing to intervene in the proceeding for all purposes. Failure
2091 to provide service of process to the Interstate Commission shall
2092 render a judgment or order void as to the Interstate Commission,
2093 the Compact, or promulgated rules.

2094 **SECTION 17**

2095 **Enforcement of Interstate Compact**

2096 (a) The Interstate Commission, in the reasonable exercise of
2097 its discretion, shall enforce the provisions and rules of the
2098 Compact.

2099 (b) The Interstate Commission may, by majority vote of the
2100 Commissioners, initiate legal action in the United States District
2101 Court for the District of Columbia, or, at the discretion of the
2102 Interstate Commission, in the federal district where the
2103 Interstate Commission has its principal offices, to enforce
2104 compliance with the provisions of the Compact, and its promulgated
2105 rules and bylaws, against a member state in default. The relief
2106 sought may include both injunctive relief and damages. In the
2107 event judicial enforcement is necessary, the prevailing party
2108 shall be awarded all costs of such litigation including reasonable
2109 attorney's fees.

2110 (c) The remedies herein shall not be the exclusive remedies
2111 of the Interstate Commission. The Interstate Commission may avail



2112 itself of any other remedies available under state law or the
2113 regulation of a profession.

2114 **SECTION 18**

2115 **Default Procedures**

2116 (a) The grounds for default include, but are not limited to,
2117 failure of a member state to perform such obligations or
2118 responsibilities imposed upon it by the Compact, or the rules and
2119 bylaws of the Interstate Commission promulgated under the Compact.

2120 (b) If the Interstate Commission determines that a member
2121 state has defaulted in the performance of its obligations or
2122 responsibilities under the Compact, or the bylaws or promulgated
2123 rules, the Interstate Commission shall:

2124 (1) Provide written notice to the defaulting state and
2125 other member states, of the nature of the default, the means of
2126 curing the default, and any action taken by the Interstate
2127 Commission. The Interstate Commission shall specify the
2128 conditions by which the defaulting state must cure its default;
2129 and

2130 (2) Provide remedial training and specific technical
2131 assistance regarding the default.

2132 (c) If the defaulting state fails to cure the default, the
2133 defaulting state shall be terminated from the Compact upon an
2134 affirmative vote of a majority of the Commissioners and all
2135 rights, privileges, and benefits conferred by the Compact shall
2136 terminate on the effective date of termination. A cure of the



2137 default does not relieve the offending state of obligations or
2138 liabilities incurred during the period of the default.

2139 (d) Termination of membership in the Compact shall be
2140 imposed only after all other means of securing compliance have
2141 been exhausted. Notice of intent to terminate shall be given by
2142 the Interstate Commission to the Governor, the majority and
2143 minority leaders of the defaulting state's legislature, and each
2144 of the member states.

2145 (e) The Interstate Commission shall establish rules and
2146 procedures to address licenses and physicians that are materially
2147 impacted by the termination of a member state, or the withdrawal
2148 of a member state.

2149 (f) The member state which has been terminated is
2150 responsible for all dues, obligations, and liabilities incurred
2151 through the effective date of termination including obligations,
2152 the performance of which extends beyond the effective date of
2153 termination.

2154 (g) The Interstate Commission shall not bear any costs
2155 relating to any state that has been found to be in default or
2156 which has been terminated from the Compact, unless otherwise
2157 mutually agreed upon in writing between the Interstate Commission
2158 and the defaulting state.

2159 (h) The defaulting state may appeal the action of the
2160 Interstate Commission by petitioning the United States District
2161 Court for the District of Columbia or the federal district where



2162 the Interstate Commission has its principal offices. The
2163 prevailing party shall be awarded all costs of such litigation
2164 including reasonable attorney's fees.

2165 **SECTION 19**

2166 **Dispute Resolution**

2167 (a) The Interstate Commission shall attempt, upon the
2168 request of a member state, to resolve disputes which are subject
2169 to the Compact and which may arise among member states or member
2170 boards.

2171 (b) The Interstate Commission shall promulgate rules
2172 providing for both mediation and binding dispute resolution as
2173 appropriate.

2174 **SECTION 20**

2175 **Member States, Effective Date and Amendment**

2176 (a) Any state is eligible to become a member state of the
2177 Compact.

2178 (b) The Compact shall become effective and binding upon
2179 legislative enactment of the Compact into law by no less than
2180 seven (7) states. Thereafter, it shall become effective and
2181 binding on a state upon enactment of the Compact into law by that
2182 state.

2183 (c) The governors of nonmember states, or their designees,
2184 shall be invited to participate in the activities of the
2185 Interstate Commission on a nonvoting basis prior to adoption of
2186 the Compact by all states.



2187 (d) The Interstate Commission may propose amendments to the
2188 Compact for enactment by the member states. No amendment shall
2189 become effective and binding upon the Interstate Commission and
2190 the member states unless and until it is enacted into law by
2191 unanimous consent of the member states.

2192 **SECTION 21**

2193 **Withdrawal**

2194 (a) Once effective, the Compact shall continue in force and
2195 remain binding upon each and every member state; provided that a
2196 member state may withdraw from the Compact by specifically
2197 repealing the statute which enacted the Compact into law.

2198 (b) Withdrawal from the Compact shall be by the enactment of
2199 a statute repealing the same, but shall not take effect until one
2200 (1) year after the effective date of such statute and until
2201 written notice of the withdrawal has been given by the withdrawing
2202 state to the Governor of each other member state.

2203 (c) The withdrawing state shall immediately notify the
2204 chairperson of the Interstate Commission in writing upon the
2205 introduction of legislation repealing the Compact in the
2206 withdrawing state.

2207 (d) The Interstate Commission shall notify the other member
2208 states of the withdrawing state's intent to withdraw within sixty
2209 (60) days of its receipt of notice provided under subsection (c).

2210 (e) The withdrawing state is responsible for all dues,
2211 obligations and liabilities incurred through the effective date of



2212 withdrawal, including obligations, the performance of which extend
2213 beyond the effective date of withdrawal.

2214 (f) Reinstatement following withdrawal of a member state
2215 shall occur upon the withdrawing state reenacting the Compact or
2216 upon such later date as determined by the Interstate Commission.

2217 (g) The Interstate Commission is authorized to develop rules
2218 to address the impact of the withdrawal of a member state on
2219 licenses granted in other member states to physicians who
2220 designated the withdrawing member state as the state of principal
2221 license.

2222 **SECTION 22**

2223 **Dissolution**

2224 (a) The Compact shall dissolve effective upon the date of
2225 the withdrawal or default of the member state which reduces the
2226 membership in the Compact to one (1) member state.

2227 (b) Upon the dissolution of the Compact, the Compact becomes
2228 null and void and shall be of no further force or effect, and the
2229 business and affairs of the Interstate Commission shall be
2230 concluded and surplus funds shall be distributed in accordance
2231 with the bylaws.

2232 **SECTION 23**

2233 **Severability and Construction**

2234 (a) The provisions of the Compact shall be severable, and if
2235 any phrase, clause, sentence, or provision is deemed



2236 unenforceable, the remaining provisions of the Compact shall be
2237 enforceable.

2238 (b) The provisions of the Compact shall be liberally
2239 construed to effectuate its purposes.

2240 (c) Nothing in the Compact shall be construed to prohibit
2241 the applicability of other interstate compacts to which the states
2242 are members.

2243 **SECTION 24**

2244 **Binding Effect of Compact and Other Laws**

2245 (a) Nothing herein prevents the enforcement of any other law
2246 of a member state that is not inconsistent with the Compact.

2247 (b) All laws in a member state in conflict with the Compact
2248 are superseded to the extent of the conflict.

2249 (c) All lawful actions of the Interstate Commission,
2250 including all rules and bylaws promulgated by the Commission, are
2251 binding upon the member states.

2252 (d) All agreements between the Interstate Commission and the
2253 member states are binding in accordance with their terms.

2254 (e) In the event any provision of the Compact exceeds the
2255 constitutional limits imposed on the legislature of any member
2256 state, such provision shall be ineffective to the extent of the
2257 conflict with the constitutional provision in question in that
2258 member state.

2259 **SECTION 19.** Section 73-27-13, Mississippi Code of 1972, is
2260 amended as follows:



2261 73-27-13. (1) The State Board of Medical Licensure may
2262 refuse to issue, suspend, revoke or otherwise restrict any license
2263 provided for in this chapter, with the advice of the advisory
2264 committee, based upon the following grounds:

2265 (a) Habitual personal use of narcotic drugs, or any
2266 other drug having addiction-forming or addiction-sustaining
2267 liability.

2268 (b) Habitual use of intoxicating liquors, or any
2269 beverage, to an extent which affects professional competency.

2270 (c) Administering, dispensing or prescribing any
2271 narcotic drug, or any other drug having addiction-forming or
2272 addiction-sustaining liability otherwise than in the course of
2273 legitimate professional practice.

2274 (d) Conviction of violation of any federal or state law
2275 regulating the possession, distribution or use of any narcotic
2276 drug or any drug considered a controlled substance under state or
2277 federal law.

2278 (e) Performing any medical diagnosis or treatment
2279 outside the scope of podiatry as defined in Section 73-27-1.

2280 (f) Conviction of a * * * disqualifying crime as
2281 provided in the Fresh Start Act.

2282 (g) Obtaining or attempting to obtain a license by
2283 fraud or deception.

2284 (h) Unprofessional conduct, which includes, but is not
2285 limited to:



2286 (i) Practicing medicine under a false or assumed
2287 name or impersonating another practitioner, living or dead.

2288 (ii) Knowingly performing any act which in any way
2289 assists an unlicensed person to practice podiatry.

2290 (iii) Making or willfully causing to be made any
2291 flamboyant claims concerning the licensee's professional
2292 excellence.

2293 (iv) Being guilty of any dishonorable or unethical
2294 conduct likely to deceive, defraud or harm the public.

2295 (v) Obtaining a fee as personal compensation or
2296 gain from a person on fraudulent representation a disease or
2297 injury condition generally considered incurable by competent
2298 medical authority in the light of current scientific knowledge and
2299 practice can be cured or offering, undertaking, attempting or
2300 agreeing to cure or treat the same by a secret method, which he
2301 refuses to divulge to the board upon request.

2302 (vi) Use of any false, fraudulent or forged
2303 statement or document, or the use of any fraudulent, deceitful,
2304 dishonest or immoral practice in connection with any of the
2305 licensing requirements, including the signing in his professional
2306 capacity any certificate that is known to be false at the time he
2307 makes or signs such certificate.

2308 (vii) Failing to identify a podiatrist's school of
2309 practice in all professional uses of his name by use of his earned
2310 degree or a description of his school of practice.



2311 (i) The refusal of a licensing authority of another
2312 state to issue or renew a license, permit or certificate to
2313 practice podiatry in that state or the revocation, suspension or
2314 other restriction imposed on a license, permit or certificate
2315 issued by such licensing authority which prevents or restricts
2316 practice in that state.

2317 (j) Violation(s) of the provisions of Sections 41-121-1
2318 through 41-121-9 relating to deceptive advertisement by health
2319 care practitioners. This paragraph shall stand repealed on July
2320 1, 2025.

2321 (2) Upon the nonissuance, suspension or revocation of a
2322 license to practice podiatry, the board may, in its discretion and
2323 with the advice of the advisory committee, reissue a license after
2324 a lapse of six (6) months. No advertising shall be permitted
2325 except regular professional cards.

2326 (3) In its investigation of whether the license of a
2327 podiatrist should be suspended, revoked or otherwise restricted,
2328 the board may inspect patient records in accordance with the
2329 provisions of Section 73-25-28.

2330 (4) In addition to the grounds specified in subsection (1)
2331 of this section, the board shall be authorized to suspend the
2332 license of any licensee for being out of compliance with an order
2333 for support, as defined in Section 93-11-153. The procedure for
2334 suspension of a license for being out of compliance with an order
2335 for support, and the procedure for the reissuance or reinstatement



2336 of a license suspended for that purpose, and the payment of any
2337 fees for the reissuance or reinstatement of a license suspended
2338 for that purpose, shall be governed by Section 93-11-157 or
2339 93-11-163, as the case may be. If there is any conflict between
2340 any provision of Section 93-11-157 or 93-11-163 and any provision
2341 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
2342 as the case may be, shall control.

2343 **SECTION 20.** Section 73-29-13, Mississippi Code of 1972, is
2344 amended as follows:

2345 73-29-13. A person is qualified to receive a license as an
2346 examiner:

2347 (1) Who is at least twenty-one (21) years of age;

2348 (2) Who is a citizen of the United States;

2349 (3) Who establishes that he is a person of honesty,
2350 truthfulness, integrity, and moral fitness;

2351 (4) Who has not been convicted of a * * * disqualifying
2352 crime as provided in the Fresh Start Act;

2353 (5) Who holds a baccalaureate degree from a college or
2354 university accredited by the American Association of Collegiate
2355 Registrars and Admissions Officers or, in lieu thereof, has five

2356 (5) consecutive years of active investigative experience
2357 immediately preceding his application;

2358 (6) Who is a graduate of a polygraph examiners course
2359 approved by the board and has satisfactorily completed not less
2360 than six (6) months of internship training, provided that if the



2361 applicant is not a graduate of an approved polygraph examiners
2362 course, satisfactory completion of not less than twelve (12)
2363 months of internship training may satisfy this subdivision; and
2364 (7) Prior to the issuance of a license, the applicant
2365 must furnish to the board evidence of a surety bond or insurance
2366 policy. Said surety bond or insurance policy shall be in the sum
2367 of Five Thousand Dollars (\$5,000.00) and shall be conditioned that
2368 the obligor therein will pay to the extent of the face amount of
2369 such surety bond or insurance policy all judgments which may be
2370 recovered against the licensee by reason of any wrongful or
2371 illegal acts committed by him in the course of his examinations.

2372 **SECTION 21.** Section 73-29-31, Mississippi Code of 1972, is
2373 amended as follows:

2374 73-29-31. (1) The board may refuse to issue or may suspend
2375 or revoke a license on any one or more of the following grounds:

2376 (a) For failing to inform a subject to be examined as
2377 to the nature of the examination;

2378 (b) For failing to inform a subject to be examined that
2379 his participation in the examination is voluntary;

2380 (c) Material misstatement in the application for
2381 original license or in the application for any renewal license
2382 under this chapter;

2383 (d) Willful disregard or violation of this chapter or
2384 of any regulation or rule issued pursuant thereto, including, but



2385 not limited to, willfully making a false report concerning an
2386 examination for polygraph examination purposes;

2387 (e) If the holder of any license has been adjudged
2388 guilty of the commission of a * * * disqualifying crime as
2389 provided in the Fresh Start Act;

2390 (f) Making any willful misrepresentation or false
2391 promises or causing to be printed any false or misleading
2392 advertisement for the purpose of directly or indirectly obtaining
2393 business or trainees;

2394 (g) Having demonstrated unworthiness or incompetency to
2395 act as a polygraph examiner as defined by this chapter;

2396 (h) Allowing one's license under this chapter to be
2397 used by any unlicensed person in violation of the provisions of
2398 this chapter;

2399 (i) Willfully aiding or abetting another in the
2400 violation of this chapter or any regulation or rule issued
2401 pursuant thereto;

2402 (j) Where the license holder has been adjudged by a
2403 court of competent jurisdiction as habitual drunkard, mentally
2404 incompetent, or in need of a conservator;

2405 (k) Failing, within a reasonable time, to provide
2406 information requested by the secretary as the result of a formal
2407 complaint to the board which would indicate a violation of this
2408 chapter;



2409 (1) Failing to inform the subject of the results of the
2410 examination if so requested; or

2411 (m) With regard to any polygraph examiner employed for
2412 a fee and not employed by a governmental law enforcement agency or
2413 the Mississippi Department of Corrections:

2414 (i) Requiring a subject, prior to taking the
2415 examination or as a condition of receiving the results of the
2416 examination, to waive any rights or causes of action he may have
2417 or which may accrue in favor of the subject arising out of or
2418 resulting from the administration of the examination; except the
2419 examiner may require, prior to the examination or as a condition
2420 of receiving the results of the examination, a subject to waive
2421 any rights or causes of action that may accrue against the
2422 examiner as a result of any use made of the results of the
2423 examination by the person who employed the examiner;

2424 (ii) Requiring a subject to acknowledge that his
2425 examination is not done for purposes of employment when, in fact,
2426 the results of the examination are to be submitted to an employer
2427 or an agent of an employer; or

2428 (iii) Reporting the results of an examination to
2429 any person not authorized to receive the results of the
2430 examination except for the person who employed the examiner,
2431 unless authorized in writing by the subject.

2432 (2) In addition to the grounds specified in subsection (1)
2433 of this section, the board shall be authorized to suspend the



2434 license of any licensee for being out of compliance with an order
2435 for support, as defined in Section 93-11-153. The procedure for
2436 suspension of a license for being out of compliance with an order
2437 for support, and the procedure for the reissuance or reinstatement
2438 of a license suspended for that purpose, and the payment of any
2439 fees for the reissuance or reinstatement of a license suspended
2440 for that purpose, shall be governed by Section 93-11-157 or
2441 93-11-163, as the case may be. If there is any conflict between
2442 any provision of Section 93-11-157 or 93-11-163 and any provision
2443 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
2444 as the case may be, shall control.

2445 **SECTION 22.** Section 73-31-21, Mississippi Code of 1972, is
2446 amended as follows:

2447 73-31-21. (1) The board, by an affirmative vote of at least
2448 four (4) of its seven (7) members, shall withhold, deny, revoke or
2449 suspend any license issued or applied for in accordance with the
2450 provisions of this chapter, or otherwise discipline a licensed
2451 psychologist, upon proof that the applicant or licensed
2452 psychologist:

2453 (a) Has violated the current code of ethics of the
2454 American Psychological Association or other codes of ethical
2455 standards adopted by the board; or

2456 (b) Has been convicted of a * * * disqualifying crime
2457 as provided in the Fresh Start Act, the record of conviction being
2458 conclusive evidence thereof; or



2459 (c) Is using any substance or any alcoholic beverage to
2460 an extent or in a manner dangerous to any other person or the
2461 public, or to an extent that the use impairs his or her ability to
2462 perform the work of a professional psychologist with safety to the
2463 public; or

2464 (d) Has impersonated another person holding a
2465 psychologist license or allowed another person to use his or her
2466 license; or

2467 (e) Has used fraud or deception in applying for a
2468 license or in taking an examination provided for in this chapter;
2469 or

2470 (f) Has accepted commissions or rebates or other forms
2471 of remuneration for referring clients to other professional
2472 persons; or

2473 (g) Has performed psychological services outside of the
2474 area of his or her training, experience or competence; or

2475 (h) Has allowed his or her name or license issued under
2476 this chapter to be used in connection with any person or persons
2477 who perform psychological services outside of the area of their
2478 training, experience or competence; or

2479 (i) Is legally adjudicated mentally incompetent, the
2480 record of that adjudication being conclusive evidence thereof; or

2481 (j) Has willfully or negligently violated any of the
2482 provisions of this chapter. The board may recover from any person



2483 disciplined under this chapter, the costs of investigation,
2484 prosecution, and adjudication of the disciplinary action.

2485 (2) Notice shall be effected by registered mail or personal
2486 service setting forth the particular reasons for the proposed
2487 action and fixing a date not less than thirty (30) days nor more
2488 than sixty (60) days from the date of the mailing or that service,
2489 at which time the applicant or licensee shall be given an
2490 opportunity for a prompt and fair hearing. For the purpose of the
2491 hearing, the board, acting by and through its executive secretary,
2492 may subpoena persons and papers on its own behalf and on behalf of
2493 the applicant or licensee, may administer oaths and may take
2494 testimony. That testimony, when properly transcribed, together
2495 with the papers and exhibits, shall be admissible in evidence for
2496 or against the applicant or licensee. At the hearing, the
2497 applicant or licensee may appear by counsel and personally in his
2498 or her own behalf. Any person sworn and examined by a witness in
2499 the hearing shall not be held to answer criminally, nor shall any
2500 papers or documents produced by the witness be competent evidence
2501 in any criminal proceedings against the witness other than for
2502 perjury in delivering his or her evidence. On the basis of any
2503 such hearing, or upon default of applicant or licensee, the board
2504 shall make a determination specifying its findings of fact and
2505 conclusions of law. A copy of that determination shall be sent by
2506 registered mail or served personally upon the applicant or
2507 licensee. The decision of the board denying, revoking or



2508 suspending the license shall become final thirty (30) days after
2509 so mailed or served, unless within that period the applicant or
2510 licensee appeals the decision to the chancery court, under the
2511 provisions hereof, and the proceedings in chancery shall be
2512 conducted as other matters coming before the court. All
2513 proceedings and evidence, together with exhibits, presented at the
2514 hearing before the board shall be admissible in evidence in court
2515 in the appeal.

2516 (3) The board may subpoena persons and papers on its own
2517 behalf and on behalf of the respondent, may administer oaths and
2518 may compel the testimony of witnesses. It may issue commissions
2519 to take testimony, and testimony so taken and sworn to shall be
2520 admissible in evidence for and against the respondent. The board
2521 shall be entitled to the assistance of the chancery court or the
2522 chancellor in vacation, which, on petition by the board, shall
2523 issue ancillary subpoenas and petitions and may punish as for
2524 contempt of court in the event of noncompliance therewith.

2525 (4) Every order and judgment of the board shall take effect
2526 immediately on its promulgation unless the board in the order or
2527 judgment fixes a probationary period for the applicant or
2528 licensee. The order and judgment shall continue in effect unless
2529 upon appeal the court by proper order or decree terminates it
2530 earlier. The board may make public its order and judgments in
2531 any manner and form as it deems proper. It shall, in event of the
2532 suspension or revocation of a license, direct the clerk of the



2533 circuit court of the county in which that license was recorded to
2534 cancel that record.

2535 (5) Nothing in this section shall be construed as limiting
2536 or revoking the authority of any court or of any licensing or
2537 registering officer or board, other than the Mississippi Board of
2538 Psychology, to suspend, revoke and reinstate licenses and to
2539 cancel registrations under the provisions of Section 41-29-311.

2540 (6) Suspension by the board of the license of a psychologist
2541 shall be for a period not exceeding one (1) year. At the end of
2542 this period the board shall reevaluate the suspension, and shall
2543 either reinstate or revoke the license. A person whose license
2544 has been revoked under the provisions of this section may reapply
2545 for a license after more than two (2) years have elapsed from the
2546 date that the denial or revocation is legally effective.

2547 (7) In addition to the reasons specified in subsection (1)
2548 of this section, the board shall be authorized to suspend the
2549 license of any licensee for being out of compliance with an order
2550 for support, as defined in Section 93-11-153. The procedure for
2551 suspension of a license for being out of compliance with an order
2552 for support, and the procedure for the reissuance or reinstatement
2553 of a license suspended for that purpose, and the payment of any
2554 fees for the reissuance or reinstatement of a license suspended
2555 for that purpose, shall be governed by Section 93-11-157. Actions
2556 taken by the board in suspending a license when required by
2557 Section 93-11-157 or 93-11-163 are not actions from which an



2558 appeal may be taken under this section. Any appeal of a license
2559 suspension that is required by Section 93-11-157 or 93-11-163
2560 shall be taken in accordance with the appeal procedure specified
2561 in Section 93-11-157 or 93-11-163, as the case may be, rather than
2562 the procedure specified in this section. If there is any conflict
2563 between any provision of Section 93-11-157 or 93-11-163 and any
2564 provision of this chapter, the provisions of Section 93-11-157 or
2565 93-11-163, as the case may be, shall control.

2566 (8) The board may issue a nondisciplinary, educational
2567 letter to licensees as provided in Section 73-31-7(2)(g). The
2568 board may also direct a psychologist to obtain a formal assessment
2569 of ability to practice safely if there is reason to believe there
2570 may be impairment due to substance abuse or mental incapacity.
2571 Licensees who may be impaired, but who are able to practice
2572 safely, may be required by the board to seek appropriate treatment
2573 and/or supervision. That action by the board in itself will not
2574 be considered disciplinary.

2575 **SECTION 23.** Section 73-34-109, Mississippi Code of 1972, is
2576 amended as follows:

2577 73-34-109. (1) An appraisal management company applying for
2578 registration in this state shall not:

2579 (a) Be owned, in whole or in part, directly or
2580 indirectly, by any person who has had an appraiser license or
2581 certificate in this state or in any other state, refused, denied,
2582 cancelled, surrendered in lieu of revocation, or revoked; or



2583 (b) Be owned by more than ten percent (10%) by a person
2584 who * * * has been convicted of a disqualifying crime as provided
2585 in the Fresh Start Act.

2586 (2) (a) For purposes of subsection (1)(b) to qualify for
2587 initial registration and every third annual renewed registration
2588 thereafter as an appraisal management company, each individual
2589 owner of more than ten percent (10%) of an appraisal management
2590 company must have successfully been cleared for registration
2591 through an investigation that shall consist of a * * *
2592 verification that the owner is not guilty of or in violation of
2593 any statutory ground for denial of registration as set forth in
2594 this chapter. If no individual owns more than ten percent (10%)
2595 of the appraisal management company, then an investigation of an
2596 owner is not required, but in such instances, the controlling
2597 person designated by the appraisal management company shall be
2598 subject to the requirements of this subsection. If following the
2599 initial registration, any individual becomes either an owner of
2600 more than ten percent (10%) of the appraisal management company or
2601 the designated controlling person of the appraisal management
2602 company, then each such person shall be subject to the
2603 requirements of this subsection at the appraisal management
2604 company's next annual renewal. To assist the board in conducting
2605 its registration investigation, each individual owner of more than
2606 ten percent (10%) of an appraisal management company shall undergo
2607 a fingerprint-based criminal history records check of the



2608 Mississippi central criminal database and the Federal Bureau of
2609 Investigation criminal history database. Each applicant shall
2610 submit a full set of the applicant's fingerprints, in a form and
2611 manner prescribed by the board, which shall be forwarded to the
2612 Mississippi Department of Public Safety (department) and the
2613 Federal Bureau of Investigation Identification Division for this
2614 purpose.

2615 (b) Any state or national criminal history records
2616 information obtained by the board that is not already a matter of
2617 public record shall be deemed nonpublic and confidential
2618 information restricted to the exclusive use of the board, its
2619 members, officers, investigators, agents and attorneys in
2620 evaluating the applicant's eligibility or disqualification for
2621 registration, and shall be exempt from the Mississippi Public
2622 Records Act, Section 25-61-1 et seq. Except upon written consent
2623 of the applicant, or by order of a court of competent
2624 jurisdiction, or when introduced into evidence in a hearing before
2625 the board to determine registration, no such information or
2626 records related thereto shall be released or otherwise disclosed
2627 by the board to any other person or agency.

2628 (c) The board shall provide to the department the
2629 fingerprints of the applicant, any additional information that may
2630 be required by the department, a form signed by the applicant
2631 consenting to the check of the criminal records and to the use of



2632 the fingerprints and other identifying information required by the
2633 state or national repositories.

2634 (d) The board shall charge and collect from the
2635 applicant, in addition to all other applicable fees and costs,
2636 such amount as may be incurred by the board in requesting and
2637 obtaining state and national criminal history records information
2638 on the applicant.

2639 **SECTION 24.** Section 73-39-77, Mississippi Code of 1972, is
2640 amended as follows:

2641 73-39-77. (1) Upon a written complaint sworn to by any
2642 person, the board, in its sole discretion, may, after a hearing,
2643 revoke, suspend or limit for a certain time a license, impose an
2644 administrative fine not to exceed One Thousand Dollars (\$1,000.00)
2645 for each separate offense, or otherwise discipline any licensed
2646 veterinarian for any of the following reasons:

2647 (a) The employment of fraud, misrepresentation or
2648 deception in obtaining a license.

2649 (b) The inability to practice veterinary medicine with
2650 reasonable skill and safety because of a physical or mental
2651 disability, including deterioration of mental capacity, loss of
2652 motor skills or abuse of drugs or alcohol of sufficient degree to
2653 diminish the person's ability to deliver competent patient care.

2654 (c) The use of advertising or solicitation that is
2655 false or misleading.



2656 (d) Conviction of the following in any federal court or
2657 in the courts of this state or any other jurisdiction, regardless
2658 of whether the sentence is deferred:

2659 (i) Any * * * disqualifying crime as provided in
2660 the Fresh Start Act;

2661 (ii) Any crime involving cruelty, abuse or neglect
2662 of animals, including bestiality;

2663 * * *

2664 (* * * iii) Any crime involving unlawful sexual
2665 contact, child abuse, the use or threatened use of a weapon, the
2666 infliction of injury, indecent exposure, perjury, false reporting,
2667 criminal impersonation, forgery and any other crime involving a
2668 lack of truthfulness, veracity or honesty, intimidation of a
2669 victim or witness, larceny, or alcohol or drugs.

2670 For the purposes of this paragraph, a plea of guilty or a
2671 plea of nolo contendere accepted by the court shall be considered
2672 as a conviction.

2673 (e) Incompetence, gross negligence or other malpractice
2674 in the practice of veterinary medicine.

2675 (f) Aiding the unlawful practice of veterinary
2676 medicine.

2677 (g) Fraud or dishonesty in the application or reporting
2678 of any test for disease in animals.



2679 (h) Failure to report, as required by law, or making
2680 false or misleading report of, any contagious or infectious
2681 disease.

2682 (i) Failure to keep accurate patient records.

2683 (j) Dishonesty or gross negligence in the performance
2684 of food safety inspections or in the issuance of any health or
2685 inspection certificates.

2686 (k) Failure to keep veterinary premises and equipment,
2687 including practice vehicles, in a clean and sanitary condition.

2688 (l) Failure to permit the board or its agents to enter
2689 and inspect veterinary premises and equipment, including practice
2690 vehicles, as set by rules promulgated by the board.

2691 (m) Revocation, suspension or limitation of a license
2692 to practice veterinary medicine by another state, territory or
2693 district of the United States.

2694 (n) Loss or suspension of accreditation by any federal
2695 or state agency.

2696 (o) Unprofessional conduct as defined in regulations
2697 adopted by the board.

2698 (p) The dispensing, distribution, prescription or
2699 administration of any veterinary prescription drug, or the
2700 extralabel use of any drug in the absence of a
2701 veterinarian-client-patient relationship.

2702 (q) Violations of state or federal drug laws.

2703 (r) Violations of any order of the board.



2704 (s) Violations of this chapter or of the rules
2705 promulgated under this chapter.

2706 (t) Violation(s) of the provisions of Sections 41-121-1
2707 through 41-121-9 relating to deceptive advertisement by health
2708 care practitioners. This paragraph shall stand repealed on July
2709 1, 2025.

2710 (2) A certified copy of any judgment of conviction or
2711 finding of guilt by a court of competent jurisdiction or by a
2712 governmental agency, or agency authorized to issue licenses or
2713 permits, including the United States Department of Agriculture,
2714 Animal and Plant Health Inspection Service, the Mississippi Board
2715 of Animal Health and the Mississippi Board of Health, of a
2716 veterinarian or veterinary technician of any matters listed in
2717 this section shall be admissible in evidence in any hearing held
2718 by the board to discipline such veterinarian or technician and
2719 shall constitute prima facie evidence of the commission of any
2720 such act.

2721 **SECTION 25.** Section 73-42-9, Mississippi Code of 1972, is
2722 amended as follows:

2723 73-42-9. (1) An applicant for registration shall submit an
2724 application for registration to the Secretary of State in a form
2725 prescribed by the Secretary of State. An application filed under
2726 this section is a public record. Except as otherwise provided in
2727 subsection (2), the application must be in the name of an



2728 individual, signed by the applicant under penalty of perjury and
2729 must state or contain:

2730 (a) The name of the applicant and the address of the
2731 applicant's principal place of business;

2732 (b) The name of the applicant's business or employer,
2733 if applicable;

2734 (c) Any business or occupation engaged in by the
2735 applicant for the five (5) years next preceding the date of
2736 submission of the application;

2737 (d) A description of the applicant's:

2738 (i) Formal training as an athlete agent;

2739 (ii) Practical experience as an athlete agent; and

2740 (iii) Educational background relating to the
2741 applicant's activities as an athlete agent;

2742 (e) The names and addresses of three (3) individuals
2743 not related to the applicant who are willing to serve as
2744 references;

2745 (f) The name, sport and last known team for each
2746 individual for whom the applicant provided services as an athlete
2747 agent during the five (5) years next preceding the date of
2748 submission of the application;

2749 (g) The names and addresses of all persons who are:

2750 (i) With respect to the athlete agent's business
2751 if it is not a corporation, the partners, officers, associates,
2752 individuals or profit-sharers; and



2753 (ii) With respect to a company or corporation
2754 employing the athlete agent, the officers, directors and any
2755 shareholder of the corporation or member with a five percent (5%)
2756 or greater interest;

2757 (h) Whether the applicant or any other person named
2758 pursuant to paragraph (g) has been convicted of a crime that, if
2759 committed in this state, would be a * * * disqualifying crime as
2760 provided in the Fresh Start Act, and identify the crime;

2761 (i) Whether there has been any administrative or
2762 judicial determination that the applicant or any other person
2763 named pursuant to paragraph (g) has made a false, misleading,
2764 deceptive or fraudulent representation;

2765 (j) Any instance in which the conduct of the applicant
2766 or any other person named pursuant to paragraph (g) resulted in
2767 the imposition of a sanction, suspension or declaration of
2768 ineligibility to participate in an interscholastic or
2769 intercollegiate athletic event on a student-athlete or educational
2770 institution;

2771 (k) Any sanction, suspension or disciplinary action
2772 taken against the applicant or any other person named pursuant to
2773 paragraph (g) arising out of occupational or professional conduct;

2774 (l) Whether there has been any denial of an application
2775 for, suspension or revocation of, or refusal to renew, the
2776 certification, registration or licensure of the applicant or any



2777 other person named pursuant to paragraph (g) as an athlete agent
2778 in any state;

2779 (m) Any pending litigation against the applicant in the
2780 applicant's capacity as an agent;

2781 (n) A list of all other states in which the applicant
2782 is currently licensed or registered as an athlete agent and a copy
2783 of each state's license or registration, as applicable; and

2784 (o) Consent to submit to a criminal background check
2785 before being issued a certificate of registration. Any fees
2786 connected with the background check shall be assessed to the
2787 applicant.

2788 (2) An individual who has submitted an application for, and
2789 received a certificate of, registration or licensure as an athlete
2790 agent in another state, may submit a copy of the application and a
2791 valid certificate of registration or licensure from the other
2792 state in lieu of submitting an application in the form prescribed
2793 pursuant to subsection (1), along with the information requested
2794 in paragraphs (l), (m), (n) and (o) of subsection (1). The
2795 Secretary of State shall accept the application and the
2796 certificate from the other state as an application for
2797 registration in this state if the application to the other state:

2798 (a) Was submitted in the other state within the six (6)
2799 months next preceding the submission of the application in this
2800 state and the applicant certifies the information contained in the
2801 application is current;



2802 (b) Contains information substantially similar to or
2803 more comprehensive than that required in an application submitted
2804 in this state; and

2805 (c) Was signed by the applicant under penalty of
2806 perjury.

2807 (3) An athlete agent must notify the Secretary of State
2808 within thirty (30) days whenever the information contained in any
2809 application for registration as an athlete agent in this state
2810 changes in a material way or is, or becomes, inaccurate or
2811 incomplete in any respect. Events requiring notice shall include,
2812 but are not limited to, the following:

2813 (a) Change in address of the athlete agent's principal
2814 place of business;

2815 (b) Conviction of a * * * disqualifying crime as
2816 provided in the Fresh Start Act by the athlete agent;

2817 (c) Denial, suspension, refusal to renew, or revocation
2818 of a registration or license of the athlete agent as an athlete
2819 agent in any state; or

2820 (d) Sanction, suspension or other disciplinary action
2821 taken against the athlete agent arising out of occupational or
2822 professional conduct.

2823 **SECTION 26.** Section 73-42-11, Mississippi Code of 1972, is
2824 amended as follows:

2825 73-42-11. (1) Except as otherwise provided in subsection
2826 (3), the Secretary of State shall issue a certificate of



2827 registration to an individual who complies with Section
2828 73-42-9(1).

2829 (2) Except as otherwise provided in subsection (3), the
2830 Secretary of State shall issue a certificate of registration to an
2831 individual whose application has been accepted under Section
2832 73-42-9(2).

2833 (3) The Secretary of State may refuse to issue a certificate
2834 of registration if he determines that the applicant has engaged in
2835 conduct that has a significant adverse effect on the applicant's
2836 fitness to serve as an athlete agent. In making the
2837 determination, the Secretary of State may consider whether the
2838 applicant has:

2839 (a) Been convicted of a crime in another state that, if
2840 committed in this state, would be a * * * disqualifying crime as
2841 provided in the Fresh Start Act;

2842 (b) Made a materially false, misleading, deceptive or
2843 fraudulent representation as an athlete agent or in the
2844 application;

2845 (c) Engaged in conduct that would disqualify the
2846 applicant from serving in a fiduciary capacity;

2847 (d) Engaged in conduct prohibited by Section 73-42-27;

2848 (e) Had a registration, licensure or certification as
2849 an athlete agent suspended, revoked, or denied or been refused
2850 renewal of registration, licensure or certification in any state;



2851 (f) Engaged in conduct or failed to engage in conduct
2852 the consequence of which was that a sanction, suspension or
2853 declaration of ineligibility to participate in an interscholastic
2854 or intercollegiate athletic event was imposed on a student-athlete
2855 or educational institution; or

2856 (g) Engaged in conduct that significantly adversely
2857 reflects on the applicant's trustworthiness or credibility.

2858 (4) In making a determination under subsection (3), the
2859 Secretary of State shall consider:

2860 (a) How recently the conduct occurred;

2861 (b) The nature of the conduct and the context in which
2862 it occurred; and

2863 (c) Any other relevant conduct of the applicant.

2864 (5) An athlete agent may apply to renew a registration by
2865 submitting an application for renewal in a form prescribed by the
2866 Secretary of State. An application filed under this section is a
2867 public record. The application for renewal must be signed by the
2868 applicant under penalty of perjury and must contain current
2869 information on all matters required in an original registration.

2870 (6) An individual who has submitted an application for
2871 renewal of registration or licensure in another state, in lieu of
2872 submitting an application for renewal in the form prescribed
2873 pursuant to subsection (5), may file a copy of the application for
2874 renewal and a valid certificate of registration from the other
2875 state. The Secretary of State shall accept the application for



2876 renewal from the other state as an application for renewal in this
2877 state if the application to the other state:

2878 (a) Was submitted in the other state within the last
2879 six (6) months and the applicant certifies the information
2880 contained in the application for renewal is current;

2881 (b) Contains information substantially similar to or
2882 more comprehensive than that required in an application for
2883 renewal submitted in this state; and

2884 (c) Was signed by the applicant under penalty of
2885 perjury.

2886 (7) Except as provided in Section 33-1-39, a certificate of
2887 registration or a renewal of a registration is valid for two (2)
2888 years.

2889 **SECTION 27.** Section 73-53-8, Mississippi Code of 1972, is
2890 amended as follows:

2891 73-53-8. (1) There is created the Board of Examiners for
2892 Social Workers and Marriage and Family Therapists to license and
2893 regulate social workers and marriage and family therapists. The
2894 board shall be composed of ten (10) members, six (6) of which
2895 shall be social workers and four (4) of which shall be marriage
2896 and family therapists.

2897 (2) Of the social worker members of the board, two (2) must
2898 be licensed social workers, and four (4) must be licensed master
2899 social workers or licensed certified social workers or a
2900 combination thereof. The marriage and family therapist members of



2901 the board must be licensed marriage and family therapists. For at
2902 least two (2) years immediately preceding his or her appointment,
2903 each marriage and family therapist appointee must have been
2904 actively engaged as a marriage and family therapist in rendering
2905 professional services in marriage and family therapy, or in the
2906 education and training of master's, doctoral or post-doctoral
2907 students of marriage and family therapy, or in marriage and family
2908 therapy research, and during the two (2) years preceding his or
2909 her appointment, must have spent the majority of the time devoted
2910 to that activity in this state. The initial marriage and family
2911 therapist appointees shall be deemed to be and shall become
2912 licensed practicing marriage and family therapists immediately
2913 upon their appointment and qualification as members of the board.
2914 All subsequent marriage and family therapist appointees to the
2915 board must be licensed marriage and family therapists before their
2916 appointment.

2917 (3) The Governor shall appoint six (6) members of the board,
2918 four (4) of which shall be social workers and two (2) of which
2919 shall be marriage and family therapists, and the Lieutenant
2920 Governor shall appoint four (4) members of the board, two (2) of
2921 which shall be social workers and two (2) of which shall be
2922 marriage and family therapists. Social worker members of the
2923 board shall be appointed from nominations submitted by the
2924 Mississippi Chapter of the National Association of Social Workers,
2925 and marriage and family therapist members of the board shall be



2926 appointed from nominations submitted by the Mississippi
2927 Association for Marriage and Family Therapy. All appointments
2928 shall be made with the advice and consent of the Senate.

2929 (4) The initial appointments to the board shall be made as
2930 follows: The Governor shall appoint one (1) social worker member
2931 for a term that expires on June 30, 1999, one (1) social worker
2932 member for a term that expires on June 30, 2001, two (2) social
2933 worker members for terms that expire on June 30, 2002, one (1)
2934 marriage and family therapist member for a term that expires on
2935 June 30, 1998, and one (1) marriage and family therapist member
2936 for a term that expires on June 30, 2000. The Lieutenant Governor
2937 shall appoint one (1) social worker member for a term that expires
2938 on June 30, 1998, one (1) social worker member for a term that
2939 expires on June 30, 2000, one (1) marriage and family therapist
2940 member for a term that expires on June 30, 1999, and one (1)
2941 marriage and family therapist member of the board for a term that
2942 expires on June 30, 2001. After the expiration of the initial
2943 terms, all subsequent appointments shall be made by the original
2944 appointing authorities for terms of four (4) years from the
2945 expiration date of the previous term. Upon the expiration of his
2946 or her term of office, a board member shall continue to serve
2947 until his or her successor has been appointed and has qualified.
2948 No person may be appointed more than once to fill an unexpired
2949 term or more than two (2) consecutive full terms.



2950 (5) Any vacancy on the board before the expiration of a term
2951 shall be filled by appointment of the original appointing
2952 authority for the remainder of the unexpired term. Appointments
2953 to fill vacancies shall be made from nominations submitted by the
2954 appropriate organization as specified in subsection (2) of this
2955 section for the position being filled.

2956 (6) The appointing authorities shall give due regard to
2957 geographic distribution, race and sex in making all appointments
2958 to the board.

2959 (7) The board shall select one (1) of its members to serve
2960 as chairman during the term of his or her appointment to the
2961 board. No person may serve as chairman for more than four (4)
2962 years. The board may remove any member of the board or the
2963 chairman from his or her position as chairman for (a) malfeasance
2964 in office, or (b) conviction of a * * * disqualifying crime as
2965 provided in the Fresh Start Act while in office, or (c) failure to
2966 attend three (3) consecutive board meetings. However, no member
2967 may be removed until after a public hearing of the charges against
2968 him or her, and at least thirty (30) days' prior written notice to
2969 the accused member of the charges against him or her and of the
2970 date fixed for such hearing. No board member shall participate in
2971 any matter before the board in which he has a pecuniary interest,
2972 personal bias or other similar conflict of interest.

2973 (8) Board members shall receive no compensation for their
2974 services, but shall be reimbursed for their actual and necessary



2975 expenses incurred in the performance of official board business as
2976 provided in Section 25-3-41.

2977 (9) Four (4) social worker members and three (3) marriage
2978 and family therapist members of the board shall constitute a
2979 quorum of the board. In making its decisions and taking actions
2980 affecting the members of one (1) of the professions regulated by
2981 the board, the board shall consider the recommendations of the
2982 board members who are members of that profession. If the board is
2983 unable to have a quorum present at a regularly scheduled meeting
2984 location, the board may allow other members to participate in the
2985 meeting by telephone or other electronic means. In the case of an
2986 administrative hearing, when recusals from the process are
2987 necessary, a quorum may consist of a simple majority of six (6)
2988 members.

2989 (10) The principal office of the board shall be in the City
2990 of Jackson, but the board may act and exercise all of its powers
2991 at any other place. The board shall adopt an official seal, which
2992 shall be judicially noticed and which shall be affixed to all
2993 licenses issued by the board.

2994 (11) The board is authorized to employ, subject to the
2995 approval of the State Personnel Board, an executive director and
2996 such attorneys, experts and other employees as it may, from time
2997 to time, find necessary for the proper performance of its duties
2998 and for which the necessary funds are available, and to set the



2999 salary of the executive director, subject to the approval of the
3000 State Personnel Board.

3001 (12) The board, by a majority vote, from time to time, may
3002 make such provisions as it deems appropriate to authorize the
3003 performance by any board member or members, employee or other
3004 agent of the board of any function given the board in this chapter
3005 or Sections 73-54-1 through 73-54-39.

3006 **SECTION 28.** Section 73-55-19, Mississippi Code of 1972, is
3007 amended as follows:

3008 73-55-19. (1) Any person licensed under this chapter may
3009 have his license revoked or suspended for a fixed period to be
3010 determined by the board for any of the following causes:

3011 (a) Being convicted of an offense involving * * * a
3012 disqualifying crime as provided in the Fresh Start Act. The
3013 record of such conviction, or certified copy thereof from the
3014 clerk of the court where such conviction occurred or by the judge
3015 of that court, shall be sufficient evidence to warrant revocation
3016 or suspension.

3017 (b) By securing a license under this chapter through
3018 fraud or deceit.

3019 (c) For unethical conduct or for gross ignorance or
3020 inefficiency in the conduct of his practice.

3021 (d) For knowingly practicing while suffering with a
3022 contagious or infectious disease.



3023 (e) For the use of a false name or alias in the
3024 practice of his profession.

3025 (f) For violating any of the provisions of this
3026 chapter.

3027 (2) Any person, whose license is sought to be revoked or
3028 suspended under the provisions of this chapter, shall be given
3029 thirty (30) days' notice, in writing, enumerating the charges and
3030 specifying a date for public hearing thereon. The hearing shall
3031 be held in the county where the person's business is conducted.
3032 The board may issue subpoenas, compel the attendance and testimony
3033 of witnesses, and place them under oath, the same as any court of
3034 competent jurisdiction where the hearing takes place.

3035 (3) At all hearings the board may designate in writing one
3036 or more persons deemed competent by the board to conduct the
3037 hearing as trial examiner or trial committee, with the decision to
3038 be rendered in accordance with the provisions of subsection (4) of
3039 this section.

3040 (4) After a hearing has been completed the trial examiner or
3041 trial committee who conducted the hearing shall proceed to
3042 consider the case and, as soon as practicable, shall render a
3043 decision. In any case, the decision must be rendered within sixty
3044 (60) days after the hearing. The decision shall contain:

3045 (a) The findings of fact made by the trial examiner or
3046 trial committee;



3047 (b) Conclusions of law reached by the trial examiner or
3048 trial committee; and

3049 (c) The order based upon these findings of fact and
3050 conclusions of law.

3051 (5) From any revocation or suspension, the person charged
3052 may, within thirty (30) days thereof, appeal to the chancery court
3053 of the county where the hearing was held.

3054 (6) Notice of appeals shall be filed in the office of the
3055 clerk of the court, who shall issue a writ of certiorari directed
3056 to the board, commanding it within ten (10) days after service
3057 thereof to certify to such court its entire record in the matter
3058 in which the appeal has been taken. The appeal shall thereupon be
3059 heard in the due course by said court without a jury, and the
3060 court shall review the record and make its determination of the
3061 cause between the parties.

3062 (7) If there is an appeal, such appeal may, in the
3063 discretion of and on motion to the chancery court, act as a
3064 supersedeas. The chancery court shall dispose of the appeal and
3065 enter its decision promptly. The hearing on the appeal may, in
3066 the discretion of the chancellor, be tried in vacation.

3067 (8) Any person taking an appeal shall post a satisfactory
3068 bond in the amount of Two Hundred Dollars (\$200.00) for payment of
3069 any costs which may be adjudged against him.

3070 (9) In addition to the reasons specified in subsection (1)
3071 of this section, the board shall be authorized to suspend the



3072 license of any licensee for being out of compliance with an order
3073 for support, as defined in Section 93-11-153. The procedure for
3074 suspension of a license for being out of compliance with an order
3075 for support, and the procedure for the reissuance or reinstatement
3076 of a license suspended for that purpose, and the payment of any
3077 fees for the reissuance or reinstatement of a license suspended
3078 for that purpose, shall be governed by Section 93-11-157 or
3079 93-11-163, as the case may be. Actions taken by the board in
3080 suspending a license when required by Section 93-11-157 or
3081 93-11-163 are not actions from which an appeal may be taken under
3082 this section. Any appeal of a license suspension that is required
3083 by Section 93-11-157 or 93-11-163 shall be taken in accordance
3084 with the appeal procedure specified in Section 93-11-157 or
3085 93-11-163, as the case may be, rather than the procedure specified
3086 in this section. If there is any conflict between any provision
3087 of Section 93-11-157 or 93-11-163 and any provision of this
3088 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
3089 case may be, shall control.

3090 **SECTION 29.** Section 73-65-13, Mississippi Code of 1972, is
3091 amended as follows:

3092 73-65-13. (1) The board may deny any application, or
3093 suspend or revoke any license held or applied for under the
3094 provisions of Section 73-65-7 if the person:



3095 (a) Is found guilty of fraud, deceit, or
3096 misrepresentation in procuring or attempting to procure a license
3097 to practice art therapy;

3098 (b) Is adjudicated mentally incompetent;

3099 (c) Is found guilty of a * * * disqualifying crime as
3100 provided in the Fresh Start Act;

3101 (d) Is found guilty of unprofessional or unethical
3102 conduct in this or any other jurisdiction;

3103 (e) Has been using any controlled substance or
3104 alcoholic beverage to an extent or in a manner dangerous to the
3105 person, any other person, or the public, or to an extent that the
3106 use impairs the ability to perform as a licensed professional art
3107 therapist;

3108 (f) Has violated any provision of this chapter; or

3109 (g) Willfully or negligently divulges a professional
3110 confidence.

3111 (2) A certified copy of the record of conviction shall be
3112 conclusive evidence of the conviction.

3113 (3) Disciplinary proceedings may be initiated upon the
3114 receipt by the board of a sworn complaint by any person, including
3115 members of the board.

3116 **SECTION 30.** Section 73-71-33, Mississippi Code of 1972, is
3117 amended as follows:

3118 73-71-33. The following acts constitute grounds for which
3119 the board may initiate disciplinary actions:



3120 (a) Attempting to obtain, or renewing a license to
3121 practice acupuncture by bribery or misinterpretation;
3122 (b) Having a license to practice acupuncture revoked,
3123 suspended, or otherwise acted against, including the denial of
3124 licensure by the licensing authority of another state or territory
3125 for reasons that would preclude licensure in this state;
3126 (c) Being convicted or found guilty, regardless of
3127 adjudication, in any jurisdiction of a * * * disqualifying crime
3128 as provided in the Fresh Start Act or a crime that directly
3129 relates to acupuncture. For the purposes of this paragraph, a
3130 plea of guilty or a plea of nolo contendere accepted by the court
3131 shall be considered as a conviction;
3132 (d) Advertising, practicing, or attempting to practice
3133 under a name other than one's own;
3134 (e) The use of advertising or solicitation that is
3135 false or misleading;
3136 (f) Aiding, assisting, procuring, employing or
3137 advertising an unlicensed person to practice acupuncture contrary
3138 to this chapter or a rule of the board;
3139 (g) Failing to perform any statutory or legal
3140 obligation placed upon an acupuncture practitioner;
3141 (h) Making or filing a report that the licensee knows
3142 to be false, intentionally or negligently failing to file a report
3143 required by state or federal law, willfully impeding or
3144 obstructing that filing or inducing another person to do so.



3145 Those reports shall include only those that are signed in the
3146 capacity of an acupuncture practitioner;

3147 (i) Exercising coercion, intimidation or undue
3148 influence in entering into sexual relations with a patient, or
3149 continuing the patient-practitioner relationship with a patient
3150 with whom the licensee has sexual relations, if those sexual
3151 relations cause the licensee to perform services incompetently.
3152 This paragraph shall not apply to sexual relations between
3153 acupuncture practitioners and their spouses;

3154 (j) Making deceptive, untrue or fraudulent
3155 misrepresentations in the practice of acupuncture;

3156 (k) Soliciting patients, either personally or through
3157 an agent, through the use of fraud, intimidation or undue
3158 influence, or a form of overreaching conduct;

3159 (l) Failing to keep written medical records justifying
3160 the course of treatment of the patient;

3161 (m) Exercising undue influence on the patient to
3162 exploit the patient for financial gain of the licensee or of a
3163 third party;

3164 (n) Being unable to practice acupuncture with
3165 reasonable skill and safety to patients by reason of illness or
3166 intemperate use of alcohol, drugs, narcotics, chemicals, or any
3167 other type of material or as a result of any mental or physical
3168 condition;



3169 (o) Malpractice or the failure to practice acupuncture
3170 to that level of care, skill and treatment that is recognized by a
3171 reasonably prudent similar practitioner of acupuncture as being
3172 acceptable under similar conditions and circumstances;

3173 (p) Practicing or offering to practice beyond the scope
3174 permitted by law or accepting or performing professional
3175 responsibilities that the licensee knows or has reason to know
3176 that he or she is not qualified by training, experience or
3177 certification to perform;

3178 (q) Delegating professional responsibilities to a
3179 person when the licensee delegating those responsibilities knows,
3180 or has reason to know, that the person is not qualified by
3181 training, experience or licensure to perform them;

3182 (r) Violating any provision of this chapter, a rule of
3183 the board, or a lawful order of the board previously entered in a
3184 disciplinary hearing or failing to comply with a lawfully issued
3185 subpoena of the board;

3186 (s) Conspiring with another to commit an act, or
3187 committing an act, that coerces, intimidates or precludes another
3188 licensee from lawfully advertising or providing his or her
3189 services;

3190 (t) Fraud or deceit, or gross negligence, incompetence
3191 or misconduct in the operation of a course of study;



3192 (u) Failing to comply with state, county or municipal
3193 regulations or reporting requirements relating to public health
3194 and the control of contagious and infectious disease;

3195 (v) Failing to comply with any rule of the board
3196 relating to health and safety, including, but not limited to,
3197 sterilization of equipment and the disposal of potentially
3198 infectious materials;

3199 (w) Incompetence, gross negligence or other malpractice
3200 in the practice of acupuncture;

3201 (x) Aiding the unlawful practice of acupuncture;

3202 (y) Fraud or dishonesty in the application or reporting
3203 of any test for disease;

3204 (z) Failure to report, as required by law, or making
3205 false or misleading report of, any contagious or infectious
3206 disease;

3207 (aa) Failure to keep accurate patient records; or

3208 (bb) Failure to permit the board or its agents to enter
3209 and inspect acupuncture premises and equipment as set by rules
3210 promulgated by the board.

3211 **SECTION 31.** Section 73-73-7, Mississippi Code of 1972, is
3212 amended as follows:

3213 73-73-7. (1) Beginning on July 1, 2012, the board and
3214 Interior Design Advisory Committee shall receive applications for
3215 certification as a Mississippi Certified Interior Designer on
3216 forms prescribed and furnished by the board and IDAC.



3217 (2) Upon receipt of an application, the board, upon the
3218 recommendation of IDAC, may approve the application, provided the
3219 applicant meets one (1) of the following requirements:

3220 (a) The applicant passed the IDQE as administered by
3221 NCIDQ before January 1, 2012;

3222 (b) The applicant has a degree in interior design from
3223 a program accredited by the CIDA, a degree in architecture from a
3224 program accredited by the National Architectural Accreditation
3225 Board (NAAB), or a four-year degree in interior design from a
3226 college or university approved by the regulatory board.

3227 Additionally, the applicant must have passed the IDQE as
3228 administered by NCIDQ or its approved successor;

3229 (c) The applicant is a licensed architect in the State
3230 of Mississippi who has passed the IDQE as administered by NCIDQ or
3231 its approved successor; or

3232 (d) The applicant is a licensed engineer in the State
3233 of Mississippi who has passed the IDQE as administered by NCIDQ or
3234 its approved successor.

3235 (3) The applicant must exhibit to the regulatory board and
3236 IDAC the applicant's good standing in the profession * * *.
3237 Except as otherwise provided in this subsection, any of the
3238 following acts shall preclude an applicant's eligibility as a
3239 candidate for certification:

3240 (a) Conviction by any court for commission of any * * *
3241 disqualifying crime as provided in the Fresh Start Act.



3242 (b) Conviction by any court of a misdemeanor involving
3243 fraud, deceit or misrepresentation.

3244 (c) Misstatement or misrepresentation of fact by the
3245 applicant in connection with the applicant's application for
3246 certification in this state or another jurisdiction.

3247 (d) Violation of any of the rules of conduct required
3248 of applicants or interior designers as adopted by the board.

3249 If the board determines that the applicant has shown clear
3250 and convincing evidence of rehabilitation and reform, the board
3251 may certify an applicant otherwise precluded from consideration
3252 because of an act prohibited under this subsection. A decision to
3253 certify an applicant notwithstanding the applicant's violation of
3254 an act prohibited under this subsection is in the sole discretion
3255 of the board and upon such terms, conditions and evidence as the
3256 board may require.

3257 (4) The board and IDAC may require that the applicant appear
3258 before the board for a personal interview.

3259 (5) The board, upon the recommendation of IDAC, may adopt or
3260 develop alternate routes of eligibility and examination
3261 requirements based on standards as set forth by NCIDQ or its
3262 approved successor.

3263 (6) Any application submitted to the board and IDAC may be
3264 denied for any violation of the provisions of this chapter.

3265 **SECTION 32.** Section 73-75-19, Mississippi Code of 1972, is
3266 amended as follows:



3267 73-75-19. **License denial, suspension, or revocation.** (1)
3268 The board, by an affirmative vote of at least three (3) of its
3269 five (5) members, shall withhold, deny, revoke or suspend any
3270 license issued or applied for in accordance with the provisions of
3271 this chapter, or otherwise discipline a licensed behavior analyst
3272 or licensed assistant behavior analyst upon finding that the
3273 applicant or licensee:

3274 (a) Has violated the current Behavior Analyst
3275 Certification Board Professional Disciplinary and Ethical
3276 Standards, the Behavior Analyst Certification Board Guidelines for
3277 Responsible Conduct for Behavior Analysts, or other codes of
3278 ethical standards adopted by the board, or has lost or failed to
3279 renew certification by the Behavior Analyst Certification Board;
3280 or

3281 (b) Has been convicted of a * * * disqualifying crime
3282 as provided in the Fresh Start Act, the record of conviction being
3283 conclusive evidence thereof; or

3284 (c) Is using any narcotic or any alcoholic beverage to
3285 an extent or in a manner dangerous to any other person or the
3286 public, or to an extent that such use impairs his ability to
3287 perform the work of a licensed behavior analyst or licensed
3288 assistant behavior analyst; or

3289 (d) Has impersonated another person holding a license
3290 issued under this chapter or allowed another person to use his
3291 license; or



3292 (e) Has used fraud or deception in applying for a
3293 license provided for in this chapter; or

3294 (f) Has accepted commissions or rebates or other forms
3295 of remuneration for referring clients to other professional
3296 persons; or

3297 (g) Has allowed his name or license issued under this
3298 chapter to be used in connection with any person or persons who
3299 perform applied behavior analysis services outside the area of
3300 their training, experience or competence; or

3301 (h) Is legally adjudicated mentally incompetent, the
3302 record of such adjudication being conclusive evidence thereof; or

3303 (i) Has willfully or negligently violated any of the
3304 provisions of this chapter.

3305 (2) The board may recover from any person disciplined under
3306 this chapter the costs of investigation, prosecution, and
3307 adjudication of the disciplinary action.

3308 (3) Notice shall be effected by registered mail or personal
3309 service setting forth the particular reasons for the proposed
3310 action and fixing a date not less than thirty (30) days nor more
3311 than sixty (60) days from the date of such mailing or such
3312 service, at which time the applicant or licensee shall be given an
3313 opportunity for a prompt and fair hearing. For the purpose of
3314 such hearing the board, acting by and through its executive
3315 secretary, may exercise all authority granted to conduct
3316 investigations and hearings pursuant to Section 73-75-9(2) (a) and



3317 (b). At such hearing the applicant or licensee may appear by
3318 counsel and personally on his own behalf. On the basis of any
3319 such hearing, or upon default of applicant or licensee, the board
3320 shall make a determination specifying its findings of fact and
3321 conclusions of law. A copy of such determination shall be sent by
3322 registered mail or served personally upon the applicant or
3323 licensee. The decision of the board denying, revoking or
3324 suspending the license shall become final thirty (30) days after
3325 so mailed or served unless within that period the licensee appeals
3326 the decision to the Chancery Court of Madison or Rankin Counties,
3327 pursuant to the provisions hereof, and the proceedings in chancery
3328 shall be conducted as other matters coming before the court. All
3329 proceedings and evidence, together with exhibits, presented at
3330 such hearing before the board in the event of appeal, shall be
3331 admissible in evidence in the court.

3332 (4) Nothing in this subsection shall be interpreted to
3333 prohibit the board from immediately suspending any license prior
3334 to a hearing under subsection (3) of this section, when in its
3335 sole discretion the suspension is required for the instruction,
3336 safety or well-being of any member of the public.

3337 (5) Every order and judgment of the board shall take effect
3338 immediately upon its promulgation unless the board in such order
3339 or judgment fixes a probationary period for applicant or licensee.
3340 Such order and judgment shall continue in effect unless upon
3341 appeal the court by proper order or decree terminates it earlier.



3342 The board may make public its order and judgments in such manner
3343 and form as it deems proper.

3344 (6) Suspension by the board of a license issued under this
3345 chapter shall be for a period not to exceed one (1) year. At the
3346 end of this period the board shall reevaluate the suspension, and
3347 shall either reinstate or revoke the license. A person whose
3348 license has been revoked under the provisions of this section may
3349 reapply for license after more than two (2) years have elapsed
3350 from the date such revocation is legally effective.

3351 (7) In addition to the reasons specified in subsection (1)
3352 of this section, the board shall be authorized to suspend the
3353 license of any licensee for being out of compliance with an order
3354 for support, in compliance with the procedures set forth in
3355 Sections 93-11-151 through 93-11-163.

3356 **SECTION 33.** Section 75-76-35, Mississippi Code of 1972, is
3357 amended as follows:

3358 75-76-35. (1) The Legislature hereby declares that the
3359 exclusion or ejection of certain persons from licensed gaming
3360 establishments is necessary to effectuate the policies of this
3361 chapter and to maintain effectively the strict regulation of
3362 licensed gaming.

3363 (2) The commission may by regulation provide for the
3364 establishment of a list of persons who are to be excluded or
3365 ejected from any licensed gaming establishment. The list may
3366 include any person whose presence in the establishment is



3367 determined by the commission or the executive director to pose a
3368 threat to the interests of this state or to licensed gaming, or
3369 both.

3370 (3) In making that determination, the commission and the
3371 executive director may consider any:

3372 (a) Prior conviction of a crime which is a * * *
3373 disqualifying crime as provided in the Fresh Start Act or a
3374 violation of the gaming laws of any state;

3375 (b) Violation or conspiracy to violate the provisions
3376 of this chapter relating to:

3377 (i) The failure to disclose an interest in a
3378 gaming establishment for which the person must obtain a license;
3379 or

3380 (ii) Willful evasion of fees or taxes;

3381 (c) Notorious or unsavory reputation which would
3382 adversely affect public confidence and trust that the gaming
3383 industry is free from criminal or corruptive elements; or

3384 (d) Written order of a governmental agency which
3385 authorizes the exclusion or ejection of the person from an
3386 establishment at which gaming is conducted.

3387 (4) Race, color, creed, national origin or ancestry, or sex
3388 shall not be grounds for placing the name of a person upon the
3389 list.

3390 **SECTION 34.** Section 75-76-131, Mississippi Code of 1972, is
3391 amended as follows:



3392 75-76-131. (1) The executive director shall:
3393 (a) Ascertain and keep himself informed of the
3394 identity, prior activities and present location of all gaming
3395 employees in the State of Mississippi; and
3396 (b) Maintain confidential records of such information.
3397 (2) No person may be employed as a gaming employee unless he
3398 is the holder of a work permit issued by the commission.
3399 (3) A work permit issued to a gaming employee must have
3400 clearly imprinted thereon a statement that it is valid for gaming
3401 purposes only.
3402 (4) Application for a work permit is to be made to the
3403 executive director and may be granted or denied for any cause
3404 deemed reasonable by the commission. Whenever the executive
3405 director denies such an application, he shall include in the
3406 notice of the denial a statement of the facts upon which he relied
3407 in denying the application.
3408 (5) Any person whose application for a work permit has been
3409 denied by the executive director may, not later than sixty (60)
3410 days after receiving notice of the denial or objection, apply to
3411 the commission for a hearing before a hearing examiner. A failure
3412 of a person whose application has been denied to apply for a
3413 hearing within sixty (60) days or his failure to appear at a
3414 hearing conducted pursuant to this section shall be deemed to be
3415 an admission that the denial or objection is well founded and
3416 precludes administrative or judicial review. At the hearing, the



3417 hearing examiner appointed by the commission shall take any
3418 testimony deemed necessary. After the hearing the hearing
3419 examiner shall within thirty (30) days after the date of the
3420 hearing announce his decision sustaining or reversing the denial
3421 of the work permit or the objection to the issuance of a work
3422 permit. The executive director may refuse to issue a work permit
3423 if the applicant has:

3424 (a) Failed to disclose, misstated or otherwise
3425 attempted to mislead the commission with respect to any material
3426 fact contained in the application for the issuance or renewal of a
3427 work permit;

3428 (b) Knowingly failed to comply with the provisions of
3429 this chapter or the regulations of the commission at a place of
3430 previous employment;

3431 (c) Committed, attempted or conspired to commit any
3432 crime of * * * embezzlement or larceny or any violation of any law
3433 pertaining to gaming, or any crime which is inimical to the
3434 declared policy of this state concerning gaming;

3435 (d) Been identified in the published reports of any
3436 federal or state legislative or executive body as being a member
3437 or associate of organized crime, or as being of notorious and
3438 unsavory reputation;

3439 (e) Been placed and remains in the constructive custody
3440 of any federal, state or municipal law enforcement authority;



3441 (f) Had a work permit revoked or committed any act
3442 which is a ground for the revocation of a work permit or would
3443 have been a ground for revoking his work permit if he had then
3444 held a work permit; or

3445 (g) For any other reasonable cause.

3446 The executive director shall refuse to issue a work permit if
3447 the applicant has committed, attempted or conspired to commit a
3448 crime which is a * * * disqualifying crime as provided in the
3449 Fresh Start Act in this state or an offense in another state or
3450 jurisdiction which would be a * * * disqualifying crime as
3451 provided in the Fresh Start Act if committed in this state.

3452 (6) Any applicant aggrieved by the decision of the hearing
3453 examiner may, within fifteen (15) days after the announcement of
3454 the decision, apply in writing to the commission for review of the
3455 decision. Review is limited to the record of the proceedings
3456 before the hearing examiner. The commission may sustain or
3457 reverse the hearing examiner's decision. The commission may
3458 decline to review the hearing examiner's decision, in which case
3459 the hearing examiner's decision becomes the final decision of the
3460 commission. The decision of the commission is subject to judicial
3461 review.

3462 (7) All records acquired or compiled by the commission
3463 relating to any application made pursuant to this section and all
3464 lists of persons to whom work permits have been issued or denied
3465 and all records of the names or identity of persons engaged in the



3466 gaming industry in this state are confidential and must not be
3467 disclosed except in the proper administration of this chapter or
3468 to an authorized law enforcement agency. Any record of the
3469 commission which shows that the applicant has been convicted of a
3470 disqualifying crime in another state must show whether the crime
3471 was a misdemeanor, gross misdemeanor, felony or other class of
3472 crime as classified by the state in which the crime was committed.
3473 In a disclosure of the conviction, reference to the classification
3474 of the crime must be based on the classification in the state
3475 where it was committed.

3476 (8) A work permit expires unless renewed within ten (10)
3477 days after a change of place of employment or if the holder
3478 thereof is not employed as a gaming employee within the
3479 jurisdiction of the issuing authority for more than ninety (90)
3480 days.

3481 (9) Notice of any objection to or denial of a work permit by
3482 the executive director as provided pursuant to this section is
3483 sufficient if it is mailed to the applicant's last known address
3484 as indicated on the application for a work permit. The date of
3485 mailing may be proven by a certificate signed by the executive
3486 director or his designee that specifies the time the notice was
3487 mailed. The notice is presumed to have been received by the
3488 applicant five (5) days after it is deposited with the United
3489 States Postal Service with the postage thereon prepaid.



3490 **SECTION 35.** Section 83-7-207, Mississippi Code of 1972, is
3491 amended as follows:

3492 83-7-207. (1) The commissioner may suspend, revoke or
3493 refuse to renew the license of a viatical settlement provider,
3494 viatical settlement representative or viatical settlement broker
3495 if the commissioner finds that:

3496 (a) There was any material misrepresentation in the
3497 application for the license;

3498 (b) The licensee or any officer, partner or key
3499 management personnel has been convicted of fraudulent or dishonest
3500 practices, is subject to a final administrative action or is
3501 otherwise shown to be untrustworthy or incompetent;

3502 (c) The viatical settlement provider demonstrates a
3503 pattern of unreasonable payments to viators;

3504 (d) The licensee has been found guilty of, or has
3505 pleaded guilty or nolo contendere to, any * * * disqualifying
3506 crime as provided in the Fresh Start Act;

3507 (e) The viatical settlement provider has failed to
3508 honor contractual obligations set out in a viatical settlement
3509 contract;

3510 (f) The licensee no longer meets the requirements for
3511 initial licensure;

3512 (g) The viatical settlement provider has assigned,
3513 transferred or pledged a viaticated policy to a person other than



3514 a viatical settlement provider licensed in this state or a
3515 financing entity; or

3516 (h) The licensee has violated any provisions of
3517 Sections 83-7-201 through 83-7-223.

3518 (2) Before the commissioner shall deny a license application
3519 or suspend, revoke or refuse to renew the license of a viatical
3520 settlement provider, viatical settlement broker or viatical
3521 settlement representative, the commissioner shall conduct a
3522 hearing in accordance with Section 25-43-1 et seq.

3523 **SECTION 36.** Section 83-39-15, Mississippi Code of 1972, is
3524 amended as follows:

3525 83-39-15. (1) The department may deny, suspend, revoke or
3526 refuse to renew, as may be appropriate, a license to engage in the
3527 business of professional bail agent, soliciting bail agent, or
3528 bail enforcement agent for any of the following reasons:

3529 (a) Any cause for which the issuance of the license
3530 would have been refused had it then existed and been known to the
3531 department.

3532 (b) Failure to post a qualification bond in the
3533 required amount with the department during the period the person
3534 is engaged in the business within this state or, if the bond has
3535 been posted, the forfeiture or cancellation of the bond.

3536 (c) Material misstatement, misrepresentation or fraud
3537 in obtaining the license.



3538 (d) Willful failure to comply with, or willful
3539 violation of, any provision of this chapter or of any proper
3540 order, rule or regulation of the department or any court of this
3541 state.

3542 (e) Conviction of * * * a disqualifying crime as
3543 provided in the Fresh Start Act.

3544 (f) Default in payment to the court should any bond
3545 issued by such bail agent be forfeited by order of the court.

3546 (g) Being elected or employed as a law enforcement or
3547 judicial official.

3548 (h) Engaging in the practice of law.

3549 (i) Writing a bond in violation of Section
3550 83-39-3(2)(b)(i) and (ii).

3551 (j) Giving legal advice or a legal opinion in any form.

3552 (k) Acting as or impersonating a bail agent without a
3553 license.

3554 (l) Use of any other trade name than what is submitted
3555 on a license application to the department.

3556 (m) Issuing a bail bond that contains information
3557 intended to mislead a court about the proper delivery by personal
3558 service or certified mail of a writ of scire facias, judgment nisi
3559 or final judgment.

3560 (2) In addition to the grounds specified in subsection (1)
3561 of this section, the department shall be authorized to suspend the
3562 license, registration or permit of any person for being out of



3563 compliance with an order for support, as defined in Section
3564 93-11-153. The procedure for suspension of a license,
3565 registration or permit for being out of compliance with an order
3566 for support, and the procedure for the reissuance or reinstatement
3567 of a license, registration or permit suspended for that purpose,
3568 and the payment of any fees for the reissuance or reinstatement of
3569 a license, registration or permit suspended for that purpose,
3570 shall be governed by Section 93-11-157 or 93-11-163, as the case
3571 may be. If there is any conflict between any provision of Section
3572 93-11-157 or 93-11-163 and any provision of this chapter, the
3573 provisions of Section 93-11-157 or 93-11-163, as the case may be,
3574 shall control.

3575 (3) In addition to the sanctions provided in this section,
3576 the department may assess an administrative fine in an amount not
3577 to exceed One Thousand Dollars (\$1,000.00) per violation. Such
3578 administrative fines shall be in addition to any criminal
3579 penalties assessed under Section 99-5-1.

3580 **SECTION 37.** Section 9-13-109, Mississippi Code of 1972, is
3581 amended as follows:

3582 9-13-109. Every applicant for certification shall have
3583 reached the age of majority * * * and be a resident citizen of the
3584 State of Mississippi. Further, every applicant shall meet the
3585 criteria established by the board for certification or shall meet
3586 the requirements of Section 9-13-109.



3587 **SECTION 38.** Section 21-27-131, Mississippi Code of 1972, is
3588 amended as follows:

3589 21-27-131. No person may drive or operate motor vehicles for
3590 hire in any city or town in this state unless he shall first have
3591 been licensed so to do as follows: he shall make application to
3592 the mayor of such municipality in writing, accompanied by a
3593 statement of some reputable citizen thereof, that the applicant is
3594 over the age of eighteen (18) years, an experienced driver, * * *
3595 and physically and mentally capacitated to drive and operate such
3596 motor vehicle. The mayor shall place such application before the
3597 board of aldermen, or other governing authorities, whereupon
3598 inquiry may be made by such governing authorities into the * * *
3599 mental and physical fitness of the applicant. If the permit shall
3600 be granted the applicant shall receive a certificate of such
3601 permit, signed by the mayor, together with an identification
3602 badge, and the name of the municipality thereon, and which shall
3603 be worn so that the same will be displayed while engaged in or
3604 about such occupation. The governing authorities of the
3605 municipality may require the applicant to give a reasonable bond,
3606 of not more than Five Hundred Dollars (\$500.00), to guarantee the
3607 faithful observance of the law as well as the rules and
3608 regulations which may be prescribed by the said municipality, and
3609 they may also require a reasonable fee, for such permit and badge.
3610 In the event the governing authority of such municipality refuse
3611 to grant such permit to an applicant, an appeal may be taken to



3612 the circuit court, in the manner provided by law for appealing
3613 from other orders of the governing authorities of municipalities,
3614 and the questions to be tried upon appeal will be as to the age
3615 and experience and the moral, mental and physical fitness of the
3616 said applicant to pursue such vocation in such municipality.

3617 **SECTION 39.** Section 21-27-151, Mississippi Code of 1972, is
3618 amended as follows:

3619 21-27-151. No person may drive or operate any bus of a
3620 transportation system for the transportation of passengers within
3621 any city or town in this state, where the operation of such bus is
3622 subject to regulation by the authorities of such city or town
3623 under Section 21-27-121, unless he shall first have been licensed
3624 so to do as follows: he shall make application to the mayor of
3625 such municipality in writing, accompanied by a statement of some
3626 reputable citizen thereof, that the applicant is over the age of
3627 eighteen (18) years, an experienced driver, * * * and physically
3628 and mentally capacitated to drive and operate such motor vehicle.
3629 The mayor shall place such application before the board of
3630 aldermen, or other governing authorities, whereupon inquiry may be
3631 made by such governing authorities into the * * * mental and
3632 physical fitness of the applicant. If the permit shall be granted
3633 the applicant shall receive a license, signed by the mayor,
3634 together with a metallic badge, which shall have a number and the
3635 name of the municipality thereon, and which shall be worn so that
3636 the same will be displayed while engaged in or about such



3637 occupation. The governing authorities of the municipality may
3638 require the applicant to give a reasonable bond, of not more than
3639 Five Hundred Dollars (\$500.00), to guarantee the faithful
3640 observance of the law as well as the rules and regulations which
3641 may be prescribed by the said municipality, and they may also
3642 require a reasonable fee, not to exceed Five Dollars (\$5.00) for
3643 such license, which said license fee shall be paid into the
3644 general fund of such municipality. In the event the governing
3645 authority of such municipality refuse to grant such license to an
3646 applicant, an appeal may be taken to the circuit court, in the
3647 manner provided by law for appealing from other orders of the
3648 governing authorities of municipalities, and the questions to be
3649 tried upon appeal will be as to the age and experience and
3650 the * * * mental and physical fitness of the said applicant to
3651 pursue such vocation in such municipality.

3652 **SECTION 40.** Section 27-109-5, Mississippi Code of 1972, is
3653 amended as follows:

3654 27-109-5. (1) Any person who the tax commission determines
3655 is qualified to receive a license or is found suitable under the
3656 provisions of this chapter, having due consideration for the
3657 proper protection of the health, safety, morals, good order and
3658 general welfare of the inhabitants of the State of Mississippi and
3659 the declared policy of this state, may be issued a state privilege
3660 license for the operation of a cruise vessel. The burden of



3661 proving his qualification to receive any license or be found
3662 suitable is on the applicant.

3663 (2) An application to receive a license shall not be granted
3664 unless the commission is satisfied that the applicant is:

3665 (a) A person of * * * honesty and integrity;

3666 (b) A person whose prior activities, criminal record,
3667 if any, reputation, habits and associations do not pose a threat
3668 to the public interest of this state or to the effective
3669 regulation and control of cruise vessels, or create or enhance the
3670 dangers of unsuitable, unfair or illegal practices, methods and
3671 activities in the operation of cruise vessels or the carrying on
3672 of the business and financial arrangements incidental thereto; and

3673 (c) In all other respects qualified to be licensed or
3674 found suitable consistently with the declared policy of the state.

3675 (3) A license to operate a cruise vessel shall not be
3676 granted unless the applicant has satisfied the commission that:

3677 (a) He has adequate business probity, competence and
3678 experience, in the operation of cruise vessels or generally; and

3679 (b) The proposed financing of the entire operation is:

3680 (i) Adequate for the nature of the proposed
3681 operation; and

3682 (ii) From a suitable source. Any lender or other
3683 source of money or credit which the commission finds does not meet
3684 the standards set forth in subsection (2) may be deemed
3685 unsuitable.



3686 **SECTION 41.** Section 37-3-2, Mississippi Code of 1972, is
3687 amended as follows:

3688 37-3-2. (1) There is established within the State
3689 Department of Education the Commission on Teacher and
3690 Administrator Education, Certification and Licensure and
3691 Development. It shall be the purpose and duty of the commission
3692 to make recommendations to the State Board of Education regarding
3693 standards for the certification and licensure and continuing
3694 professional development of those who teach or perform tasks of an
3695 educational nature in the public schools of Mississippi.

3696 (2) (a) The commission shall be composed of fifteen (15)
3697 qualified members. The membership of the commission shall be
3698 composed of the following members to be appointed, three (3) from
3699 each of the four (4) congressional districts, as such districts
3700 existed on January 1, 2011, in accordance with the population
3701 calculations determined by the 2010 federal decennial census,
3702 including: four (4) classroom teachers; three (3) school
3703 administrators; one (1) representative of schools of education of
3704 public institutions of higher learning located within the state to
3705 be recommended by the Board of Trustees of State Institutions of
3706 Higher Learning; one (1) representative from the schools of
3707 education of independent institutions of higher learning to be
3708 recommended by the Board of the Mississippi Association of
3709 Independent Colleges; one (1) representative from public community
3710 and junior colleges located within the state to be recommended by



3711 the Mississippi Community College Board; one (1) local school
3712 board member; and four (4) laypersons. Three (3) members of the
3713 commission, at the sole discretion of the State Board of
3714 Education, shall be appointed from the state at large.

3715 (b) All appointments shall be made by the State Board
3716 of Education after consultation with the State Superintendent of
3717 Public Education. The first appointments by the State Board of
3718 Education shall be made as follows: five (5) members shall be
3719 appointed for a term of one (1) year; five (5) members shall be
3720 appointed for a term of two (2) years; and five (5) members shall
3721 be appointed for a term of three (3) years. Thereafter, all
3722 members shall be appointed for a term of four (4) years.

3723 (3) The State Board of Education when making appointments
3724 shall designate a chairman. The commission shall meet at least
3725 once every two (2) months or more often if needed. Members of the
3726 commission shall be compensated at a rate of per diem as
3727 authorized by Section 25-3-69 and be reimbursed for actual and
3728 necessary expenses as authorized by Section 25-3-41.

3729 (4) (a) An appropriate staff member of the State Department
3730 of Education shall be designated and assigned by the State
3731 Superintendent of Public Education to serve as executive secretary
3732 and coordinator for the commission. No less than two (2) other
3733 appropriate staff members of the State Department of Education
3734 shall be designated and assigned by the State Superintendent of
3735 Public Education to serve on the staff of the commission.



3736 (b) An Office of Educator Misconduct Evaluations shall
3737 be established within the State Department of Education to assist
3738 the commission in responding to infractions and violations, and in
3739 conducting hearings and enforcing the provisions of subsections
3740 (11), (12), (13), (14) and (15) of this section, and violations of
3741 the Mississippi Educator Code of Ethics.

3742 (5) It shall be the duty of the commission to:

3743 (a) Set standards and criteria, subject to the approval
3744 of the State Board of Education, for all educator preparation
3745 programs in the state;

3746 (b) Recommend to the State Board of Education each year
3747 approval or disapproval of each educator preparation program in
3748 the state, subject to a process and schedule determined by the
3749 State Board of Education;

3750 (c) Establish, subject to the approval of the State
3751 Board of Education, standards for initial teacher certification
3752 and licensure in all fields;

3753 (d) Establish, subject to the approval of the State
3754 Board of Education, standards for the renewal of teacher licenses
3755 in all fields;

3756 (e) Review and evaluate objective measures of teacher
3757 performance, such as test scores, which may form part of the
3758 licensure process, and to make recommendations for their use;

3759 (f) Review all existing requirements for certification
3760 and licensure;



3761 (g) Consult with groups whose work may be affected by
3762 the commission's decisions;

3763 (h) Prepare reports from time to time on current
3764 practices and issues in the general area of teacher education and
3765 certification and licensure;

3766 (i) Hold hearings concerning standards for teachers'
3767 and administrators' education and certification and licensure with
3768 approval of the State Board of Education;

3769 (j) Hire expert consultants with approval of the State
3770 Board of Education;

3771 (k) Set up ad hoc committees to advise on specific
3772 areas; and

3773 (l) Perform such other functions as may fall within
3774 their general charge and which may be delegated to them by the
3775 State Board of Education.

3776 (6) (a) **Standard License - Approved Program Route.** An
3777 educator entering the school system of Mississippi for the first
3778 time and meeting all requirements as established by the State
3779 Board of Education shall be granted a standard five-year license.
3780 Persons who possess two (2) years of classroom experience as an
3781 assistant teacher or who have taught for one (1) year in an
3782 accredited public or private school shall be allowed to fulfill
3783 student teaching requirements under the supervision of a qualified
3784 participating teacher approved by an accredited college of
3785 education. The local school district in which the assistant



3786 teacher is employed shall compensate such assistant teachers at
3787 the required salary level during the period of time such
3788 individual is completing student teaching requirements.

3789 Applicants for a standard license shall submit to the department:

3790 (i) An application on a department form;

3791 (ii) An official transcript of completion of a

3792 teacher education program approved by the department or a

3793 nationally accredited program, subject to the following:

3794 Licensure to teach in Mississippi prekindergarten through

3795 kindergarten classrooms shall require completion of a teacher

3796 education program or a Bachelor of Science degree with child

3797 development emphasis from a program accredited by the American

3798 Association of Family and Consumer Sciences (AAFCS) or by the

3799 National Association for Education of Young Children (NAEYC) or by

3800 the National Council for Accreditation of Teacher Education

3801 (NCATE). Licensure to teach in Mississippi kindergarten, for

3802 those applicants who have completed a teacher education program,

3803 and in Grade 1 through Grade 4 shall require the completion of an

3804 interdisciplinary program of studies. Licenses for Grades 4

3805 through 8 shall require the completion of an interdisciplinary

3806 program of studies with two (2) or more areas of concentration.

3807 Licensure to teach in Mississippi Grades 7 through 12 shall

3808 require a major in an academic field other than education, or a

3809 combination of disciplines other than education. Students

3810 preparing to teach a subject shall complete a major in the



3811 respective subject discipline. All applicants for standard
3812 licensure shall demonstrate that such person's college preparation
3813 in those fields was in accordance with the standards set forth by
3814 the National Council for Accreditation of Teacher Education
3815 (NCATE) or the National Association of State Directors of Teacher
3816 Education and Certification (NASDTEC) or, for those applicants who
3817 have a Bachelor of Science degree with child development emphasis,
3818 the American Association of Family and Consumer Sciences (AAFCS).
3819 Effective July 1, 2016, for initial elementary education
3820 licensure, a teacher candidate must earn a passing score on a
3821 rigorous test of scientifically research-based reading instruction
3822 and intervention and data-based decision-making principles as
3823 approved by the State Board of Education;

3824 (iii) A copy of test scores evidencing
3825 satisfactory completion of nationally administered examinations of
3826 achievement, such as the Educational Testing Service's teacher
3827 testing examinations;

3828 (iv) Any other document required by the State
3829 Board of Education; and

3830 (v) From and after July 1, 2020, no teacher
3831 candidate shall be licensed to teach in Mississippi who did not
3832 meet the following criteria for entrance into an approved teacher
3833 education program:

3834 1. An ACT Score of twenty-one (21) (or SAT
3835 equivalent); or



3836 2. Achieve a qualifying passing score on the
3837 Praxis Core Academic Skills for Educators examination as
3838 established by the State Board of Education; or

3839 3. A minimum GPA of 3.0 on coursework prior
3840 to admission to an approved teacher education program.

3841 (b) **Standard License - Nontraditional Teaching Route.**

3842 From and after July 1, 2020, no teacher candidate shall be
3843 licensed to teach in Mississippi under the alternate route who did
3844 not meet the following criteria:

3845 (i) An ACT Score of twenty-one (21) (or SAT
3846 equivalent); or

3847 (ii) Achieve a qualifying passing score on the
3848 Praxis Core Academic Skills for Educators examination as
3849 established by the State Board of Education; or

3850 (iii) A minimum GPA of 3.0 on coursework prior to
3851 admission to an approved teacher education program.

3852 Beginning July 1, 2020, an individual who has attained a
3853 passing score on the Praxis Core Academic Skills for Educators or
3854 an ACT Score of twenty-one (21) (or SAT equivalent) or a minimum
3855 GPA of 3.0 on coursework prior to admission to an approved teacher
3856 education program and a passing score on the Praxis Subject
3857 Assessment in the requested area of endorsement may apply for
3858 admission to the Teach Mississippi Institute (TMI) program to
3859 teach students in Grades 7 through 12 if the individual meets the
3860 requirements of this paragraph (b). The State Board of Education



3861 shall adopt rules requiring that teacher preparation institutions
3862 which provide the Teach Mississippi Institute (TMI) program for
3863 the preparation of nontraditional teachers shall meet the
3864 standards and comply with the provisions of this paragraph.

3865 (i) The Teach Mississippi Institute (TMI) shall
3866 include an intensive eight-week, nine-semester-hour summer program
3867 or a curriculum of study in which the student matriculates in the
3868 fall or spring semester, which shall include, but not be limited
3869 to, instruction in education, effective teaching strategies,
3870 classroom management, state curriculum requirements, planning and
3871 instruction, instructional methods and pedagogy, using test
3872 results to improve instruction, and a one (1) semester three-hour
3873 supervised internship to be completed while the teacher is
3874 employed as a full-time teacher intern in a local school district.
3875 The TMI shall be implemented on a pilot program basis, with
3876 courses to be offered at up to four (4) locations in the state,
3877 with one (1) TMI site to be located in each of the three (3)
3878 Mississippi Supreme Court districts.

3879 (ii) The school sponsoring the teacher intern
3880 shall enter into a written agreement with the institution
3881 providing the Teach Mississippi Institute (TMI) program, under
3882 terms and conditions as agreed upon by the contracting parties,
3883 providing that the school district shall provide teacher interns
3884 seeking a nontraditional provisional teaching license with a
3885 one-year classroom teaching experience. The teacher intern shall



3886 successfully complete the one (1) semester three-hour intensive
3887 internship in the school district during the semester immediately
3888 following successful completion of the TMI and prior to the end of
3889 the one-year classroom teaching experience.

3890 (iii) Upon completion of the nine-semester-hour
3891 TMI or the fall or spring semester option, the individual shall
3892 submit his transcript to the commission for provisional licensure
3893 of the intern teacher, and the intern teacher shall be issued a
3894 provisional teaching license by the commission, which will allow
3895 the individual to legally serve as a teacher while the person
3896 completes a nontraditional teacher preparation internship program.

3897 (iv) During the semester of internship in the
3898 school district, the teacher preparation institution shall monitor
3899 the performance of the intern teacher. The school district that
3900 employs the provisional teacher shall supervise the provisional
3901 teacher during the teacher's intern year of employment under a
3902 nontraditional provisional license, and shall, in consultation
3903 with the teacher intern's mentor at the school district of
3904 employment, submit to the commission a comprehensive evaluation of
3905 the teacher's performance sixty (60) days prior to the expiration
3906 of the nontraditional provisional license. If the comprehensive
3907 evaluation establishes that the provisional teacher intern's
3908 performance fails to meet the standards of the approved
3909 nontraditional teacher preparation internship program, the
3910 individual shall not be approved for a standard license.



3911 (v) An individual issued a provisional teaching
3912 license under this nontraditional route shall successfully
3913 complete, at a minimum, a one-year beginning teacher mentoring and
3914 induction program administered by the employing school district
3915 with the assistance of the State Department of Education.

3916 (vi) Upon successful completion of the TMI and the
3917 internship provisional license period, applicants for a Standard
3918 License - Nontraditional Route shall submit to the commission a
3919 transcript of successful completion of the twelve (12) semester
3920 hours required in the internship program, and the employing school
3921 district shall submit to the commission a recommendation for
3922 standard licensure of the intern. If the school district
3923 recommends licensure, the applicant shall be issued a Standard
3924 License - Nontraditional Route which shall be valid for a
3925 five-year period and be renewable.

3926 (vii) At the discretion of the teacher preparation
3927 institution, the individual shall be allowed to credit the twelve
3928 (12) semester hours earned in the nontraditional teacher
3929 internship program toward the graduate hours required for a Master
3930 of Arts in Teacher (MAT) Degree.

3931 (viii) The local school district in which the
3932 nontraditional teacher intern or provisional licensee is employed
3933 shall compensate such teacher interns at Step 1 of the required
3934 salary level during the period of time such individual is
3935 completing teacher internship requirements and shall compensate



3936 such Standard License - Nontraditional Route teachers at Step 3 of
3937 the required salary level when they complete license requirements.

3938 Implementation of the TMI program provided for under this
3939 paragraph (b) shall be contingent upon the availability of funds
3940 appropriated specifically for such purpose by the Legislature.
3941 Such implementation of the TMI program may not be deemed to
3942 prohibit the State Board of Education from developing and
3943 implementing additional alternative route teacher licensure
3944 programs, as deemed appropriate by the board. The emergency
3945 certification program in effect prior to July 1, 2002, shall
3946 remain in effect.

3947 A Standard License - Approved Program Route shall be issued
3948 for a five-year period, and may be renewed. Recognizing teaching
3949 as a profession, a hiring preference shall be granted to persons
3950 holding a Standard License - Approved Program Route or Standard
3951 License - Nontraditional Teaching Route over persons holding any
3952 other license.

3953 (c) **Special License - Expert Citizen.** In order to
3954 allow a school district to offer specialized or technical courses,
3955 the State Department of Education, in accordance with rules and
3956 regulations established by the State Board of Education, may grant
3957 a one-year expert citizen-teacher license to local business or
3958 other professional personnel to teach in a public school or
3959 nonpublic school accredited or approved by the state. Such person
3960 may begin teaching upon his employment by the local school board



3961 and licensure by the Mississippi Department of Education. The
3962 board shall adopt rules and regulations to administer the expert
3963 citizen-teacher license. A Special License - Expert Citizen may
3964 be renewed in accordance with the established rules and
3965 regulations of the State Department of Education.

3966 (d) **Special License - Nonrenewable.** The State Board of
3967 Education is authorized to establish rules and regulations to
3968 allow those educators not meeting requirements in paragraph (a),
3969 (b) or (c) of this subsection (6) to be licensed for a period of
3970 not more than three (3) years, except by special approval of the
3971 State Board of Education.

3972 (e) **Nonlicensed Teaching Personnel.** A nonlicensed
3973 person may teach for a maximum of three (3) periods per teaching
3974 day in a public school district or a nonpublic school
3975 accredited/approved by the state. Such person shall submit to the
3976 department a transcript or record of his education and experience
3977 which substantiates his preparation for the subject to be taught
3978 and shall meet other qualifications specified by the commission
3979 and approved by the State Board of Education. In no case shall
3980 any local school board hire nonlicensed personnel as authorized
3981 under this paragraph in excess of five percent (5%) of the total
3982 number of licensed personnel in any single school.

3983 (f) **Special License - Transitional Bilingual Education.**
3984 Beginning July 1, 2003, the commission shall grant special
3985 licenses to teachers of transitional bilingual education who



3986 possess such qualifications as are prescribed in this section.
3987 Teachers of transitional bilingual education shall be compensated
3988 by local school boards at not less than one (1) step on the
3989 regular salary schedule applicable to permanent teachers licensed
3990 under this section. The commission shall grant special licenses
3991 to teachers of transitional bilingual education who present the
3992 commission with satisfactory evidence that they (i) possess a
3993 speaking and reading ability in a language, other than English, in
3994 which bilingual education is offered and communicative skills in
3995 English; (ii) are in good health * * *; (iii) possess a bachelor's
3996 degree or an associate's degree in teacher education from an
3997 accredited institution of higher education; (iv) meet such
3998 requirements as to courses of study, semester hours therein,
3999 experience and training as may be required by the commission; and
4000 (v) are legally present in the United States and possess legal
4001 authorization for employment. A teacher of transitional bilingual
4002 education serving under a special license shall be under an
4003 exemption from standard licensure if he achieves the requisite
4004 qualifications therefor. Two (2) years of service by a teacher of
4005 transitional bilingual education under such an exemption shall be
4006 credited to the teacher in acquiring a Standard Educator License.
4007 Nothing in this paragraph shall be deemed to prohibit a local
4008 school board from employing a teacher licensed in an appropriate
4009 field as approved by the State Department of Education to teach in
4010 a program in transitional bilingual education.



4011 (g) In the event any school district meets the highest
4012 accreditation standards as defined by the State Board of Education
4013 in the accountability system, the State Board of Education, in its
4014 discretion, may exempt such school district from any restrictions
4015 in paragraph (e) relating to the employment of nonlicensed
4016 teaching personnel.

4017 (h) **Highly Qualified Teachers.** Beginning July 1, 2006,
4018 any teacher from any state meeting the federal definition of
4019 highly qualified, as described in the No Child Left Behind Act,
4020 must be granted a standard five-year license by the State
4021 Department of Education.

4022 (7) **Administrator License.** The State Board of Education is
4023 authorized to establish rules and regulations and to administer
4024 the licensure process of the school administrators in the State of
4025 Mississippi. There will be four (4) categories of administrator
4026 licensure with exceptions only through special approval of the
4027 State Board of Education.

4028 (a) **Administrator License - Nonpracticing.** Those
4029 educators holding administrative endorsement but having no
4030 administrative experience or not serving in an administrative
4031 position on January 15, 1997.

4032 (b) **Administrator License - Entry Level.** Those
4033 educators holding administrative endorsement and having met the
4034 department's qualifications to be eligible for employment in a



4035 Mississippi school district. Administrator License - Entry Level
4036 shall be issued for a five-year period and shall be nonrenewable.

4037 (c) **Standard Administrator License - Career Level.** An
4038 administrator who has met all the requirements of the department
4039 for standard administrator licensure.

4040 (d) **Administrator License - Nontraditional Route.** The
4041 board may establish a nontraditional route for licensing
4042 administrative personnel. Such nontraditional route for
4043 administrative licensure shall be available for persons holding,
4044 but not limited to, a master of business administration degree, a
4045 master of public administration degree, a master of public
4046 planning and policy degree or a doctor of jurisprudence degree
4047 from an accredited college or university, with five (5) years of
4048 administrative or supervisory experience. Successful completion
4049 of the requirements of alternate route licensure for
4050 administrators shall qualify the person for a standard
4051 administrator license.

4052 Individuals seeking school administrator licensure under
4053 paragraph (b), (c) or (d) shall successfully complete a training
4054 program and an assessment process prescribed by the State Board of
4055 Education. All applicants for school administrator licensure
4056 shall meet all requirements prescribed by the department under
4057 paragraph (b), (c) or (d), and the cost of the assessment process
4058 required shall be paid by the applicant.



4059 (8) **Reciprocity.** The department shall grant a standard
4060 five-year license to any individual who possesses a valid standard
4061 license from another state within a period of twenty-one (21) days
4062 from the date of a completed application. The issuance of a
4063 license by reciprocity to a military-trained applicant, military
4064 spouse or person who establishes residence in this state shall be
4065 subject to the provisions of Section 73-50-1 or 73-50-2, as
4066 applicable.

4067 (9) **Renewal and Reinstatement of Licenses.** The State Board
4068 of Education is authorized to establish rules and regulations for
4069 the renewal and reinstatement of educator and administrator
4070 licenses. Effective May 15, 1997, the valid standard license held
4071 by an educator shall be extended five (5) years beyond the
4072 expiration date of the license in order to afford the educator
4073 adequate time to fulfill new renewal requirements established
4074 pursuant to this subsection. An educator completing a master of
4075 education, educational specialist or doctor of education degree in
4076 May 1997 for the purpose of upgrading the educator's license to a
4077 higher class shall be given this extension of five (5) years plus
4078 five (5) additional years for completion of a higher degree. For
4079 all license types with a current valid expiration date of June 30,
4080 2021, the State Department of Education shall grant a one-year
4081 extension to June 30, 2022. Beginning July 1, 2022, and
4082 thereafter, applicants for licensure renewal shall meet all



4083 requirements in effect on the date that the complete application
4084 is received by the State Department of Education.

4085 (10) All controversies involving the issuance, revocation,
4086 suspension or any change whatsoever in the licensure of an
4087 educator required to hold a license shall be initially heard in a
4088 hearing de novo, by the commission or by a subcommittee
4089 established by the commission and composed of commission members,
4090 or by a hearing officer retained and appointed by the commission,
4091 for the purpose of holding hearings. Any complaint seeking the
4092 denial of issuance, revocation or suspension of a license shall be
4093 by sworn affidavit filed with the Commission on Teacher and
4094 Administrator Education, Certification and Licensure and
4095 Development. The decision thereon by the commission, its
4096 subcommittee or hearing officer, shall be final, unless the
4097 aggrieved party shall appeal to the State Board of Education,
4098 within ten (10) days, of the decision of the commission, its
4099 subcommittee or hearing officer. An appeal to the State Board of
4100 Education shall be perfected upon filing a notice of the appeal
4101 and by the prepayment of the costs of the preparation of the
4102 record of proceedings by the commission, its subcommittee or
4103 hearing officer. An appeal shall be on the record previously made
4104 before the commission, its subcommittee or hearing officer, unless
4105 otherwise provided by rules and regulations adopted by the board.
4106 The decision of the commission, its subcommittee or hearing
4107 officer shall not be disturbed on appeal if supported by



4108 substantial evidence, was not arbitrary or capricious, within the
4109 authority of the commission, and did not violate some statutory or
4110 constitutional right. The State Board of Education in its
4111 authority may reverse, or remand with instructions, the decision
4112 of the commission, its subcommittee or hearing officer. The
4113 decision of the State Board of Education shall be final.

4114 (11) (a) The State Board of Education, acting through the
4115 commission, may deny an application for any teacher or
4116 administrator license for one or more of the following:

4117 (i) Lack of qualifications which are prescribed by
4118 law or regulations adopted by the State Board of Education;

4119 (ii) The applicant has a physical, emotional or
4120 mental disability that renders the applicant unfit to perform the
4121 duties authorized by the license, as certified by a licensed
4122 psychologist or psychiatrist;

4123 (iii) The applicant is actively addicted to or
4124 actively dependent on alcohol or other habit-forming drugs or is a
4125 habitual user of narcotics, barbiturates, amphetamines,
4126 hallucinogens or other drugs having similar effect, at the time of
4127 application for a license;

4128 (iv) Fraud or deceit committed by the applicant in
4129 securing or attempting to secure such certification and license;

4130 (v) Failing or refusing to furnish reasonable
4131 evidence of identification;



4132 (vi) The applicant has been convicted, has pled
4133 guilty or entered a plea of nolo contendere to a * * *
4134 disqualifying crime as provided in the Fresh Start Act. For
4135 purposes of this subparagraph (vi) of this paragraph (a), a
4136 "guilty plea" includes a plea of guilty, entry of a plea of nolo
4137 contendere, or entry of an order granting pretrial or judicial
4138 diversion;

4139 (vii) The applicant or licensee is on probation or
4140 post-release supervision for a felony or conviction, as defined by
4141 federal or state law. However, this disqualification expires upon
4142 the end of the probationary or post-release supervision period.

4143 (b) The State Board of Education, acting through the
4144 commission, shall deny an application for any teacher or
4145 administrator license, or immediately revoke the current teacher
4146 or administrator license, for one or more of the following:

4147 (i) If the applicant or licensee has been
4148 convicted, has pled guilty or entered a plea of nolo contendere to
4149 a sex offense as defined by federal or state law. For purposes of
4150 this subparagraph (i) of this paragraph (b), a "guilty plea"
4151 includes a plea of guilty, entry of a plea of nolo contendere, or
4152 entry of an order granting pretrial or judicial diversion;

4153 (ii) The applicant or licensee is on probation or
4154 post-release supervision for a sex offense conviction, as defined
4155 by federal or state law;



4156 (iii) The license holder has fondled a student as
4157 described in Section 97-5-23, or had any type of sexual
4158 involvement with a student as described in Section 97-3-95; or

4159 (iv) The license holder has failed to report
4160 sexual involvement of a school employee with a student as required
4161 by Section 97-5-24.

4162 (12) The State Board of Education, acting through the
4163 commission, may revoke, suspend or refuse to renew any teacher or
4164 administrator license for specified periods of time or may place
4165 on probation, reprimand a licensee, or take other disciplinary
4166 action with regard to any license issued under this chapter for
4167 one or more of the following:

4168 (a) Breach of contract or abandonment of employment may
4169 result in the suspension of the license for one (1) school year as
4170 provided in Section 37-9-57;

4171 (b) Obtaining a license by fraudulent means shall
4172 result in immediate suspension and continued suspension for one
4173 (1) year after correction is made;

4174 (c) Suspension or revocation of a certificate or
4175 license by another state shall result in immediate suspension or
4176 revocation and shall continue until records in the prior state
4177 have been cleared;

4178 (d) The license holder has been convicted, has pled
4179 guilty or entered a plea of nolo contendere to a * * *
4180 disqualifying crime as provided in the Fresh Start Act. For



4181 purposes of this paragraph, a "guilty plea" includes a plea of
4182 guilty, entry of a plea of nolo contendere, or entry of an order
4183 granting pretrial or judicial diversion;

4184 (e) The license holder knowingly and willfully
4185 committing any of the acts affecting validity of mandatory uniform
4186 test results as provided in Section 37-16-4(1);

4187 (f) The license holder has engaged in unethical conduct
4188 relating to an educator/student relationship as identified by the
4189 State Board of Education in its rules;

4190 (g) The license holder served as superintendent or
4191 principal in a school district during the time preceding and/or
4192 that resulted in the Governor declaring a state of emergency and
4193 the State Board of Education appointing a conservator;

4194 (h) The license holder submitted a false certification
4195 to the State Department of Education that a statewide test was
4196 administered in strict accordance with the Requirements of the
4197 Mississippi Statewide Assessment System; or

4198 (i) The license holder has failed to comply with the
4199 Procedures for Reporting Infractions as promulgated by the
4200 commission and approved by the State Board of Education pursuant
4201 to subsection (15) of this section.

4202 For purposes of this subsection, probation shall be defined
4203 as a length of time determined by the commission, its subcommittee
4204 or hearing officer, and based on the severity of the offense in
4205 which the license holder shall meet certain requirements as



4206 prescribed by the commission, its subcommittee or hearing officer.
4207 Failure to complete the requirements in the time specified shall
4208 result in immediate suspension of the license for one (1) year.

4209 (13) (a) Dismissal or suspension of a licensed employee by
4210 a local school board pursuant to Section 37-9-59 may result in the
4211 suspension or revocation of a license for a length of time which
4212 shall be determined by the commission and based upon the severity
4213 of the offense.

4214 (b) Any offense committed or attempted in any other
4215 state shall result in the same penalty as if committed or
4216 attempted in this state.

4217 (c) A person may voluntarily surrender a license. The
4218 surrender of such license may result in the commission
4219 recommending any of the above penalties without the necessity of a
4220 hearing. However, any such license which has voluntarily been
4221 surrendered by a licensed employee may only be reinstated by a
4222 majority vote of all members of the commission present at the
4223 meeting called for such purpose.

4224 (14) (a) A person whose license has been suspended or
4225 surrendered on any grounds except criminal grounds may petition
4226 for reinstatement of the license after one (1) year from the date
4227 of suspension or surrender, or after one-half (1/2) of the
4228 suspended or surrendered time has lapsed, whichever is greater. A
4229 person whose license has been suspended or revoked on any grounds
4230 or violations under subsection (12) of this section may be



4231 reinstated automatically or approved for a reinstatement hearing,
4232 upon submission of a written request to the commission. A license
4233 suspended, revoked or surrendered on criminal grounds may be
4234 reinstated upon petition to the commission filed after expiration
4235 of the sentence and parole or probationary period imposed upon
4236 conviction. A revoked, suspended or surrendered license may be
4237 reinstated upon satisfactory showing of evidence of
4238 rehabilitation. The commission shall require all who petition for
4239 reinstatement to furnish evidence satisfactory to the commission
4240 of * * *good mental, emotional and physical health and such other
4241 evidence as the commission may deem necessary to establish the
4242 petitioner's rehabilitation and fitness to perform the duties
4243 authorized by the license.

4244 (b) A person whose license expires while under
4245 investigation by the Office of Educator Misconduct for an alleged
4246 violation may not be reinstated without a hearing before the
4247 commission if required based on the results of the investigation.

4248 (15) Reporting procedures and hearing procedures for dealing
4249 with infractions under this section shall be promulgated by the
4250 commission, subject to the approval of the State Board of
4251 Education. The revocation or suspension of a license shall be
4252 effected at the time indicated on the notice of suspension or
4253 revocation. The commission shall immediately notify the
4254 superintendent of the school district or school board where the
4255 teacher or administrator is employed of any disciplinary action



4256 and also notify the teacher or administrator of such revocation or
4257 suspension and shall maintain records of action taken. The State
4258 Board of Education may reverse or remand with instructions any
4259 decision of the commission, its subcommittee or hearing officer
4260 regarding a petition for reinstatement of a license, and any such
4261 decision of the State Board of Education shall be final.

4262 (16) An appeal from the action of the State Board of
4263 Education in denying an application, revoking or suspending a
4264 license or otherwise disciplining any person under the provisions
4265 of this section shall be filed in the Chancery Court of the First
4266 Judicial District of Hinds County, Mississippi, on the record
4267 made, including a verbatim transcript of the testimony at the
4268 hearing. The appeal shall be filed within thirty (30) days after
4269 notification of the action of the board is mailed or served and
4270 the proceedings in chancery court shall be conducted as other
4271 matters coming before the court. The appeal shall be perfected
4272 upon filing notice of the appeal and by the prepayment of all
4273 costs, including the cost of preparation of the record of the
4274 proceedings by the State Board of Education, and the filing of a
4275 bond in the sum of Two Hundred Dollars (\$200.00) conditioned that
4276 if the action of the board be affirmed by the chancery court, the
4277 applicant or license holder shall pay the costs of the appeal and
4278 the action of the chancery court.

4279 (17) All such programs, rules, regulations, standards and
4280 criteria recommended or authorized by the commission shall become



4281 effective upon approval by the State Board of Education as
4282 designated by appropriate orders entered upon the minutes thereof.

4283 (18) The granting of a license shall not be deemed a
4284 property right nor a guarantee of employment in any public school
4285 district. A license is a privilege indicating minimal eligibility
4286 for teaching in the public school districts of Mississippi. This
4287 section shall in no way alter or abridge the authority of local
4288 school districts to require greater qualifications or standards of
4289 performance as a prerequisite of initial or continued employment
4290 in such districts.

4291 (19) In addition to the reasons specified in subsections
4292 (12) and (13) of this section, the board shall be authorized to
4293 suspend the license of any licensee for being out of compliance
4294 with an order for support, as defined in Section 93-11-153. The
4295 procedure for suspension of a license for being out of compliance
4296 with an order for support, and the procedure for the reissuance or
4297 reinstatement of a license suspended for that purpose, and the
4298 payment of any fees for the reissuance or reinstatement of a
4299 license suspended for that purpose, shall be governed by Section
4300 93-11-157 or 93-11-163, as the case may be. Actions taken by the
4301 board in suspending a license when required by Section 93-11-157
4302 or 93-11-163 are not actions from which an appeal may be taken
4303 under this section. Any appeal of a license suspension that is
4304 required by Section 93-11-157 or 93-11-163 shall be taken in
4305 accordance with the appeal procedure specified in Section



4306 93-11-157 or 93-11-163, as the case may be, rather than the
4307 procedure specified in this section. If there is any conflict
4308 between any provision of Section 93-11-157 or 93-11-163 and any
4309 provision of this chapter, the provisions of Section 93-11-157 or
4310 93-11-163, as the case may be, shall control.

4311 **SECTION 42.** Section 41-29-303, Mississippi Code of 1972, is
4312 amended as follows:

4313 41-29-303. No license shall be issued under Section
4314 41-29-301 * * * until the applicant therefor has furnished proof
4315 satisfactory to the State Board of Pharmacy that the applicant
4316 is * * * properly equipped as to land, buildings, and
4317 paraphernalia to carry on the business described in his
4318 application. No license shall be granted to any person who has
4319 within five (5) years been convicted of a * * * willful violation
4320 of any law of the United States, or of any state, relating to
4321 opium, coca leaves, or other narcotic drugs, or to any person who
4322 is a narcotic drug addict. The State Board of Pharmacy may
4323 suspend or revoke any license for cause.

4324 **SECTION 43.** Section 51-5-3, Mississippi Code of 1972, is
4325 amended as follows:

4326 51-5-3. In order to be licensed as a water well contractor
4327 in the State of Mississippi, the applicant must be qualified as
4328 set out below:

4329 (a) Be at least twenty-one (21) years of age;

4330 * * *



4331 (* * *b) Demonstrate to the satisfaction of the
4332 commission a reasonable knowledge of this chapter and the rules
4333 and regulations adopted by the commission under the provisions of
4334 this chapter;

4335 (* * *c) Possess the necessary drilling equipment, or
4336 present to the commission sufficient evidence to show that he has
4337 access to the use of such equipment at any time he needs it; and

4338 (* * *d) Have not less than three (3) years'
4339 experience in the work for which he is applying for a license.

4340 **SECTION 44.** Section 67-3-19, Mississippi Code of 1972, is
4341 amended as follows:

4342 67-3-19. Where application is made for a permit to engage in
4343 the business of a retailer of light wine, light spirit product or
4344 beer, the applicant shall show in his application that he
4345 possesses the following qualifications:

4346 (a) Applicant must be a person at least twenty-one (21)
4347 years of age * * * and a resident of the State of Mississippi.

4348 (b) Applicant shall not have been convicted of a * * *
4349 disqualifying crime as provided in the Fresh Start Act, or of
4350 pandering or of keeping or maintaining a house of prostitution, or
4351 have been convicted within two (2) years of the date of his
4352 application of any violation of the laws of this state or the laws
4353 of the United States relating to alcoholic liquor.

4354 (c) Applicant shall not have had revoked, except for a
4355 violation of Section 67-3-52, within two (2) years next preceding



4356 his application, any license or permit issued to him pursuant to
4357 the laws of this state, or any other state, to sell alcoholic
4358 liquor of any kind.

4359 (d) Applicant shall be the owner of the premises for
4360 which the permit is sought or the holder of an existing lease
4361 thereon.

4362 (e) Applicant shall not be residentially domiciled with
4363 any person whose permit has been revoked for cause, except for a
4364 violation of Section 67-3-52, within two (2) years next preceding
4365 the date of the present application for a permit.

4366 (f) The applicant has not had any license or permit to
4367 sell beer, light spirit product or light wine at retail revoked,
4368 within five (5) years next preceding his application, due to a
4369 violation of Section 67-3-52.

4370 (g) Applicant shall not employ any person whose permit
4371 has been revoked when such person owned or operated the business
4372 on the premises for which a permit is sought or allow such person
4373 to have any financial interest in the business of the applicant,
4374 until such person is qualified to obtain a permit in his own name.

4375 (h) The applicant is not indebted to the State of
4376 Mississippi for any taxes.

4377 (i) If applicant is a partnership, all members of the
4378 partnership must be qualified to obtain a permit. Each member of
4379 the partnership must be a resident of the State of Mississippi.



4380 (j) If applicant is a corporation, all officers and
4381 directors thereof, and any stockholder owning more than five
4382 percent (5%) of the stock of such corporation, and the person or
4383 persons who shall conduct and manage the licensed premises for the
4384 corporation shall possess all the qualifications required herein
4385 for any individual permittee. However, the requirements as to
4386 residence shall not apply to officers, directors and stockholders
4387 of such corporation.

4388 Any misstatement or concealment of fact in an application
4389 shall be grounds for denial of the application or for revocation
4390 of the permit issued thereon.

4391 The commissioner may refuse to issue a permit to an applicant
4392 for a place that is frequented by known criminals, prostitutes, or
4393 other law violators or troublemakers who disturb the peace and
4394 quietude of the community and frequently require the assistance of
4395 peace officers to apprehend such law violators or to restore
4396 order. The burden of proof of establishing the foregoing shall
4397 rest upon the commissioner.

4398 **SECTION 45.** Section 73-2-7, Mississippi Code of 1972, is
4399 amended as follows:

4400 73-2-7. In order to qualify for a license as a landscape
4401 architect, an applicant must:

4402 (a) Submit evidence of his * * * integrity to the
4403 examining board.



4404 (b) Have received a degree in landscape architecture
4405 from a college or university having a minimum four-year curriculum
4406 in landscape architecture approved by the board or have completed
4407 seven (7) years of work in the practice of landscape architecture
4408 of a grade and character suitable to the board. Graduation in a
4409 curriculum other than landscape architecture from a college or
4410 university shall be equivalent to two (2) years' experience of the
4411 seven (7) specified above in this section, except that no
4412 applicant shall receive credit for more than two (2) years'
4413 experience for any scholastic training.

4414 (c) Pass such written examination as required in
4415 Section 73-2-9.

4416 Each application or filing made under this section shall
4417 include the social security number(s) of the applicant in
4418 accordance with Section 93-11-64, Mississippi Code of 1972.

4419 **SECTION 46.** Section 73-3-2, Mississippi Code of 1972, is
4420 amended as follows:

4421 73-3-2. (1) **Power to admit persons to practice.** The power
4422 to admit persons to practice as attorneys in the courts of this
4423 state is vested exclusively in the Supreme Court of Mississippi.

4424 (2) **Qualifications.** (a) Each applicant for admission to
4425 the bar, in order to be eligible for examination for admission,
4426 shall be at least twenty-one (21) years of age * * * and shall
4427 present to the Board of Bar Admissions satisfactory evidence:



4428 (i) That he has successfully completed, or is
4429 within sixty (60) days of completion of, a general course of study
4430 of law in a law school which is provisionally or fully approved by
4431 the section on legal education and admission to the bar of the
4432 American Bar Association, and that such applicant has received, or
4433 will receive within sixty (60) days, a diploma or certificate from
4434 such school evidencing the satisfactory completion of such course,
4435 but in no event shall any applicant under this paragraph be
4436 admitted to the bar until such applicant actually receives such
4437 diploma or certificate. However, an applicant who, as of November
4438 1, 1981, was previously enrolled in a law school in active
4439 existence in Mississippi for more than ten (10) years prior to the
4440 date of application shall be eligible for examination for
4441 admission; provided that such an applicant graduated prior to
4442 November 1, 1984;

4443 (ii) That he has notified the Board of Bar
4444 Admissions in writing of an intention to pursue a general course
4445 of study of law under the supervision of a Mississippi lawyer
4446 prior to July 1, 1979, and in fact began study prior to July 1,
4447 1979, and who completed the required course of study prior to
4448 November 1, 1984, in accordance with Sections 73-3-13(b) and
4449 73-3-15 as the same exist prior to November 1, 1979; or

4450 (iii) That in addition to complying with either of
4451 the above requirements, he has received a bachelor's degree from
4452 an accredited college or university or that he has received credit



4453 for the requirements of the first three (3) years of college work
4454 from a college or university offering an integrated six-year
4455 prelaw and law course, and has completed his law course at a
4456 college or university offering such an integrated six-year course.
4457 However, applicants who have already begun the general course of
4458 study of law as of November 1, 1979, either in a law school or
4459 under the supervision of a Mississippi lawyer shall submit proof
4460 they have successfully completed two (2) full years of college
4461 work.

4462 (b) The applicant shall bear the burden of establishing
4463 his or her qualifications for admission to the satisfaction of the
4464 Board of Bar Admissions. An applicant denied admission for
4465 failure to satisfy qualifications for admission shall have the
4466 right to appeal from the final order of the board to the Chancery
4467 Court of Hinds County, Mississippi, within thirty (30) days of
4468 entry of such order of denial.

4469 (3) **Creation of Board of Bar Admissions.** There is hereby
4470 created a board to be known as the "Board of Bar Admissions" which
4471 shall be appointed by the Supreme Court of Mississippi. The board
4472 shall consist of nine (9) members, who shall be members in good
4473 standing of the Mississippi State Bar and shall serve for terms of
4474 three (3) years. Three (3) members shall be appointed from each
4475 Supreme Court district, one (1) by each Supreme Court Justice from
4476 his district, with the original appointments to be as follows:
4477 Three (3) to be appointed for a term of one (1) year, three (3) to



4478 be appointed for a term of two (2) years, and three (3) to be
4479 appointed for a term of three (3) years, one (1) from each
4480 district to be appointed each year. No member of the Board of Bar
4481 Admissions may be a member of the Legislature. Vacancies during a
4482 term shall be filled by the appointing justice or his successor
4483 for the remainder of the unexpired term.

4484 The board shall promulgate the necessary rules for the
4485 administration of their duties, subject to the approval of the
4486 Chief Justice of the Supreme Court.

4487 (4) **Written examination as prerequisite to admission.** Every
4488 person desiring admission to the bar, shall be required to take
4489 and pass a written bar examination in a manner satisfactory to the
4490 Board of Bar Admissions. The Board of Bar Admissions shall
4491 conduct not less than two (2) bar examinations each year.

4492 (5) **Oath and compensation of board members.** The members of
4493 the Board of Bar Admissions shall take and subscribe an oath to be
4494 administered by one (1) of the judges of the Supreme Court to
4495 faithfully and impartially discharge the duties of the office.
4496 The members shall receive compensation as established by the
4497 Supreme Court for preparing, giving and grading the examination
4498 plus all reasonable and necessary travel expenses incurred in the
4499 performance of their duties under the provisions of this section.

4500 (6) **Procedure for applicants who have failed.** Any applicant
4501 who fails the examination shall be allowed to take the next
4502 scheduled examination. A failing applicant may request in writing



4503 from the board, within thirty (30) days after the results of the
4504 examination have been made public, copies of his answers and model
4505 answers used in grading the examination, at his expense. If a
4506 uniform, standardized examination is administered, the board shall
4507 only be required to provide the examination grade and such other
4508 information concerning the applicant's examination results which
4509 are available to the board. Any failing applicant shall have a
4510 right to a review of his failure by the board. The board shall
4511 enter an order on its minutes, prior to the administration of the
4512 next bar examination, either granting or denying the applicant's
4513 review, and shall notify the applicant of such order. The
4514 applicant shall have the right to appeal from this order to the
4515 Chancery Court of Hinds County, Mississippi, within thirty (30)
4516 days of entry of such order.

4517 (7) **Fees.** The board shall set and collect the fees for
4518 examination and for admission to the bar. The fees for
4519 examination shall be based upon the annual cost of administering
4520 the examinations. The fees for admission shall be based upon the
4521 cost of conducting an investigation of the applicant and the
4522 administrative costs of sustaining the board, which shall include,
4523 but shall not be limited to:

- 4524 (a) Expenses and travel for board members;
4525 (b) Office facilities, supplies and equipment; and
4526 (c) Clerical assistance.



4527 All fees collected by the board shall be paid to the State
4528 Treasurer, who shall issue receipts therefor and who shall deposit
4529 such funds in the State Treasury in a special fund to the credit
4530 of said board. All such funds shall be expended only in
4531 accordance with the provisions of Chapter 496, Laws of 1962, as
4532 amended, being Section 27-103-1 et seq., Mississippi Code of 1972.

4533 (8) The board, upon finding the applicant qualified for
4534 admission, shall issue to the applicant a certificate of
4535 admission. The applicant shall file the certificate and a
4536 petition for admission in the Chancery Court of Hinds County,
4537 Mississippi, or in the chancery court in the county of his
4538 residence, or, in the case of an applicant who is a nonresident of
4539 the State of Mississippi, in the chancery court of a county in
4540 which the applicant intends to practice. The chancery court
4541 shall, in termtime or in vacation, enter on the minutes of that
4542 court an order granting to the applicant license to practice in
4543 all courts in this state, upon taking by the applicant in the
4544 presence of the court, the oath prescribed by law, Section
4545 73-3-35, Mississippi Code of 1972.

4546 (9) Each application or filing made under this section shall
4547 include the social security number(s) of the applicant in
4548 accordance with Section 93-11-64, Mississippi Code of 1972.

4549 **SECTION 47.** Section 73-3-25, Mississippi Code of 1972, is
4550 amended as follows:



4551 73-3-25. Any lawyer from another state whose requirements
4552 for admission to the bar are equivalent to those of this state,
4553 who has practiced not less than five (5) years in a state where he
4554 was then admitted may be admitted to * * * practice in this state
4555 upon taking and passing such examination as to his knowledge of
4556 law as may be prescribed by rules adopted by the Board of Bar
4557 Admissions and approved by the Supreme Court and upon complying
4558 with the other requirements as set out in the laws and rules
4559 governing admission to the bar. Provided, however, the laws of
4560 the state from which the applicant comes grant similar privileges
4561 to the applicants from this state.

4562 Any lawyer from another state desiring to be admitted to
4563 practice in Mississippi must make application to the Board of Bar
4564 Admissions. Such applicant shall present to the bar evidence of
4565 his good standing in the state from which he came, including a
4566 certificate from the clerk of the highest appellate court of the
4567 state from which he came, and from two (2) members of the bar of
4568 such state, certifying to his qualifications * * * and good
4569 standing * * *, and may require the submission of additional
4570 evidence by the applicant. Upon satisfactory proof of the
4571 applicant's qualifications and upon the applicant's compliance
4572 with the requirements of this section, the board shall issue a
4573 certificate of admission to the applicant, as prescribed in
4574 Section 73-3-2(8). Each such applicant shall pay an application



4575 fee prescribed by the Board of Bar Admissions according to Section
4576 73-3-2(7).

4577 **SECTION 48.** Section 73-4-17, Mississippi Code of 1972, is
4578 amended as follows:

4579 73-4-17. There shall be two (2) classes of auctioneers'
4580 licenses, which shall be auctioneer and auction firm. All
4581 applicants for a license under this chapter shall possess the
4582 following minimum qualifications:

4583 (a) Applicants shall have attained the age of eighteen
4584 (18) years by the issuance date of the license.

4585 (b) Applicants shall have obtained at a minimum a high
4586 school diploma or G.E.D. equivalent and shall be graduates of an
4587 auctioneering school approved by the commission.

4588 (c) Each applicant for a license under this chapter
4589 shall demonstrate to the commission that he is * * * worthy of
4590 public trust through background information to be provided on his
4591 application form and two (2) letters of reference from persons not
4592 related to the applicant who have known the applicant at least
4593 three (3) years. The commission may require additional
4594 information or a personal interview with the applicant to
4595 determine if such applicant should be granted a license.

4596 (d) Each applicant for a license under this chapter
4597 shall take and successfully complete an examination as prescribed
4598 by the commission. The examination shall include questions on
4599 ethics, reading comprehension, writing, spelling, elementary



4600 arithmetic, elementary principals of land economics, general
4601 knowledge of bulk sales law, contracts of sale, agency, leases,
4602 brokerage, knowledge of various goods commonly sold at auction,
4603 ability to call bids, knowledge of sale preparation and proper
4604 sale advertising and sale summary, and knowledge of the provisions
4605 of this chapter and the commission's rules and regulations. There
4606 shall be separate examinations for auctioneer and auction firm
4607 each based upon relevant subject matter appropriate to the license
4608 classification as set forth herein. Examinations shall be
4609 administered at least once a year and may be administered
4610 quarterly at the commission's discretion provided there are at
4611 least twenty-five (25) examinees. The commission shall ensure
4612 that the various forms of the test remain secure.

4613 (e) In order to defray the cost of administration of
4614 the examinations, applicants for the examination shall pay fees as
4615 follows:

4616 (i) Auctioneer.....\$100.00.

4617 (ii) Auction firm.....\$100.00.

4618 (f) Each applicant desiring to sit for the examination
4619 for any license required under this chapter shall be required to
4620 furnish to the commission at least thirty (30) days prior to the
4621 examination evidence of a surety bond in the following minimum
4622 amounts:

4623 (i) Auctioneer.....\$10,000.00.

4624 (ii) Auction firm.....\$10,000.00.



4625 (g) In addition to the bond required herein, applicants
4626 for the auction firm license shall furnish the commission with all
4627 relevant information concerning the premises to be licensed, to
4628 include location, whether the premises are owned or leased, and an
4629 affidavit that the proposed use of the premises as an auction firm
4630 does not violate zoning or any other use restrictions. A separate
4631 license shall be required for each business location of the owner
4632 of multiple auction galleries.

4633 (h) Except as provided in Section 33-1-39, all licenses
4634 granted pursuant to this chapter shall be for a term of two (2)
4635 years and shall expire on the first day of March at the end of
4636 such two-year term. The biennial license fees shall be set from
4637 time to time by the commission with a maximum fee of Two Hundred
4638 Dollars (\$200.00). License fees shall not be prorated for any
4639 portion of a year but shall be paid for the entire biennial period
4640 regardless of the date of the application. Individuals failing to
4641 submit license renewal fees on or before March 1 of the year for
4642 renewal shall be required to successfully pass the next
4643 administration of the examination in order to renew a license.

4644 (i) Each application or filing made under this section
4645 shall include the social security number(s) of the applicant in
4646 accordance with Section 93-11-64, Mississippi Code of 1972.

4647 (j) A licensee shall keep such books, accounts and
4648 records as will enable the commission to determine whether such
4649 licensee is in compliance with the provisions of this chapter, and



4650 rules and regulations made pursuant thereto, and any other law,
4651 rule and regulation applicable to the conduct of such business.
4652 The commission and its employees or representatives shall have the
4653 right to enter and make inspections of any place where the auction
4654 business is carried on and inspect and copy any record pertaining
4655 to the auction business under this chapter. The commission may
4656 conduct or cause to be conducted an examination or audit of the
4657 books and records of any licensee at any time the commission deems
4658 proper, the cost of the examination or audit to be borne by the
4659 licensee. The refusal of access to the books and records shall be
4660 cause for the revocation of its license.

4661 **SECTION 49.** Section 73-5-1, Mississippi Code of 1972, is
4662 amended as follows:

4663 73-5-1. The State Board of Barber Examiners is continued and
4664 reconstituted as follows: The Board of Barber Examiners shall
4665 consist of five (5) members, to be appointed by the Governor, with
4666 the advice and consent of the Senate, one (1) member to be
4667 appointed from each of the congressional districts as existing on
4668 January 1, 1991. Each member shall be a practical barber and a
4669 qualified elector of this state. He shall have been engaged in
4670 the practice of barbering in the State of Mississippi for at least
4671 five (5) years immediately before the time of his
4672 appointment * * *. From and after July 1, 1983, the appointments
4673 to the board shall be made in the manner hereinafter provided, and
4674 the present members of the State Board of Barber Examiners whose



4675 terms have not expired by July 1, 1983, shall continue to serve
4676 until their successors have been appointed and qualified. The
4677 Governor shall appoint, with the advice and consent of the Senate,
4678 five (5) members from the congressional districts as follows: The
4679 member from the First Congressional District shall be appointed
4680 for a term of two (2) years to commence on July 1, 1983; the
4681 member from the Second Congressional District shall be appointed
4682 for a term of four (4) years to commence on July 1, 1984; the
4683 member from the Third Congressional District shall be appointed
4684 for a term of two (2) years to commence on July 1, 1983; the
4685 member from the Fourth Congressional District shall be appointed
4686 for a term of four (4) years to commence on July 1, 1984; and the
4687 member from the Fifth Congressional District shall be appointed
4688 for a term of one (1) year to commence on July 1, 1983. The
4689 members of the board as constituted on July 1, 2002, whose terms
4690 have not expired shall serve the balance of their terms, after
4691 which time the membership of the board shall be appointed as
4692 follows: There shall be appointed one (1) member of the board
4693 from each of the four (4) Mississippi congressional districts as
4694 they currently exist, and one (1) from the state at large, and the
4695 Governor shall make appointments from the congressional district
4696 having the smallest number of board members until the membership
4697 includes one (1) member from each district as required. From and
4698 after July 1, 2002, no member of the board who is connected in any
4699 way with any barbering school shall participate in the



4700 administration of examinations of barber applicants. From and
4701 after July 1, 2004, no member of the board shall be connected in
4702 any way with any school in which barbering is taught.

4703 All members of the board shall be appointed by the Governor,
4704 with the advice and consent of the Senate, for terms of four (4)
4705 years each from the expiration date of the previous term, until
4706 their successors have been appointed and qualified. No member of
4707 the board shall hold any elected office. Appointments made to
4708 fill a vacancy of a term shall be made by the Governor within
4709 sixty (60) days after the vacancy occurs.

4710 The Governor may remove any one or more members of the board
4711 for just cause. Members appointed to fill vacancies caused by
4712 death, resignation or removal of any member or members shall serve
4713 only for the unexpired term of their predecessors. Any member who
4714 does not attend two (2) consecutive meetings of the board for
4715 reasons other than illness of the member shall be subject to
4716 removal by the Governor. The president of the board shall notify
4717 the Governor in writing when any such member has failed to attend
4718 two (2) consecutive regular meetings.

4719 **SECTION 50.** Section 73-5-11, Mississippi Code of 1972, is
4720 amended as follows:

4721 73-5-11. (1) To be eligible for enrollment at a barbering
4722 school approved by the Board of Barber Examiners, a person shall
4723 have a high school education or its equivalent, and/or shall have



4724 satisfactorily passed the ability-to-benefit examinations approved
4725 by the U.S. Department of Education.

4726 (2) Any person is qualified to receive a certificate of
4727 registration to practice barbering:

4728 (a) Who is qualified under the provisions of this
4729 chapter;

4730 (b) Who is of * * * temperate habits;

4731 (c) Who has completed not less than fifteen hundred
4732 (1500) hours at a barbering school approved by the State Board of
4733 Barber Examiners; and

4734 (d) Who has passed a satisfactory examination conducted
4735 by the board of examiners to determine his fitness to practice
4736 barbering.

4737 (3) A temporary permit to practice barbering until the next
4738 examination is given may be issued to a student who has completed
4739 not less than fifteen hundred (1500) hours at a barbering school
4740 approved by the Board of Barber Examiners. In no event shall a
4741 person be allowed to practice barbering on a temporary permit
4742 beyond the date the next examination is given, except because of
4743 personal illness.

4744 **SECTION 51.** Section 73-5-21, Mississippi Code of 1972, is
4745 amended as follows:

4746 73-5-21. Any person possessed of the following
4747 qualifications shall, upon payment of the required fee, receive a
4748 certificate of registration as a registered barber:



4749 (a) Is at least eighteen (18) years old;
4750 (b) Is of * * * temperate habits; and
4751 (c) Either has a license or certificate of registration
4752 as a practicing barber in another state or country that has
4753 substantially the same requirements for licensing or registration
4754 of barbers as are contained in this chapter, or can prove by sworn
4755 affidavits that he has lawfully practiced as a barber in another
4756 state or country for at least five (5) years immediately before
4757 making application in this state, or can show to the satisfaction
4758 of the board that he had held a rating in a branch of the military
4759 service for two (2) or more years that required him to perform the
4760 duties of a barber. The issuance of a certificate of registration
4761 by reciprocity to a military-trained applicant, military spouse or
4762 person who establishes residence in this state shall be subject to
4763 the provisions of Section 73-50-1 or 73-50-2, as applicable.

4764 In addition to the above, the board may require the applicant
4765 to successfully demonstrate sufficient knowledge of the Barber Law
4766 of the State of Mississippi, as well as sufficient practical skill
4767 by requiring the applicant to take a practical examination
4768 approved by the board.

4769 **SECTION 52.** Section 73-6-13, Mississippi Code of 1972, is
4770 amended as follows:

4771 73-6-13. (1) Any adult * * * who has (a) graduated from a
4772 school or college of chiropractic recognized by the State Board of
4773 Chiropractic Examiners, preceded by the successful completion of



4774 at least two (2) academic years at an accredited institution of
4775 higher learning, or accredited junior college, and (b)
4776 successfully completed parts 1, 2, 3 and 4 and the physical
4777 modality section of the examination prepared by the National Board
4778 of Chiropractic Examiners, shall be entitled to take the
4779 examination for a license to practice chiropractic in Mississippi.
4780 The State Board of Chiropractic Examiners shall keep on file a
4781 list of schools or colleges of chiropractic which are so
4782 recognized. No chiropractic school shall be approved unless it is
4783 recognized and approved by the Council on Chiropractic Education,
4784 its successor or an equivalent accrediting agency, offers an
4785 accredited course of study of not less than four (4) academic
4786 years of at least nine (9) months in length, and requires its
4787 graduates to receive not less than forty (40) clock hours of
4788 instruction in the operation of x-ray machinery and not less than
4789 forty (40) clock hours of instruction in x-ray interpretation and
4790 diagnosis.

4791 (2) Except as otherwise provided in this section, the State
4792 Board of Health shall prescribe rules and regulations for the
4793 operation and use of x-ray machines.

4794 (3) The examination to practice chiropractic used by the
4795 board shall consist of testing on the statutes and the rules and
4796 regulations regarding the practice of chiropractic in the State of
4797 Mississippi.



4798 (4) Reciprocity privileges for a chiropractor from another
4799 state shall be granted at the board's option on an individual
4800 basis and by a majority vote of the State Board of Chiropractic
4801 Examiners to an adult * * * who (a) is currently an active
4802 competent practitioner for at least eight (8) years and holds an
4803 active chiropractic license in another state with no disciplinary
4804 proceeding or unresolved complaint pending anywhere at the time a
4805 license is to be issued by this state, (b) demonstrates having
4806 obtained licensure as a chiropractor in another state under the
4807 same education requirements which were equivalent to the education
4808 requirements in this state to obtain a chiropractic license at the
4809 time the applicant obtained the license in the other state, (c)
4810 satisfactorily passes the examination administered by the State
4811 Board of Chiropractic Examiners, and (d) meets the requirements of
4812 Section 73-6-1(3) pertaining to therapeutic modalities. The
4813 issuance of a license by reciprocity to a military-trained
4814 applicant, military spouse or person who establishes residence in
4815 this state shall be subject to the provisions of Section 73-50-1
4816 or 73-50-2, as applicable.

4817 **SECTION 53.** Section 73-9-23, Mississippi Code of 1972, is
4818 amended as follows:

4819 73-9-23. (1) No person who desires to practice dentistry or
4820 dental hygiene in the State of Mississippi shall be licensed until
4821 that person has passed an examination by the board. Applicants
4822 for examination shall apply in writing to the board for an



4823 examination at least thirty (30) days before the examination and
4824 shall upon application pay a nonrefundable fee as elsewhere
4825 provided in this chapter.

4826 (2) An applicant for licensure by examination as a dentist
4827 who is a graduate of a dental school accredited by the Commission
4828 on Dental Accreditation of the American Dental Association (ADA),
4829 or its successor commission, shall:

4830 (a) Be * * * possessed of a high school education, and
4831 have attained the age of twenty-one (21) years;

4832 (b) Exhibit with the application a diploma or
4833 certificate of graduation from the ADA accredited dental school;
4834 and

4835 (c) Have successfully completed Parts I and II of the
4836 National Board Examinations of the Joint Commission on National
4837 Dental Examinations, or its successor commission, unless the
4838 applicant graduated from an accredited dental school before 1960.

4839 (3) An applicant for licensure by examination as a dentist
4840 who is a graduate of a non-ADA accredited foreign country dental
4841 school shall:

4842 (a) * * * Have attained the age of twenty-one (21)
4843 years;

4844 (b) Be proficient in oral and written communications in
4845 the English language;



4846 (c) Have completed not less than six (6) academic years
4847 of postsecondary study and graduated from a foreign dental school
4848 that is recognized by the licensure authorities in that country;

4849 (d) Have been licensed as a dentist or admitted to the
4850 practice of dentistry in the foreign country in which the
4851 applicant received foreign dental school training;

4852 (e) Present documentation of having completed at least
4853 two (2) or more years of full-time postdoctoral dental education
4854 in a dental school accredited by the Commission on Dental
4855 Accreditation of the American Dental Association, or its successor
4856 commission, and has been certified by the dean of the accredited
4857 dental school as having achieved the same level of didactic and
4858 clinical competence as expected of a graduate of the school; and

4859 (f) Have successfully completed Parts I and II of the
4860 National Board Examinations of the Joint Commission on National
4861 Dental Examinations, or its successor commission, unless the
4862 applicant graduated from an approved dental school before 1960.

4863 (4) An applicant for licensure by examination as a dental
4864 hygienist who is a graduate of a dental hygiene school accredited
4865 by the Commission on Dental Accreditation of the American Dental
4866 Association (ADA), or its successor commission, shall:

4867 (a) Be * * * possessed of a high school education and
4868 have attained the age of eighteen (18) years;



4869 (b) Exhibit with the application a diploma or
4870 certificate of graduation from the ADA accredited dental hygiene
4871 school; and

4872 (c) Have successfully completed the National Board
4873 Dental Hygiene Examinations of the Joint Commission on National
4874 Dental Examinations, or its successor commission.

4875 (5) An applicant for licensure by examination as a dental
4876 hygienist who is a graduate of a non-ADA accredited foreign
4877 country dental hygiene school shall:

4878 (a) * * * Have attained the age of eighteen (18) years;

4879 (b) Be proficient in oral and written communications in
4880 the English language;

4881 (c) Have completed not less than two (2) academic years
4882 of postsecondary study and graduated from a foreign dental hygiene
4883 school that is recognized by the licensure authorities in that
4884 country;

4885 (d) Have been licensed as a dental hygienist or
4886 admitted to the practice of dental hygiene in the foreign country
4887 in which the applicant received foreign dental hygiene school
4888 training;

4889 (e) Present documentation of having completed at least
4890 one or more years of full-time postgraduate clinical education in
4891 a dental hygiene school accredited by the Commission on Dental
4892 Accreditation of the American Dental Association, or its successor
4893 commission, and has been certified by the dean of the accredited



4894 dental hygiene school as having achieved the same level of
4895 didactic and clinical competence as expected of a graduate of the
4896 school; and

4897 (f) Have successfully completed the National Board
4898 Dental Hygiene Examinations of the Joint Commission on National
4899 Dental Examinations, or its successor commission.

4900 (6) Applications shall be made in the form and content as
4901 required in this section and as shall be prescribed by the board,
4902 and each applicant shall submit upon request such proof as the
4903 board may require as to age * * * and qualifications.

4904 Applications must be signed by two (2) citizens of the state of
4905 which the applicant is a resident * * *. All applicants for
4906 licensure shall submit an endorsement from all states in which he
4907 or she is currently licensed or has ever been licensed to practice
4908 dentistry or dental hygiene. The board may disallow the licensure
4909 examination to any applicant who has been found guilty of any of
4910 the grounds for disciplinary action as enumerated in Section
4911 73-9-61.

4912 (7) Examination shall be as elsewhere provided in this
4913 chapter and the board may by its rules and regulations prescribe
4914 reasonable professional standards for oral, written, clinical and
4915 other examinations given to applicants, and, if deemed necessary
4916 by the board, include a requirement that licensure examinations of
4917 applicants be conducted utilizing live human subjects. Each
4918 applicant shall appear before the board and be examined to



4919 determine his or her learning and skill in dentistry or dental
4920 hygiene. If found by the members of the board conducting the
4921 examination to possess sufficient learning and skill
4922 therein * * *, the board shall, as early as practicable, grant to
4923 the person a license to practice dentistry or dental hygiene, as
4924 the case may be, which shall be signed by each member of the board
4925 who attended the examination and approved the issuance of a
4926 license.

4927 (8) The Board of Dental Examiners may, at its own
4928 discretion, accept certification of a licensure applicant, either
4929 dentist or dental hygienist, by the National Board Examinations of
4930 the Joint Commission on National Dental Examinations, or its
4931 successor commission, in lieu of the written examination.
4932 However, in all such instances the board shall retain the right to
4933 administer such further written and practical examinations and
4934 demonstrations as it deems necessary.

4935 (9) Each application or filing made under this section shall
4936 include the social security number(s) of the applicant in
4937 accordance with Section 93-11-64.

4938 **SECTION 54.** Section 73-11-51, Mississippi Code of 1972, is
4939 amended as follows:

4940 73-11-51. (1) No person shall engage in the business or
4941 practice of funeral service, including embalming, and/or funeral
4942 directing or hold himself out as transacting or practicing or
4943 being entitled to transact or practice funeral service, including



4944 embalming, and/or funeral directing in this state unless duly
4945 licensed under the provisions of this chapter.

4946 (2) The board is authorized and empowered to examine
4947 applicants for licenses for the practice of funeral service and
4948 funeral directing and shall issue the proper license to those
4949 persons who successfully pass the applicable examination and
4950 otherwise comply with the provisions of this chapter.

4951 (3) To be licensed for the practice of funeral directing
4952 under this chapter, a person must furnish satisfactory evidence to
4953 the board that he or she:

4954 (a) Is at least eighteen (18) years of age;

4955 (b) Has a high school diploma or the equivalent
4956 thereof;

4957 (c) Has served as a resident trainee for not less than
4958 twenty-four (24) months under the supervision of a person licensed
4959 for the practice of funeral service or funeral directing in this
4960 state; and

4961 (d) Has successfully passed a written and/or oral
4962 examination as prepared or approved by the board * * *.

4963 * * *

4964 (4) To be licensed for the practice of funeral service under
4965 this chapter, a person must furnish satisfactory evidence to the
4966 board that he or she:

4967 (a) Is at least eighteen (18) years of age;



4968 (b) Has a high school diploma or the equivalent
4969 thereof;

4970 (c) Has successfully completed twelve (12) months or
4971 more of academic and professional instruction from an institution
4972 accredited by the United States Department of Education for
4973 funeral service education and have a certificate of completion
4974 from an institution accredited by the American Board of Funeral
4975 Service Education or any other successor recognized by the United
4976 States Department of Education for funeral service education;

4977 (d) Has served as a resident trainee for not less than
4978 twelve (12) months, either before or after graduation from an
4979 accredited institution mentioned above, under the supervision of a
4980 person licensed for the practice of funeral service in this state
4981 and in an establishment licensed in this state; and

4982 (e) Has successfully passed the National Conference of
4983 Funeral Examiners examination and/or such other examination as
4984 approved by the board * * *.

4985 * * *

4986 (5) All applications for examination and license for the
4987 practice of funeral service or funeral directing shall be upon
4988 forms furnished by the board and shall be accompanied by an
4989 examination fee, a licensing fee and a nonrefundable application
4990 fee in amounts fixed by the board in accordance with Section
4991 73-11-56. The fee for an initial license, however, may be
4992 prorated in proportion to the period of time from the date of



4993 issuance to the date of biennial license renewal prescribed in
4994 subsection (8) of this section. All applications for examination
4995 shall be filed with the board office at least sixty (60) days
4996 before the date of examination. A candidate shall be deemed to
4997 have abandoned the application for examination if he does not
4998 appear on the scheduled date of examination unless such failure to
4999 appear has been approved by the board.

5000 (6) The practice of funeral service or funeral directing
5001 must be engaged in at a licensed funeral establishment, at least
5002 one (1) of which is listed as the licensee's place of business;
5003 and no person, partnership, corporation, association or other
5004 organization shall open or maintain a funeral establishment at
5005 which to engage in or conduct or hold himself or itself out as
5006 engaging in the practice of funeral service or funeral directing
5007 until such establishment has complied with the licensing
5008 requirements of this chapter. A license for the practice of
5009 funeral service or funeral directing shall be used only at
5010 licensed funeral establishments; however, this provision shall not
5011 prevent a person licensed for the practice of funeral service or
5012 funeral directing from conducting a funeral service at a church, a
5013 residence, public hall, lodge room or cemetery chapel, if such
5014 person maintains a fixed licensed funeral establishment of his own
5015 or is in the employ of or an agent of a licensed funeral
5016 establishment.



5017 (7) Any person holding a valid, unrevoked and unexpired
5018 nonreciprocal license in another state or territory having
5019 requirements greater than or equal to those of this state as
5020 determined by the board may apply for a license to practice in
5021 this state by filing with the board a certified statement from the
5022 secretary of the licensing board of the state or territory in
5023 which the applicant holds his license certifying to his
5024 qualifications and good standing with that board. He/she must
5025 also successfully pass a written and/or oral examination on the
5026 Mississippi Funeral Service licensing law and rules and
5027 regulations as prepared or approved by the board, and must pay a
5028 nonrefundable application fee set by the board. If the board
5029 finds that the applicant has fulfilled aforesaid requirements and
5030 has fulfilled substantially similar requirements of those required
5031 for a Mississippi licensee, the board shall grant such license
5032 upon receipt of a fee in an amount equal to the renewal fee set by
5033 the board for a license for the practice of funeral service or
5034 funeral directing, as the case may be, in this state. The board
5035 may issue a temporary funeral service or funeral directing work
5036 permit before a license is granted, before the next regular
5037 meeting of the board, if the applicant for a reciprocal license
5038 has complied with all requirements, rules and regulations of the
5039 board. The temporary permit will expire at the next regular
5040 meeting of the board. The issuance of a license or temporary
5041 permit by reciprocity to a military-trained applicant, military



5042 spouse or person who establishes residence in this state shall be
5043 subject to the provisions of Section 73-50-1 or 73-50-2, as
5044 applicable.

5045 (8) (a) Except as provided in Section 33-1-39, any person
5046 holding a license for the practice of funeral service or funeral
5047 directing may have the same renewed for a period of two (2) years
5048 by making and filing with the board an application on or before
5049 the due date. Payment of the renewal fee shall be in an amount
5050 set by the board in accordance with Section 73-11-56. The board
5051 shall mail the notice of renewal and the due date for the payment
5052 of the renewal fee to the last-known address of each licensee at
5053 least thirty (30) days before that date. It is the responsibility
5054 of the licensee to notify the board in writing of any change of
5055 address. An application will be considered late if the
5056 application and proper fees are not in the board's office or
5057 postmarked by the due date. Failure of a license holder to
5058 receive the notice of renewal shall not exempt or excuse a license
5059 holder from the requirement of renewing the license on or before
5060 the license expiration date.

5061 (b) If the renewal fee is not paid on or postmarked by
5062 the due date, the license of such person shall by operation of law
5063 automatically expire and become void without further action of the
5064 board. The board may reinstate such license if application for
5065 licensure is made within a period of five (5) years, upon payment
5066 of the renewal fee for the current year, all renewal fees in



5067 arrears, and a reinstatement fee. After a period of five (5)
5068 years, the licensee must make application, pay the current renewal
5069 fee, all fees in arrears, and pass a written and/or oral
5070 examination as prepared or approved by the board.

5071 (9) No license shall be assignable or valid for any person
5072 other than the original licensee.

5073 (10) The board may, in its discretion, if there is a major
5074 disaster or emergency where human death is likely to occur,
5075 temporarily authorize the practice of funeral directing and
5076 funeral service by persons licensed to practice in another state
5077 but not licensed to practice in this state. Only persons licensed
5078 in this state, however, may sign death certificates.

5079 (11) Any funeral service technology or mortuary science
5080 program accredited by the American Board of Funeral Service
5081 Education in the State of Mississippi, as well as students
5082 enrolled in such a program, shall be exempt from licensing under
5083 this chapter when embalming or otherwise preparing a deceased
5084 human body for disposition as part of a student practicum
5085 experience, when the student is directly supervised by an
5086 instructor or preceptor who holds a current funeral service
5087 license. This exemption shall apply to practicum experiences
5088 performed at an accredited institution of funeral service
5089 technology or mortuary science program or at a duly licensed
5090 funeral establishment or commercial mortuary service. Nothing in
5091 this subsection shall be construed to allow any funeral service



5092 technology or mortuary science program, or those students enrolled
5093 in such a program, to engage in practicum experiences for
5094 remuneration.

5095 (12) Each application or filing made under this section
5096 shall include the social security number(s) of the applicant in
5097 accordance with Section 93-11-64.

5098 **SECTION 55.** Section 73-13-23, Mississippi Code of 1972, is
5099 amended as follows:

5100 73-13-23. (1) (a) The following shall be considered as
5101 minimum evidence satisfactory to the board that the applicant is
5102 qualified for licensure as a professional engineer:

5103 Graduation in an engineering curriculum of four (4) years or
5104 more from a school or college approved by the board as of
5105 satisfactory standing or graduation in an engineering, engineering
5106 technology, or related science curriculum of four (4) scholastic
5107 years from a school or college other than those approved by the
5108 board plus a graduate degree in an engineering curriculum from a
5109 school or college wherein the same engineering curriculum at the
5110 undergraduate level is approved by the board as of satisfactory
5111 standing; a specific record of four (4) years of qualifying
5112 engineering experience indicating that the applicant is competent
5113 to practice engineering (in counting years of experience, the
5114 board at its discretion may give credit not in excess of three (3)
5115 years for satisfactory graduate study in engineering), and the



5116 successful passing of examinations in engineering as prescribed by
5117 the board.

5118 (b) In considering the qualifications of applicants,
5119 engineering teaching may be construed as engineering experience.

5120 (c) The mere execution, as a contractor, of work
5121 designed by a professional engineer, or the supervision of the
5122 construction of such work as a foreman or superintendent shall not
5123 be deemed to be the practice of engineering.

5124 (d) Any person having the necessary qualifications
5125 prescribed in Sections 73-13-1 through 73-13-45 to entitle him to
5126 licensure shall be eligible for such licensure although he may not
5127 be practicing his profession at the time of making his
5128 application.

5129 (e) No person shall be eligible for licensure as a
5130 professional engineer who * * * presents claims in support of his
5131 application which contain major discrepancies.

5132 (2) The following shall be considered as minimum evidence
5133 satisfactory to the board that the applicant is qualified for
5134 enrollment as an engineer intern:

5135 (a) Graduation in an engineering curriculum of four (4)
5136 scholastic years or more from a school or college approved by the
5137 board as of satisfactory standing or graduation in an engineering,
5138 engineering technology, or related science curriculum of four (4)
5139 scholastic years from a school or college other than those
5140 approved by the board plus a graduate degree in an engineering



5141 curriculum from a school or college wherein that same engineering
5142 curriculum at the undergraduate level is approved by the board as
5143 of satisfactory standing; and

5144 (b) Successfully passing a written examination in the
5145 fundamental engineering subjects.

5146 **SECTION 56.** Section 73-13-77, Mississippi Code of 1972, is
5147 amended as follows:

5148 73-13-77. (1) The following shall be considered as minimum
5149 evidence satisfactory to the board that the applicant is qualified
5150 for licensure as a professional surveyor:

5151 (a) (i) A bachelor's degree in geomatics, surveying or
5152 surveying technology approved by the board consisting of a minimum
5153 of one hundred twenty (120) semester hours, or the equivalent, in
5154 surveying curriculum subjects and a specific record of four (4)
5155 years of qualifying surveying experience; or

5156 (ii) A bachelor's degree in a related science
5157 curriculum defined by board rule, consisting of sixty-two (62)
5158 semester hours in surveying curriculum subjects as defined by
5159 board rule, and a specific record of five (5) years of qualifying
5160 surveying experience; or

5161 (iii) A bachelor's degree in a related science
5162 curriculum defined by board rule, and a specific record of six (6)
5163 years of qualifying surveying experience; or

5164 (iv) An associate degree, or its equivalent, in a
5165 curriculum approved by the board consisting of sixty-two (62)



5166 semester hours in surveying curriculum subjects as defined by
5167 board rule, and a specific record of seven (7) years or more of
5168 qualifying surveying experience; or

5169 (v) A high school diploma, or its equivalent, and
5170 a specific record of twelve (12) years or more of qualifying
5171 surveying experience; and

5172 (b) Successfully passing examinations in surveying
5173 prescribed by the board.

5174 (2) The following shall be considered as minimum evidence
5175 satisfactory to the board that the applicant is qualified for
5176 enrollment as a surveyor intern:

5177 (a) (i) A bachelor's degree in geomatics, surveying or
5178 surveying technology approved by the board consisting of a minimum
5179 of one hundred twenty (120) semester hours, or the equivalent, in
5180 surveying curriculum subjects; or

5181 (ii) A bachelor's degree in a related science
5182 curriculum defined by board rule consisting of sixty-two (62)
5183 semester hours in surveying curriculum subjects as defined by
5184 board rule; or

5185 (iii) A bachelor's degree in a related science
5186 curriculum defined by board rule; or

5187 (iv) An associate degree, or its equivalent, in a
5188 curriculum approved by the board consisting of sixty-two (62)
5189 semester hours in surveying curriculum subjects as defined by
5190 board rule; or



5191 (v) A high school diploma, or its equivalent, and
5192 a specific record of eight (8) years or more of qualifying
5193 surveying experience; and

5194 (b) Successfully passing examinations in surveying
5195 fundamentals prescribed by the board.

5196 * * *

5197 **SECTION 57.** Section 73-15-19, Mississippi Code of 1972, is
5198 amended as follows:

5199 73-15-19. (1) **Registered nurse applicant qualifications.**

5200 Any applicant for a license to practice as a registered nurse
5201 shall submit to the board:

5202 (a) An attested written application on a Board of
5203 Nursing form;

5204 (b) Written official evidence of completion of a
5205 nursing program approved by the Board of Trustees of State
5206 Institutions of Higher Learning, or one approved by a legal
5207 accrediting agency of another state, territory or possession of
5208 the United States, the District of Columbia, or a foreign country
5209 which is satisfactory to this board;

5210 (c) Evidence of competence in English related to
5211 nursing, provided the first language is not English;

5212 (d) Any other official records required by the board.

5213 In addition to the requirements specified in paragraphs (a)
5214 through (d) of this subsection, in order to qualify for a license
5215 to practice as a registered nurse, an applicant must have



5216 successfully been cleared for licensure through an investigation
5217 that shall consist of a * * * verification that the prospective
5218 licensee is not guilty of or in violation of any statutory ground
5219 for denial of licensure as set forth in Section 73-15-29 or guilty
5220 of any offense specified in Section 73-15-33. To assist the board
5221 in conducting its licensure investigation, all applicants shall
5222 undergo a fingerprint-based criminal history records check of the
5223 Mississippi central criminal database and the Federal Bureau of
5224 Investigation criminal history database. Each applicant shall
5225 submit a full set of his or her fingerprints in a form and manner
5226 prescribed by the board, which shall be forwarded to the
5227 Mississippi Department of Public Safety (department) and the
5228 Federal Bureau of Investigation Identification Division for this
5229 purpose.

5230 Any and all state or national criminal history records
5231 information obtained by the board that is not already a matter of
5232 public record shall be deemed nonpublic and confidential
5233 information restricted to the exclusive use of the board, its
5234 members, officers, investigators, agents and attorneys in
5235 evaluating the applicant's eligibility or disqualification for
5236 licensure, and shall be exempt from the Mississippi Public Records
5237 Act of 1983. Except when introduced into evidence in a hearing
5238 before the board to determine licensure, no such information or
5239 records related thereto shall, except with the written consent of
5240 the applicant or by order of a court of competent jurisdiction, be



5241 released or otherwise disclosed by the board to any other person
5242 or agency.

5243 The board shall provide to the department the fingerprints of
5244 the applicant, any additional information that may be required by
5245 the department, and a form signed by the applicant consenting to
5246 the check of the criminal records and to the use of the
5247 fingerprints and other identifying information required by the
5248 state or national repositories.

5249 The board shall charge and collect from the applicant, in
5250 addition to all other applicable fees and costs, such amount as
5251 may be incurred by the board in requesting and obtaining state and
5252 national criminal history records information on the applicant.

5253 The board may, in its discretion, refuse to accept the
5254 application of any person who has been convicted of a criminal
5255 offense under any provision of Title 97 of the Mississippi Code of
5256 1972, as now or hereafter amended, or any provision of this
5257 article.

5258 (2) **Licensure by examination.** (a) Upon the board being
5259 satisfied that an applicant for a license as a registered nurse
5260 has met the qualifications set forth in subsection (1) of this
5261 section, the board shall proceed to examine such applicant in such
5262 subjects as the board shall, in its discretion, determine. The
5263 subjects in which applicants shall be examined shall be in
5264 conformity with curricula in schools of nursing approved by the
5265 Board of Trustees of State Institutions of Higher Learning, or one



5266 approved by a legal accrediting agency of another state, territory
5267 or possession of the United States, the District of Columbia, or a
5268 foreign country which is satisfactory to the board.

5269 (b) The applicant shall be required to pass the written
5270 examination as selected by the board.

5271 (c) Upon successful completion of such examination, the
5272 board shall issue to the applicant a license to practice as a
5273 registered nurse.

5274 (d) The board may use any part or all of the state
5275 board test pool examination for registered nurse licensure, its
5276 successor examination, or any other nationally standardized
5277 examination identified by the board in its rules. The passing
5278 score shall be established by the board in its rules.

5279 (3) **Licensure by endorsement.** The board may issue a license
5280 to practice nursing as a registered nurse without examination to
5281 an applicant who has been duly licensed as a registered nurse
5282 under the laws of another state, territory or possession of the
5283 United States, the District of Columbia, or a foreign country if,
5284 in the opinion of the board, the applicant meets the
5285 qualifications required of licensed registered nurses in this
5286 state and has previously achieved the passing score or scores on
5287 the licensing examination required by this state, at the time of
5288 his or her graduation. The issuance of a license by endorsement
5289 to a military-trained applicant, military spouse or person who



5290 establishes residence in this state shall be subject to the
5291 provisions of Section 73-50-1 or 73-50-2, as applicable.

5292 (4) **Requirements for rewriting the examination.** The board
5293 shall establish in its rules the requirements for rewriting the
5294 examination for those persons failing the examination on the first
5295 writing or subsequent rewriting.

5296 (5) **Fee.** The applicant applying for a license by
5297 examination or by endorsement to practice as a registered nurse
5298 shall pay a fee not to exceed One Hundred Dollars (\$100.00) to the
5299 board.

5300 (6) **Temporary permit.** (a) The board may issue a temporary
5301 permit to practice nursing to a graduate of an approved school of
5302 nursing pending the results of the examination in Mississippi, and
5303 to a qualified applicant from another state, territory or
5304 possession of the United States, or District of Columbia, or
5305 pending licensure procedures as provided for elsewhere in this
5306 article. The fee shall not exceed Twenty-five Dollars (\$25.00).

5307 (b) The board may issue a temporary permit for a period
5308 of ninety (90) days to a registered nurse who is currently
5309 licensed in another state, territory or possession of the United
5310 States or the District of Columbia and who is an applicant for
5311 licensure by endorsement. Such permit is not renewable except by
5312 board action. The issuance of a temporary permit to a
5313 military-trained applicant, military spouse or person who



5314 establishes residence in this state shall be subject to the
5315 provisions of Section 73-50-1 or 73-50-2, as applicable.

5316 (c) The board may issue a temporary permit to a
5317 graduate of an approved school of nursing pending the results of
5318 the first licensing examination scheduled after application. Such
5319 permit is not renewable except by board action.

5320 (d) The board may issue a temporary permit for a period
5321 of thirty (30) days to any registered nurse during the time
5322 enrolled in a nursing reorientation program. This time period may
5323 be extended by board action. The fee shall not exceed Twenty-five
5324 Dollars (\$25.00).

5325 (e) The board may adopt such regulations as are
5326 necessary to limit the practice of persons to whom temporary
5327 permits are issued.

5328 (7) **Temporary license.** The board may issue a temporary
5329 license to practice nursing at a youth camp licensed by the State
5330 Board of Health to nonresident registered nurses and retired
5331 resident registered nurses under the provisions of Section
5332 75-74-8.

5333 (8) **Title and abbreviation.** Any person who holds a license
5334 or holds the privilege to practice as a registered nurse in this
5335 state shall have the right to use the title "registered nurse" and
5336 the abbreviation "R.N." No other person shall assume such title
5337 or use such abbreviation, or any words, letters, signs or devices
5338 to indicate that the person using the same is a registered nurse.



5339 (9) **Registered nurses licensed under a previous law.** Any
5340 person holding a license to practice nursing as a registered nurse
5341 issued by this board which is valid on July 1, 1981, shall
5342 thereafter be deemed to be licensed as a registered nurse under
5343 the provisions of this article upon payment of the fee provided in
5344 Section 73-15-27.

5345 (10) Each application or filing made under this section
5346 shall include the social security number(s) of the applicant in
5347 accordance with Section 93-11-64.

5348 **SECTION 58.** Section 73-15-21, Mississippi Code of 1972, is
5349 amended as follows:

5350 73-15-21. (1) **Licensed practical nurse applicant**
5351 **qualifications.** Any applicant for a license to practice practical
5352 nursing as a licensed practical nurse shall submit to the board:

5353 (a) An attested written application on a Board of
5354 Nursing form;

5355 (b) A diploma from an approved high school or the
5356 equivalent thereof, as determined by the appropriate educational
5357 agency;

5358 (c) Written official evidence of completion of a
5359 practical nursing program approved by the State Department of
5360 Education through its Division of Vocational Education, or one
5361 approved by a legal accrediting agency of another state, territory
5362 or possession of the United States, the District of Columbia, or a
5363 foreign country which is satisfactory to this board;



5364 (d) Evidence of competence in English related to
5365 nursing, provided the first language is not English;

5366 (e) Any other official records required by the board.

5367 In addition to the requirements specified in paragraphs (a)
5368 through (e) of this subsection, in order to qualify for a license
5369 to practice practical nursing as a licensed practical nurse, an
5370 applicant must have successfully been cleared for licensure
5371 through an investigation that shall consist of a * * *
5372 verification that the prospective licensee is not guilty of or in
5373 violation of any statutory ground for denial of licensure as set
5374 forth in Section 73-15-29 or guilty of any offense specified in
5375 Section 73-15-33. To assist the board in conducting its licensure
5376 investigation, all applicants shall undergo a fingerprint-based
5377 criminal history records check of the Mississippi central criminal
5378 database and the Federal Bureau of Investigation criminal history
5379 database. Each applicant shall submit a full set of his or her
5380 fingerprints in a form and manner prescribed by the board, which
5381 shall be forwarded to the Mississippi Department of Public Safety
5382 (department) and the Federal Bureau of Investigation
5383 Identification Division for this purpose.

5384 Any and all state or national criminal history records
5385 information obtained by the board that is not already a matter of
5386 public record shall be deemed nonpublic and confidential
5387 information restricted to the exclusive use of the board, its
5388 members, officers, investigators, agents and attorneys in



5389 evaluating the applicant's eligibility or disqualification for
5390 licensure, and shall be exempt from the Mississippi Public Records
5391 Act of 1983. Except when introduced into evidence in a hearing
5392 before the board to determine licensure, no such information or
5393 records related thereto shall, except with the written consent of
5394 the applicant or by order of a court of competent jurisdiction, be
5395 released or otherwise disclosed by the board to any other person
5396 or agency.

5397 The board shall provide to the department the fingerprints of
5398 the applicant, any additional information that may be required by
5399 the department, and a form signed by the applicant consenting to
5400 the check of the criminal records and to the use of the
5401 fingerprints and other identifying information required by the
5402 state or national repositories.

5403 The board shall charge and collect from the applicant, in
5404 addition to all other applicable fees and costs, such amount as
5405 may be incurred by the board in requesting and obtaining state and
5406 national criminal history records information on the applicant.

5407 The board may, in its discretion, refuse to accept the
5408 application of any person who has been convicted of a criminal
5409 offense under any provision of Title 97 of the Mississippi Code of
5410 1972, as now or hereafter amended, or any provision of this
5411 article.

5412 (2) **Licensure by examination.** (a) Upon the board being
5413 satisfied that an applicant for a license as a practical nurse has



5414 met the qualifications set forth in subsection (1) of this
5415 section, the board shall proceed to examine such applicant in such
5416 subjects as the board shall, in its discretion, determine. The
5417 subjects in which applicants shall be examined shall be in
5418 conformity with curricula in schools of practical nursing approved
5419 by the State Department of Education.

5420 (b) The applicant shall be required to pass the written
5421 examination selected by the board.

5422 (c) Upon successful completion of such examination, the
5423 board shall issue to the applicant a license to practice as a
5424 licensed practical nurse.

5425 (d) The board may use any part or all of the state
5426 board test pool examination for practical nurse licensure, its
5427 successor examination, or any other nationally standardized
5428 examination identified by the board in its rules. The passing
5429 score shall be established by the board in its rules.

5430 (3) **Licensure by endorsement.** The board may issue a license
5431 to practice practical nursing as a licensed practical nurse
5432 without examination to an applicant who has been duly licensed as
5433 a licensed practical nurse under the laws of another state,
5434 territory or possession of the United States, the District of
5435 Columbia, or a foreign country if, in the opinion of the board,
5436 the applicant meets the qualifications required of licensed
5437 practical nurses in this state and has previously achieved the
5438 passing score or scores on the licensing examination required by



5439 this state at the time of his or her graduation. The issuance of
5440 a license by endorsement to a military-trained applicant, military
5441 spouse or person who establishes residence in this state shall be
5442 subject to the provisions of Section 73-50-1 or 73-50-2, as
5443 applicable.

5444 (4) **Licensure by equivalent amount of theory and clinical**
5445 **experience.** In the discretion of the board, former students of a
5446 state-accredited school preparing students to become registered
5447 nurses may be granted permission to take the examination for
5448 licensure to practice as a licensed practical nurse, provided the
5449 applicant's record or transcript indicates the former student
5450 completed an equivalent amount of theory and clinical experiences
5451 as required of a graduate of a practical nursing program, and
5452 provided the school attended was, at the time of the student's
5453 attendance, an accredited school of nursing.

5454 (5) **Requirements for rewriting the examination.** The board
5455 shall establish in its rules the requirements for rewriting the
5456 examination for those persons failing the examination on the first
5457 writing or subsequent writing.

5458 (6) **Fee.** The applicant applying for a license by
5459 examination or by endorsement to practice as a licensed practical
5460 nurse shall pay a fee not to exceed Sixty Dollars (\$60.00) to the
5461 board.

5462 (7) **Temporary permit.** (a) The board may issue a temporary
5463 permit to practice practical nursing to a graduate of an approved



5464 school of practical nursing pending the results of the examination
5465 in Mississippi, and to a qualified applicant from another state,
5466 territory or possession of the United States, or the District of
5467 Columbia, pending licensing procedures as provided for elsewhere
5468 in this article. The fee shall not exceed Twenty-five Dollars
5469 (\$25.00).

5470 (b) The board may issue a temporary permit for a period
5471 of ninety (90) days to a licensed practical nurse who is currently
5472 licensed in another state, territory or possession of the United
5473 States or the District of Columbia and who is an applicant for
5474 licensure by endorsement. Such permit is not renewable except by
5475 board action. The issuance of a temporary permit to a
5476 military-trained applicant, military spouse or person who
5477 establishes residence in this state shall be subject to the
5478 provisions of Section 73-50-1 or 73-50-2, as applicable.

5479 (c) The board may issue a temporary permit to a
5480 graduate of an approved practical nursing education program or an
5481 equivalent program satisfactory to the board pending the results
5482 of the first licensing examination scheduled after application.
5483 Such permit is not renewable except by board action.

5484 (d) The board may issue a temporary permit for a period
5485 of thirty (30) days to any licensed practical nurse during the
5486 time enrolled in a nursing reorientation program. This time
5487 period may be extended by board action. The fee shall not exceed
5488 Twenty-five Dollars (\$25.00).



5489 (e) The board may adopt such regulations as are
5490 necessary to limit the practice of persons to whom temporary
5491 permits are issued.

5492 (8) **Title and abbreviation.** Any person who holds a license
5493 or holds the privilege to practice as a licensed practical nurse
5494 in this state shall have the right to use the title "licensed
5495 practical nurse" and the abbreviation "L.P.N." No other person
5496 shall assume such title or use such abbreviation, or any words,
5497 letters, signs or devices to indicate that a person using the same
5498 is a licensed practical nurse.

5499 (9) **Licensed practical nurses licensed under a previous law.**
5500 Any person holding a license to practice nursing as a practical
5501 nurse issued by this board which is valid on July 1, 1981, shall
5502 thereafter be deemed to be licensed as a practical nurse under the
5503 provisions of this article upon payment of the fee prescribed in
5504 Section 73-15-27.

5505 (10) Each application or filing made under this section
5506 shall include the social security number(s) of the applicant in
5507 accordance with Section 93-11-64.

5508 **SECTION 59.** Section 73-17-9, Mississippi Code of 1972, is
5509 amended as follows:

5510 73-17-9. It shall be the function and duty of the board to:

5511 (a) Develop, impose, and enforce standards which must
5512 be met by individuals in order to receive a license as a nursing
5513 home administrator, which standards shall be designed to * * *



5514 ensure that nursing home administrators will be individuals who
5515 are * * * suitable, and who, by training or experience in the
5516 field of institutional administration, are qualified to serve as
5517 nursing home administrators;

5518 (b) Develop and apply appropriate techniques, including
5519 examinations and investigations, for determining whether an
5520 individual meets such standards;

5521 (c) Issue licenses to individuals determined, after the
5522 application of such techniques, to meet such standards, and revoke
5523 or suspend licenses previously issued by the board in any case
5524 where the individual holding any such license is determined
5525 substantially to have failed to conform to the requirements of
5526 such standards;

5527 (d) Establish and carry out procedures designed
5528 to * * * ensure that individuals licensed as nursing home
5529 administrators will, during any period that they serve as such,
5530 comply with the requirements of such standards;

5531 (e) Receive, investigate, and take appropriate action
5532 with respect to any charge or complaint filed with the board to
5533 the effect that any individual licensed as a nursing home
5534 administrator has failed to comply with the requirements of such
5535 standards;

5536 (f) Conduct a continuing study and investigation of
5537 nursing homes and administrators of nursing homes within the state
5538 with a view to the improvement of the standards imposed for the



5539 licensing of such administrators and of procedures and methods for
5540 the enforcement of such standards with respect to administrators
5541 of nursing homes who have been licensed as such; and

5542 (g) To devise and implement an educational program
5543 designed to increase the professional proficiency of nursing home
5544 administrators and to assist otherwise qualified individuals to
5545 prepare for careers in nursing home administration.

5546 **SECTION 60.** Section 73-17-11, Mississippi Code of 1972, is
5547 amended as follows:

5548 73-17-11. (1) From and after July 1, 2011, in order to be
5549 eligible to be licensed as a nursing home administrator, an
5550 individual must submit evidence satisfactory to the board that he
5551 or she:

5552 (a) Is at least twenty-one (21) years of age;

5553 (b) * * * Has not been convicted of a disqualifying
5554 crime as provided in the Fresh Start Act, including evidence of a
5555 criminal background check within the last six (6) months, under
5556 Section 43-11-13 and Section G.407.3 of the Minimum Standards for
5557 Institutions for the Aged or Infirm;

5558 (c) Is in good health;

5559 (d) Has satisfied at least one (1) of the following
5560 requirements for education and experience:

5561 (i) Has sixty-four (64) hours of college work from
5562 an accredited institution and has worked in a supervisory capacity
5563 in a Mississippi-licensed nursing home for a minimum of two (2)



5564 years immediately before making application for the
5565 Administrator-in-Training Program established by board rule;

5566 (ii) Has an associate degree from an accredited
5567 institution and has worked in a supervisory capacity in a
5568 Mississippi-licensed nursing home for a minimum of two (2) years
5569 immediately before making application for the

5570 Administrator-in-Training Program established by board rule;

5571 (iii) Has a bachelor's degree in any other field
5572 of study from an accredited institution before making application
5573 for the Administrator-in-Training Program established by board
5574 rule; or

5575 (iv) Has a bachelor's degree in health care
5576 administration or a health care related field or business from an
5577 accredited institution before making application for the
5578 Administrator-in-Training Program established by board rule;

5579 (e) Has (i) completed a nursing home
5580 Administrator-in-Training Program and successfully completed the
5581 National Association of Long-Term Care Administrator Board (NAB)
5582 examination, or (ii) completed an Administrator-in-Training
5583 Program in Long-Term Care Administration from an academic
5584 institution during which time the institution held National
5585 Association of Long-Term Care Administrator Board (NAB) Program
5586 Approval through the academic approval process, to the
5587 satisfaction of the board;



5588 (f) Has successfully passed the National Association of
5589 Long-Term Care Administrator Board (NAB) examination and the
5590 Mississippi State Board of Nursing Home Administrators examination
5591 to test his or her proficiency and basic knowledge in the area of
5592 nursing home administration. The board may establish the
5593 frequency of the offering of those examinations and the contents
5594 thereof; and

5595 (g) Has met all of the requirements established by
5596 federal law.

5597 (2) The board is authorized to conduct a criminal history
5598 records check on applicants for licensure. In order to determine
5599 the applicant's suitability for licensing, the applicant shall be
5600 fingerprinted. The board shall submit the fingerprints to the
5601 Department of Public Safety for a check of the state criminal
5602 records and forward to the Federal Bureau of Investigation for a
5603 check of the national criminal records. The Department of Public
5604 Safety shall disseminate the results of the state check and the
5605 national check to the board for a suitability determination. The
5606 applicant shall not be charged any of the costs of requesting and
5607 obtaining the state and national criminal history records
5608 information on the applicant.

5609 (3) Reciprocity shall be extended to individuals holding
5610 licenses as nursing home administrators in other states, upon
5611 proper application and a finding on the part of the board that:



5612 (a) The applicant possesses the basic qualifications
5613 listed in this chapter and in the rules and regulations adopted
5614 under federal law;

5615 (b) The applicant has met all of the requirements
5616 established by federal law; and

5617 (c) The standards for licensure in the other states are
5618 at least the substantial equivalent of those in this state,
5619 including education and experience, and the applicant has passed
5620 both the National Association of Long-Term Care Administrator
5621 Board (NAB) and the state exams.

5622 The issuance of a license by reciprocity to a
5623 military-trained applicant, military spouse or person who
5624 establishes residence in this state shall be subject to the
5625 provisions of Section 73-50-1 or 73-50-2, as applicable.

5626 (4) The board may prescribe appropriate fees for the taking
5627 of those examinations and for the issuance of licenses. Those
5628 fees shall be not more than the cost of the examinations and Five
5629 Hundred Fifty Dollars (\$550.00) for the issuance of a license.
5630 However, the fee for an initial license may be prorated in
5631 proportion to the period of time from the date of issuance and the
5632 date of biennial license renewal prescribed in subsection (5).
5633 All licenses issued under this chapter shall be for a maximum
5634 period of two (2) years.

5635 (5) Except as provided in Section 33-1-39, the board may
5636 renew licenses biennially upon the payment of a fee to be



5637 established by the board, which shall be not more than Five
5638 Hundred Fifty Dollars (\$550.00), plus any administrative costs for
5639 late payment.

5640 (6) Any person who is not licensed under this chapter on
5641 July 1, 2011, who makes application with the board on or before
5642 June 30, 2012, may qualify for a license under this chapter
5643 provided that on or before January 31, 2014, he or she
5644 demonstrates to the satisfaction of the board that he or she (a)
5645 meets the eligibility requirements for a nursing home
5646 administrator's license prescribed in this section as those
5647 requirements existed on June 30, 2011; (b) has successfully
5648 completed the Administrator-in-Training Program requirements
5649 existing on June 30, 2011; and (c) has paid all required fees for
5650 licensure.

5651 (7) Current licensure by the Department of Mental Health
5652 under Section 41-4-7(r) as a mental health/intellectual disability
5653 program administrator shall exempt the licensee from the
5654 requirement of licensure as a nursing home administrator if the
5655 licensee is employed in the state mental health system as
5656 Administrator of Intermediate Care Facility or Facilities for
5657 Persons with Intellectual Disabilities (ICF/ID) no larger than
5658 sixteen (16) beds.

5659 (8) Any member of the Legislature who serves on the Public
5660 Health and/or Medicaid Committee who is a licensed nursing home



5661 administrator shall be exempt from continuing education
5662 requirements for license renewal.

5663 **SECTION 61.** Section 73-19-17, Mississippi Code of 1972, is
5664 amended as follows:

5665 73-19-17. Any person over the age of twenty-one (21)
5666 years * * * who has graduated from a reputable school or college
5667 of optometry, shall be entitled to stand for the examination for
5668 license to practice optometry in Mississippi. The examining Board
5669 of Optometry shall keep on file a list of schools or colleges of
5670 optometry which are recognized by said board. The examination to
5671 practice optometry shall consist of tests in practical,
5672 theoretical and physiological optics, in theoretical and practical
5673 optometry and in anatomy and physiology of the eye and in
5674 pathology as applied to optometry. The State Board of Optometry
5675 shall not examine or certify any optometrist in any therapeutic
5676 procedures unless the optometrist has successfully completed the
5677 proper didactic education and supervised clinical training taught
5678 by an institution accredited by a regional or professional
5679 accreditation organization that is recognized or approved by the
5680 Council on Postsecondary Accreditation of the United States
5681 Department of Education, or its successor, and approved by the
5682 State Board of Optometry with the advice and consultation of the
5683 designated members of the State Board of Medical Licensure and the
5684 State Board of Pharmacy.



5685 **SECTION 62.** Section 73-21-85, Mississippi Code of 1972, is
5686 amended as follows:

5687 73-21-85. (1) To obtain a license to engage in the practice
5688 of pharmacy by examination, or by score transfer, the applicant
5689 shall:

5690 (a) Have submitted a written application on the form
5691 prescribed by the board;

5692 * * *

5693 (* * *b) Have graduated from a school or college of
5694 pharmacy accredited by the American Council of Pharmaceutical
5695 Education and have been granted a pharmacy degree therefrom;

5696 (* * *c) Have successfully passed an examination
5697 approved by the board;

5698 (* * *d) Have paid all fees specified by the board for
5699 examination, not to exceed the cost to the board of administering
5700 the examination;

5701 (* * *e) Have paid all fees specified by the board for
5702 licensure; and

5703 (* * *f) Have submitted evidence of externship and/or
5704 internship as specified by the board.

5705 (2) To obtain a license to engage in the practice of
5706 pharmacy, a foreign pharmacy graduate applicant shall obtain the
5707 National Association of Boards of Pharmacy's Foreign Pharmacy
5708 Graduate Examination Committee's certification, which shall
5709 include, but not be limited to, successfully passing the Foreign



5710 Pharmacy Graduate Equivalency Examination and attaining a total
5711 score of at least five hundred fifty (550) on the Test of English
5712 as a Foreign Language (TOEFL), and shall:

5713 (a) Have submitted a written application on the form
5714 prescribed by the board;

5715 * * *

5716 (* * *b) Have graduated and been granted a pharmacy
5717 degree from a college or school of pharmacy recognized and
5718 approved by the National Association of Boards of Pharmacy's
5719 Foreign Pharmacy Graduate Examination Committee;

5720 (* * *c) Have paid all fees specified by the board for
5721 examination, not to exceed the cost to the board of administering
5722 the examination;

5723 (* * *d) Have successfully passed an examination
5724 approved by the board;

5725 (* * *e) Have completed the number of internship hours
5726 as set forth by regulations of the board; and

5727 (* * *f) Have paid all fees specified by the board for
5728 licensure.

5729 (3) Each application or filing made under this section shall
5730 include the social security number(s) of the applicant in
5731 accordance with Section 93-11-64.

5732 (4) * * * The board shall conduct a criminal history records
5733 check on all applicants for a license. In order to determine the
5734 applicant's suitability for licensing, the applicant shall be



5735 fingerprinted. The board shall submit the fingerprints to the
5736 Department of Public Safety for a check of the state criminal
5737 records and forward to the Federal Bureau of Investigation for a
5738 check of the national criminal records. The Department of Public
5739 Safety shall disseminate the results of the state check and the
5740 national check to the board for a suitability determination. The
5741 board shall be authorized to collect from the applicant the amount
5742 of the fee that the Department of Public Safety charges the board
5743 for the fingerprinting, whether manual or electronic, and the
5744 state and national criminal history records checks.

5745 (5) * * * The board, upon request of the Dean of the
5746 University of Mississippi School of Pharmacy, shall be authorized
5747 to conduct a criminal history records check on all applicants for
5748 enrollment into the School of Pharmacy. In order to determine the
5749 applicant's suitability for enrollment and licensing, the
5750 applicant shall be fingerprinted. The board shall submit the
5751 fingerprints to the Department of Public Safety for a check of the
5752 state criminal records and forward to the Federal Bureau of
5753 Investigation for a check of the national criminal records. The
5754 Department of Public Safety shall disseminate the results of the
5755 state check and the national check to the board for a suitability
5756 determination and the board shall forward the results to the Dean
5757 of the School of Pharmacy. The board shall be authorized to
5758 collect from the applicant the amount of the fee that the
5759 Department of Public Safety charges the board for the



5760 fingerprinting, whether manual or electronic, and the state and
5761 national criminal history records checks.

5762 **SECTION 63.** Section 73-21-87, Mississippi Code of 1972, is
5763 amended as follows:

5764 73-21-87. (1) To obtain a license to engage in the practice
5765 of pharmacy by reciprocity or license transfer, the applicant
5766 shall:

5767 (a) Have submitted a written application on the form
5768 prescribed by the board;

5769 * * *

5770 (* * * b) Have possessed at the time of initial
5771 licensure as a pharmacist such other qualifications necessary to
5772 have been eligible for licensure at that time in that state;

5773 (* * * c) Have presented to the board proof that any
5774 license or licenses granted to the applicant by any other states
5775 have not been suspended, revoked, cancelled or otherwise
5776 restricted for any reason except nonrenewal or the failure to
5777 obtain required continuing education credits; and

5778 (* * * d) Have paid all fees specified by the board for
5779 licensure.

5780 (2) No applicant shall be eligible for licensure by
5781 reciprocity or license transfer unless the state in which the
5782 applicant was initially licensed also grants a reciprocal license
5783 or transfer license to pharmacists licensed by this state under
5784 like circumstances and conditions.



5785 (3) The issuance of a license by reciprocity to a
5786 military-trained applicant, military spouse or person who
5787 establishes residence in this state shall be subject to the
5788 provisions of Section 73-50-1 or 73-50-2, as applicable.

5789 (4) Each application or filing made under this section shall
5790 include the social security number(s) of the applicant in
5791 accordance with Section 93-11-64.

5792 **SECTION 64.** Section 73-21-111, Mississippi Code of 1972, is
5793 amended as follows:

5794 73-21-111. (1) The board shall make, adopt, amend and
5795 repeal, from time to time, such rules and regulations for the
5796 regulation of supportive personnel as may be deemed necessary by
5797 the board.

5798 (2) Every person who acts or serves as a pharmacy technician
5799 in a pharmacy that is located in this state and permitted by the
5800 board shall obtain a registration from the board. To obtain a
5801 pharmacy technician registration the applicant must:

5802 (a) Have submitted a written application on a form(s)
5803 prescribed by the board; and

5804 * * *

5805 (* * *b) Have paid the initial registration fee not to
5806 exceed One Hundred Dollars (\$100.00).

5807 (3) Each pharmacy technician shall renew his or her
5808 registration annually. To renew his or her registration, a
5809 technician must:



5810 (a) Submit an application on a form prescribed by the
5811 board; and

5812 (b) Pay a renewal fee not to exceed One Hundred Dollars
5813 (\$100.00) for each annual registration period. The board may add
5814 a surcharge of not more than Five Dollars (\$5.00) to the
5815 registration renewal fee to assist in funding a program that
5816 assists impaired pharmacists, pharmacy students and pharmacy
5817 technicians.

5818 (4) * * * The board shall conduct a criminal history records
5819 check on all applicants for a license. In order to determine the
5820 applicant's suitability for licensing, the applicant shall be
5821 fingerprinted. The board shall submit the fingerprints to the
5822 Department of Public Safety for a check of the state criminal
5823 records and forward to the Federal Bureau of Investigation for a
5824 check of the national criminal records. The Department of Public
5825 Safety shall disseminate the results of the state check and the
5826 national check to the board for a suitability determination. The
5827 board shall be authorized to collect from the applicant the amount
5828 of the fee that the Department of Public Safety charges the board
5829 for the fingerprinting, whether manual or electronic, and the
5830 state and national criminal history records checks.

5831 **SECTION 65.** Section 73-23-47, Mississippi Code of 1972, is
5832 amended as follows:

5833 73-23-47. (1) Any person who desires to be licensed under
5834 this chapter must: (a) * * * have graduated from a physical



5835 therapy or physical therapist assistant program, as the case may
5836 be, accredited by an agency recognized by the United States
5837 Department of Education, Office on Postsecondary Education; and
5838 (* * *b) pay a nonrefundable examination fee as set by the board;
5839 (* * *c) pay an application fee, no part of which shall be
5840 refunded; (* * *d) be examined for licensure by the board; and
5841 meet the requirements established by the rules of the board. The
5842 licensure examination for physical therapists and for physical
5843 therapist assistants shall be selected by the board and may also
5844 include an oral examination or practical examination or both at
5845 the discretion of the board.

5846 (2) Any person who desires to exercise the privilege to
5847 practice under the Physical Therapy Licensure Compact must
5848 complete the terms and provisions of the compact as prescribed in
5849 Section 73-23-101.

5850 (3) Each application or filing made under this section shall
5851 include the social security number(s) of the applicant in
5852 accordance with Section 93-11-64.

5853 **SECTION 66.** Section 73-23-51, Mississippi Code of 1972, is
5854 amended as follows:

5855 73-23-51. (1) The board may license as a physical therapist
5856 or as a physical therapist assistant, and furnish a certificate of
5857 licensure without examination to, any applicant who presents
5858 evidence, satisfactory to the board, of having passed an
5859 examination before a similar lawfully authorized examining agency



5860 or board in physical therapy of another state or the District of
5861 Columbia, if the standards for registration in physical therapy or
5862 for licensure as a physical therapist assistant in such other
5863 state or district are determined by the board to be as high as
5864 those of this state. The issuance of a license by reciprocity to
5865 a military-trained applicant, military spouse or person who
5866 establishes residence in this state shall be subject to the
5867 provisions of Section 73-50-1 or 73-50-2, as applicable.

5868 (2) Any person who has been trained as a physical therapist
5869 in a foreign country and desires to be licensed under this chapter
5870 and who: (a) * * * holds a diploma from an educational program
5871 for physical therapists approved by the board; (* * *b) submits
5872 documentary evidence to the board that he has completed a course
5873 of professional instruction substantially equivalent to that
5874 obtained by an applicant for licensure; (* * *c) demonstrates
5875 satisfactory proof of proficiency in the English language; and
5876 (* * *d) meets other requirements established by rules of the
5877 board, may make application on a form furnished by the board for
5878 examination as a foreign-trained physical therapist. At the time
5879 of making such application, the applicant shall pay the fee
5880 prescribed by the board, no portion of which shall be returned.

5881 Any person who desires to be licensed under this subsection
5882 shall take an examination approved by the board and shall obtain a
5883 permanent license. If this requirement is not met, the license of
5884 the foreign-trained therapist may be revoked.



5885 **SECTION 67.** Section 73-24-19, Mississippi Code of 1972, is
5886 amended as follows:

5887 73-24-19. (1) An applicant applying for a license as an
5888 occupational therapist or as an occupational therapy assistant
5889 shall file a written application on forms provided by the board,
5890 showing to the satisfaction of the board that he meets the
5891 following requirements:

5892 * * *

5893 (* * *a) Has been awarded a degree from an education
5894 program in occupational therapy recognized by the board, with a
5895 concentration of instruction in basic human sciences, the human
5896 development process, occupational tasks and activities, the
5897 health-illness-health continuum, and occupational therapy theory
5898 and practice:

5899 (i) For an occupational therapist, such program
5900 shall be accredited by the Accreditation Council for Occupational
5901 Therapy Education of the American Occupational Therapy Association
5902 or the board-recognized accrediting body;

5903 (ii) For an occupational therapy assistant, such a
5904 program shall be accredited by the Accreditation Council for
5905 Occupational Therapy Education of the American Occupational
5906 Therapy Association or the board-recognized accrediting body;

5907 (* * *b) Has successfully completed a period of
5908 supervised fieldwork experience at a recognized educational



5909 institution or a training program approved by the educational
5910 institution where he or she met the academic requirements:

5911 (i) For an occupational therapist, the required
5912 supervised fieldwork experience shall meet current national
5913 standards that are published annually by the board;

5914 (ii) For an occupational therapy assistant, the
5915 required supervised fieldwork experience shall meet national
5916 standards that are published annually by the board.

5917 (2) The board shall approve an examination for occupational
5918 therapists and an examination for occupational therapy assistants
5919 that will be used as the examination for licensure.

5920 (3) Any person applying for licensure shall, in addition to
5921 demonstrating his eligibility in accordance with the requirements
5922 of this section, make application to the board for review of proof
5923 of his eligibility for certification by the National Board for
5924 Certification in Occupational Therapy, Inc. (NBCOT), or its
5925 successor organization, on a form and in such a manner as the
5926 board shall prescribe. The application shall be accompanied by
5927 the fee fixed in accordance with the provisions of Section
5928 73-24-29. The board shall establish standards for acceptable
5929 performance on the examination. A person who fails an examination
5930 may apply for reexamination upon payment of the prescribed fee.

5931 (4) Applicants for licensure shall be examined at a time and
5932 place and under such supervision as the board may require. The



5933 board shall give reasonable public notice of these examinations in
5934 accordance with its rules and regulations.

5935 (5) An applicant may be licensed as an occupational
5936 therapist if he or she: (a) has practiced as an occupational
5937 therapy assistant for four (4) years, (b) has completed the
5938 requirements of a period of six (6) months of supervised fieldwork
5939 experience at a recognized educational institution or a training
5940 program approved by a recognized accredited educational
5941 institution before January 1, 1988, and (c) has passed the
5942 examination for occupational therapists.

5943 (6) Each application or filing made under this section shall
5944 include the social security number(s) of the applicant in
5945 accordance with Section 93-11-64, Mississippi Code of 1972.

5946 **SECTION 68.** Section 73-24-21, Mississippi Code of 1972, is
5947 amended as follows:

5948 73-24-21. (1) The board shall grant a license to any person
5949 certified prior to July 1, 1988, as an Occupational Therapist
5950 Registered (OTR) or a Certified Occupational Therapy Assistant
5951 (COTA) by the American Occupational Therapy Association (AOTA).
5952 The board may waive the examination, education or experience
5953 requirements and grant a license to any person certified by AOTA
5954 after July 1, 1988, if the board determines the requirements for
5955 such certification are equivalent to the requirements for
5956 licensure in this chapter.



5957 (2) The board may waive the examination, education or
5958 experience requirements and grant a license to any applicant who
5959 shall present proof of current licensure as an occupational
5960 therapist or occupational therapy assistant in another state, the
5961 District of Columbia or territory of the United States which
5962 requires standards for licensure considered by the board to be
5963 equivalent to the requirements for licensure of this chapter. The
5964 issuance of a license by reciprocity to a military-trained
5965 applicant, military spouse or person who establishes residence in
5966 this state shall be subject to the provisions of Section 73-50-1
5967 or 73-50-2, as applicable.

5968 (3) Foreign-trained occupational therapists and occupational
5969 therapy assistants shall satisfy the examination requirements of
5970 Section 73-24-19. The board shall require foreign-trained
5971 applicants to furnish proof of * * * completion of educational and
5972 supervised fieldwork requirements substantially equal to those
5973 contained in Section 73-24-19 before taking the examination.

5974 **SECTION 69.** Section 73-25-3, Mississippi Code of 1972, is
5975 amended as follows:

5976 73-25-3. Every person who desires to obtain a license to
5977 practice medicine must apply therefor, in writing, to the State
5978 Board of Medical Licensure at least ten (10) days before the date
5979 of the examination and must be examined by the board according to
5980 the methods deemed by it to be the most practical and expeditious
5981 to test the applicants' qualifications. If the applicant is found



5982 by the board, upon examination, to possess sufficient learning in
5983 those branches * * *, the board shall issue him a license to
5984 practice medicine; however, no applicant shall be granted a
5985 license unless the applicant holds a diploma from a reputable
5986 medical college or college of osteopathic medicine that requires a
5987 four-year course of at least thirty-two (32) weeks for each
5988 session, or its equivalent.

5989 To qualify for a Mississippi medical license, an applicant
5990 must have successfully been cleared for licensure through an
5991 investigation that shall consist of a * * * verification that the
5992 prospective licensee is not guilty of or in violation of any
5993 statutory ground for denial of licensure as set forth in Sections
5994 73-25-29 and 73-25-83. To assist the board in conducting its
5995 licensure investigation, all applicants shall undergo a
5996 fingerprint-based criminal history records check of the
5997 Mississippi central criminal database and the Federal Bureau of
5998 Investigation criminal history database. Each applicant shall
5999 submit a full set of the applicant's fingerprints in a form and
6000 manner prescribed by the board, which shall be forwarded to the
6001 Mississippi Department of Public Safety (department) and the
6002 Federal Bureau of Investigation Identification Division for this
6003 purpose.

6004 Any and all state or national criminal history records
6005 information obtained by the board that is not already a matter of
6006 public record shall be deemed nonpublic and confidential



6007 information restricted to the exclusive use of the board, its
6008 members, officers, investigators, agents and attorneys in
6009 evaluating the applicant's eligibility or disqualification for
6010 licensure, and shall be exempt from the Mississippi Public Records
6011 Act of 1983. Except when introduced into evidence in a hearing
6012 before the board to determine licensure, no such information or
6013 records related thereto shall, except with the written consent of
6014 the applicant or by order of a court of competent jurisdiction, be
6015 released or otherwise disclosed by the board to any other person
6016 or agency.

6017 The board shall provide to the department the fingerprints of
6018 the applicant, any additional information that may be required by
6019 the department, and a form signed by the applicant consenting to
6020 the check of the criminal records and to the use of the
6021 fingerprints and other identifying information required by the
6022 state or national repositories.

6023 The board shall charge and collect from the applicant, in
6024 addition to all other applicable fees and costs, such amount as
6025 may be incurred by the board in requesting and obtaining state and
6026 national criminal history records information on the applicant.

6027 This section shall not apply to applicants for a special
6028 volunteer medical license authorized under Section 73-25-18.

6029 **SECTION 70.** Section 73-25-14, Mississippi Code of 1972, is
6030 amended as follows:



6031 73-25-14. (1) Except as provided in Section 33-1-39, the
6032 license of every person licensed to practice medicine or
6033 osteopathy in the State of Mississippi shall be renewed annually.

6034 On or before May 1 of each year, the State Board of Medical
6035 Licensure shall mail a notice of renewal of license to every
6036 physician or osteopath to whom a license was issued or renewed
6037 during the current licensing year. The notice shall provide
6038 instructions for obtaining and submitting applications for
6039 renewal. The State Board of Medical Licensure is authorized to
6040 make applications for renewal available via electronic means. The
6041 applicant shall obtain and complete the application and submit it
6042 to the board in the manner prescribed by the board in the notice
6043 before June 30 with the renewal fee of an amount established by
6044 the board, but not to exceed Three Hundred Dollars (\$300.00), a
6045 portion of which fee shall be used to support a program to aid
6046 impaired physicians and osteopaths. The payment of the annual
6047 license renewal fee shall be optional with all physicians over the
6048 age of seventy (70) years. Upon receipt of the application and
6049 fee, the board shall verify the accuracy of the application and
6050 issue to applicant a certificate of renewal for the ensuing year,
6051 beginning July 1 and expiring June 30 of the succeeding calendar
6052 year. That renewal shall render the holder thereof a legal
6053 practitioner as stated on the renewal form.

6054 (2) Any physician or osteopath practicing in Mississippi who
6055 allows his or her license to lapse by failing to renew the license



6056 as provided in subsection (1) may be reinstated by the board on
6057 satisfactory explanation for the failure to renew, by completion
6058 of a reinstatement form, and upon payment of the renewal fee for
6059 the current year, and shall be assessed a fine of Twenty-five
6060 Dollars (\$25.00) plus an additional fine of Five Dollars (\$5.00)
6061 for each month thereafter that the license renewal remains
6062 delinquent.

6063 (3) Any physician or osteopath not practicing in Mississippi
6064 who allows his or her license to lapse by failing to renew the
6065 license as provided in subsection (1) may be reinstated by the
6066 board on satisfactory explanation for the failure to renew, by
6067 completion of a reinstatement form and upon payment of the
6068 arrearages for the previous five (5) years and the renewal fee for
6069 the current year.

6070 (4) Any physician or osteopath who allows his or her license
6071 to lapse shall be notified by the board within thirty (30) days of
6072 that lapse.

6073 (5) Any person practicing as a licensed physician or
6074 osteopath during the time his or her license has lapsed shall be
6075 considered an illegal practitioner and shall be subject to
6076 penalties provided for violation of the Medical Practice Act, if
6077 he or she had not submitted the required reinstatement form and
6078 fee within fifteen (15) days after notification by the board of
6079 the lapse.



6080 (6) Any physician or osteopath practicing in the State of
6081 Mississippi whose license has lapsed and is deemed an illegal
6082 practitioner under subsection (5) of this section may petition the
6083 board for reinstatement of his or her license on a retroactive
6084 basis, if the physician or osteopath was unable to meet the June
6085 30 deadline due to extraordinary or other legitimate reasons, and
6086 retroactive reinstatement of licensure shall be granted or may be
6087 denied by the board only for good cause. Failure to advise the
6088 board of change of address shall not be considered a basis of
6089 reinstatement.

6090 (7) None of the fees or fines provided for in this section
6091 shall be applicable to the renewal of a special volunteer medical
6092 license authorized under Section 73-25-18.

6093 (8) Fees collected under the provisions of this section
6094 shall be used by the board to defray expenses of administering the
6095 licensure provisions of the Medical Practice Act (Title 73,
6096 Chapter 25, Mississippi Code of 1972) and to support a program to
6097 aid impaired physicians and osteopaths in an amount determined by
6098 the board.

6099 (9) In order for a physician or osteopath whose medical
6100 license has been expired for five (5) years or more to qualify for
6101 reinstatement of license, the physician or osteopath must have
6102 successfully been cleared for reinstatement through an
6103 investigation that shall consist of a * * * verification that the
6104 prospective licensee is not guilty of or in violation of any



6105 statutory ground for denial of licensure as set forth in Sections
6106 73-25-29 and 73-25-83. To assist the board in conducting its
6107 licensure investigation, all applicants shall undergo a
6108 fingerprint-based criminal history records check of the
6109 Mississippi central criminal database and the Federal Bureau of
6110 Investigation criminal history database. Each applicant shall
6111 submit a full set of the applicant's fingerprints in a form and
6112 manner prescribed by the board, which shall be forwarded to the
6113 Mississippi Department of Public Safety (department) and the
6114 Federal Bureau of Investigation Identification Division for this
6115 purpose.

6116 Any and all state or national criminal history records
6117 information obtained by the board that is not already a matter of
6118 public record shall be deemed nonpublic and confidential
6119 information restricted to the exclusive use of the board, its
6120 members, officers, investigators, agents and attorneys in
6121 evaluating the applicant's eligibility or disqualification for
6122 licensure, and shall be exempt from the Mississippi Public Records
6123 Act of 1983. Except when introduced into evidence in a hearing
6124 before the board to determine licensure, no such information or
6125 records related thereto shall, except with the written consent of
6126 the applicant or by order of a court of competent jurisdiction, be
6127 released or otherwise disclosed by the board to any other person
6128 or agency.



6129 The board shall provide to the department the fingerprints of
6130 the applicant, any additional information that may be required by
6131 the department, and a form signed by the applicant consenting to
6132 the check of the criminal records and to the use of the
6133 fingerprints and other identifying information required by the
6134 state or national repositories.

6135 The board shall charge and collect from the applicant, in
6136 addition to all other applicable fees and costs, such amount as
6137 may be incurred by the board in requesting and obtaining state and
6138 national criminal history records information on the applicant.

6139 **SECTION 71.** Section 73-25-32, Mississippi Code of 1972, is
6140 amended as follows:

6141 73-25-32. (1) A person whose license to practice medicine
6142 or osteopathy has been revoked or suspended may petition the
6143 Mississippi State Board of Medical Licensure to reinstate this
6144 license after a period of not less than one (1) year has elapsed
6145 from the date of the revocation or suspension. The procedure for
6146 the reinstatement of a license that is suspended for being out of
6147 compliance with an order for support, as defined in Section
6148 93-11-153, shall be governed by Section 93-11-157 or 93-11-163, as
6149 the case may be.

6150 (2) The petition shall be accompanied by two (2) or more
6151 verified recommendations from physicians or osteopaths licensed by
6152 the Board of Medical Licensure to which the petition is addressed
6153 and by two (2) or more recommendations from citizens each having



6154 personal knowledge of the activities of the petitioner since the
6155 disciplinary penalty was imposed and such facts as may be required
6156 by the Board of Medical Licensure.

6157 The petition may be heard at the next regular meeting of the
6158 Board of Medical Licensure but not earlier than thirty (30) days
6159 after the petition was filed. No petition shall be considered
6160 while the petitioner is under sentence for any criminal offense,
6161 including any period during which he is under probation or parole.
6162 The hearing may be continued from time to time as the Board of
6163 Medical Licensure finds necessary.

6164 (3) In determining whether the disciplinary penalty should
6165 be set aside and the terms and conditions, if any, that should be
6166 imposed if the disciplinary penalty is set aside, the Board of
6167 Medical Licensure may investigate and consider all activities of
6168 the petitioner since the disciplinary action was taken against
6169 him, the offense for which he was disciplined, his activity during
6170 the time his certificate was in good standing, his general
6171 reputation for truth * * * and professional ability * * *; and it
6172 may require the petitioner to pass an oral examination.

6173 (4) The investigation shall require the petitioner to
6174 undergo a fingerprint-based criminal history records check of the
6175 Mississippi central criminal database and the Federal Bureau of
6176 Investigation criminal history database. Each petitioner shall
6177 submit a full set of the petitioner's fingerprints in a form and
6178 manner prescribed by the board, which shall be forwarded to the



6179 Mississippi Department of Public Safety (department) and the
6180 Federal Bureau of Investigation Identification Division for this
6181 purpose.

6182 Any and all state or national criminal history records
6183 information obtained by the board that is not already a matter of
6184 public record shall be deemed nonpublic and confidential
6185 information restricted to the exclusive use of the board, its
6186 members, officers, investigators, agents and attorneys in
6187 evaluating the applicant's eligibility or disqualification for
6188 licensure, and shall be exempt from the Mississippi Public Records
6189 Act of 1983. Except when introduced into evidence in a hearing
6190 before the board to determine licensure, no such information or
6191 records related thereto shall, except with the written consent of
6192 the applicant or by order of a court of competent jurisdiction, be
6193 released or otherwise disclosed by the board to any other person
6194 or agency.

6195 The board shall provide to the department the fingerprints of
6196 the petitioner, any additional information that may be required by
6197 the department, and a form signed by the petitioner consenting to
6198 the check of the criminal records and to the use of the
6199 fingerprints and other identifying information required by the
6200 state or national repositories.

6201 The board shall charge and collect from the petitioner, in
6202 addition to all other applicable fees and costs, such amount as



6203 may be incurred by the board in requesting and obtaining state and
6204 national criminal history records information on the applicant.

6205 (5) The Secretary-Treasurer of the Board of Medical
6206 Licensure shall enter into his records of the case all actions of
6207 the board in setting aside a disciplinary penalty under this
6208 section and he shall certify notices to the proper court clerk.
6209 The clerk shall make such changes on his records as may be
6210 necessary.

6211 **SECTION 72.** Section 73-26-3, Mississippi Code of 1972, is
6212 amended as follows:

6213 73-26-3. (1) The State Board of Medical Licensure shall
6214 license and regulate the practice of physician assistants in
6215 accordance with the provisions of this chapter.

6216 (2) All physician assistants who are employed as physician
6217 assistants by a Department of Veterans Affairs health care
6218 facility, a branch of the United States military or the Federal
6219 Bureau of Prisons, and who are practicing as physician assistants
6220 in a federal facility in Mississippi on July 1, 2000, and those
6221 physician assistants who trained in a Mississippi physician
6222 assistant program and have been continuously practicing as a
6223 physician assistant in Mississippi since 1976, shall be eligible
6224 for licensure if they submit an application for licensure to the
6225 board by December 31, 2000. Physician assistants licensed under
6226 this subsection will be eligible for license renewal so long as
6227 they meet standard renewal requirements.



6228 (3) Before December 31, 2004, applicants for physician
6229 assistant licensure, except those licensed under subsection (2) of
6230 this section, must be graduates of physician assistant educational
6231 programs accredited by the Commission on Accreditation of Allied
6232 Health Educational Programs or its predecessor or successor
6233 agency, have passed the certification examination administered by
6234 the National Commission on Certification of Physician Assistants
6235 (NCCPA), have current NCCPA certification, and possess a minimum
6236 of a baccalaureate degree. Physician assistants meeting these
6237 licensure requirements will be eligible for license renewal so
6238 long as they meet standard renewal requirements.

6239 (4) On or after December 31, 2004, applicants for physician
6240 assistant licensure must meet all of the requirements in
6241 subsection (3) of this section and, in addition, must have
6242 obtained a minimum of a master's degree in a health-related or
6243 science field.

6244 (5) Applicants for licensure who meet all licensure
6245 requirements except for the master's degree may be granted a
6246 temporary license by the board so long as they can show proof of
6247 enrollment in a master's program that will, when completed, meet
6248 the master's degree requirement. The temporary license will be
6249 valid for no longer than one (1) year, and may not be renewed.

6250 (6) For new graduate physician assistants and all physician
6251 assistants receiving initial licenses in the state, except those
6252 licensed under subsection (2) of this section, supervision shall



6253 require the on-site presence of a supervising physician for one
6254 hundred twenty (120) days.

6255 (7) To qualify for a Mississippi physician assistant
6256 license, an applicant must have successfully been cleared for
6257 licensure through an investigation that shall consist of a * * *
6258 verification that the prospective licensee is not guilty of or in
6259 violation of any statutory ground for denial of licensure. To
6260 assist the board in conducting its licensure investigation, all
6261 applicants shall undergo a fingerprint-based criminal history
6262 records check of the Mississippi central criminal database and the
6263 Federal Bureau of Investigation criminal history database. Each
6264 applicant shall submit a full set of the applicant's fingerprints
6265 in a form and manner prescribed by the board, which shall be
6266 forwarded to the Mississippi Department of Public Safety
6267 (department) and the Federal Bureau of Investigation
6268 Identification Division for this purpose.

6269 Any and all state or national criminal history records
6270 information obtained by the board that is not already a matter of
6271 public record shall be deemed nonpublic and confidential
6272 information restricted to the exclusive use of the board, its
6273 members, officers, investigators, agents and attorneys in
6274 evaluating the applicant's eligibility or disqualification for
6275 licensure, and shall be exempt from the Mississippi Public Records
6276 Act of 1983. Except when introduced into evidence in a hearing
6277 before the board to determine licensure, no such information or



6278 records related thereto shall, except with the written consent of
6279 the applicant or by order of a court of competent jurisdiction, be
6280 released or otherwise disclosed by the board to any other person
6281 or agency.

6282 The board shall provide to the department the fingerprints of
6283 the applicant, any additional information that may be required by
6284 the department, and a form signed by the applicant consenting to
6285 the check of the criminal records and to the use of the
6286 fingerprints and other identifying information required by the
6287 state or national repositories.

6288 The board shall charge and collect from the applicant, in
6289 addition to all other applicable fees and costs, such amount as
6290 may be incurred by the board in requesting and obtaining state and
6291 national criminal history records information on the applicant.

6292 **SECTION 73.** Section 73-27-5, Mississippi Code of 1972, is
6293 amended as follows:

6294 73-27-5. All applicants for license shall have attained the
6295 age of twenty-one (21) years, and shall * * * have had at least
6296 four (4) years high school and be graduates of same; they shall
6297 have at least one (1) year prepodiatry college education and be
6298 graduates of some college of podiatry recognized as being in good
6299 standing by the State Board of Medical Licensure. No college of
6300 podiatry or chiropody shall be accredited by the board as a
6301 college of good standing that does not require for graduation a
6302 course of study of at least four (4) years (eight and one-half



6303 (8-1/2) months each) and be recognized by the Council on Education
6304 of the American Podiatry Association. However, all podiatrists
6305 actively engaged in the practice of podiatry in the State of
6306 Mississippi, prior to January 1, 1938, whether graduates or not,
6307 shall, upon furnishing proof thereof by displaying their state
6308 privilege tax license to the Secretary of the State Board of
6309 Medical Licensure, and upon payment of fee of Ten Dollars and
6310 Twenty-five Cents (\$10.25), be entitled to a license without an
6311 examination, and applications for the license shall be filed not
6312 later than sixty (60) days after February 17, 1938. Upon payment
6313 of a fee prescribed by the State Board of Medical Licensure, not
6314 to exceed Five Hundred Dollars (\$500.00), a license without
6315 examination may be issued to podiatrists of other states
6316 maintaining equal statutory requirements for the practice of
6317 podiatry and extending the same reciprocal privileges to this
6318 state. The State Board of Medical Licensure may affiliate with
6319 the National Board of Chiropractic or Podiatry Licensure in granting
6320 licenses to practice podiatry in Mississippi, provided the written
6321 examination covers at least two-thirds (2/3) of the subjects set
6322 forth in Section 73-27-9. The issuance of a license by
6323 reciprocity to a military-trained applicant, military spouse or
6324 person who establishes residence in this state shall be subject to
6325 the provisions of Section 73-50-1 or 73-50-2, as applicable.

6326 To qualify for a Mississippi podiatry license, an applicant
6327 must have successfully been cleared for licensure through an



6328 investigation that shall consist of a * * * verification that the
6329 prospective licensee is not guilty of or in violation of any
6330 statutory ground for denial of licensure as set forth in Section
6331 73-27-13. To assist the board in conducting its licensure
6332 investigation, all applicants shall undergo a fingerprint-based
6333 criminal history records check of the Mississippi central criminal
6334 database and the Federal Bureau of Investigation criminal history
6335 database. Each applicant shall submit a full set of the
6336 applicant's fingerprints in a form and manner prescribed by the
6337 board, which shall be forwarded to the Mississippi Department of
6338 Public Safety (department) and the Federal Bureau of Investigation
6339 Identification Division for this purpose.

6340 Any and all state or national criminal history records
6341 information obtained by the board that is not already a matter of
6342 public record shall be deemed nonpublic and confidential
6343 information restricted to the exclusive use of the board, its
6344 members, officers, investigators, agents and attorneys in
6345 evaluating the applicant's eligibility or disqualification for
6346 licensure, and shall be exempt from the Mississippi Public Records
6347 Act of 1983. Except when introduced into evidence in a hearing
6348 before the board to determine licensure, no such information or
6349 records related thereto shall, except with the written consent of
6350 the applicant or by order of a court of competent jurisdiction, be
6351 released or otherwise disclosed by the board to any other person
6352 or agency.



6353 The board shall provide to the department the fingerprints of
6354 the applicant, any additional information that may be required by
6355 the department, and a form signed by the applicant consenting to
6356 the check of the criminal records and to the use of the
6357 fingerprints and other identifying information required by the
6358 state or national repositories.

6359 The board shall charge and collect from the applicant, in
6360 addition to all other applicable fees and costs, such amount as
6361 may be incurred by the board in requesting and obtaining state and
6362 national criminal history records information on the applicant.

6363 Each application or filing made under this section shall
6364 include the social security number(s) of the applicant in
6365 accordance with Section 93-11-64.

6366 **SECTION 74.** Section 73-27-12, Mississippi Code of 1972, is
6367 amended as follows:

6368 73-27-12. (1) Except as provided in Section 33-1-39, the
6369 license of every person licensed to practice podiatry in the State
6370 of Mississippi shall be renewed annually.

6371 On or before May 1 of each year, the board shall mail a
6372 notice of renewal of license to every podiatrist to whom a license
6373 was issued or renewed during the current licensing year. The
6374 notice shall provide instructions for obtaining and submitting
6375 applications for renewal. The State Board of Medical Licensure is
6376 authorized to make applications for renewal available via
6377 electronic means. The applicant shall obtain and complete the



6378 application and submit it to the board in the manner prescribed by
6379 the board in the notice before June 30 with the renewal fee of an
6380 amount established by the board, but not to exceed Three Hundred
6381 Dollars (\$300.00), a portion of which fee shall be used to support
6382 a program to aid impaired podiatrists. Upon receipt of the
6383 application and fee, the board shall verify the accuracy of the
6384 application and issue to applicant a certificate of renewal for
6385 the ensuing year, beginning July 1 and expiring June 30 of the
6386 succeeding calendar year. That renewal shall render the holder
6387 thereof a legal practitioner as stated on the renewal form.

6388 (2) Any podiatrist practicing in Mississippi who allows his
6389 or her license to lapse by failing to renew the license as
6390 provided in subsection (1) may be reinstated by the board on
6391 satisfactory explanation for the failure to renew, by completion
6392 of a reinstatement form, and upon payment of the renewal fee for
6393 the current year, and shall be assessed a fine of Twenty-five
6394 Dollars (\$25.00) plus an additional fine of Five Dollars (\$5.00)
6395 for each month thereafter that the license renewal remains
6396 delinquent.

6397 (3) Any podiatrist not practicing in Mississippi who allows
6398 his or her license to lapse by failing to renew the license as
6399 provided in subsection (1) may be reinstated by the board on
6400 satisfactory explanation for the failure to renew, by completion
6401 of a reinstatement form and upon payment of the arrearages for the
6402 previous five (5) years and the renewal fee for the current year.



6403 (4) Any podiatrist who allows his or her license to lapse
6404 shall be notified by the board within thirty (30) days of that
6405 lapse.

6406 (5) Any person practicing as a licensed podiatrist during
6407 the time his or her license has lapsed shall be considered an
6408 illegal practitioner and shall be subject to penalties set forth
6409 in Section 73-27-17, provided that he or she has not submitted the
6410 required reinstatement form and fee within fifteen (15) days after
6411 notification by the board of the lapse.

6412 (6) Any podiatrist practicing in the State of Mississippi
6413 whose license has lapsed and is deemed an illegal practitioner
6414 under subsection (5) of this section may petition the board for
6415 reinstatement of his or her license on a retroactive basis, if the
6416 podiatrist was unable to meet the June 30 deadline due to
6417 extraordinary or other legitimate reasons, and retroactive
6418 reinstatement of licensure shall be granted or may be denied by
6419 the board only for good cause. Failure to advise the board of
6420 change of address shall not be considered a basis for
6421 reinstatement.

6422 (7) Fees collected under the provisions of this section
6423 shall be used by the board to defray expenses of administering the
6424 licensure provisions of Title 73, Chapter 27, Mississippi Code of
6425 1972, and to support a program to aid impaired podiatrists in an
6426 amount determined by the board.



6427 (8) In order for a podiatrist whose podiatric medical
6428 license has been expired for five (5) years or more to qualify for
6429 reinstatement of license, the podiatrist must have successfully
6430 been cleared for reinstatement through an investigation that shall
6431 consist of a * * * verification that the prospective licensee is
6432 not guilty of or in violation of any statutory ground for denial
6433 of licensure as set forth in Section 73-27-13. To assist the
6434 board in conducting its licensure investigation, all applicants
6435 shall undergo a fingerprint-based criminal history records check
6436 of the Mississippi central criminal database and the Federal
6437 Bureau of Investigation criminal history database. Each applicant
6438 shall submit a full set of the applicant's fingerprints in a form
6439 and manner prescribed by the board, which shall be forwarded to
6440 the Mississippi Department of Public Safety (department) and the
6441 Federal Bureau of Investigation Identification Division for this
6442 purpose.

6443 Any and all state or national criminal history records
6444 information obtained by the board that is not already a matter of
6445 public record shall be deemed nonpublic and confidential
6446 information restricted to the exclusive use of the board, its
6447 members, officers, investigators, agents and attorneys in
6448 evaluating the applicant's eligibility or disqualification for
6449 licensure, and shall be exempt from the Mississippi Public Records
6450 Act of 1983. Except when introduced into evidence in a hearing
6451 before the board to determine licensure, no such information or



6452 records related thereto shall, except with the written consent of
6453 the applicant or by order of a court of competent jurisdiction, be
6454 released or otherwise disclosed by the board to any other person
6455 or agency.

6456 The board shall provide to the department the fingerprints of
6457 the applicant, any additional information that may be required by
6458 the department, and a form signed by the applicant consenting to
6459 the check of the criminal records and to the use of the
6460 fingerprints and other identifying information required by the
6461 state or national repositories.

6462 The board shall charge and collect from the applicant, in
6463 addition to all other applicable fees and costs, such amount as
6464 may be incurred by the board in requesting and obtaining state and
6465 national criminal history records information on the applicant.

6466 **SECTION 75.** Section 73-27-16, Mississippi Code of 1972, is
6467 amended as follows:

6468 73-27-16. (1) A person whose license to practice podiatry
6469 has been revoked or suspended may petition the Mississippi State
6470 Board of Medical Licensure to reinstate this license after a
6471 period of not less than one (1) year has elapsed from the date of
6472 the revocation or suspension. The procedure for the reinstatement
6473 of a license that is suspended for being out of compliance with an
6474 order for support, as defined in Section 93-11-153, shall be
6475 governed by Section 93-11-157 or 93-11-163, as the case may be.



6476 (2) The petition shall be accompanied by two (2) or more
6477 verified recommendations from podiatrists licensed by the Board of
6478 Medical Licensure to which the petition is addressed and by two
6479 (2) or more recommendations from citizens each having personal
6480 knowledge of the activities of the petitioner since the
6481 disciplinary penalty was imposed and such facts as may be required
6482 by the board.

6483 The petition may be heard at the next regular meeting of the
6484 Board of Medical Licensure but not earlier than thirty (30) days
6485 after the petition was filed. No petition shall be considered
6486 while the petitioner is under sentence for any criminal offense,
6487 including any period during which he is under probation or parole.
6488 The hearing may be continued from time to time as the Board of
6489 Medical Licensure finds necessary. Any final action by the board
6490 on a petition under this section shall be made with the advice of
6491 the advisory committee.

6492 (3) In determining whether the disciplinary penalty should
6493 be set aside and the terms and conditions, if any, which should be
6494 imposed if the disciplinary penalty is set aside, the Board of
6495 Medical Licensure may investigate and consider all activities of
6496 the petitioner since the disciplinary action was taken against
6497 him, the offense for which he was disciplined, his activity during
6498 the time his certificate was in good standing, his general
6499 reputation for truth * * * and professional ability * * *; and it
6500 may require the petitioner to pass an oral examination.



6501 (4) The Secretary-Treasurer of the Board of Medical
6502 Licensure shall enter into his records of the case all actions of
6503 the Board of Medical Licensure in setting aside a disciplinary
6504 penalty under this section and he shall certify notices to the
6505 proper court clerk. The clerk shall make such changes on his
6506 records as may be necessary.

6507 **SECTION 76.** Section 73-29-19, Mississippi Code of 1972, is
6508 amended as follows:

6509 73-29-19. An applicant who is a polygraph examiner licensed
6510 under the laws of another state or territory of the United States
6511 may be issued a license upon payment of a fee of Fifty Dollars
6512 (\$50.00) and the production of satisfactory proof that:

- 6513 (1) He is at least twenty-one (21) years of age;
6514 (2) He is a citizen of the United States;

6515 * * *

6516 (* * *3) The requirements for the licensing of
6517 polygraph examiners in such particular state or territory of the
6518 United States were, at the date of the applicant's licensing
6519 therein, substantially equivalent to the requirements now in force
6520 in this state;

6521 (* * *4) The applicant had lawfully engaged in the
6522 administration of polygraph examinations under the laws of such
6523 state or territory for at least two (2) years prior to his
6524 application for license hereunder;



6525 (* * *5) Such other state or territory grants similar
6526 reciprocity to license holders of this state; and

6527 (* * *6) He has complied with Section 73-29-17.

6528 The issuance of a license by reciprocity to a
6529 military-trained applicant or military spouse shall be subject to
6530 the provisions of Section 73-50-1.

6531 **SECTION 77.** Section 73-30-9, Mississippi Code of 1972, is
6532 amended as follows:

6533 73-30-9. (1) The board shall issue a license as a
6534 provisional licensed professional counselor, without regard to
6535 race, religion, sex or national origin, to each applicant who
6536 furnishes satisfactory evidence of the following:

6537 (a) The applicant has completed an application on a
6538 form prescribed by the board accompanied by a nonrefundable
6539 application fee of Fifty Dollars (\$50.00).

6540 (b) The applicant is at least twenty-one (21) years of
6541 age.

6542 * * *

6543 (* * *c) The applicant is a citizen of the United
6544 States, or has an immigration document to verify legal alien work
6545 status in the United States. The immigration document must be
6546 current and issued by the United States Immigration Bureau.

6547 (* * *d) The applicant is not in violation of any of
6548 the provisions of this chapter and the rules and regulations
6549 adopted hereunder.



6550 (* * *e) The applicant shall have a minimum acceptable
6551 graduate semester hour or acceptable quarter-hour master's degree
6552 as determined by the board primarily in counseling or a related
6553 counseling field from a regionally or nationally accredited
6554 college or university program in counselor education or a related
6555 counseling program subject to board approval. All applicants
6556 shall provide official transcripts of all graduate work.

6557 (* * *f) The applicant must pass the examination
6558 approved by the board, as set forth in Section 73-30-7(5).

6559 (* * *g) A provisional license issued under this
6560 section shall require that the individual confine one's practice
6561 to a board-approved site and accrue counseling experience under
6562 the supervision of a board-qualified supervisor.

6563 (* * *h) The limited license shall be renewable for
6564 not more than four (4) years, with a nonrefundable license fee in
6565 the amount provided in Section 73-30-29. Licensees may appeal to
6566 the board for an extension of the renewal period.

6567 (* * *i) Each applicant for licensure shall apply to
6568 undergo a fingerprint-based criminal history records check of the
6569 Mississippi central criminal database and the Federal Bureau of
6570 Investigation criminal history database. Each applicant shall
6571 submit a full set of the applicant's fingerprints in a form and
6572 manner prescribed by the board, which shall be forwarded to the
6573 Mississippi Department of Public Safety and the Federal Bureau of
6574 Investigation Identification Division for this purpose.



6575 (2) The board shall issue a license as a licensed
6576 professional counselor, without regard to race, religion, sex or
6577 national origin, to each applicant who furnishes satisfactory
6578 evidence of the following:

6579 (a) The applicant has completed an application on a
6580 form prescribed by the board accompanied by a nonrefundable full
6581 application fee of Fifty Dollars (\$50.00).

6582 (b) The applicant is at least twenty-one (21) years of
6583 age.

6584 * * *

6585 (* * * c) The applicant is a citizen of the United
6586 States, or has an immigration document to verify legal alien work
6587 status in the United States. The immigration document must be
6588 current and issued by the United States Immigration Bureau.

6589 (* * * d) The applicant is not in violation of any of
6590 the provisions of this chapter and the rules and regulations
6591 adopted hereunder.

6592 (* * * e) The applicant shall have a minimum acceptable
6593 graduate semester hour or acceptable quarter-hour master's degree
6594 as determined by the board primarily in counseling or a related
6595 counseling field from a regionally or nationally accredited
6596 college or university program in counselor education or a related
6597 counseling program subject to board approval. All applicants
6598 shall provide official transcripts of all graduate work.



6599 (* * *f) The applicant must pass the examination
6600 approved by the board, as set forth in Section 73-30-7(5).

6601 (* * *g) The applicant has had post graduate
6602 supervised experience in professional counseling acceptable to the
6603 board. Applicant shall submit verification of supervised
6604 experience.

6605 Each application or filing made under this section shall
6606 include the social security number(s) of the applicant in
6607 accordance with Section 93-11-64.

6608 (* * *h) The board shall require each first-time
6609 applicant for licensure and may require applicants for license
6610 renewal to undergo a fingerprint-based criminal history records
6611 check of the Mississippi central criminal database and the Federal
6612 Bureau of Investigation criminal history database. Each applicant
6613 for licensure and each renewal applicant as required by the board
6614 shall apply to undergo a fingerprint-based criminal history
6615 records check of the Mississippi central criminal database and the
6616 Federal Bureau of Investigation criminal history database. Each
6617 applicant shall submit a full set of the applicant's fingerprints
6618 in a form and manner prescribed by the board, which shall be
6619 forwarded to the Mississippi Department of Public Safety and the
6620 Federal Bureau of Investigation Identification Division for this
6621 purpose.

6622 **SECTION 78.** Section 73-31-13, Mississippi Code of 1972, is
6623 amended as follows:



6624 73-31-13. The board shall issue a license as a psychologist
6625 to each applicant who files an application upon a form and in the
6626 manner as the board prescribes, accompanied by the fee as is
6627 required by this chapter; and who furnishes evidence satisfactory
6628 to the board that he or she:

6629 (a) Is at least twenty-one (21) years of age; and

6630 (b) * * * Has not been convicted of a disqualifying
6631 crime as provided in the Fresh Start Act. Applicants shall
6632 undergo a fingerprint-based criminal history records check of the
6633 Mississippi central criminal database and the Federal Bureau of
6634 Investigation criminal history database. Each applicant shall
6635 submit a full set of the applicant's fingerprints in a form and
6636 manner prescribed by the board, which shall be forwarded to the
6637 Mississippi Department of Public Safety (department) and the
6638 Federal Bureau of Investigation Identification Division for this
6639 purpose; and

6640 (c) Is not in violation of any of the provisions of
6641 this chapter and the rules and regulations adopted under this
6642 chapter, and is not currently under investigation by another
6643 licensure board; and

6644 (d) Holds a doctoral degree in psychology from an
6645 institution of higher education that is: regionally accredited by
6646 an accrediting body recognized by the United States Department of
6647 Education, or authorized by Provincial statute or Royal Charter to
6648 grant doctoral degrees. From a program accredited by the American



6649 Psychological Association, or the Canadian Psychological
6650 Association, and from a program that requires at least one (1)
6651 year of continuous, full-time residence at the educational
6652 institution granting the doctoral degree. For graduates from
6653 newly established programs seeking accreditation or in areas where
6654 no accreditation exists, applicants for licensure shall have
6655 completed a doctoral program in psychology that meets recognized
6656 acceptable professional standards as determined by the board. For
6657 applicants graduating from doctoral level psychology training
6658 programs outside of the United States of America or Canada,
6659 applicants for licensure shall have completed a doctoral program
6660 in psychology that meets recognized acceptable professional
6661 standards as determined by the board; and

6662 (e) Has completed a supervised internship from a
6663 program accredited by the American Psychological Association or
6664 the Canadian Psychological Association that meet the standards of
6665 training as defined by the board. The internship shall be
6666 comprised of at least one thousand eight hundred (1,800) hours of
6667 actual work, to include direct service, training and supervisory
6668 time; and

6669 (f) Demonstrates professional knowledge by passing
6670 written (as used in this paragraph, the term "written" means
6671 either paper and pencil or computer-administered or computerized
6672 testing) and oral examinations in psychology prescribed by the
6673 board; except that upon examination of credentials, the board may,



6674 by unanimous consent, consider these credentials adequate evidence
6675 of professional knowledge.

6676 Upon investigation of the application and other evidence
6677 submitted, the board shall, not less than thirty (30) days before
6678 the examination, notify each applicant that the application and
6679 evidence submitted is satisfactory and accepted or unsatisfactory
6680 and rejected; if rejected, the notice shall state the reasons for
6681 the rejection.

6682 The place of examination shall be designated in advance by
6683 the board, and the examination shall be given at such time and
6684 place and under such supervision as the board may determine. The
6685 examination used by the board shall consist of written tests and
6686 oral tests, and shall fairly test the applicant's knowledge and
6687 application thereof in those areas deemed relevant by the
6688 board. All examinations serve the purpose of verifying that a
6689 candidate for licensure has acquired a basic core of knowledge in
6690 the discipline of psychology and can apply that knowledge to the
6691 problems confronted in the practice of psychology within the
6692 applicant's area of practice.

6693 The board shall evaluate the results from both the written
6694 and oral examinations. The passing scores for the written and
6695 oral examinations shall be established by the board in its rules
6696 and regulations. If an applicant fails to receive a passing score
6697 on the entire examination, he or she may reapply and shall be
6698 allowed to take a later examination. An applicant who has failed



6699 two (2) successive examinations by the board may not reapply until
6700 after two (2) years from the date of the last examination failed.
6701 The board shall keep the written examination scores, and an
6702 accurate transcript of the questions and answers relating to the
6703 oral examinations, and the grade assigned to each answer thereof,
6704 as part of its records for at least two (2) years after the date
6705 of examination.

6706 Each application or filing made under this section shall
6707 include the social security number(s) of the applicant in
6708 accordance with Section 93-11-64.

6709 **SECTION 79.** Section 73-33-1, Mississippi Code of 1972, is
6710 amended as follows:

6711 73-33-1. (1) Any person residing or having a place for the
6712 regular transaction of business in the State of Mississippi * * *,
6713 and who shall have received from the State Board of Public
6714 Accountancy a license certifying his qualifications as a certified
6715 public accountant as hereinafter provided, shall be styled or
6716 known as a certified public accountant, and it shall be unlawful
6717 for any other person or persons to assume such title or use any
6718 letters, abbreviations or words to indicate that such person using
6719 same is a certified public accountant, unless such person
6720 qualifies for a practice privilege under Section 73-33-17, or at
6721 the discretion of the board, such person has been granted use of
6722 the title of "certified public accountant retired" by the
6723 Mississippi State Board of Public Accountancy or has received a



6724 reciprocal certified public accountant license from the State
6725 Board of Public Accountancy.

6726 (2) A certified public accountant practicing public
6727 accounting under a Mississippi license must be associated and
6728 registered with a certified public accountant firm.

6729 (3) The State Board of Public Accountancy shall grant and
6730 renew permits to practice as a CPA firm to applicants that
6731 demonstrate their qualifications in accordance with this section.

6732 (a) The following shall hold a permit issued under this
6733 section: any firm with an office in this state that practices
6734 public accountancy or that uses the title "CPA" or "CPA firm," and
6735 any firm that does not have an office in this state but performs
6736 the services described in Section 73-33-17(4) for a client having
6737 its home office in this state.

6738 (b) A firm that does not have an office in this state
6739 may perform a review of a financial statement to be performed in
6740 accordance with Statements on Standards for Accounting and Review
6741 Services, or a compilation as defined in Section 73-33-2(d), for a
6742 client having its home office in this state and may use the title
6743 "CPA" and "CPA firm" without a permit issued under this section
6744 only if such firm has the qualifications described in subsection
6745 (4), complies with the peer review requirements set forth by board
6746 rule, and performs such services through an individual with
6747 practice privileges under Section 73-33-17.



6748 (c) A firm that is not subject to the requirements of
6749 paragraph (a) or (b) of this subsection may perform other
6750 professional services within the practice of public accountancy
6751 while using the title "CPA" and "CPA firm" in this state without a
6752 permit issued under this section only if such firm performs such
6753 services through an individual with practice privileges under
6754 Section 73-33-17 and such firm can lawfully do so in the state
6755 where the individuals with practice privileges have their
6756 principal place of business.

6757 (4) In order to obtain and maintain a firm permit, a
6758 certified public accountant firm shall be required to show the
6759 following:

6760 (a) It is wholly owned by natural persons and not owned
6761 in whole or in part by business entities; and

6762 (b) A simple majority of the ownership of the firm in
6763 terms of financial interests and/or voting rights hold certified
6764 public accountant licenses in any state; however, the individuals
6765 whose principal place of business is in Mississippi and who
6766 perform professional services in this state shall hold a
6767 Mississippi certified public accountant license, and that
6768 individuals who qualify for practice privileges under Section
6769 73-33-17 who perform services for which a firm permit is required
6770 under Section 73-33-17(4) shall not be required to obtain a
6771 certificate pursuant to Section 73-33-3 or 73-33-9.



6772 (5) Any certified public accountant firm may include
6773 nonlicensee owners, provided that:

6774 (a) The firm designates a licensee of this state who is
6775 responsible for the proper registration of the firm and identifies
6776 that individual to the board; or in the case of a firm without a
6777 Mississippi office which must have a permit pursuant to subsection
6778 (3)(a), the firm designates a licensee of another state who meets
6779 the requirements provided in Section 73-33-17;

6780 (b) All nonlicensee owners are active individual
6781 participants in the certified public accountant firm or affiliated
6782 entities; and

6783 (c) The firm complies with such other requirements as
6784 the board may impose by rule.

6785 (6) Unless exempt from the firm permit requirement under
6786 Section 73-33-1(3), no person or persons shall engage in the
6787 practice of public accounting as defined herein as a partnership,
6788 joint venture or professional corporation, sole proprietor, or
6789 other business organization allowed by law, unless and until each
6790 business organization or office thereof located inside the State
6791 of Mississippi has registered with and been issued a firm permit
6792 by the State Board of Public Accountancy.

6793 **SECTION 80.** Section 73-38-9, Mississippi Code of 1972, is
6794 amended as follows:

6795 73-38-9. To be eligible for licensure by the board as a
6796 speech-language pathologist or audiologist and to be eligible for



6797 registration as a speech-language pathology aide or audiology
6798 aide, a person shall:

6799 * * *

6800 (* * *a) (1) For speech-language pathologists or
6801 audiologists, possess at least a master's degree or its equivalent
6802 in the area of speech-language pathology or audiology, as the case
6803 may be, from an educational institution recognized by the board;

6804 (2) For speech-language pathology aide or
6805 audiology aide, the board shall set minimum educational standards
6806 which shall be less than a bachelor's degree;

6807 (* * *b) For speech-language pathologists and
6808 audiologists, submit evidence of the completion of the
6809 educational, clinical experience and employment requirements,
6810 which requirements shall be based on appropriate national
6811 standards and prescribed by the rules and regulations adopted
6812 pursuant to this chapter;

6813 (* * *c) For speech-language pathologists and
6814 audiologists, pass an examination approved by the board. This
6815 examination may be taken either before or after the completion of
6816 the employment requirement specified pursuant to subsection (c) of
6817 this section;

6818 (* * *d) For speech-language pathology aides and
6819 audiology aides, no examination shall be required.

6820 **SECTION 81.** Section 73-39-67, Mississippi Code of 1972, is
6821 amended as follows:



6822 73-39-67. (1) To obtain a license to practice veterinary
6823 medicine, a person shall file a written application and
6824 application fee with the board. The application shall show that
6825 the applicant is a graduate of an accredited college of veterinary
6826 medicine or has the educational equivalence as set by the board.
6827 The application shall also show * * * any other information and
6828 proof as the board may require.

6829 (2) If the board determines that the applicant possesses the
6830 proper qualifications, it shall admit the applicant to the next
6831 examination, or if the applicant is eligible for license by
6832 endorsement, the board may grant him a license. If an applicant
6833 is found not qualified to take the examination or for a license by
6834 endorsement, the board shall notify the applicant in writing
6835 within thirty (30) days of its finding and the grounds for its
6836 findings. An applicant found unqualified may request a hearing
6837 before the board.

6838 (3) The board may grant a temporary license to an applicant
6839 to practice veterinary medicine until the scheduled state board
6840 examination, if the applicant pays the application fee, provides
6841 sufficient evidence that he meets the qualifications for
6842 licensure, and provides evidence that he resides in the State of
6843 Mississippi. The board may grant a second temporary permit, but
6844 the board may not grant more than two (2) temporary permits to any
6845 one (1) person.



6846 (4) A person licensed by the board shall display the license
6847 in the facility in which the licensee practices.

6848 **SECTION 82.** Section 73-39-71, Mississippi Code of 1972, is
6849 amended as follows:

6850 73-39-71. (1) The board may issue a license by endorsement
6851 to an applicant who furnishes satisfactory proof that he is a
6852 graduate of an accredited college of veterinary medicine or the
6853 educational equivalence. The applicant must also show that
6854 he * * * is licensed to practice veterinary medicine in at least
6855 one (1) state, territory or district of the United States and has
6856 practiced veterinary medicine in one or more of those states
6857 without disciplinary action by any state or federal agency for at
6858 least the three (3) years immediately before filing the
6859 application.

6860 (2) The board may examine any person qualifying for
6861 licensing under this section.

6862 (3) The issuance of a license by endorsement to a
6863 military-trained applicant, military spouse or person who
6864 establishes residence in this state shall be subject to the
6865 provisions of Section 73-50-1 or 73-50-2, as applicable.

6866 **SECTION 83.** Section 73-53-13, Mississippi Code of 1972, is
6867 amended as follows:

6868 73-53-13. The board shall issue the appropriate license to
6869 applicants who meet the qualifications of this section.



6870 (a) A license as a "licensed social worker" shall be
6871 issued to an applicant who demonstrates to the satisfaction of the
6872 board that he or she meets the following qualifications:

6873 (i) Has a baccalaureate degree in social work from
6874 a college or university accredited by the Council on Social Work
6875 Education or Southern Association of Colleges and Schools and has
6876 satisfactorily completed the Association for Social Work Boards
6877 (ASWB) examination for this license; or

6878 (ii) Has a comparable license or registration from
6879 another state or territory of the United States of America that
6880 imposes qualifications substantially similar to those of this
6881 chapter.

6882 (b) A license as a "licensed master's social worker"
6883 shall be issued to an applicant who demonstrates to the
6884 satisfaction of the board that he or she meets the following
6885 qualifications:

6886 (i) Has a doctorate or master's degree from a
6887 school of social work accredited by the Council on Social Work
6888 Education; and

6889 (ii) Has satisfactorily completed the ASWB
6890 examination for this license; or

6891 (iii) Has a comparable license or registration
6892 from another state or territory of the United States of America
6893 that imposes qualifications substantially similar to those of this
6894 chapter.



6895 (c) A license as a "licensed certified social worker"
6896 shall be issued to an applicant who demonstrates to the
6897 satisfaction of the board that he or she meets the following
6898 qualifications:

6899 (i) Is licensed under this section as a "master's
6900 social worker"; and

6901 (ii) Has twenty-four (24) months of professional
6902 supervision and clinical or macro social work practice experience
6903 acceptable to the board, under appropriate supervision; and

6904 (iii) Has satisfactorily completed the ASWB
6905 examination for this license; or

6906 (iv) Has a comparable license or registration from
6907 another state or territory of the United States of America that
6908 imposes qualifications substantially similar to those of this
6909 chapter.

6910 (d) In addition to the above qualifications, an
6911 applicant for any of the above licenses must prove to the board's
6912 satisfaction:

6913 (i) Age of at least twenty-one (21) years, and

6914 * * *

6915 (* * *ii) United States of America citizenship or
6916 status as a legal resident alien, and

6917 (* * *iii) Absence of conviction of a * * *
6918 disqualifying crime as provided in the Fresh Start Act.

6919 Conviction, as used in this subparagraph, includes a deferred



6920 conviction, deferred prosecution, deferred sentence, finding or
6921 verdict of guilt, an admission of guilty, or a plea of nolo
6922 contendere, and

6923 (* * *iv) That the applicant has not been
6924 declared mentally incompetent by any court, and if any such decree
6925 has ever been rendered, that the decree has since been changed,
6926 and

6927 (* * *y) Freedom from dependency on alcohol or
6928 drugs, and

6929 (* * *vi) Complete criminal history records
6930 check, including a fingerprint and an acceptable sex offender
6931 check, by appropriate governmental authorities as prescribed by
6932 the board.

6933 (e) Only individuals licensed as "certified social
6934 workers" shall be permitted to call themselves "clinical social
6935 workers."

6936 The issuance of a license by reciprocity to a
6937 military-trained applicant, military spouse or person who
6938 establishes residence in this state shall be subject to the
6939 provisions of Section 73-50-1 or 73-50-2, as applicable.

6940 Each application or filing made under this section shall
6941 include the social security number(s) of the applicant in
6942 accordance with Section 93-11-64.

6943 **SECTION 84.** Section 73-54-13, Mississippi Code of 1972, is
6944 amended as follows:



6945 73-54-13. Each person desiring to obtain a license as
6946 a marriage and family therapist or marriage and family therapy
6947 associate shall make application thereof to the board in such
6948 manner as the board prescribes and with required application fees
6949 and shall furnish evidence satisfactory to the board that he or
6950 she:

6951 * * *

6952 (* * *a) Has not engaged or is not engaged in any
6953 practice or conduct which would be a ground for refusing to issue
6954 a license under Section 73-54-29 or Section 73-53-17;

6955 (* * *b) Is qualified for licensure pursuant to the
6956 requirements of this chapter; and

6957 (* * *c) Is at least twenty-one (21) years of age.

6958 **SECTION 85.** Section 73-63-27, Mississippi Code of 1972, is
6959 amended as follows:

6960 73-63-27. (1) (a) Except as provided in subsections (2)
6961 and (3) of this section, the following shall be considered as
6962 minimum evidence satisfactory to the board that the applicant is
6963 qualified for registration as a registered professional geologist:

6964 (i) Graduation from a course of study in geology
6965 satisfactory to the board from an accredited college or
6966 university, or from a program accredited by an organization
6967 recognized by the board, of four (4) or more years and which
6968 includes at least thirty (30) semester or forty-five (45) quarter



6969 hours of credit, with a major in geology or a geological
6970 specialty;

6971 (ii) Demonstration through a specific record of a
6972 minimum of four (4) years of qualifying experience, after
6973 completion of the academic requirements, in geology or a specialty
6974 indicating that the applicant is competent to practice geology or
6975 a specialty. The board may require the experience be gained under
6976 the supervision of a geologist registered in this state or any
6977 other state with at least as stringent geologic registration
6978 requirements, or under the supervision of others who, in the
6979 opinion of the board, are qualified to have responsible charge of
6980 geological work;

6981 (iii) Successful passage of at least one (1)
6982 examination in geology as determined and prescribed by the board;
6983 and

6984 (iv) Other requirements as may be established in
6985 rules and regulations by the board.

6986 (b) In addition to the qualifications named in
6987 paragraph (a) of this subsection, applicants for registration as a
6988 registered professional geologist shall include with their
6989 application at least three (3) letters of reference from
6990 geologists having personal knowledge of the applicant's geologic
6991 experience.

6992 (c) The board may give credit for a master's degree in
6993 the geological sciences or in a specialty as one (1) year of



6994 professional experience and an earned doctorate degree in the
6995 geological sciences or in a specialty as two (2) years of
6996 professional experience. The board shall not give more than two
6997 (2) years of professional experience credit for the completion of
6998 all graduate degrees.

6999 (d) The board may give credit for geological research
7000 or teaching of persons studying geology or a specialty at an
7001 accredited college or university level as qualifying experience,
7002 if the research or teaching, in the opinion of the board, is
7003 comparable to experience obtained in the practice of geology or a
7004 specialty.

7005 (e) The board may adopt qualifications which, in its
7006 judgment, are equivalent to the educational and experience
7007 requirements in subsection (1)(a) of this section.

7008 * * *

7009 (2) Before December 31, 1998, any applicant who applies for
7010 registration or enrollment shall be considered qualified, without
7011 written examination, if the applicant possesses the qualifications
7012 prescribed in subsection (1) or (3) of this section, as the case
7013 may be.

7014 (3) An applicant who applies for registration before July 1,
7015 1998, shall be qualified without written examination, if the
7016 applicant possesses the following qualifications:

7017 (a) A bachelor's degree from an accredited college or
7018 university in civil engineering with a minimum of fifteen (15)



7019 semester hours or an equivalent number of quarter hours of credit
7020 in geology or a geologically-related course, as determined by the
7021 board;

7022 (b) A certificate of registration as a professional
7023 engineer in the State of Mississippi; and

7024 (c) A minimum of ten (10) years of qualifying
7025 experience in geotechnical or geological engineering work
7026 demonstrated by a specific record.

7027 If the board determines after review of the academic and
7028 experience qualifications required by this subsection that the
7029 applicant is competent to practice geology, the board may issue a
7030 certificate of registration under this chapter.

7031 (4) Applicants for enrollment as a geologist-in-training
7032 shall meet the qualifications for a registered professional
7033 geologist, except the requirement for four (4) years of
7034 experience.

7035 (5) The board may adopt requirements for the issuance of
7036 temporary registrations. Qualifications for temporary
7037 registrations shall be consistent with those required under this
7038 chapter.

7039 (6) Upon written request of an applicant, the board may
7040 waive, on a case-by-case basis, any requirement for registration
7041 or enrollment, except payment of the applicable fees. The request
7042 shall state the reasons a waiver should be granted. The
7043 requirements waived and the basis for that waiver shall be



7044 recorded in the applicant's record and in the proceedings of the
7045 board, and any waiver may be subject to repeal or suspension as
7046 determined by the board.

7047 **SECTION 86.** Section 73-67-21, Mississippi Code of 1972, is
7048 amended as follows:

7049 73-67-21. (1) It shall be the responsibility of a massage
7050 therapy establishment to verify the current license of any and all
7051 persons practicing massage therapy at the location of or on behalf
7052 of the establishment. Failure to comply is subject to penalty
7053 assessed by the board of not less than Five Hundred Dollars
7054 (\$500.00) and not more than One Thousand Dollars (\$1,000.00) per
7055 offense.

7056 (2) No person may advertise massage or practice massage for
7057 compensation in this state unless he is licensed as a massage
7058 therapist by the board. No person may use the title of or
7059 represent himself to be a massage therapist or use any other
7060 title, abbreviations, letters, figures, signs or devices that
7061 indicate that the person is a massage therapist unless he is
7062 licensed to practice massage therapy under the provisions of this
7063 chapter. A current massage therapy license issued by the board
7064 shall at all times be prominently displayed in any place where
7065 massage therapy is being practiced.

7066 (3) The following are requirements for licensure:

7067 (a) An applicant must be eighteen (18) years of age, or
7068 older, on the date the application is submitted.



7069 (b) An application must provide proof of high school
7070 graduate equivalency.

7071 (c) An applicant must be of legal status not only to
7072 receive a license, but also to work in the State of Mississippi
7073 with that license.

7074 (d) An applicant must supply proof of current
7075 certification in cardiopulmonary resuscitation (CPR) and first aid
7076 of at least eight (8) hours of training, including practical
7077 testing, and supply documentation of familiarity with the
7078 Americans with Disabilities Act.

7079 (e) All required fees for licensure must be submitted
7080 by the applicant.

7081 (f) Any and all requirements regarding * * *
7082 competency, as provided for in this chapter and in accepted codes
7083 of ethics, shall be met.

7084 (g) An applicant must have completed an approved course
7085 on communicable diseases, including HIV/AIDS information and
7086 prevention.

7087 (h) The applicant's official and certified
7088 transcript(s) from the applicant's massage therapy school. The
7089 transcript must verify that the applicant has completed a
7090 board-approved training program of no less than the minimum
7091 requirement for massage therapy instruction and student clinic,
7092 with a minimum grade requirement of "C" or better in every course
7093 of instruction, as stated for school requirements.



7094 (4) The following pre-act practitioners are exempt from
7095 having to take any examination for licensure, but must fulfill all
7096 other requirements as stated in this chapter, except for the
7097 requirements in subsection (3)(h) of this section:

7098 (a) Those having more than three hundred (300)
7099 documented, board-accepted hours of massage therapy education
7100 before January 1, 2001.

7101 (b) Those having more than five (5) years of
7102 professional massage therapy experience and a minimum of one
7103 hundred fifty (150) hours of approved massage therapy education.

7104 (c) Those having no formal training, but who have
7105 successfully passed the National Certification Examination for
7106 Therapeutic Massage and Bodywork.

7107 (d) All grandfathering exemption allowances as stated
7108 in this subsection (4) shall end on July 1, 2002, for nonstudents,
7109 and on June 1, 2003, for students who were enrolled in a part-time
7110 massage school curriculum on July 1, 2001. Individuals may apply
7111 for a license until the grandfathering exemption ends, but may not
7112 practice massage beyond the allowed grace period as provided for
7113 in Section 73-67-37 unless a valid massage therapy license or
7114 provisional permit is obtained. Except as provided in subsection
7115 (5) of this section, all other pre-act practitioners and anyone
7116 not practicing massage therapy before January 1, 2001, must take
7117 and pass the licensure examination and follow the requirements in



7118 this chapter to practice massage therapy for compensation in
7119 Mississippi.

7120 (e) Students enrolled in a massage therapy curriculum
7121 of at least five hundred (500) hours on July 1, 2001, who complete
7122 graduation from the same curriculum.

7123 (5) Any person who has practiced massage therapy for a
7124 period of more than twenty-five (25) years before March 14, 2005,
7125 who is employed as a massage therapist by a YMCA or YWCA
7126 authorized and existing as a nonprofit corporation under the laws
7127 of this state on March 14, 2005, is exempt from having to take any
7128 examination for licensure, but must fulfill all other requirements
7129 as stated in this chapter, except for the requirements in
7130 subsection (3)(b), (d), (g) and (h) of this section. Persons
7131 exempt under this subsection may apply for a massage therapy
7132 license until January 1, 2006, but may not practice massage
7133 therapy after January 1, 2006, unless a valid license is obtained.

7134 (6) Certificates of registration issued by the board before
7135 July 1, 2008, shall remain valid as licenses until the next
7136 renewal period.

7137 (7) An applicant must have successfully been cleared for
7138 licensure through an investigation that shall consist of a * * *
7139 verification that the prospective licensee is not guilty of or in
7140 violation of any statutory ground for denial of licensure as set
7141 forth in Section 73-67-27.



7142 (a) To assist the board in conducting its licensure
7143 investigation, all applicants shall undergo a fingerprint-based
7144 criminal history records check of the Mississippi central criminal
7145 database and the Federal Bureau of Investigation criminal history
7146 database. Each applicant shall submit a full set of the
7147 applicant's fingerprints in a form and manner prescribed by the
7148 board, which shall be forwarded to the Mississippi Department of
7149 Public Safety (department) and the Federal Bureau of Investigation
7150 Identification Division for this purpose.

7151 (b) Any and all state or national criminal history
7152 records information obtained by the board that is not already a
7153 matter of public record shall be deemed nonpublic and confidential
7154 information restricted to the exclusive use of the board, its
7155 members, officers, investigators, agents and attorneys in
7156 evaluating the applicant's eligibility or disqualification for
7157 licensure, and shall be exempt from the Mississippi Public Records
7158 Act of 1983. Except when introduced into evidence in a hearing
7159 before the board to determine licensure, no such information or
7160 records related thereto shall, except with the written consent of
7161 the applicant or by order of a court of competent jurisdiction, be
7162 released or otherwise disclosed by the board to any other person
7163 or agency.

7164 (c) The board shall provide to the department the
7165 fingerprints of the applicant, any additional information that may
7166 be required by the department, and a form signed by the applicant



7167 consenting to the check of the criminal records and to the use of
7168 the fingerprints and other identifying information required by the
7169 state or national repositories.

7170 (d) The board shall charge and collect from the
7171 applicant, in addition to all other applicable fees and costs,
7172 such amount as may be incurred by the board in requesting and
7173 obtaining state and national criminal history records information
7174 on the applicant.

7175 **SECTION 87.** Section 73-71-19, Mississippi Code of 1972, is
7176 amended as follows:

7177 73-71-19. (1) No person shall be licensed to practice
7178 acupuncture unless he or she has passed an examination and/or has
7179 been found to have the necessary qualifications as prescribed in
7180 the regulations adopted by the board.

7181 (2) Before any applicant is eligible for an examination or
7182 qualification, he or she shall furnish satisfactory proof that he
7183 or she:

7184 (a) Is a citizen or permanent resident of the United
7185 States;

7186 (b) Has demonstrated proficiency in the English
7187 language;

7188 (c) Is at least twenty-one (21) years of age;

7189 * * *



7190 (* * *d) Has completed a program of acupuncture and
7191 has received a certificate or diploma from an institute approved
7192 by the board, according to the provisions of this chapter;

7193 (* * *e) Has completed a clinical internship training
7194 as approved by the board; and

7195 (* * *f) Has received training in cardiopulmonary
7196 resuscitation (CPR).

7197 (3) The board may hold an examination at least once a year,
7198 and all applicants shall be notified in writing of the date and
7199 time of all examinations. The board may use a NCCAOM examination
7200 if it deems that national examination to be sufficient to qualify
7201 a practitioner for licensure in this state. In no case shall the
7202 state's own examination be less rigorous than the nationally
7203 recognized examination.

7204 (4) In addition to the written examination, if the
7205 nationally recognized examination does not provide a suitable
7206 practical examination comparable to board standards, the board
7207 shall examine each applicant in the practical application of
7208 Oriental medical diagnostic and treatment techniques in a manner
7209 and by methods that reveal the applicant's skill and knowledge.

7210 (5) The board shall require all qualified applicants to be
7211 examined in the following subjects:

- 7212 (a) Anatomy and physiology;
- 7213 (b) Pathology;
- 7214 (c) Diagnosis;



7215 (d) Hygiene, sanitation and sterilization techniques;

7216 (e) All major acupuncture principles, practices and
7217 techniques; and

7218 (f) Clean Needle Technique Exam.

7219 (6) To assist the board in conducting its licensure
7220 investigation, all applicants shall undergo a fingerprint-based
7221 criminal history records check of the Mississippi central criminal
7222 database and the Federal Bureau of Investigation criminal history
7223 database. Each applicant shall submit a full set of the
7224 applicant's fingerprints in a form and manner prescribed by the
7225 board, which shall be forwarded to the Mississippi Department of
7226 Public Safety (department) and the Federal Bureau of Investigation
7227 Identification Division for this purpose. Any and all state or
7228 national criminal history records information obtained by the
7229 board that is not already a matter of public record shall be
7230 deemed nonpublic and confidential information restricted to the
7231 exclusive use of the board, its members, officers, investigators,
7232 agents and attorneys in evaluating the applicant's eligibility or
7233 disqualification for licensure, and shall be exempt from the
7234 Mississippi Public Records Act of 1983. Except when introduced
7235 into evidence in a hearing before the board to determine
7236 licensure, no such information or records related thereto shall,
7237 except with the written consent of the applicant or by order of a
7238 court of competent jurisdiction, be released or otherwise
7239 disclosed by the board to any other person or agency. The board



7240 shall provide to the department the fingerprints of the applicant,
7241 any additional information that may be required by the department,
7242 and a form signed by the applicant consenting to the check of the
7243 criminal records and to the use of the fingerprints and other
7244 identifying information required by the state or national
7245 repositories. The board shall charge and collect from the
7246 applicant, in addition to all other applicable fees and costs,
7247 such amount as may be incurred by the board in requesting and
7248 obtaining state and national criminal history records information
7249 on the applicant.

7250 (7) The board shall issue a license to every applicant whose
7251 application has been filed with and approved by the board and who
7252 has paid the required fees and who either:

7253 (a) Has passed the board's written examination and
7254 practical examination, with a score of not less than seventy
7255 percent (70%) on each examination; or

7256 (b) Has achieved a passing score on a board approved
7257 nationally recognized examination, which examination includes a
7258 written and practical portion, as determined by the board; or

7259 (c) Has received certification from a board approved
7260 national certification process; or

7261 (d) Has achieved a passing score on a board approved
7262 nationally recognized written examination and has passed the
7263 board's practical examination with a score of not less than
7264 seventy percent (70%).



7265 (8) The board shall keep a record of all examinations held,
7266 together with the names and addresses of all persons taking
7267 examinations, and the examination results. Within forty-five (45)
7268 days after the examination, the board shall give written notice of
7269 the results of the examination to each applicant.

7270 **SECTION 88.** Section 75-27-305, Mississippi Code of 1972, is
7271 amended as follows:

7272 75-27-305. (1) A citizen of the United States or a person
7273 who has declared his or her intention of becoming such a citizen,
7274 who is a resident of the State of Mississippi, not less than
7275 twenty-one (21) years of age, * * * who has the ability to weigh
7276 accurately and to make correct weight certificates, and who has
7277 received from the commissioner a license as a bonded weighmaster,
7278 shall be styled and authorized to act as a bonded weighmaster.

7279 (2) The commissioner may adopt rules and regulations for
7280 determining the qualifications of the applicant for license as a
7281 bonded weighmaster. The commissioner may pass upon the
7282 qualifications of the applicant upon the basis of the information
7283 supplied in the application, may examine such applicant orally or
7284 in writing, or both, for the purpose of determining his or her
7285 qualifications. The commissioner shall grant licenses to such
7286 applicants as may be found to possess the qualifications required
7287 herein. The commissioner shall keep a record of all such
7288 applications and of all licenses issued thereon.



7289 **SECTION 89.** Section 75-57-49, Mississippi Code of 1972, is
7290 amended as follows:

7291 75-57-49. (1) Before any person shall be granted a permit
7292 to, or shall engage in or continue in the business of the
7293 distributing, either wholesale or retail, installing, altering,
7294 extending, changing or repairing of any liquefied compressed gas
7295 system, appliance or container, or in the business of distributing
7296 and selling liquefied compressed gas, either at wholesale or
7297 retail, whether from trucks or other vessels, in cylinders or in
7298 any other manner, such person shall satisfy the State Liquefied
7299 Compressed Gas Board that he or she is * * * competent to transact
7300 business so as to safeguard the interest of the public, and is
7301 financially responsible; and this provision as to financial
7302 responsibility shall be met by such person by filing with the
7303 State Liquefied Compressed Gas Board evidence that he or she has
7304 in force such of the hereinafter listed insurance policies on
7305 standard contract forms and written by an insurance company, or
7306 companies, qualified to do business in the State of Mississippi,
7307 as the State Liquefied Compressed Gas Board shall require, based
7308 upon those activities listed above in which such person is
7309 engaged, to wit:

7310 **ANY PERSON THAT ENGAGES IN FILLING CYLINDERS AND MOTOR FUEL**
7311 **TANKS WITH LIQUEFIED COMPRESSED GAS ON THEIR PREMISES OR ANY**
7312 **PERSON WHO IS IN THE BUSINESS OF INSTALLING LC GAS CARBURETION OR**
7313 **APPLIANCES:**



7314		Limits of Liability	
7315		Each	
7316		Occasion	Aggregate
7317	Manufacturers and Contractors		
7318	Public Liability	\$100,000	\$300,000
7319	Products Liability	\$100,000	\$300,000
7320	Workers' Compensation and		
7321	Employers' Liability		
7322	Insurance	State Statute	

7323 **ANY PERSON THAT ENGAGES IN ANY PHASE OF THE LIQUEFIED**
7324 **COMPRESSED GAS BUSINESS OTHER THAN CYLINDER-FILLING LOCATIONS:**

7325		Limits of Liability		
7326		Bodily Injury		Property
7327		Each	Each	Damage Each
7328		Person	Accident	Accident
7329	Automobile Public Liability	\$500,000	\$1,000,000	\$1,000,000
7330		Each		
7331		Occasion	Aggregate	
7332	Manufacturers and Contractors			
7333	Public Liability	\$1,000,000	\$1,000,000	
7334	Products Liability	\$1,000,000	\$1,000,000	
7335	Workers' Compensation and			
7336	Employers' Liability			
7337	Insurance	State Statute		



7338 (2) The State Liquefied Compressed Gas Board shall not
7339 require insurance coverage as specified above unless the hazard of
7340 liquefied compressed gases is involved.

7341 (3) No policy issued under the provisions of this chapter
7342 may be cancelled before thirty (30) days from the date of receipt
7343 by the Commissioner of Insurance of written notice of intention to
7344 cancel the policy.

7345 (4) It is expressly provided, however, that in lieu of
7346 filing with the State Liquefied Compressed Gas Board evidence that
7347 such insurance, as outlined above, is in force, any such person
7348 may file with the State Liquefied Compressed Gas Board a good and
7349 sufficient surety bond executed by a surety company licensed to do
7350 business in this state in the amount of One Million Dollars
7351 (\$1,000,000.00), which such bond shall be payable to the State of
7352 Mississippi and shall be conditioned to guarantee the payment of
7353 all damages which proximately result from any act of negligence on
7354 the part of such person, or their agents or employees, while
7355 engaged in any of the activities herein specified. In lieu of the
7356 surety bond, any such person may execute and file a good and
7357 sufficient personal bond in the amount and conditioned as
7358 specified above, which such personal bond shall be secured by
7359 bonds or other obligations of the State of Mississippi or the
7360 United States government, of equal value.

7361 (5) Upon compliance with the provisions of this section,
7362 where such compliance is required, and upon compliance with all



7363 other provisions of this chapter, the State Liquefied Compressed
7364 Gas Board shall issue to such dealer a permit to engage in such
7365 business, but not before. All such permits shall be valid until
7366 voluntarily surrendered, or until suspended, revoked or cancelled
7367 by the State Liquefied Compressed Gas Board, the Commissioner of
7368 Insurance or the chancery or circuit court. All permits issued
7369 under the provisions of Chapter 170, Laws of 1940, as amended, or
7370 Chapter 265, Laws of 1946, shall remain in full force and effect
7371 until the expiration date thereof at which time they must be
7372 renewed under the terms and conditions of this chapter.

7373 **SECTION 90.** Section 75-60-31, Mississippi Code of 1972, is
7374 amended as follows:

7375 75-60-31. No agent permit shall be issued pursuant to
7376 Section 75-60-25 to any person found by the Commission on
7377 Proprietary School and College Registration * * * to have been
7378 convicted of a disqualifying crime as provided in the Fresh Start
7379 Act.

7380 **SECTION 91.** Section 75-60-33, Mississippi Code of 1972, is
7381 amended as follows:

7382 75-60-33. Any agent permit issued may be revoked by the
7383 Commission on Proprietary School and College Registration if the
7384 holder of the permit solicits or enrolls students through fraud,
7385 deception or misrepresentation * * *.

7386 The Commission on Proprietary School and College Registration
7387 shall hold informal conferences pursuant to Section 75-60-19 with



7388 an agent believed to be in violation of one or more of the above
7389 conditions. If these conferences fail to eliminate the agent's
7390 objectionable practices or procedures, the commission shall hold a
7391 public hearing. A record of such proceedings shall be taken and
7392 appeals to the commission shall be upon such record, except as may
7393 be provided by rules and regulations to be adopted by the
7394 commission. Nothing said or done in the informal conferences
7395 shall be disclosed by the staff of the commission nor be used as
7396 evidence in any subsequent proceedings.

7397 **SECTION 92.** Section 75-76-67, Mississippi Code of 1972, is
7398 amended as follows:

7399 75-76-67. (1) Any person who the commission determines is
7400 qualified to receive a license or be found suitable under the
7401 provisions of this chapter, having due consideration for the
7402 proper protection of the health, safety, morals, good order and
7403 general welfare of the inhabitants of the State of Mississippi and
7404 the declared policy of this state, may be issued a state gaming
7405 license or found suitable. The burden of proving his
7406 qualification to receive any license or be found suitable is on
7407 the applicant.

7408 (2) An application to receive a license or be found suitable
7409 shall not be granted unless the commission is satisfied that the
7410 applicant is:

7411 (a) A person of * * * honesty and integrity;



7412 (b) A person whose prior activities, criminal record,
7413 if any, reputation, habits and associations do not pose a threat
7414 to the public interest of this state or to the effective
7415 regulation and control of gaming, or create or enhance the dangers
7416 of unsuitable, unfair or illegal practices, methods and activities
7417 in the conduct of gaming or the carrying on of the business and
7418 financial arrangements incidental thereto; and

7419 (c) In all other respects qualified to be licensed or
7420 found suitable consistent with the declared laws of the state.

7421 (3) No person shall be granted a license or found suitable
7422 under the provisions of this chapter who has been convicted of
7423 a * * * disqualifying crime as provided in the Fresh Start Act in
7424 any court of this state, another state, or the United States; and
7425 no person shall be granted a license or found suitable hereunder
7426 who has been convicted of a * * * disqualifying crime as provided
7427 in the Fresh Start Act in any court of another state or the United
7428 States which, if committed in this state, would be a * * *
7429 disqualifying crime; and no person shall be granted a license or
7430 found suitable under the provisions of this chapter who has been
7431 convicted of a misdemeanor in any court of this state or of
7432 another state, when such conviction was for gambling, sale of
7433 alcoholic beverages to minors, prostitution, or procuring or
7434 inducing individuals to engage in prostitution.

7435 (4) A license to operate a gaming establishment shall not be
7436 granted unless the applicant has satisfied the commission that:



7437 (a) He has adequate business probity, competence and
7438 experience, in gaming or generally; and

7439 (b) The proposed financing of the entire operation is:

7440 (i) Adequate for the nature of the proposed
7441 operation; and

7442 (ii) From a suitable source. Any lender or other
7443 source of money or credit which the commission finds does not meet
7444 the standards set forth in subsection (2) may be deemed
7445 unsuitable.

7446 (5) An application to receive a license or be found suitable
7447 constitutes a request for a determination of the applicant's
7448 general * * * integrity and ability to participate or engage in,
7449 or be associated with gaming. Any written or oral statement made
7450 in the course of an official proceeding of the commission or the
7451 executive director or any witness testifying under oath which is
7452 relevant to the purpose of the proceeding is absolutely privileged
7453 and does not impose liability for defamation or constitute a
7454 ground for recovery in any civil action.

7455 (6) The commission may, in its discretion, grant a license
7456 to a corporation which has complied with the provisions of this
7457 chapter.

7458 (7) The commission may, in its discretion, grant a license
7459 to a limited partnership which has complied with the provisions of
7460 this chapter.



7461 (8) No limited partnership, except one whose sole limited
7462 partner is a publicly traded corporation which has registered with
7463 the commission, or business trust or organization or other
7464 association of a quasi-corporate character is eligible to receive
7465 or hold any license under this chapter unless all persons having
7466 any direct or indirect interest therein of any nature whatsoever,
7467 whether financial, administrative, policymaking or supervisory,
7468 are individually qualified to be licensed under the provisions of
7469 this chapter.

7470 (9) The commission may, by regulation, limit the number of
7471 persons who may be financially interested and the nature of their
7472 interest in any corporation or other organization or association
7473 licensed under this chapter, and may establish such other
7474 qualifications of licenses as the commission, in its discretion,
7475 deems to be in the public interest and consistent with the
7476 declared policy of the state.

7477 **SECTION 93.** Section 81-18-9, Mississippi Code of 1972, is
7478 amended as follows:

7479 81-18-9. (1) Applicants for a license shall apply in a form
7480 as prescribed by the commissioner. Each such form shall contain
7481 content as set forth by rule, regulation, instruction or procedure
7482 of the commissioner and may be changed or updated as necessary by
7483 the commissioner in order to carry out the purposes of this
7484 chapter.



7485 (2) The mortgage broker and mortgage lender application
7486 through the Nationwide Mortgage Licensing System and Registry
7487 shall include, but is not limited to, the following:

7488 (a) The legal name, residence and business address of
7489 the applicant and, if applicable, the legal name, residence and
7490 business address of every principal and executive officer,
7491 together with the résumé of the applicant and of every principal
7492 and executive officer of the applicant. In addition, an
7493 independent credit report obtained from a consumer-reporting
7494 agency described in Section 603(p) of the Fair Credit Reporting
7495 Act and information related to any administrative, civil or
7496 criminal findings by any governmental jurisdiction of every
7497 principal and executive officer.

7498 (b) The legal name of the mortgage broker or mortgage
7499 lender in addition to the name under which the applicant will
7500 conduct business in the state, neither of which may be already
7501 assigned to a licensed mortgage broker or mortgage lender.

7502 (c) The complete address of the applicant's principal
7503 place of business, branch office(s) and any other locations at
7504 which the applicant will engage in any business activity covered
7505 by this chapter. All locations shall be within the United States
7506 of America or a territory of the United States of America,
7507 including Puerto Rico and the U.S. Virgin Islands.

7508 (d) A copy of the certificate of incorporation, if a
7509 Mississippi corporation.



7510 (e) Documentation satisfactory to the department as to
7511 a certificate of existence of authority to transact business
7512 lawfully in Mississippi from the Mississippi Secretary of State's
7513 office, if a limited liability company, partnership, trust or any
7514 other group of persons, however organized. This paragraph does
7515 not pertain to applicants organized as an individual or as a sole
7516 proprietorship.

7517 (f) If a foreign entity, a copy of a certificate of
7518 authority to conduct business in Mississippi and the address of
7519 the principal place of business of the foreign entity.

7520 (g) Documentation of a minimum of two (2) years'
7521 experience directly related to mortgage activities by a person
7522 named as the qualifying individual of the company. The qualifying
7523 individual shall be primarily responsible for the operations of
7524 the licensed mortgage broker or mortgage lender. Only one (1)
7525 qualifying individual shall be named for Mississippi and this
7526 person shall be the qualifying individual for only one (1)
7527 licensee. Evidence of experience shall include, where applicable:

7528 (i) Copies of business licenses issued by
7529 governmental agencies.

7530 (ii) Employment history of the person filing the
7531 application for at least two (2) years before the date of the
7532 filing of an application, including, but not limited to, job
7533 descriptions, length of employment, names, addresses and phone
7534 numbers for past employers.



7535 (iii) Any other data and pertinent information as
7536 the department may require with respect to the applicant, its
7537 directors, principals, trustees, officers, members, contractors or
7538 agents. A résumé alone shall not be sufficient proof of
7539 employment history.

7540 (3) The mortgage broker and mortgage lender applications
7541 shall be filed on the Nationwide Mortgage Licensing System and
7542 Registry together with the following:

7543 (a) The license fee specified in Section 81-18-15;

7544 (b) An original or certified copy of a surety bond in
7545 favor of the State of Mississippi for the use, benefit and
7546 indemnity of any person who suffers any damage or loss as a result
7547 of the company's breach of contract or of any obligation arising
7548 therefrom or any violation of law;

7549 (c) A set of fingerprints from any local law
7550 enforcement agency from the following applicants:

7551 (i) All persons operating as a sole proprietorship
7552 that plan to conduct a mortgage-brokering or lending business in
7553 the State of Mississippi;

7554 (ii) Partners in a partnership or principal owners
7555 of a limited liability company that own at least ten percent (10%)
7556 of the voting shares of the company;

7557 (iii) Any shareholders owning ten percent (10%) or
7558 more of the outstanding shares of the corporation;

7559 (iv) All executive officers of the applicant;



7560 (v) All loan originators; and
7561 (vi) The named qualifying individual of the
7562 company as required in Section 81-18-9(2)(g). The applicant shall
7563 name only one (1) individual as the qualifying individual for the
7564 State of Mississippi; and

7565 (d) At least one (1) employee shall be licensed as a
7566 loan originator at a licensed location.

7567 (4) In connection with an application for licensing as a
7568 mortgage broker or lender under this chapter, the required
7569 stockholders, owners, directors and executive officers of the
7570 applicant shall, at a minimum, furnish to the Nationwide Mortgage
7571 Licensing System and Registry information concerning the
7572 individual's identity, including:

7573 (a) Fingerprints from any local law enforcement agency
7574 for submission to the Federal Bureau of Investigation and any
7575 governmental entity authorized to receive that information for a
7576 state, national and/or international criminal history background
7577 check; and

7578 (b) Personal history and experience in a form
7579 prescribed by the Nationwide Mortgage Licensing System and
7580 Registry, including the submission of authorization for the
7581 Nationwide Mortgage Licensing System and Registry and the
7582 commissioner to obtain:



7583 (i) An independent credit report obtained from a
7584 consumer-reporting agency described in Section 603(p) of the Fair
7585 Credit Reporting Act; and

7586 (ii) Information related to any administrative,
7587 civil or criminal findings by any governmental jurisdiction.

7588 (5) Upon receipt of an application for licensure, the
7589 department or designated third party shall conduct an
7590 investigation as it deems necessary to determine that the
7591 applicant and its officers, directors and principals are of
7592 good * * * ethical reputation; that the applicant demonstrates
7593 reasonable financial responsibility; and that the applicant has
7594 reasonable policies and procedures to receive and process customer
7595 grievances and inquiries promptly and fairly.

7596 (6) The commissioner shall not license an applicant unless
7597 he is satisfied that the applicant will operate its mortgage
7598 activities in compliance with the laws, rules and regulations of
7599 this state and the United States.

7600 (7) If an applicant satisfies the requirements of this
7601 chapter for a mortgage broker or mortgage lender license, the
7602 commissioner shall issue the license unless the commissioner finds
7603 any of the following:

7604 (a) The applicant has had a mortgage lender, mortgage
7605 broker or mortgage servicer license revoked in any governmental
7606 jurisdiction, except that a subsequent formal vacation of the
7607 revocation shall not be deemed a revocation; or



7608 (b) The applicant or its controlling persons has been
7609 convicted of, or pled guilty or nolo contendere to, (i) a * * *
7610 disqualifying crime as provided in the Fresh Start Act; or (ii) at
7611 any time preceding the date of application if such * * * crime
7612 involved an act of fraud, dishonesty, a breach of trust, or money
7613 laundering. However, any pardon or expungement of a conviction
7614 shall not be a conviction for purposes of this subsection.

7615 (8) Applicants for a mortgage loan originator license shall
7616 apply in a form as prescribed by the commissioner and shall be
7617 filed on the Nationwide Mortgage Licensing System and Registry.
7618 Each such form shall contain content as set forth by rules,
7619 regulations, instructions or procedures of the commissioner and
7620 may be changed or updated as necessary by the commissioner in
7621 order to carry out the purposes of this chapter. The initial
7622 license of a mortgage loan originator shall be accompanied by a
7623 fee of Two Hundred Dollars (\$200.00), to be paid to the Nationwide
7624 Mortgage Licensing System and Registry, and any additional fees as
7625 required by the Nationwide Mortgage Licensing System and Registry.
7626 The commissioner shall not issue a mortgage loan originator
7627 license unless the commissioner makes at a minimum the following
7628 findings:

7629 (a) The applicant has never had a mortgage loan
7630 originator license revoked in any governmental jurisdiction,
7631 except that a later formal vacation of that revocation shall not
7632 be deemed a revocation.



7633 (b) The applicant has not been convicted of, or pled
7634 guilty or nolo contendere to, (i) a * * * disqualifying crime as
7635 provided in the Fresh Start Act; or (ii) at any time preceding the
7636 date of application if such * * * crime involved an act of fraud,
7637 dishonesty, a breach of trust or money laundering. However, any
7638 pardon or expungement of a conviction shall not be a conviction
7639 for purposes of this subsection.

7640 (c) The applicant has demonstrated financial
7641 responsibility, character and general fitness such as to command
7642 the confidence of the community and to warrant a determination
7643 that the mortgage loan originator will operate honestly, fairly
7644 and efficiently within the purposes of this chapter.

7645 (d) The applicant has completed the prelicensing
7646 education requirement described in Section 81-18-14(1).

7647 (e) The applicant has passed a written test that meets
7648 the test requirement described in Section 81-18-14(7).

7649 (f) The applicant has met the surety bond requirement
7650 as provided in Section 81-18-11.

7651 (g) This individual must work for a Mississippi
7652 licensed company and work from the location licensed with the
7653 department. The licensed location that he or she is assigned to
7654 must be within one hundred twenty-five (125) miles of his or her
7655 residency. If the licensed loan originator resides and works in
7656 Mississippi, then he or she may work from any licensed location of
7657 the licensed company within the State of Mississippi. However, an



7658 owner of a minimum of ten percent (10%) of a licensed company or
7659 the named qualifying individual on file with the department, who
7660 is a licensed loan originator with the department, may work from
7661 any licensed location of the licensed company within the State of
7662 Mississippi in the capacity of a loan originator as described in
7663 this chapter.

7664 (9) In order to fulfill the purposes of this chapter, the
7665 commissioner is authorized to establish relationships or contracts
7666 with the Nationwide Mortgage Licensing System and Registry or
7667 other entities designated by the Nationwide Mortgage Licensing
7668 System and Registry to collect and maintain records and process
7669 transaction fees or other fees related to licensees or other
7670 persons subject to this chapter.

7671 (10) In connection with an application for licensing as a
7672 mortgage loan originator, the applicant shall, at a minimum,
7673 furnish to the Nationwide Mortgage Licensing System and Registry
7674 information concerning the applicant's identity, including:

7675 (a) Fingerprints for submission to the Federal Bureau
7676 of Investigation, and any governmental agency or entity authorized
7677 to receive that information for a state, national and/or
7678 international criminal history background check; and

7679 (b) Personal history and experience in a form
7680 prescribed by the Nationwide Mortgage Licensing System and
7681 Registry, including the submission of authorization for the



7682 Nationwide Mortgage Licensing System and Registry and the
7683 commissioner to obtain:

7684 (i) An independent credit report obtained from a
7685 consumer-reporting agency described in Section 603(p) of the Fair
7686 Credit Reporting Act; and

7687 (ii) Information related to any administrative,
7688 civil or criminal findings by any governmental jurisdiction.

7689 (11) For the purposes of this section and in order to reduce
7690 the points of contact which the Federal Bureau of Investigation
7691 may have to maintain for purposes of subsection (10)(a) and
7692 (b)(ii) of this section, the commissioner may use the Nationwide
7693 Mortgage Licensing System and Registry as a channeling agent for
7694 requesting information from and distributing information to the
7695 Department of Justice or any governmental agency.

7696 (12) For the purposes of this section and in order to reduce
7697 the points of contact which the commissioner may have to maintain
7698 for purposes of subsection (10)(b)(i) and (ii) of this section,
7699 the commissioner may use the Nationwide Mortgage Licensing System
7700 and Registry as a channeling agent for requesting and distributing
7701 information to and from any source so directed by the
7702 commissioner.

7703 **SECTION 94.** Section 83-17-75, Mississippi Code of 1972, is
7704 amended as follows:

7705 83-17-75. (1) An insurance producer shall not act as an
7706 agent of an insurer unless the insurance producer becomes an



7707 appointed agent of that insurer. An insurance producer who is not
7708 acting as an agent of an insurer is not required to become
7709 appointed.

7710 (2) To appoint a producer as its agent, the appointing
7711 insurer shall file, in a format approved by the commissioner, a
7712 notice of appointment within fifteen (15) days from the date the
7713 agency contract is executed or the first insurance application is
7714 submitted. An insurer may also elect to appoint a producer to all
7715 or some insurers within the insurer's holding company system or
7716 group by the filing of a single appointment request.

7717 (3) Upon receipt of the notice of appointment, the
7718 commissioner shall verify within a reasonable time not to exceed
7719 thirty (30) days that the insurance producer is eligible for
7720 appointment. If the insurance producer is determined to be
7721 ineligible for appointment, the commissioner shall notify the
7722 insurer within five (5) days of its determination.

7723 (4) An insurer shall pay an appointment fee, in the amount
7724 and method of payment set forth in Section 83-5-73 for each
7725 insurance producer appointed by the insurer.

7726 (5) An insurer shall remit, in a manner prescribed by the
7727 commissioner, a renewal appointment fee in the amount set forth in
7728 Section 83-5-73.

7729 (6) Before the issuance of a license or certificate of
7730 authority, the commissioner shall require the company requesting
7731 appointment of the applicant as producer for the first time to



7732 furnish a certificate to the commissioner, verified by an
7733 executive officer or managing general or special agent of such
7734 company, that the company has duly investigated the * * * record
7735 of such person and has satisfied itself that such person is * * *
7736 qualified, fit and trustworthy to act as its producer. The
7737 Commissioner of Insurance may at any time require any company to
7738 obtain a credit report on a producer if the commissioner deems
7739 such request advisable. Should such credit report reflect
7740 information regarding an offense or violation in relation to which
7741 the Department of Insurance has taken action, such information
7742 shall not render the applicant ineligible for a license if
7743 applicant has complied with the order of the commissioner
7744 regarding such offense.

7745 **SECTION 95.** Section 83-39-9, Mississippi Code of 1972, is
7746 amended as follows:

7747 83-39-9. The department upon receipt of the license
7748 application, the required fee * * * and, in the case of a
7749 professional bail agent, an approved qualification bond in the
7750 required amount, shall issue to the applicant a license to do
7751 business as a professional bail agent, soliciting bail agent or
7752 bail enforcement agent as the case may be.

7753 No licensed professional bail agent shall have in his employ
7754 in the bail bond business any person who could not qualify for a
7755 license under this chapter, nor shall any licensed professional



7756 bail agent have as a partner or associate in such business any
7757 person who could not so qualify.

7758 **SECTION 96.** Section 73-34-14, Mississippi Code of 1972, is
7759 amended as follows:

7760 73-34-14. (1) (a) To qualify for a Mississippi real estate
7761 appraiser license, an applicant must have successfully been
7762 cleared for licensure through an investigation that shall consist
7763 of a determination that the applicant does not possess a
7764 background which calls into question public trust, as set forth
7765 below in subsection (2), and verification that the prospective
7766 licensee is not guilty of or in violation of any statutory ground
7767 for denial of licensure as set forth in Section 73-34-35.

7768 (b) To assist the board in conducting its licensure
7769 investigation, on and after January 1, 2015, all applicants for a
7770 real estate appraiser license as a licensed real estate appraiser
7771 (license), licensed certified residential real estate appraiser
7772 (certification), or a licensed certified general real estate
7773 appraiser (certification), and all applicants for renewal of any
7774 real estate appraiser license or certification shall undergo a
7775 fingerprint-based criminal history records check of the
7776 Mississippi central criminal database and the Federal Bureau of
7777 Investigation criminal history database. Each applicant shall
7778 submit a full set of the applicant's fingerprints in a form and
7779 manner prescribed by the board, which shall be forwarded to the
7780 Mississippi Department of Public Safety (department) and the



7781 Federal Bureau of Investigation Identification Division for this
7782 purpose.

7783 (c) Any and all state or national criminal history
7784 records information obtained by the board that is not already a
7785 matter of public record shall be deemed nonpublic and confidential
7786 information restricted to the exclusive use of the board, its
7787 members, officers, investigators, agents and attorneys in
7788 evaluating the applicant's eligibility or disqualification for
7789 licensure, and shall be exempt from the Mississippi Public Records
7790 Act of 1983. Except when introduced into evidence in a hearing
7791 before the board to determine licensure, no such information or
7792 records related thereto shall, except with the written consent of
7793 the applicant or by order of a court of competent jurisdiction, be
7794 released or otherwise disclosed by the board to any other person
7795 or agency.

7796 (d) The board shall provide to the department the
7797 fingerprints of the applicant, any additional information that may
7798 be required by the department, and a form signed by the applicant
7799 consenting to the check of the criminal records and to the use of
7800 the fingerprints and other identifying information required by the
7801 state or national repositories.

7802 (e) The board shall charge and collect from the
7803 applicant, in addition to all other applicable fees and costs,
7804 such amount as may be incurred by the board in requesting and



7805 obtaining state and national criminal history records information
7806 on the applicant.

7807 (2) (a) The board must ensure that applicants for a real
7808 estate appraiser license or certification do not possess a
7809 background that could call into question public trust. An
7810 applicant found by the board to possess a background which calls
7811 into question the applicant's ability to maintain public trust
7812 shall not be issued a real estate appraiser license or
7813 certification.

7814 (b) The board shall not issue a real estate appraiser
7815 license or certification if:

7816 (i) The applicant has had an appraiser license or
7817 certification revoked in any governmental jurisdiction within the
7818 five (5) year period immediately preceding the date of the
7819 application;

7820 (ii) The applicant has been convicted of, or pled
7821 guilty or nolo contendere to, a * * * disqualifying crime as
7822 provided in the Fresh Start Act:

7823 1. During the five-year period immediately
7824 preceding the date of the application for licensing or
7825 certification; or

7826 2. At any time preceding the date of the
7827 application, if such felony involved an act of fraud, dishonesty,
7828 or a breach of trust, or money laundering.



7829 (iii) The applicant has failed to demonstrate
7830 character and general fitness such as to command the confidence of
7831 the community and to warrant a determination that the appraiser
7832 will operate honestly, fairly and efficiently within the purpose
7833 of these criteria.

7834 (c) The board shall evaluate and consider, by rules and
7835 regulations, additional background issues, including, but not
7836 limited to, those required by the Appraiser Qualifications Board
7837 of the Appraisal Foundation in compliance with federal
7838 requirements, prior to issuing (or taking disciplinary action
7839 against) a real estate appraiser.

7840 (d) The board shall adopt rules and regulations
7841 necessary to implement, administer and enforce the provisions of
7842 this section.

7843 **SECTION 97.** Section 73-35-10, Mississippi Code of 1972, is
7844 amended as follows:

7845 73-35-10. (1) (a) To qualify for a Mississippi real estate
7846 broker's license or a Mississippi resident license as a real
7847 estate salesperson, or a nonresident's license in Mississippi, an
7848 applicant must have successfully been cleared for licensure
7849 through an investigation that shall consist of a determination
7850 that the applicant does not possess a background which calls into
7851 question public trust, as set forth below in subsection (2), and
7852 verification that the prospective licensee is not guilty of or in



7853 violation of any statutory ground for denial of licensure as set
7854 forth in Section 73-35-21.

7855 (b) To assist the commission in conducting its
7856 licensure investigation, from and after July 1, 2016, all
7857 applicants for a Mississippi real estate broker's license, or a
7858 Mississippi resident license as a real estate salesperson, or a
7859 nonresident's license in Mississippi, and all applicants for
7860 renewal of any real estate license shall undergo a
7861 fingerprint-based criminal history records check of the
7862 Mississippi central criminal database and the Federal Bureau of
7863 Investigation criminal history database. Each applicant shall
7864 submit a full set of the applicant's fingerprints in a form and
7865 manner prescribed by the commission, which shall be forwarded to
7866 the Mississippi Department of Public Safety (department) and the
7867 Federal Bureau of Investigation Identification Division for this
7868 purpose.

7869 (c) Any and all state or national criminal history
7870 records information obtained by the commission that is not already
7871 a matter of public record shall be deemed nonpublic and
7872 confidential information restricted to the exclusive use of the
7873 commission, its members, officers, investigators, agents and
7874 attorneys in evaluating the applicant's eligibility or
7875 disqualification for licensure, and shall be exempt from the
7876 Mississippi Public Records Act of 1983. Except when introduced
7877 into evidence in a hearing before the commission to determine



7878 licensure, no such information or records related thereto shall,
7879 except with the written consent of the applicant or by order of a
7880 court of competent jurisdiction, be released or otherwise
7881 disclosed by the commission to any other person or agency.

7882 (d) The commission shall provide to the department the
7883 fingerprints of the applicant, any additional information that may
7884 be required by the department, and a form signed by the applicant
7885 consenting to the check of the criminal records and to the use of
7886 the fingerprints and other identifying information required by the
7887 state or national repositories.

7888 (e) The commission shall charge and collect from the
7889 applicant, in addition to all other applicable fees and costs,
7890 such amount as may be incurred by the commission in requesting and
7891 obtaining state and national criminal history records information
7892 on the applicant.

7893 (2) (a) The commission must ensure that applicants for real
7894 estate licenses do not possess a background that could call into
7895 question public trust. An applicant found by the commission to
7896 possess a background which calls into question the applicant's
7897 ability to maintain public trust shall not be issued a real estate
7898 license.

7899 (b) The commission shall not issue a real estate
7900 license if:



7901 (i) The applicant has had a real estate license
7902 revoked in any governmental jurisdiction within the five-year
7903 period immediately preceding the date of the application;

7904 (ii) The applicant has been convicted of, or pled
7905 guilty or nolo contendere to, a * * * disqualifying crime as
7906 provided in the Fresh Start Act:

7907 1. During the five-year period immediately
7908 preceding the date of the application for licensing; or

7909 2. At any time preceding the date of the
7910 application, if such felony involved an act of fraud, dishonesty
7911 or a breach of trust, or money laundering.

7912 (c) The commission shall adopt rules and regulations
7913 necessary to implement, administer and enforce the provisions of
7914 this section.

7915 (d) The requirement of a criminal background check
7916 provided in this section shall not apply to persons who have held
7917 a broker's or salesperson's license in this state for at least
7918 twenty-five (25) years and who are older than seventy (70) years
7919 of age.

7920 **SECTION 98.** Section 73-69-7, Mississippi Code of 1972, is
7921 amended as follows:

7922 73-69-7. (1) The State Fire Marshal shall administer and
7923 enforce the provisions of this chapter and shall have the
7924 authority to promulgate and adopt such rules and regulations as
7925 may be necessary for such proper administration and enforcement.



7926 The Electronic Protection Advisory Licensing Board created in
7927 Section 73-69-21 shall advise the State Fire Marshal with respect
7928 to the rules and regulations of the provisions of this chapter.
7929 The State Fire Marshal shall have the authority to approve written
7930 training programs or acceptable equivalents for meeting the
7931 training requirements of this licensing law. The State Fire
7932 Marshal may also accept, as such an equivalent, licensure of a
7933 company or person by a jurisdiction outside this state, which has
7934 standards and requirements of practice which substantially conform
7935 to the provisions of this chapter. The State Fire Marshal shall
7936 also establish continuing education requirements.

7937 (2) Application for a Class A license. In order to engage
7938 in alarm contracting, a company shall apply for and obtain a Class
7939 A license for each operating location doing business in the state.
7940 A Class A license shall authorize a company to engage in any type
7941 of alarm contracting. An applicant for a Class A license shall
7942 submit the following to the State Fire Marshal:

7943 (a) Documentation that the company is an entity duly
7944 authorized to conduct business within this state.

7945 (b) Documentation that the company holds a general
7946 liability and errors and omissions insurance policy, or a surety
7947 bond, in an amount not less than Three Hundred Thousand Dollars
7948 (\$300,000.00).



7949 (c) Documentation that the company carries a current
7950 and valid workers' compensation insurance policy as required by
7951 state law.

7952 (d) The name of the person who will serve as the
7953 designated agent of the company.

7954 (e) For a company applying for a Class A license,
7955 evidence that the company has at least one (1) employee who holds
7956 a Class B license at each of its operating locations.

7957 (f) A statement that no officer or principal has been
7958 convicted of a * * * disqualifying crime as provided in the Fresh
7959 Start Act, has received a first-time offender pardon for a * * *
7960 disqualifying crime as provided in the Fresh Start Act, or has
7961 entered a plea of guilty or nolo contendere to a * * *
7962 disqualifying crime as provided in the Fresh Start Act.

7963 (g) The application fee authorized by this chapter.

7964 (h) Documentation that the company is located within
7965 the physical boundaries of the state.

7966 (i) Beginning on July 1, 2014, in order to assist the
7967 Office of the State Fire Marshal in determining an applicant's
7968 suitability for a license under this chapter, a Class A applicant,
7969 upon request from the State Fire Marshal, shall submit a set of
7970 fingerprints for all officers and principals with the submission
7971 of an application for license or at such time as deemed necessary
7972 by the State Fire Marshal. The Office of the State Fire Marshal
7973 shall forward the fingerprints to the Department of Public Safety



7974 for the purpose of conducting a criminal history record check. If
7975 no disqualifying record is identified at the state level, the
7976 fingerprints shall be forwarded by the Department of Public Safety
7977 to the Federal Bureau of Investigation for a national criminal
7978 history record check. Fees related to the criminal history record
7979 check shall be paid by the applicant to the State Fire Marshal and
7980 the monies from such fees shall be deposited in the special fund
7981 in the State Treasury designated as the Electronic Protection
7982 Licensing Fund.

7983 (j) The name of each company providing monitoring
7984 services.

7985 (3) If the action by the State Fire Marshal is to nonrenew
7986 or to deny an application for license, the State Fire Marshal
7987 shall notify the applicant or licensee and advise, in writing, the
7988 applicant or licensee of the reason for the denial or nonrenewal
7989 of the applicant's or licensee's license. The applicant or
7990 licensee may make written demand upon the State Fire Marshal
7991 within ten (10) days for a hearing before the State Fire Marshal
7992 to determine the reasonableness of the State Fire Marshal's
7993 action. The hearing shall be held within thirty (30) days.

7994 **SECTION 99.** Section 73-69-11, Mississippi Code of 1972, is
7995 amended as follows:

7996 73-69-11. (1) Any person employed by an alarm contracting
7997 company shall hold an individual license issued by the State Fire
7998 Marshal. Such license shall authorize its holder to engage in



7999 alarm contracting, only to the extent of the terms as further
8000 provided in this chapter.

8001 (2) Such application shall be accompanied by:

8002 (a) Two (2) suitable photographs of the applicant
8003 acceptable to the State Fire Marshal. The State Fire Marshal
8004 shall keep one (1) photograph on file and shall make the other
8005 photograph a part of any license subsequently issued to the
8006 applicant.

8007 (b) Documentation that the applicant meets educational
8008 requirements applicable to the type of license for which he is
8009 applying, as follows:

8010 (i) For a Class B license: a minimum of
8011 Electronic Security Association, Level 2 A and Level 2 B Burglar
8012 Alarm training course or the Electronic Security Association, Fire
8013 Alarm Installation Methods and Advanced Intrusion Systems training
8014 courses, or equivalent training approved by the State Fire
8015 Marshal, and documentation proving residency within a radius of
8016 one hundred fifty (150) miles of the office to which he is
8017 assigned.

8018 (ii) For a Class C license: a minimum of
8019 Electronic Security Association Level 1 Certified Alarm/Security
8020 Technician training course, or equivalent training approved by the
8021 State Fire Marshal.

8022 (iii) For a Class D license: a minimum of
8023 Electronic Security Association, Understanding Electronic Security



8024 Systems training course, or equivalent training approved by the
8025 State Fire Marshal.

8026 (iv) For a Class H license: application a Class B
8027 or Class C license holder that they will provide direct
8028 supervision of the Class H licensee.

8029 (c) (i) A statement by the applicant that he has not
8030 been convicted of a * * * disqualifying crime as provided in the
8031 Fresh Start Act, received a first-time offender pardon for a * * *
8032 disqualifying crime as provided in the Fresh Start Act, or entered
8033 a plea of guilty or nolo contendere to a * * * disqualifying crime
8034 as provided in the Fresh Start Act. * * *

8035 (ii) A conviction or a plea of guilty or nolo
8036 contendere to a * * * disqualifying crime as provided in the Fresh
8037 Start Act or receipt of a first-time offender pardon shall not
8038 constitute an automatic disqualification as otherwise required
8039 pursuant to subparagraph (i) if ten (10) or more years have
8040 elapsed between the date of application and the successful
8041 completion or service of any sentence, deferred adjudication or
8042 period of probation or parole.

8043 (iii) Subparagraph (ii) shall not apply to any
8044 person convicted of a felony crime of violence or a sex offense as
8045 defined within the Mississippi Criminal Code.

8046 (d) The State Fire Marshal shall have the authority to
8047 conduct criminal history verification on a local, state or
8048 national level. Beginning on July 1, 2014, in order to assist the



8049 Office of the State Fire Marshal in determining an applicant's
8050 suitability for a license under this chapter, an applicant shall
8051 submit a set of fingerprints with the submission of an application
8052 for license. The Office of the State Fire Marshal shall forward
8053 the fingerprints to the Department of Public Safety for the
8054 purpose of conducting a criminal history record check. If no
8055 disqualifying record is identified at the state level, the
8056 fingerprints shall be forwarded by the Department of Public Safety
8057 to the Federal Bureau of Investigation for a national criminal
8058 history record check. Fees related to the criminal history record
8059 check shall be paid by the applicant to the State Fire Marshal and
8060 the monies from such fees shall be deposited in the special fund
8061 in the State Treasury designated as the Electronic Protection
8062 Licensing Fund.

8063 (e) The application fee authorized by this chapter.

8064 (3) The State Fire Marshal shall have the authority to
8065 determine if information submitted by an applicant is in a form
8066 acceptable to him. The State Fire Marshal shall verify or have
8067 another entity verify information submitted by each applicant.

8068 (4) If the State Fire Marshal finds that an applicant has
8069 met the applicable requirements of the alarm licensing law, he
8070 shall issue the appropriate type of license to the applicant upon
8071 payment of the license fee authorized by this chapter.

8072 (5) Each individual license holder shall maintain his
8073 license on his person while engaging in any type of alarm



8074 contracting as applicable. Each such license holder shall present
8075 his license for inspection upon demand by an employee of the
8076 Office of the State Fire Marshal or a law enforcement officer.

8077 (6) Each individual license holder shall notify the State
8078 Fire Marshal, on a form specified and provided by the State Fire
8079 Marshal, within ten (10) days of the following:

8080 (a) Any change in business or home address.

8081 (b) Any separation from an employer or change in
8082 employer.

8083 (c) Any conviction for a * * * disqualifying crime as
8084 provided in the Fresh Start Act.

8085 (7) No individual licensed under this chapter shall contract
8086 for his services as an independent contractor or agent without
8087 applying for and being issued a Class A license per Section
8088 73-69-9. No alarm contracting company shall contract for the
8089 independent services of a holder of an individual license under
8090 this section.

8091 (8) The State Fire Marshal may enter into reciprocal
8092 agreements with other states for mutual recognition of individual
8093 license holders, if the State Fire Marshal has established the
8094 criteria for acceptance of reciprocal agreements by rule or
8095 regulation. The issuance of a license by reciprocity to a
8096 military-trained applicant, military spouse or person who
8097 establishes residence in this state shall be subject to the
8098 provisions of Section 73-50-1 or 73-50-2, as applicable.



8099 (9) If the action by the State Fire Marshal is to nonrenew
8100 or to deny an application for license, the State Fire Marshal
8101 shall notify the applicant or licensee and advise, in writing, the
8102 applicant or licensee of the reason for the denial or nonrenewal
8103 of the applicant's or licensee's license. The applicant or
8104 licensee may make written demand upon the State Fire Marshal
8105 within ten (10) days for a hearing before the State Fire Marshal
8106 to determine the reasonableness of the State Fire Marshal's
8107 action. The hearing shall be held within thirty (30) days.

8108 **SECTION 100.** Section 75-15-11, Mississippi Code of 1972, is
8109 amended as follows:

8110 75-15-11. Each application for a license shall be
8111 accompanied by:

8112 (a) Certified financial statements, reasonably
8113 satisfactory to the commissioner, showing that the applicant has a
8114 net worth of at least Twenty-five Thousand Dollars (\$25,000.00)
8115 plus Fifteen Thousand Dollars (\$15,000.00) for each location in
8116 excess of one (1) at which the applicant proposes to conduct money
8117 transmissions in this state, computed according to generally
8118 accepted accounting principles, but in no event shall the net
8119 worth be required to be in excess of Two Hundred Fifty Thousand
8120 Dollars (\$250,000.00).

8121 (b) A surety bond issued by a bonding company or
8122 insurance company authorized to do business in this state, in the
8123 principal sum of Twenty-five Thousand Dollars (\$25,000.00) or in



8124 an amount equal to outstanding money transmissions in Mississippi,
8125 whichever is greater, but in no event shall the bond be required
8126 to be in excess of Five Hundred Thousand Dollars (\$500,000.00).
8127 However, the commissioner may increase the required amount of the
8128 bond upon the basis of the impaired financial condition of a
8129 licensee as evidenced by a reduction in net worth, financial
8130 losses or other relevant criteria. The bond shall be in form
8131 satisfactory to the commissioner and shall run to the state for
8132 the use and benefit of the Department of Banking and Consumer
8133 Finance and any claimants against the applicant or his agents to
8134 secure the faithful performance of the obligations of the
8135 applicant and his agents with respect to the receipt, handling,
8136 transmission and payment of money in connection with money
8137 transmissions in Mississippi. The aggregate liability of the
8138 surety in no event shall exceed the principal sum of the bond.
8139 The surety on the bond shall have the right to cancel the bond
8140 upon giving sixty (60) days' notice in writing to the commissioner
8141 and thereafter shall be relieved of liability for any breach of
8142 condition occurring after the effective date of the cancellation.
8143 Any claimants against the applicant or his agents may themselves
8144 bring suit directly on the bond, or the Attorney General may bring
8145 suit thereon in behalf of those claimants, either in one (1)
8146 action or successive actions.

8147 (c) In lieu of the corporate surety bond, the applicant
8148 may deposit with the State Treasurer bonds or other obligations of



8149 the United States or guaranteed by the United States or bonds or
8150 other obligations of this state or of any municipal corporation,
8151 county, or other political subdivision or agency of this state, or
8152 certificates of deposit of national or state banks doing business
8153 in Mississippi, having an aggregate market value at least equal to
8154 that of the corporate surety bond otherwise required. Those bonds
8155 or obligations or certificates of deposit shall be deposited with
8156 the State Treasurer to secure the same obligations as would a
8157 corporate surety bond, but the depositor shall be entitled to
8158 receive all interest and dividends thereon and shall have the
8159 right to substitute other bonds or obligations or certificates of
8160 deposit for those deposited, with the approval of the
8161 commissioner, and shall be required so to do on order of the
8162 commissioner made for good cause shown. The State Treasurer shall
8163 provide for custody of the bonds or obligations or certificates of
8164 deposits by a qualified trust company or bank located in the State
8165 of Mississippi or by any Federal Reserve Bank. The compensation,
8166 if any, of the custodian for acting as such under this section
8167 shall be paid by the depositing licensee.

8168 (d) Proof of registration as a money service business
8169 per 31 CFR Section 103.41, if applicable.

8170 (e) A set of fingerprints from any local law
8171 enforcement agency for each owner of a sole proprietorship,
8172 partners in a partnership or principal owners of a limited
8173 liability company that own at least ten percent (10%) of the



8174 voting shares of the company, shareholders owning ten percent
8175 (10%) or more of the outstanding shares of the corporation, except
8176 publically traded corporations and their subsidiaries, and any
8177 other executive officer with significant oversight duties of the
8178 business. In order to determine the applicant's suitability for
8179 license, the commissioner shall forward the fingerprints to the
8180 Department of Public Safety for a state criminal history records
8181 check, and the fingerprints shall be forwarded by the Department
8182 of Public Safety to the FBI for a national criminal history
8183 records check. The department shall not issue a license if it
8184 finds that the applicant, or any person who is an owner, partner,
8185 director or executive officer of the applicant, has been convicted
8186 of: (i) a * * * disqualifying crime as provided in the Fresh
8187 Start Act; or (ii) a crime that, if committed within the state,
8188 would constitute a * * * disqualifying crime as provided in the
8189 Fresh Start Act; or (iii) a misdemeanor of fraud, theft, forgery,
8190 bribery, embezzlement or making a fraudulent or false statement in
8191 any jurisdiction. For the purposes of this chapter, a person
8192 shall be deemed to have been convicted of a crime if the person
8193 has pleaded guilty to a crime before a court or federal
8194 magistrate, or plea of nolo contendere, or has been found guilty
8195 of a crime by the decision or judgment of a court or federal
8196 magistrate or by the verdict of a jury, irrespective of the
8197 pronouncement of sentence or the suspension of a sentence, unless
8198 the person convicted of the crime has received a pardon from the



8199 President of the United States or the Governor or other pardoning
8200 authority in the jurisdiction where the conviction was obtained.

8201 **SECTION 101.** Section 75-67-323, Mississippi Code of 1972, is
8202 amended as follows:

8203 75-67-323. (1) To be eligible for a pawnbroker license, an
8204 applicant shall:

8205 (a) Operate lawfully and fairly within the purposes of
8206 this article;

8207 (b) Not have been convicted of a * * * disqualifying
8208 crime as provided in the Fresh Start Act or be active as a
8209 beneficial owner for someone who has been convicted of a * * *
8210 disqualifying crime as provided in the Fresh Start Act;

8211 (c) File with the commissioner a bond with good
8212 security in the penal sum of Ten Thousand Dollars (\$10,000.00),
8213 payable to the State of Mississippi for the faithful performance
8214 by the licensee of the duties and obligations pertaining to the
8215 business so licensed and the prompt payment of any judgment which
8216 may be recovered against such licensee on account of damages or
8217 other claim arising directly or collaterally from any violation of
8218 the provisions of this article; such bond shall not be valid until
8219 it is approved by the commissioner; such applicant may file, in
8220 lieu thereof, cash, a certificate of deposit, or government bonds
8221 in the amount of Ten Thousand Dollars (\$10,000.00); such deposit
8222 shall be filed with the commissioner and is subject to the same
8223 terms and conditions as are provided for in the surety bond



8224 required herein; any interest or earnings on such deposits are
8225 payable to the depositor;

8226 (d) File with the commissioner an application
8227 accompanied by the initial license fee required in this article;

8228 (e) Submit a set of fingerprints from any local law
8229 enforcement agency. In order to determine the applicant's
8230 suitability for license, the commissioner shall forward the
8231 fingerprints to the Department of Public Safety; and if no
8232 disqualifying record is identified at the state level, the
8233 fingerprints shall be forwarded by the Department of Public Safety
8234 to the FBI for a national criminal history record check.

8235 (2) Every licensee shall post his license in a conspicuous
8236 place at each place of business.

8237 (3) Every licensee shall post and display a sign which
8238 measures at least twenty (20) inches by twenty (20) inches in a
8239 conspicuous place and in easy view of all persons who enter the
8240 place of business. The sign shall display bold, blocked letters,
8241 easily readable, with the following information: "This pawnshop
8242 is licensed and regulated by the Mississippi Department of Banking
8243 and Consumer Finance. If you encounter any unresolved problem
8244 with a transaction at this location, you are entitled to
8245 assistance. Please call or write: Mississippi Department of
8246 Banking and Consumer Finance, Post Office Drawer 23729, Jackson,
8247 MS 39225-3729; Phone 1-800-844-2499."



8248 (4) From and after December 1, 2010, each application for an
8249 initial license shall include evidence of the satisfactory
8250 completion of at least six (6) hours of approved prelicensing
8251 education, and each application for renewal shall include evidence
8252 of the satisfactory completion of at least six (6) hours of
8253 approved continuing education, by the owners or designated
8254 representative in pawnbroker transactions. Two (2) of the six (6)
8255 hours shall consist of instruction on the Mississippi Pawnshop Act
8256 and shall be approved by the department once the course is
8257 approved by the Mississippi Pawnbrokers Association or the
8258 National Pawnbrokers Association.

8259 **SECTION 102.** Section 75-67-421, Mississippi Code of 1972, is
8260 amended as follows:

8261 75-67-421. (1) To be eligible for a title pledge lender
8262 license, an applicant shall:

8263 (a) Operate lawfully and fairly within the purposes of
8264 this article;

8265 (b) Not have been convicted of a * * * disqualifying
8266 crime as provided in the Fresh Start Act or be active as a
8267 beneficial owner for someone who has been convicted of a * * *
8268 disqualifying crime as provided in the Fresh Start Act;

8269 (c) File with the commissioner a bond with good
8270 security in the penal sum of Fifty Thousand Dollars (\$50,000.00)
8271 for each location at which the applicant proposes to engage in the
8272 business of title pledge lending, but in no event shall the



8273 aggregate amount of the bond for all locations per applicant
8274 exceed Two Hundred Fifty Thousand Dollars (\$250,000.00) and no
8275 more than Fifty Thousand Dollars (\$50,000.00) shall be payable or
8276 recoverable on the bond for each location; the bond shall be
8277 payable to the State of Mississippi for the faithful performance
8278 by the licensee of the duties and obligations pertaining to the
8279 business so licensed and the prompt payment of any judgment which
8280 may be recovered against the licensee on account of damages or
8281 other claim arising directly or collaterally from any violation of
8282 the provisions of this article; the bond shall not be valid until
8283 it is approved by the commissioner; the applicant may file, in
8284 lieu thereof, cash, a certificate of deposit or government bonds
8285 in the amount of Twenty-five Thousand Dollars (\$25,000.00) for
8286 each location at which the applicant proposes to engage in the
8287 business of title pledge lending, but in no event shall the
8288 aggregate amount of the cash, certificate of deposit or government
8289 bonds for all locations per applicant exceed Two Hundred Fifty
8290 Thousand Dollars (\$250,000.00) and no more than Twenty-five
8291 Thousand Dollars (\$25,000.00) shall be payable or recoverable on
8292 the cash, certificate of deposit or government bonds for each
8293 location; the deposit of the cash, certificate of deposit or
8294 government bonds shall be filed with the commissioner and is
8295 subject to the same terms and conditions as are provided for in
8296 the surety bond required herein; any interest or earnings on such
8297 deposits are payable to the depositor * * *;



8298 (d) File with the commissioner an application
8299 accompanied by a set of fingerprints from any local law
8300 enforcement agency, and the initial license fee required in this
8301 article. In order to determine the applicant's suitability for
8302 license, the commissioner shall forward the fingerprints to the
8303 Department of Public Safety; and if no disqualifying record is
8304 identified at the state level, the fingerprints shall be forwarded
8305 by the Department of Public Safety to the FBI for a national
8306 criminal history record check.

8307 (2) Upon the filing of an application in a form prescribed
8308 by the commissioner, accompanied by the fee and documents required
8309 in this article, the department shall investigate to ascertain
8310 whether the qualifications prescribed by this article have been
8311 satisfied. If the commissioner finds that the qualifications have
8312 been satisfied and, if he approves the documents so filed by the
8313 applicant, he shall issue to the applicant a license to engage in
8314 the business of title pledge lending in this state.

8315 (3) Complete and file with the commissioner an annual
8316 renewal application accompanied by the renewal fee required in
8317 this article.

8318 (4) The license shall be kept conspicuously posted in the
8319 place of business of the licensee.

8320 **SECTION 103.** Section 75-67-509, Mississippi Code of 1972, is
8321 amended as follows:



8322 75-67-509. To be eligible for a check casher license, an
8323 applicant shall:

8324 (a) Operate lawfully and fairly within the purposes of
8325 this article.

8326 (b) Not have been convicted of a * * * disqualifying
8327 crime as provided in the Fresh Start Act or be active as a
8328 beneficial owner for someone who has been convicted of a * * *
8329 disqualifying crime as provided in the Fresh Start Act.

8330 (c) File with the commissioner a bond with good
8331 security in the penal sum of Ten Thousand Dollars (\$10,000.00),
8332 payable to the State of Mississippi for the faithful performance
8333 by the licensee of the duties and obligations pertaining to the
8334 business so licensed and the prompt payment of any judgment which
8335 may be recovered against the licensee on account of charges or
8336 other claims arising directly or collectively from any violation
8337 of the provisions of this article. The bond shall not be valid
8338 until it is approved by the commissioner. The applicant may file,
8339 in lieu of the bond, cash, a certificate of deposit or government
8340 bonds in the amount of Ten Thousand Dollars (\$10,000.00). Those
8341 deposits shall be filed with the commissioner and are subject to
8342 the same terms and conditions as are provided for in the surety
8343 bond required in this paragraph. Any interest or earnings on
8344 those deposits are payable to the depositor.

8345 (d) File with the commissioner an application for a
8346 license and the initial license fee required in this article. If



8347 applicant's application is approved, a check casher license will
8348 be issued within thirty (30) days.

8349 (e) Submit a set of fingerprints from any local law
8350 enforcement agency. In order to determine the applicant's
8351 suitability for license, the commissioner shall forward the
8352 fingerprints to the Department of Public Safety; and if no
8353 disqualifying record is identified at the state level, the
8354 fingerprints shall be forwarded by the Department of Public Safety
8355 to the FBI for a national criminal history record check.

8356 (f) Complete and file with the commissioner an annual
8357 renewal application for a license accompanied by the renewal fee
8358 required in this article.

8359 **SECTION 104.** Section 75-67-609, Mississippi Code of 1972, is
8360 amended as follows:

8361 75-67-609. To be eligible for a credit availability license,
8362 an applicant shall:

8363 (a) Operate lawfully and fairly within the purposes of
8364 this article.

8365 (b) Not have been convicted in the last ten (10) years
8366 or be active as a beneficial owner for someone who has been
8367 convicted in the last ten (10) years of a disqualifying
8368 crime * * * as provided in the Fresh Start Act.

8369 (c) File with the commissioner a bond with good
8370 security in the penal sum of Ten Thousand Dollars (\$10,000.00),
8371 payable to the State of Mississippi, for the faithful performance



8372 by the licensee of the duties and obligations pertaining to the
8373 business so licensed and the prompt payment of any judgment which
8374 may be recovered against the licensee on account of charges or
8375 other claims arising directly or collectively from any violation
8376 of the provisions of this article. The bond shall not be valid
8377 until the commissioner approves it. The applicant may file, in
8378 lieu of the bond, cash, a certificate of deposit or government
8379 bonds in the amount of Ten Thousand Dollars (\$10,000.00). Those
8380 deposits shall be filed with the commissioner and are subject to
8381 the same terms and conditions as are provided for in the surety
8382 bond required in this paragraph. Any interest or earnings on
8383 those deposits are payable to the depositor. Applicants applying
8384 for multiple licenses may submit a single bond for all licenses,
8385 provided that the total value of the bond is equal to Ten Thousand
8386 Dollars (\$10,000.00) per license applied for.

8387 (d) File with the commissioner an application for a
8388 license and the initial license fee required in this article. If
8389 applicant's application is approved, a credit availability license
8390 will be issued within thirty (30) days.

8391 (e) File with the commissioner a set of fingerprints
8392 from any local law enforcement agency for each owner of a sole
8393 proprietorship, partners in a partnership or principal owners of a
8394 limited liability company that own at least ten percent (10%) of
8395 the voting shares of the company, shareholders owning ten percent
8396 (10%) or more of the outstanding shares of the corporation, except



8397 publically traded corporations and their subsidiaries, and any
8398 other executive officer with significant oversight duties of the
8399 business. In order to determine the applicant's suitability for
8400 license, the commissioner shall forward the fingerprints to the
8401 Department of Public Safety; and if no disqualifying record is
8402 identified at the state level, the Department of Public Safety
8403 shall forward the fingerprints to the FBI for a national criminal
8404 history record check.

8405 (f) Complete and file with the commissioner an annual
8406 renewal application for a license accompanied by the renewal fee
8407 required in this article.

8408 **SECTION 105.** Section 27-115-55, Mississippi Code of 1972, is
8409 amended as follows:

8410 27-115-55. (1) The Legislature hereby recognizes that to
8411 conduct a successful lottery, the corporation must develop and
8412 maintain a statewide network of lottery retailers that will serve
8413 the public convenience and promote the sale of tickets, while
8414 ensuring the integrity of the lottery operations, games and
8415 activities.

8416 (2) To govern the selection of lottery retailers, the board
8417 shall, by administrative rules and regulations, develop a list of
8418 objective criteria upon which the selection of lottery retailers
8419 shall be based. In developing these criteria, the board shall
8420 consider such factors as the applicant's financial responsibility,
8421 location and security of the applicant's place of business or



8422 activity, integrity, and reputation; however, the board shall not
8423 consider political affiliation, activities or monetary
8424 contributions to political organizations or candidates for any
8425 public office. The criteria shall include, but not be limited to,
8426 the following:

8427 (a) The applicant shall be current in payment of all
8428 taxes, interest and penalties owed to any taxing political
8429 subdivision where the lottery retailer will sell lottery tickets.

8430 (b) The applicant shall be current in filing all
8431 applicable tax returns and in payment of all taxes, interest and
8432 penalties owed to the State of Mississippi, excluding items under
8433 formal appeal pursuant to applicable statutes, before a license is
8434 issued and before each renewal.

8435 (c) No person shall be selected as a lottery retailer
8436 for the sale of lottery tickets who:

8437 (i) Has been convicted of a criminal offense
8438 related to the security or integrity of the lottery in this or any
8439 other jurisdiction.

8440 (ii) Has been convicted of any illegal gambling
8441 activity, false statements, false swearing or perjury in this or
8442 any other jurisdiction, or convicted of a * * * disqualifying
8443 crime as provided in the Fresh Start Act.

8444 (iii) Has been found to have violated the
8445 provisions of this chapter or any administrative rules and
8446 regulations adopted under this chapter, unless either ten (10)



8447 years have passed since the violation, or the president and the
8448 board find the violation both minor and unintentional in nature.

8449 (iv) Is a vendor or an employee or agent of any
8450 vendor doing business with the corporation.

8451 (v) Resides in the same household as an officer or
8452 board member of the corporation.

8453 (vi) Has made a statement of material fact to the
8454 corporation, knowing such statement to be false.

8455 **SECTION 106.** Section 37-13-89, Mississippi Code of 1972, is
8456 amended as follows:

8457 37-13-89. (1) In each school district within the state,
8458 there shall be employed the number of school attendance officers
8459 determined by the Office of Compulsory School Attendance
8460 Enforcement to be necessary to adequately enforce the provisions
8461 of the Mississippi Compulsory School Attendance Law; however, this
8462 number shall not exceed one hundred fifty-three (153) school
8463 attendance officers at any time. From and after July 1, 1998, all
8464 school attendance officers employed pursuant to this section shall
8465 be employees of the State Department of Education. The State
8466 Department of Education shall employ all persons employed as
8467 school attendance officers by district attorneys before July 1,
8468 1998, and shall assign them to school attendance responsibilities
8469 in the school district in which they were employed before July 1,
8470 1998. The first twelve (12) months of employment for each school



8471 attendance officer shall be the probationary period of state
8472 service.

8473 (2) (a) The State Department of Education shall obtain
8474 current criminal records background checks and current child abuse
8475 registry checks on all persons applying for the position of school
8476 attendance officer after July 2, 2002. The criminal records
8477 information and registry checks must be kept on file for any new
8478 hires. In order to determine an applicant's suitability for
8479 employment as a school attendance officer, the applicant must be
8480 fingerprinted. If no disqualifying record is identified at the
8481 state level, the Department of Public Safety shall forward the
8482 fingerprints to the Federal Bureau of Investigation (FBI) for a
8483 national criminal history record check. The applicant shall pay
8484 the fee, not to exceed Fifty Dollars (\$50.00), for the
8485 fingerprinting and criminal records background check; however, the
8486 State Department of Education, in its discretion, may pay the fee
8487 for the fingerprinting and criminal records background check on
8488 behalf of any applicant. Under no circumstances may a member of
8489 the State Board of Education, employee of the State Department of
8490 Education or any person other than the subject of the criminal
8491 records background check disseminate information received through
8492 any such checks except insofar as required to fulfill the purposes
8493 of this subsection.

8494 (b) If the fingerprinting or criminal records check
8495 discloses a * * * disqualifying crime as provided in the Fresh



8496 Start Act, the applicant is not eligible to be employed as a
8497 school attendance officer. Any employment of an applicant pending
8498 the results of the fingerprinting and criminal records check is
8499 voidable if the new hire receives a disqualifying criminal records
8500 check. However, the State Board of Education, in its discretion,
8501 may allow an applicant aggrieved by an employment decision under
8502 this subsection to appear before the board, or before a hearing
8503 officer designated for that purpose, to show mitigating
8504 circumstances that may exist and allow the new hire to be employed
8505 as a school attendance officer. The State Board of Education may
8506 grant waivers for mitigating circumstances, which may include, but
8507 are not necessarily limited to: (i) age at which the crime was
8508 committed; (ii) circumstances surrounding the crime; (iii) length
8509 of time since the conviction and criminal history since the
8510 conviction; (iv) work history; (v) current employment and
8511 character references; and (vi) other evidence demonstrating the
8512 ability of the person to perform the responsibilities of a school
8513 attendance officer competently and that the person does not pose a
8514 threat to the health or safety of children.

8515 (c) A member of the State Board of Education or
8516 employee of the State Department of Education may not be held
8517 liable in any employment discrimination suit in which an
8518 allegation of discrimination is made regarding an employment
8519 decision authorized under this section.



8520 (3) Each school attendance officer shall possess a college
8521 degree with a major in a behavioral science or a related field or
8522 shall have no less than three (3) years combined actual experience
8523 as a school teacher, school administrator, law enforcement officer
8524 possessing such degree, and/or social worker; however, these
8525 requirements shall not apply to persons employed as school
8526 attendance officers before January 1, 1987. School attendance
8527 officers also shall satisfy any additional requirements that may
8528 be established by the State Personnel Board for the position of
8529 school attendance officer.

8530 (4) It shall be the duty of each school attendance officer
8531 to:

8532 (a) Cooperate with any public agency to locate and
8533 identify all compulsory-school-age children who are not attending
8534 school;

8535 (b) Cooperate with all courts of competent
8536 jurisdiction;

8537 (c) Investigate all cases of nonattendance and unlawful
8538 absences by compulsory-school-age children not enrolled in a
8539 nonpublic school;

8540 (d) Provide appropriate counseling to encourage all
8541 school-age children to attend school until they have completed
8542 high school;



8543 (e) Attempt to secure the provision of social or
8544 welfare services that may be required to enable any child to
8545 attend school;

8546 (f) Contact the home or place of residence of a
8547 compulsory-school-age child and any other place in which the
8548 officer is likely to find any compulsory-school-age child when the
8549 child is absent from school during school hours without a valid
8550 written excuse from school officials, and when the child is found,
8551 the officer shall notify the parents and school officials as to
8552 where the child was physically located;

8553 (g) Contact promptly the home of each
8554 compulsory-school-age child in the school district within the
8555 officer's jurisdiction who is not enrolled in school or is not in
8556 attendance at public school and is without a valid written excuse
8557 from school officials; if no valid reason is found for the
8558 nonenrollment or absence from the school, the school attendance
8559 officer shall give written notice to the parent, guardian or
8560 custodian of the requirement for the child's enrollment or
8561 attendance;

8562 (h) Collect and maintain information concerning
8563 absenteeism, dropouts and other attendance-related problems, as
8564 may be required by law or the Office of Compulsory School
8565 Attendance Enforcement; and



8566 (i) Perform all other duties relating to compulsory
8567 school attendance established by the State Department of Education
8568 or district school attendance supervisor, or both.

8569 (5) While engaged in the performance of his duties, each
8570 school attendance officer shall carry on his person a badge
8571 identifying him as a school attendance officer under the Office of
8572 Compulsory School Attendance Enforcement of the State Department
8573 of Education and an identification card designed by the State
8574 Superintendent of Public Education and issued by the school
8575 attendance officer supervisor. Neither the badge nor the
8576 identification card shall bear the name of any elected public
8577 official.

8578 (6) The State Personnel Board shall develop a salary scale
8579 for school attendance officers as part of the variable
8580 compensation plan. The various pay ranges of the salary scale
8581 shall be based upon factors including, but not limited to,
8582 education, professional certification and licensure, and number of
8583 years of experience. School attendance officers shall be paid in
8584 accordance with this salary scale. The minimum salaries under the
8585 scale shall be no less than the following:

8586 (a) For school attendance officers holding a bachelor's
8587 degree or any other attendance officer who does not hold such a
8588 degree, the annual salary shall be based on years of experience as
8589 a school attendance officer or related field of service or
8590 employment, no less than as follows:



8591	Years of Experience	Salary
8592	0 - 4 years	\$24,528.29
8593	5 - 8 years	26,485.29
8594	9 - 12 years	28,050.89
8595	13 - 16 years	29,616.49
8596	Over 17 years	31,182.09

8597 (b) For school attendance officers holding a license as
8598 a social worker, the annual salary shall be based on years of
8599 experience as a school attendance officer or related field of
8600 service or employment, no less than as follows:

8601	Years of Experience	Salary
8602	0 - 4 years	\$25,558.29
8603	5 - 8 years	27,927.29
8604	9 - 12 years	29,822.49
8605	13 - 16 years	31,717.69
8606	17 - 20 years	33,612.89
8607	Over 21 years	35,415.39

8608 (c) For school attendance officers holding a master's
8609 degree in a behavioral science or a related field, the annual
8610 salary shall be based on years of experience as a school
8611 attendance officer or related field of service or employment, no
8612 less than as follows:

8613	Years of Experience	Salary
8614	0 - 4 years	\$26,382.29
8615	5 - 8 years	29,008.79



8616	9 - 12 years	31,109.99
8617	13 - 16 years	33,211.19
8618	17 - 20 years	35,312.39
8619	Over 21 years	37,413.59

8620 (7) (a) Each school attendance officer employed by a
8621 district attorney on June 30, 1998, who became an employee of the
8622 State Department of Education on July 1, 1998, shall be awarded
8623 credit for personal leave and major medical leave for his
8624 continuous service as a school attendance officer under the
8625 district attorney, and if applicable, the youth or family court or
8626 a state agency. The credit for personal leave shall be in an
8627 amount equal to one-third (1/3) of the maximum personal leave the
8628 school attendance officer could have accumulated had he been
8629 credited with such leave under Section 25-3-93 during his
8630 employment with the district attorney, and if applicable, the
8631 youth or family court or a state agency. The credit for major
8632 medical leave shall be in an amount equal to one-half (1/2) of the
8633 maximum major medical leave the school attendance officer could
8634 have accumulated had he been credited with such leave under
8635 Section 25-3-95 during his employment with the district attorney,
8636 and if applicable, the youth or family court or a state agency.
8637 However, if a district attorney who employed a school attendance
8638 officer on June 30, 1998, certifies, in writing, to the State
8639 Department of Education that the school attendance officer had
8640 accumulated, pursuant to a personal leave policy or major medical



8641 leave policy lawfully adopted by the district attorney, a number
8642 of days of unused personal leave or major medical leave, or both,
8643 which is greater than the number of days to which the school
8644 attendance officer is entitled under this paragraph, the State
8645 Department of Education shall authorize the school attendance
8646 officer to retain the actual unused personal leave or major
8647 medical leave, or both, certified by the district attorney,
8648 subject to the maximum amount of personal leave and major medical
8649 leave the school attendance officer could have accumulated had he
8650 been credited with such leave under Sections 25-3-93 and 25-3-95.

8651 (b) For the purpose of determining the accrual rate for
8652 personal leave under Section 25-3-93 and major medical leave under
8653 Section 25-3-95, the State Department of Education shall give
8654 consideration to all continuous service rendered by a school
8655 attendance officer before July 1, 1998, in addition to the service
8656 rendered by the school attendance officer as an employee of the
8657 department.

8658 (c) In order for a school attendance officer to be
8659 awarded credit for personal leave and major medical leave or to
8660 retain the actual unused personal leave and major medical leave
8661 accumulated by him before July 1, 1998, the district attorney who
8662 employed the school attendance officer must certify, in writing,
8663 to the State Department of Education the hire date of the school
8664 attendance officer. For each school attendance officer employed
8665 by the youth or family court or a state agency before being



8666 designated an employee of the district attorney who has not had a
8667 break in continuous service, the hire date shall be the date that
8668 the school attendance officer was hired by the youth or family
8669 court or state agency. The department shall prescribe the date by
8670 which the certification must be received by the department and
8671 shall provide written notice to all district attorneys of the
8672 certification requirement and the date by which the certification
8673 must be received.

8674 (8) (a) School attendance officers shall maintain regular
8675 office hours on a year-round basis; however, during the school
8676 term, on those days that teachers in all of the school districts
8677 served by a school attendance officer are not required to report
8678 to work, the school attendance officer also shall not be required
8679 to report to work. (For purposes of this subsection, a school
8680 district's school term is that period of time identified as the
8681 school term in contracts entered into by the district with
8682 licensed personnel.) A school attendance officer shall be
8683 required to report to work on any day recognized as an official
8684 state holiday if teachers in any school district served by that
8685 school attendance officer are required to report to work on that
8686 day, regardless of the school attendance officer's status as an
8687 employee of the State Department of Education, and compensatory
8688 leave may not be awarded to the school attendance officer for
8689 working during that day. However, a school attendance officer may



8690 be allowed by the school attendance officer's supervisor to use
8691 earned leave on such days.

8692 (b) The State Department of Education annually shall
8693 designate a period of six (6) consecutive weeks in the summer
8694 between school years during which school attendance officers shall
8695 not be required to report to work. A school attendance officer
8696 who elects to work at any time during that period may not be
8697 awarded compensatory leave for such work and may not opt to be
8698 absent from work at any time other than during the six (6) weeks
8699 designated by the department unless the school attendance officer
8700 uses personal leave or major medical leave accrued under Section
8701 25-3-93 or 25-3-95 for such absence.

8702 (9) The State Department of Education shall provide all
8703 continuing education and training courses that school attendance
8704 officers are required to complete under state law or rules and
8705 regulations of the department.

8706 **SECTION 107.** Section 37-9-17, Mississippi Code of 1972, is
8707 amended as follows:

8708 37-9-17. (1) On or before April 1 of each year, the
8709 principal of each school shall recommend to the superintendent of
8710 the local school district the licensed employees or
8711 noninstructional employees to be employed for the school involved
8712 except those licensed employees or noninstructional employees who
8713 have been previously employed and who have a contract valid for
8714 the ensuing scholastic year. If such recommendations meet with



8715 the approval of the superintendent, the superintendent shall
8716 recommend the employment of such licensed employees or
8717 noninstructional employees to the local school board, and, unless
8718 good reason to the contrary exists, the board shall elect the
8719 employees so recommended. If, for any reason, the local school
8720 board shall decline to elect any employee so recommended,
8721 additional recommendations for the places to be filled shall be
8722 made by the principal to the superintendent and then by the
8723 superintendent to the local school board as provided above. The
8724 school board of any local school district shall be authorized to
8725 designate a personnel supervisor or another principal employed by
8726 the school district to recommend to the superintendent licensed
8727 employees or noninstructional employees; however, this
8728 authorization shall be restricted to no more than two (2)
8729 positions for each employment period for each school in the local
8730 school district. Any noninstructional employee employed upon the
8731 recommendation of a personnel supervisor or another principal
8732 employed by the local school district must have been employed by
8733 the local school district at the time the superintendent was
8734 elected or appointed to office; a noninstructional employee
8735 employed under this authorization may not be paid compensation in
8736 excess of the statewide average compensation for such
8737 noninstructional position with comparable experience, as
8738 established by the State Department of Education. The school
8739 board of any local school district shall be authorized to



8740 designate a personnel supervisor or another principal employed by
8741 the school district to accept the recommendations of principals or
8742 their designees for licensed employees or noninstructional
8743 employees and to transmit approved recommendations to the local
8744 school board; however, this authorization shall be restricted to
8745 no more than two (2) positions for each employment period for each
8746 school in the local school district.

8747 When the licensed employees have been elected as provided in
8748 the preceding paragraph, the superintendent of the district shall
8749 enter into a contract with such persons in the manner provided in
8750 this chapter.

8751 If, at the commencement of the scholastic year, any licensed
8752 employee shall present to the superintendent a license of a higher
8753 grade than that specified in such individual's contract, such
8754 individual may, if funds are available from adequate education
8755 program funds of the district, or from district funds, be paid
8756 from such funds the amount to which such higher grade license
8757 would have entitled the individual, had the license been held at
8758 the time the contract was executed.

8759 (2) Superintendents/directors of schools under the purview
8760 of the State Board of Education, the superintendent of the local
8761 school district and any private firm under contract with the local
8762 public school district to provide substitute teachers to teach
8763 during the absence of a regularly employed schoolteacher shall
8764 require, through the appropriate governmental authority, that



8765 current criminal records background checks and current child abuse
8766 registry checks are obtained, and that such criminal record
8767 information and registry checks are on file for any new hires
8768 applying for employment as a licensed or nonlicensed employee at a
8769 school and not previously employed in such school under the
8770 purview of the State Board of Education or at such local school
8771 district prior to July 1, 2000. In order to determine the
8772 applicant's suitability for employment, the applicant shall be
8773 fingerprinted. If no disqualifying record is identified at the
8774 state level, the fingerprints shall be forwarded by the Department
8775 of Public Safety to the Federal Bureau of Investigation for a
8776 national criminal history record check. The fee for such
8777 fingerprinting and criminal history record check shall be paid by
8778 the applicant, not to exceed Fifty Dollars (\$50.00); however, the
8779 State Board of Education, the school board of the local school
8780 district or a private firm under contract with a local school
8781 district to provide substitute teachers to teach during the
8782 temporary absence of the regularly employed schoolteacher, in its
8783 discretion, may elect to pay the fee for the fingerprinting and
8784 criminal history record check on behalf of any applicant. Under
8785 no circumstances shall a member of the State Board of Education,
8786 superintendent/director of schools under the purview of the State
8787 Board of Education, local school district superintendent, local
8788 school board member or any individual other than the subject of
8789 the criminal history record checks disseminate information



8790 received through any such checks except insofar as required to
8791 fulfill the purposes of this section. Any nonpublic school which
8792 is accredited or approved by the State Board of Education may
8793 avail itself of the procedures provided for herein and shall be
8794 responsible for the same fee charged in the case of local public
8795 schools of this state. The determination whether the applicant
8796 has a disqualifying crime, as set forth in subsection (3) of this
8797 section, shall be made by the appropriate governmental authority,
8798 and the appropriate governmental authority shall notify the
8799 private firm whether a disqualifying crime exists.

8800 (3) If such fingerprinting or criminal record checks
8801 disclose a * * * disqualifying crime as provided in the Fresh
8802 Start Act, the new hire shall not be eligible to be employed at
8803 such school. Any employment contract for a new hire executed by
8804 the superintendent of the local school district or any employment
8805 of a new hire by a superintendent/director of a new school under
8806 the purview of the State Board of Education or by a private firm
8807 shall be voidable if the new hire receives a disqualifying
8808 criminal record check. However, the State Board of Education or
8809 the school board may, in its discretion, allow any applicant
8810 aggrieved by the employment decision under this section to appear
8811 before the respective board, or before a hearing officer
8812 designated for such purpose, to show mitigating circumstances
8813 which may exist and allow the new hire to be employed at the
8814 school. The State Board of Education or local school board may



8815 grant waivers for such mitigating circumstances, which shall
8816 include, but not be limited to: (a) age at which the crime was
8817 committed; (b) circumstances surrounding the crime; (c) length of
8818 time since the conviction and criminal history since the
8819 conviction; (d) work history; (e) current employment and character
8820 references; (f) other evidence demonstrating the ability of the
8821 person to perform the employment responsibilities competently and
8822 that the person does not pose a threat to the health or safety of
8823 the children at the school.

8824 (4) No local school district, local school district
8825 employee, member of the State Board of Education or employee of a
8826 school under the purview of the State Board of Education shall be
8827 held liable in any employment discrimination suit in which an
8828 allegation of discrimination is made regarding an employment
8829 decision authorized under this Section 37-9-17.

8830 (5) The provisions of this section shall be fully applicable
8831 to licensed employees of the Mississippi School of the Arts (MSA),
8832 established in Section 37-140-1 et seq.

8833 **SECTION 108.** Section 37-29-232, Mississippi Code of 1972, is
8834 amended as follows:

8835 37-29-232. (1) For the purposes of this section:

8836 (a) "Health care professional/vocational technical
8837 academic program" means an academic program in medicine, nursing,
8838 dentistry, occupational therapy, physical therapy, social
8839 services, nutrition services, speech therapy, or other



8840 allied-health professional whose purpose is to prepare
8841 professionals to render patient care services.

8842 (b) "Health care professional/vocational technical
8843 student" means a student enrolled in a health care
8844 professional/vocational technical academic program.

8845 (2) The dean or director of the health care
8846 professional/vocational technical academic program is authorized
8847 to ensure that criminal history record checks and fingerprinting
8848 are obtained on their students before the students begin any
8849 clinical rotation in a licensed health care entity and that the
8850 criminal history record check information and registry checks are
8851 on file at the academic institution. In order to determine the
8852 student's suitability for the clinical rotation, the student shall
8853 be fingerprinted. If no disqualifying record is identified at the
8854 state level, the fingerprints shall be forwarded by the Department
8855 of Public Safety, the Department of Health, or any other legally
8856 authorized entity to the FBI for a national criminal history
8857 record check. The fee for the fingerprinting and criminal history
8858 record check shall be paid by the applicant, not to exceed Fifty
8859 Dollars (\$50.00); however, the academic institution in which the
8860 student is enrolled, in its discretion, may elect to pay the fee
8861 for the fingerprinting and criminal history record check on behalf
8862 of any applicant. Under no circumstances shall the academic
8863 institution representative or any individual other than the
8864 subject of the criminal history record checks disseminate



8865 information received through any such checks except insofar as
8866 required to fulfill the purposes of this section.

8867 (3) If the fingerprinting or criminal history record checks
8868 disclose a * * * disqualifying crime as provided in the Fresh
8869 Start Act, the student shall not be eligible to be admitted to the
8870 health care professional/vocational technical academic program of
8871 study. Any preadmission agreement executed by the health care
8872 professional/vocational technical academic program shall be
8873 voidable if the student receives a disqualifying criminal history
8874 record check. However, the administration of the health care
8875 professional/vocational technical academic program may, in its
8876 discretion, allow any applicant aggrieved by the admissions
8877 decision under this section to appear before an appeals committee
8878 or before a hearing officer designated for that purpose, to show
8879 mitigating circumstances that may exist and allow the student to
8880 be admitted to or continue in the program of study. The health
8881 care professional/vocational technical academic program may grant
8882 waivers for those mitigating circumstances, which shall include,
8883 but not be limited to: (a) age at which the crime was committed;
8884 (b) circumstances surrounding the crime; (c) length of time since
8885 the conviction and criminal history since the conviction; (d) work
8886 history; (e) current employment and character references; (f)
8887 other evidence demonstrating the ability of the student to perform
8888 the clinical responsibilities competently and that the student
8889 does not pose a threat to the health or safety of patients in the



8890 licensed health care entities in which they will be conducting
8891 clinical experiences. The health care professional/vocational
8892 technical academic program shall provide assurance to the licensed
8893 health care entity in which the clinical rotation is planned that
8894 the results of a health care professional/vocational technical
8895 student's criminal history record check would not prohibit the
8896 student from being able to conduct his or her clinical activities
8897 in the facility, institution, or organization. The criminal
8898 history record check shall be valid for the course of academic
8899 study, provided that annual disclosure statements are provided to
8900 the health care professional/vocational technical academic program
8901 regarding any criminal activity that may have occurred during the
8902 student's tenure with the health care professional/vocational
8903 technical academic program. The criminal history record check may
8904 be repeated at the discretion of the health care
8905 professional/vocational technical academic program based on
8906 information obtained during the annual disclosure statements. In
8907 extenuating circumstances, if a criminal history record check is
8908 initiated and the results are not available at the time the
8909 clinical rotation begins, the academic institution in which the
8910 student is enrolled, at its discretion, may require a signed
8911 affidavit from the student assuring compliance with this section.
8912 The affidavit will be considered void within sixty (60) days of
8913 its signature.



8914 (4) Criminal history record checks that are done as part of
8915 the requirements for participation in the health care
8916 professional/vocational technical academic program may not be used
8917 for any other purpose than those activities associated with their
8918 program of study. Students who may be employed as health care
8919 professionals outside of their program of study may be required to
8920 obtain additional criminal history record checks as part of their
8921 employment agreement.

8922 (5) No health care professional/vocational technical
8923 academic program or academic program employee shall be held liable
8924 in any admissions discrimination suit in which an allegation of
8925 discrimination is made regarding an admissions decision authorized
8926 under this section.

8927 **SECTION 109.** Section 73-3-41, Mississippi Code of 1972, is
8928 amended as follows:

8929 73-3-41. Every person who has been or shall hereafter be
8930 convicted of * * * a disqualifying crime as provided in the Fresh
8931 Start Act in a court of this or any other state or a court of the
8932 United States, manslaughter or a violation of the Internal Revenue
8933 Code excepted, shall be incapable of obtaining a license to
8934 practice law. Any court of the State of Mississippi in which a
8935 licensed attorney shall have been convicted of a * * *
8936 disqualifying crime as provided in the Fresh Start Act, other than
8937 manslaughter or a violation of the Internal Revenue Code, shall
8938 enter an order disbaring the attorney.



8939 **SECTION 110.** Section 73-4-25, Mississippi Code of 1972, is
8940 amended as follows:

8941 73-4-25. (1) The commission may refuse to issue or renew a
8942 license, place a licensee on probation or administrative
8943 supervision, suspend or revoke any license, or may reprimand or
8944 take any other action in relation to a license, including the
8945 imposition of a fine not to exceed Five Thousand Dollars
8946 (\$5,000.00) for each violation upon a licensee, or applicant for
8947 licensure, under this chapter for any of the following reasons:

8948 (a) Knowingly filing or causing to be filed a false
8949 application.

8950 (b) Failure to enter into a written contract with a
8951 seller or consignor prior to placing or permitting advertising for
8952 an auction sale to be placed.

8953 (c) Failure by the licensee to give the seller or
8954 consignor a signed receipt for items received for sale at auction,
8955 either by item or lot number at the time the goods are received,
8956 unless the goods are to remain in the possession of the seller or
8957 consignor.

8958 (d) Failure to give the seller or consignor a statement
8959 or lot description, selling price, purchaser's identity and the
8960 net proceeds due to the seller or consignor.

8961 (e) Failure to place funds received from an auction
8962 sale in an escrow or trust account, and failure to make timely
8963 settlement on escrowed funds. Absent a written agreement to the



8964 contrary, five (5) business days shall be deemed timely for
8965 settlement on personal property.

8966 (f) Permitting an unlicensed auctioneer to call for
8967 bids in an auction sale.

8968 (g) Having been convicted of or pled guilty to a * * *
8969 disqualifying crime as provided in the Fresh Start Act in the
8970 courts of this state or any other state, territory or country.
8971 Conviction, as used in this paragraph, shall include a deferred
8972 conviction, deferred prosecution, deferred sentence, finding or
8973 verdict of guilt, an admission of guilt or a plea of nolo
8974 contendere.

8975 (h) Any course of intentional, willful or wanton
8976 conduct by a licensee or such licensee's employees which misleads
8977 or creates a false impression among the seller, buyer, bidders and
8978 the auctioneer in the advertising, conducting and closing of an
8979 auction sale.

8980 (i) A continued and flagrant course of
8981 misrepresentation or making false promises, either by the
8982 licensee, an employee of the licensee, or by someone acting on
8983 behalf of and with the licensee's consent.

8984 (j) Any failure to account for or to pay over within a
8985 reasonable time funds belonging to another which have come into
8986 the licensee's possession through an auction sale.

8987 (k) Any false, misleading or untruthful advertising.



8988 (l) Any act of conduct in connection with a sales
8989 transaction which demonstrates bad faith or dishonesty.

8990 (m) Knowingly using false bidders, cappers or pullers,
8991 or knowingly making a material false statement or representation.

8992 (n) Commingling the funds or property of a client with
8993 the licensee's own or failing to maintain and deposit in a trust
8994 or escrow account in an insured bank or savings and loan
8995 association located in Mississippi funds received for another
8996 person through sale at auction.

8997 (o) Failure to give full cooperation to the commission
8998 and/or its designees, agents or other representatives in the
8999 performance of official duties of the commission. Such failure to
9000 cooperate includes, but is not limited to:

9001 (i) Failure to properly make any disclosures or to
9002 provide documents or information required by this chapter or by
9003 the commission;

9004 (ii) Not furnishing, in writing, a full and
9005 complete explanation covering the matter contained in a complaint
9006 filed with the commission;

9007 (iii) Failure, without good cause, to cooperate
9008 with any request by the board to appear before it;

9009 (iv) Not providing access, as directed by the
9010 commission, for its authorized agents or representatives seeking
9011 to perform reviews, audits or inspections at facilities or places
9012 utilized by the license holder in the auction business;



9013 (v) Failure to provide information within the
9014 specified time allotted and as required by the board and/or its
9015 representatives or designees;

9016 (vi) Failure to cooperate with the board or its
9017 designees or representatives in the investigation of any alleged
9018 misconduct or willfully interfering with a board investigation.

9019 (p) A demonstrated lack of financial responsibility.

9020 (q) Having had a license for the practice of
9021 auctioneering or the auction business suspended or revoked in any
9022 jurisdiction, having voluntarily surrendered a license in any
9023 jurisdiction, having been placed on probation in any jurisdiction,
9024 having been placed under disciplinary order(s) or other
9025 restriction in any manner for auctioneering or the auction
9026 business (a certified copy of the order of suspension, revocation,
9027 probation or disciplinary action shall be prima facie evidence of
9028 such action).

9029 (r) Any violation of this chapter or any violation of a
9030 rule or regulation duly adopted by the commission.

9031 (2) In addition to the acts specified in subsection (1) of
9032 this section, the commission shall be authorized to suspend the
9033 license of any licensee for being out of compliance with an order
9034 for support, as defined in Section 93-11-153. The procedure for
9035 suspension of a license for being out of compliance with an order
9036 for support, and the procedure for the reissuance or reinstatement
9037 of a license suspended for that purpose, and the payment of any



9038 fees for the reissuance or reinstatement of a license suspended
9039 for that purpose, shall be governed by Section 93-11-157 or
9040 93-11-163. If there is any conflict between any provision of
9041 Section 93-11-157 or 93-11-163 and any provision of this chapter,
9042 the provisions of Section 93-11-157 or 93-11-163, as the case may
9043 be, shall control.

9044 **SECTION 111.** Section 73-5-25, Mississippi Code of 1972, is
9045 amended as follows:

9046 73-5-25. (1) The Board of Barber Examiners may refuse to
9047 issue, or may suspend definitely or indefinitely, or revoke any
9048 certificate of registration or license for any one (1) or a
9049 combination of the following causes:

9050 (a) Conviction of a * * * disqualifying crime as
9051 provided in the Fresh Start Act shown by a certified copy of the
9052 judgment of court in which such conviction is had, unless upon a
9053 full and unconditional pardon of such convict, and upon
9054 satisfactory showing that such convict will in the future conduct
9055 himself in a law-abiding way.

9056 (b) Gross malpractice or gross incompetency.

9057 (c) Continued practice by a person knowingly having an
9058 infectious or contagious disease.

9059 (d) Advertising, practicing or attempting to practice
9060 under a trade name or name other than one's own.



9061 (e) Habitual drunkenness or habitual addiction to the
9062 use of morphine, cocaine or habit-forming drug, or any other
9063 illegal controlled substances.

9064 (f) Immoral or unprofessional conduct.

9065 (g) Violation of regulations that may be prescribed as
9066 provided for in Sections 73-5-7 through 73-5-43.

9067 (2) In addition to the causes specified in subsection (1) of
9068 this section, the board shall be authorized to suspend the
9069 certificate of registration of any person for being out of
9070 compliance with an order for support, as defined in Section
9071 93-11-153. The procedure for suspension of a certificate for
9072 being out of compliance with an order for support, and the
9073 procedure for the reissuance or reinstatement of a certificate
9074 suspended for that purpose, and the payment of any fees for the
9075 reissuance or reinstatement of a certificate suspended for that
9076 purpose, shall be governed by Section 93-11-157 or 93-11-163. If
9077 there is any conflict between any provision of Section 93-11-157
9078 or 93-11-163 and any provision of this chapter, the provisions of
9079 Section 93-11-157 or 93-11-163, as the case may be, shall control.

9080 **SECTION 112.** Section 73-6-19, Mississippi Code of 1972, is
9081 amended as follows:

9082 73-6-19. (1) The board shall refuse to grant a certificate
9083 of licensure to any applicant or may cancel, revoke or suspend the
9084 certificate upon the finding of any of the following facts
9085 regarding the applicant or licensed practitioner:



- 9086 (a) Failure to comply with the rules and regulations
9087 adopted by the State Board of Chiropractic Examiners;
- 9088 (b) Violation of any of the provisions of this chapter
9089 or any of the rules and regulations of the State Board of Health
9090 pursuant to this chapter with regard to the operation and use of
9091 x-rays;
- 9092 (c) Fraud or deceit in obtaining a license;
- 9093 (d) Addiction to the use of alcohol, narcotic drugs, or
9094 anything which would seriously interfere with the competent
9095 performance of his professional duties;
- 9096 (e) Conviction by a court of competent jurisdiction of
9097 a * * * disqualifying crime as provided in the Fresh Start Act;
- 9098 (f) Unprofessional and unethical conduct;
- 9099 (g) Contraction of a contagious disease which may be
9100 carried for a prolonged period;
- 9101 (h) Failure to report to the Mississippi Department of
9102 Human Services or the county attorney any case wherein there are
9103 reasonable grounds to believe that a child or vulnerable adult has
9104 been abused by its parent or person responsible for such person's
9105 welfare;
- 9106 (i) Advising a patient to use drugs, prescribing or
9107 providing drugs for a patient, or advising a patient not to use a
9108 drug prescribed by a licensed physician or dentist;
- 9109 (j) Professional incompetency in the practice of
9110 chiropractic;



9111 (k) Having disciplinary action taken by his peers
9112 within any professional chiropractic association or society;

9113 (l) Offering to accept or accepting payment for
9114 services rendered by assignment from any third-party payor after
9115 offering to accept or accepting whatever the third-party payor
9116 covers as payment in full, if the effect of the offering or
9117 acceptance is to eliminate or give the impression of eliminating
9118 the need for payment by an insured of any required deductions
9119 applicable in the policy of the insured;

9120 (m) Associating his practice with any chiropractor who
9121 does not hold a valid chiropractic license in Mississippi, or
9122 teach chiropractic manipulation to nonqualified persons under
9123 Section 73-6-13;

9124 (n) Failure to make payment on chiropractic student
9125 loans;

9126 (o) Failure to follow record keeping requirements
9127 prescribed in Section 73-6-18;

9128 (p) If the practitioner is certified to provide animal
9129 chiropractic treatment, failure to follow guidelines approved by
9130 the Mississippi Board of Veterinary Medicine; or

9131 (q) Violation(s) of the provisions of Sections 41-121-1
9132 through 41-121-9 relating to deceptive advertisement by health
9133 care practitioners. This paragraph shall stand repealed on July
9134 1, 2025.



9135 (2) Any holder of such certificate or any applicant therefor
9136 against whom is preferred any of the designated charges shall be
9137 furnished a copy of the complaint and shall receive a formal
9138 hearing in Jackson, Mississippi, before the board, at which time
9139 he may be represented by counsel and examine witnesses. The board
9140 is authorized to administer oaths as may be necessary for the
9141 proper conduct of any such hearing. In addition, the board is
9142 authorized and empowered to issue subpoenas for the attendance of
9143 witnesses and the production of books and papers. The process
9144 issued by the board shall extend to all parts of the state. Where
9145 in any proceeding before the board any witness shall fail or
9146 refuse to attend upon subpoena issued by the board, shall refuse
9147 to testify, or shall refuse to produce any books and papers, the
9148 production of which is called for by the subpoena, the attendance
9149 of such witness and the giving of his testimony and the production
9150 of the books and papers shall be enforced by any court of
9151 competent jurisdiction of this state in the manner provided for
9152 the enforcement of attendance and testimony of witnesses in civil
9153 cases in the courts of this state.

9154 (3) In addition to any other investigators the board
9155 employs, the board shall appoint one or more licensed
9156 chiropractors to act for the board in investigating the conduct
9157 relating to the competency of a chiropractor, whenever
9158 disciplinary action is being considered for professional
9159 incompetence and unprofessional conduct.



9160 (4) Whenever the board finds any person unqualified to
9161 practice chiropractic because of any of the grounds set forth in
9162 subsection (1) of this section, after a hearing has been conducted
9163 as prescribed by this section, the board may enter an order
9164 imposing one or more of the following:

9165 (a) Deny his application for a license or other
9166 authorization to practice chiropractic;

9167 (b) Administer a public or private reprimand;

9168 (c) Suspend, limit or restrict his license or other
9169 authorization to practice chiropractic for up to five (5) years;

9170 (d) Revoke or cancel his license or other authorization
9171 to practice chiropractic;

9172 (e) Require him to submit to care, counseling or
9173 treatment by physicians or chiropractors designated by the board,
9174 as a condition for initial, continued or renewal of licensure or
9175 other authorization to practice chiropractic;

9176 (f) Require him to participate in a program of
9177 education prescribed by the board; or

9178 (g) Require him to practice under the direction of a
9179 chiropractor designated by the board for a specified period of
9180 time.

9181 (5) Any person whose application for a license or whose
9182 license to practice chiropractic has been cancelled, revoked or
9183 suspended by the board within thirty (30) days from the date of
9184 such final decision shall have the right of a de novo appeal to



9185 the circuit court of his county of residence or the Circuit Court
9186 of the First Judicial District of Hinds County, Mississippi. If
9187 there is an appeal, such appeal may, in the discretion of and on
9188 motion to the circuit court, act as a supersedeas. The circuit
9189 court shall dispose of the appeal and enter its decision promptly.
9190 The hearing on the appeal may, in the discretion of the circuit
9191 judge, be tried in vacation. Either party shall have the right of
9192 appeal to the Supreme Court as provided by law from any decision
9193 of the circuit court.

9194 (6) In a proceeding conducted under this section by the
9195 board for the revocation, suspension or cancellation of a license
9196 to practice chiropractic, after a hearing has been conducted as
9197 prescribed by this section, the board shall have the power and
9198 authority for the grounds stated in subsection (1) of this
9199 section, with the exception of paragraph (c) thereof, to assess
9200 and levy upon any person licensed to practice chiropractic in the
9201 state a monetary penalty in lieu of such revocation, suspension or
9202 cancellation, as follows:

9203 (a) For the first violation, a monetary penalty of not
9204 less than Five Hundred Dollars (\$500.00) nor more than One
9205 Thousand Dollars (\$1,000.00) for each violation.

9206 (b) For the second and each subsequent violation, a
9207 monetary penalty of not less than One Thousand Dollars (\$1,000.00)
9208 nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for
9209 each violation.



9210 The power and authority of the board to assess and levy such
9211 monetary penalties under this section shall not be affected or
9212 diminished by any other proceeding, civil or criminal, concerning
9213 the same violation or violations. A licensee shall have the right
9214 of appeal from the assessment and levy of a monetary penalty as
9215 provided in this section to the circuit court under the same
9216 conditions as a right of appeal is provided for in this section
9217 for appeals from an adverse ruling, or order, or decision of the
9218 board. Any monetary penalty assessed and levied under this
9219 section shall not take effect until after the time for appeal has
9220 expired, and an appeal of the assessment and levy of such a
9221 monetary penalty shall act as a supersedeas.

9222 (7) In addition to the grounds specified in subsection (1)
9223 of this section, the board shall be authorized to suspend the
9224 license of any licensee for being out of compliance with an order
9225 for support, as defined in Section 93-11-153. The procedure for
9226 suspension of a license for being out of compliance with an order
9227 for support, and the procedure for the reissuance or reinstatement
9228 of a license suspended for that purpose, and the payment of any
9229 fees for the reissuance or reinstatement of a license suspended
9230 for that purpose, shall be governed by Section 93-11-157 or
9231 93-11-163, as the case may be. Actions taken by the board in
9232 suspending a license when required by Section 93-11-157 or
9233 93-11-163 are not actions from which an appeal may be taken under
9234 this section. Any appeal of a license suspension that is required



9235 by Section 93-11-157 or 93-11-163 shall be taken in accordance
9236 with the appeal procedure specified in Section 93-11-157 or
9237 93-11-163, as the case may be, rather than the procedure specified
9238 in this section. If there is any conflict between any provision
9239 of Section 93-11-157 or 93-11-163 and any provision of this
9240 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
9241 case may be, shall control.

9242 **SECTION 113.** Section 73-7-27, Mississippi Code of 1972, is
9243 amended as follows:

9244 73-7-27. (1) Any complaint may be filed with the board by a
9245 member or agent of the board or by any person charging any
9246 licensee of the board with the commission of any of the offenses
9247 enumerated in subsection (2) of this section. Such complaint
9248 shall be in writing, signed by the accuser or accusers, and
9249 verified under oath, and such complaints shall be investigated as
9250 set forth in Section 73-7-7. If, after the investigation, the
9251 board through its administrative review agents determines that
9252 there is not substantial justification to believe that the accused
9253 licensee has committed any of the offenses enumerated, it may
9254 dismiss the complaint or may prepare a formal complaint proceeding
9255 against the licensee as hereinafter provided. When used with
9256 reference to any complaint filed against a licensee herein, the
9257 term "not substantial justification" means a complaint that is
9258 frivolous, groundless in fact or law, or vexatious, as determined
9259 by unanimous vote of the board. In the event of a dismissal, the



9260 person filing the accusation and the accused licensee shall be
9261 given written notice of the board's determination. If the board
9262 determines there is reasonable cause to believe the accused has
9263 committed any of those offenses, the secretary of the board shall
9264 give written notice of such determination to the accused licensee
9265 and set a day for a hearing as provided in subsection (3) of this
9266 section.

9267 (2) The board shall have the power to revoke, suspend or
9268 refuse to issue or renew any license or certificate provided for
9269 in this chapter, and to fine, place on probation and/or otherwise
9270 discipline a student or licensee or holder of a certificate, upon
9271 proof that such person: (a) has not complied with or has violated
9272 any of the rules and regulations promulgated by the board; (b) has
9273 not complied with or has violated any of the sections of this
9274 chapter; (c) has committed fraud or dishonest conduct in the
9275 taking of the examination herein provided for; (d) has been
9276 convicted of a * * * disqualifying crime as provided in the Fresh
9277 Start Act; (e) has committed grossly unprofessional or dishonest
9278 conduct; (f) is addicted to the excessive use of intoxicating
9279 liquors or to the use of drugs to such an extent as to render him
9280 or her unfit to practice in any of the practices or occupations
9281 set forth in this chapter; (g) has advertised by means of
9282 knowingly false or deceptive statements; or (h) has failed to
9283 display the license or certificate issued to him or her as
9284 provided for in this chapter; or (i) has been convicted of



9285 violating any of the provisions of this chapter. A conviction of
9286 violating any of the provisions of this chapter shall be grounds
9287 for automatic suspension of the license or certificate of such
9288 person.

9289 (3) The board shall not revoke, suspend or refuse to issue
9290 or renew any license or certificate, or fine, place on probation
9291 or otherwise discipline any person in a disciplinary matter except
9292 after a hearing of which the applicant or licensee or holder of
9293 the certificate affected shall be given at least twenty (20) days'
9294 notice in writing, specifying the reason or reasons for denying
9295 the applicant a license or certificate of registration, or in the
9296 case of any other disciplinary action, the offense or offenses of
9297 which the licensee or holder of a certificate of registration is
9298 charged. Such notice may be served by mailing a copy thereof by
9299 United States first-class certified mail, postage prepaid, to the
9300 last-known residence or business address of such applicant,
9301 licensee or holder of a certificate. The hearing on such charges
9302 shall be at such time and place as the board may prescribe.

9303 (4) At such hearings, all witnesses shall be sworn by a
9304 member of the board, and stenographic notes of the proceedings
9305 shall be taken. Any party to the proceedings desiring it shall be
9306 furnished with a copy of such stenographic notes upon payment to
9307 the board of such fees as it shall prescribe, not exceeding,
9308 however, the actual costs of transcription.



9309 (5) The board is hereby authorized and empowered to issue
9310 subpoenas for the attendance of witnesses and the production of
9311 books and papers. The process issued by the board shall extend to
9312 all parts of the state and such process shall be served by any
9313 person designated by the board for such service. The person
9314 serving such process shall receive such compensation as may be
9315 allowed by the board, not to exceed the fee prescribed by law for
9316 similar services. All witnesses who shall be subpoenaed, and who
9317 shall appear in any proceedings before the board, shall receive
9318 the same fees and mileage as allowed by law.

9319 (6) Where in any proceeding before the board any witness
9320 shall fail or refuse to attend upon subpoena issued by the board,
9321 shall refuse to testify, or shall refuse to produce any books and
9322 papers, the production of which is called for by the subpoena, the
9323 attendance of such witness and the giving of his testimony and the
9324 production of the books and papers shall be enforced by any court
9325 of competent jurisdiction of this state, in the same manner as are
9326 enforced for the attendance and testimony of witnesses in civil
9327 cases in the courts of this state.

9328 (7) The board shall conduct the hearing in an orderly and
9329 continuous manner, granting continuances only when the ends of
9330 justice may be served. The board shall, within sixty (60) days
9331 after conclusion of the hearing, reduce its decision to writing
9332 and forward an attested true copy thereof to the last-known
9333 residence or business address of such applicant, licensee or



9334 holder of a certificate, by way of United States first-class
9335 certified mail, postage prepaid. Such applicant, licensee, holder
9336 of a certificate, or person aggrieved shall have the right of
9337 appeal from an adverse ruling, or order, or decision of the board
9338 to the Chancery Court of the First Judicial District of Hinds
9339 County, Mississippi, upon forwarding notice of appeal to the board
9340 within thirty (30) days after the decision of the board is mailed
9341 in the manner here contemplated. An appeal will not be allowed in
9342 the event notice of appeal, together with the appeal bond
9343 hereinafter required, shall not have been forwarded to the board
9344 within the thirty-day period. Appeal shall be to the Chancery
9345 Court of the First Judicial District of Hinds County, Mississippi.
9346 The appeal shall thereupon be heard in due course by the court
9347 which shall review the record and make its determination thereon.

9348 (8) The appellant shall, together with the notice of appeal,
9349 forward to and post with the board a satisfactory bond in the
9350 amount of Five Hundred Dollars (\$500.00) for the payment of any
9351 costs which may be adjudged against him.

9352 (9) In the event of an appeal, the court shall dispose of
9353 the appeal and enter its decision promptly. The hearing on the
9354 appeal may, in the discretion of the chancellor, be tried in
9355 vacation. If there is an appeal, such appeal may, in the
9356 discretion of and on motion to the chancery court, act as a
9357 supersedeas. However, any fine imposed by the board under the
9358 provisions of this chapter shall not take effect until after the



9359 time for appeal has expired, and an appeal of the imposition of
9360 such a fine shall act as a supersedeas.

9361 (10) Any fine imposed by the board upon a licensee or holder
9362 of a certificate shall be in accordance with the following
9363 schedule:

9364 (a) For the first violation, a fine of not less than
9365 Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00)
9366 for each violation.

9367 (b) For the second and each subsequent violation, a
9368 fine of not less than One Hundred Dollars (\$100.00) nor more than
9369 Four Hundred Dollars (\$400.00) for each violation.

9370 The power and authority of the board to impose such fines
9371 under this section shall not be affected or diminished by any
9372 other proceeding, civil or criminal, concerning the same violation
9373 or violations.

9374 (11) In addition to the reasons specified in subsection (2)
9375 of this section, the board shall be authorized to suspend the
9376 license of any licensee for being out of compliance with an order
9377 for support, as defined in Section 93-11-153. The procedure for
9378 suspension of a license for being out of compliance with an order
9379 for support, and the procedure for the reissuance or reinstatement
9380 of a license suspended for that purpose, and the payment of any
9381 fees for the reissuance or reinstatement of a license suspended
9382 for that purpose, shall be governed by Section 93-11-157 or
9383 93-11-163, as the case may be. Actions taken by the board in



9384 suspending a license when required by Section 93-11-157 or
9385 93-11-163 are not actions from which an appeal may be taken under
9386 this section. Any appeal of a license suspension that is required
9387 by Section 93-11-157 or 93-11-163 shall be taken in accordance
9388 with the appeal procedure specified in Section 93-11-157 or
9389 93-11-163, as the case may be, rather than the procedure specified
9390 in this section. If there is any conflict between any provision
9391 of Section 93-11-157 or 93-11-163 and any provision of this
9392 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
9393 case may be, shall control.

9394 **SECTION 114.** Section 73-17-15, Mississippi Code of 1972, is
9395 amended as follows:

9396 73-17-15. (1) (a) The board is authorized to investigate,
9397 either on the basis of complaints filed with it or on its own
9398 initiative, instances of suspected violations of this chapter of
9399 any nature, including, but not limited to: performing the duties
9400 of a nursing home administrator without a license; the providing
9401 of false information to the board either incident to an
9402 application for a license, incident to a hearing, or otherwise;
9403 maladministration; unethical conduct; incompetence; the conviction
9404 of a licensee of a * * * disqualifying crime as provided in the
9405 Fresh Start Act; the misappropriation of funds; or of any other
9406 matter reflecting unfavorably upon the holder of a license under
9407 this chapter or an applicant therefor. On the basis of
9408 information developed during such an investigation, the board may



9409 (i) revoke, suspend, or refuse to renew any license issued by the
9410 board, (ii) deny an application for a license, or (iii) reprimand,
9411 place on probation, and/or take any other action in relation to a
9412 license, as the board may deem proper under the circumstances.
9413 Whenever the results of such an investigation are filed, the
9414 executive director of the board shall set a day for a hearing and
9415 shall notify the licensee that on the day fixed for hearing he or
9416 she may appear and show cause, if any, why his or her license
9417 should not be revoked, suspended, or other action taken in
9418 relation to his or her license. The notice shall be transmitted
9419 to the licensee by certified United States mail to the address of
9420 the licensee appearing of record with the board.

9421 (b) In cases where violations of this chapter have been
9422 substantiated, the board may assess a monetary penalty for those
9423 reasonable costs that are expended by the board in the
9424 investigation and conduct of a proceeding for licensure
9425 revocation, suspension or restriction, including, but not limited
9426 to, the cost of process service, court reporters, expert witnesses
9427 and investigations.

9428 (2) The board, upon finding and determining that any person
9429 represents himself or herself to be a nursing home administrator
9430 or performs any or all of the services, acts or duties of a
9431 nursing home administrator as defined in this chapter without a
9432 license, is authorized to petition the chancery court of the
9433 county in which the unauthorized acts have been, are being or may



9434 be committed, for writ or writs of injunction prohibiting the
9435 unauthorized acts. This provision is supplemental and in addition
9436 to the penal provisions set forth in Section 73-17-13.

9437 (3) Any licensee whose license has been revoked or
9438 suspended, or who has been placed on probation or reprimanded
9439 after a contested hearing, may appeal that action of the board to
9440 the chancery court of the county in which the nursing home
9441 administrator is practicing, which appeal shall not be a de novo
9442 appeal but shall be determined upon an official transcript of the
9443 record of the contested hearing. Appeals to the chancery court
9444 shall be taken within ten (10) days from the date of the board's
9445 order and shall be taken, perfected, heard and determined either
9446 in termtime or in vacation, and the appeals shall be heard and
9447 disposed of promptly by the court. Appeals from the board shall
9448 be taken and perfected by the filing of a bond in the sum of Two
9449 Hundred Fifty Dollars (\$250.00) with two (2) sureties, or with a
9450 surety company qualified to do business in Mississippi as surety,
9451 conditioned to pay the costs of the appeal. The bond shall be
9452 payable to the state and shall be approved by the clerk of the
9453 chancery court. The bond may be enforced in its name as other
9454 judicial bonds filed in the chancery court, and judgment may be
9455 entered upon those bonds and process and execution shall issue
9456 upon those judgments as provided by law in other cases. Upon
9457 approval of the bond by the clerk of the chancery court, the clerk
9458 shall give notice to the board of the appeal from the decision of



9459 the board. It thereupon shall be the duty of the board through
9460 its duly authorized representative to promptly transmit to the
9461 clerk of the chancery court in which the appeal is pending a
9462 certified copy of the order of the board and all documents filed
9463 relating to the board's action against the licensee, together with
9464 a transcript of the testimony, both oral and documentary,
9465 introduced for consideration by the board both in support of and
9466 in opposition to the action, which appeal shall be docketed by the
9467 clerk and shall be determined by the court based upon the record.
9468 If there is an appeal, the appeal may, in the discretion of and on
9469 motion to the chancery court, act as a supersedeas. The chancery
9470 court shall dispose of the appeal and enter its decision promptly.
9471 The hearing on the appeal may, in the discretion of the
9472 chancellor, be tried in vacation.

9473 (4) Appeals from the decision of the chancery court may be
9474 taken by either the board or the licensee to the Supreme Court as
9475 in the case of appeals generally from the chancery court to the
9476 Supreme Court.

9477 (5) In addition to the reasons specified in subsection (1)
9478 of this section, the board shall be authorized to suspend the
9479 license of any licensee for being out of compliance with an order
9480 for support, as defined in Section 93-11-153. The procedure for
9481 suspension of a license for being out of compliance with an order
9482 for support, and the procedure for the reissuance or reinstatement
9483 of a license suspended for that purpose, and the payment of any



9484 fees for the reissuance or reinstatement of a license suspended
9485 for that purpose, shall be governed by Section 93-11-157 or
9486 93-11-163, as the case may be. Actions taken by the board in
9487 revoking a license when required by Section 93-11-157 or 93-11-163
9488 are not actions from which an appeal may be taken under this
9489 section. Any appeal of a license suspension that is required by
9490 Section 93-11-157 or 93-11-163 shall be taken in accordance with
9491 the appeal procedure specified in Section 93-11-157 or 93-11-163,
9492 as the case may be, rather than the procedure specified in this
9493 section. If there is any conflict between any provision of
9494 Section 93-11-157 or 93-11-163 and any provision of this chapter,
9495 the provisions of Section 93-11-157 or 93-11-163, as the case may
9496 be, shall control.

9497 **SECTION 115.** Section 73-23-59, Mississippi Code of 1972, is
9498 amended as follows:

9499 73-23-59. (1) Licensees subject to this chapter shall
9500 conduct their activities, services and practice in accordance with
9501 this chapter and any rules promulgated pursuant hereto. The
9502 board, upon satisfactory proof and in accordance with the
9503 provisions of this chapter and the regulations of the board, may
9504 suspend, revoke, or refuse to issue or renew any license
9505 hereunder, or revoke or suspend any privilege to practice,
9506 censure or reprimand any licensee, restrict or limit a license,
9507 and take any other action in relation to a license or privilege to



9508 practice as the board may deem proper under the circumstances upon
9509 any of the following grounds:

9510 (a) Negligence in the practice or performance of
9511 professional services or activities;

9512 (b) Engaging in dishonorable, unethical or
9513 unprofessional conduct of a character likely to deceive, defraud
9514 or harm the public in the course of professional services or
9515 activities;

9516 (c) Perpetrating or cooperating in fraud or material
9517 deception in obtaining or renewing a license or attempting the
9518 same or obtaining a privilege to practice;

9519 (d) Being convicted of any crime which has a
9520 substantial relationship to the licensee's activities and services
9521 or an essential element of which is misstatement, fraud or
9522 dishonesty;

9523 (e) Having been convicted of or pled guilty to a * * *
9524 disqualifying crime as provided in the Fresh Start Act in the
9525 courts of this state or any other state, territory or country.
9526 Conviction, as used in this paragraph, shall include a deferred
9527 conviction, deferred prosecution, deferred sentence, finding or
9528 verdict of guilt, an admission of guilty, or a plea of nolo
9529 contendere;

9530 (f) Engaging in or permitting the performance of
9531 unacceptable services personally or by others working under the
9532 licensee's supervision due to the licensee's deliberate or



9533 negligent act or acts or failure to act, regardless of whether
9534 actual damage or damages to the public is established;

9535 (g) Continued practice although the licensee has become
9536 unfit to practice as a physical therapist or physical therapist
9537 assistant due to: (i) failure to keep abreast of current
9538 professional theory or practice; or (ii) physical or mental
9539 disability; the entry of an order or judgment by a court of
9540 competent jurisdiction that a licensee is in need of mental
9541 treatment or is incompetent shall constitute mental disability; or
9542 (iii) addiction or severe dependency upon alcohol or other drugs
9543 which may endanger the public by impairing the licensee's ability
9544 to practice;

9545 (h) Having disciplinary action taken against the
9546 licensee's license in another state;

9547 (i) Making differential, detrimental treatment against
9548 any person because of race, color, creed, sex, religion or
9549 national origin;

9550 (j) Engaging in lewd conduct in connection with
9551 professional services or activities;

9552 (k) Engaging in false or misleading advertising;

9553 (l) Contracting, assisting or permitting unlicensed
9554 persons to perform services for which a license is required under
9555 this chapter or privilege to practice is required under Section
9556 73-23-101;



9557 (m) Violation of any probation requirements placed on a
9558 license or privilege to practice by the board;

9559 (n) Revealing confidential information except as may be
9560 required by law;

9561 (o) Failing to inform clients of the fact that the
9562 client no longer needs the services or professional assistance of
9563 the licensee;

9564 (p) Charging excessive or unreasonable fees or engaging
9565 in unreasonable collection practices;

9566 (q) For treating or attempting to treat ailments or
9567 other health conditions of human beings other than by physical
9568 therapy as authorized by this chapter;

9569 (r) Except as authorized in Section 73-23-35(3), for
9570 applying or offering to apply physical therapy, exclusive of
9571 initial evaluation or screening and exclusive of education or
9572 consultation for the prevention of physical and mental disability
9573 within the scope of physical therapy, other than upon the referral
9574 of a licensed physician, dentist, osteopath, podiatrist,
9575 chiropractor, physician assistant or nurse practitioner; or for
9576 acting as a physical therapist assistant other than under the
9577 direct, on-site supervision of a licensed physical therapist;

9578 (s) Failing to adhere to the recognized standards of
9579 ethics of the physical therapy profession as established by rules
9580 of the board;



9581 (t) Failing to complete continuing competence
9582 requirements as established by board rule;

9583 (u) Failing to supervise physical therapist assistants
9584 in accordance with this chapter and/or board rules;

9585 (v) Engaging in sexual misconduct. For the purpose of
9586 this paragraph, sexual misconduct includes, but is not necessarily
9587 limited to:

9588 (i) Engaging in or soliciting sexual
9589 relationships, whether consensual or nonconsensual, while a
9590 physical therapist or physical therapist assistant/patient
9591 relationship exists.

9592 (ii) Making sexual advances, requesting sexual
9593 favors or engaging in other verbal conduct or physical contact of
9594 a sexual nature with patients or clients.

9595 (iii) Intentionally viewing a completely or
9596 partially disrobed patient in the course of treatment if the
9597 viewing is not related to patient diagnosis or treatment under
9598 current practice standards;

9599 (w) The erroneous issuance of a license or privilege to
9600 practice to any person;

9601 (x) Violations of any provisions of this chapter, board
9602 rules or regulations or a written order or directive of the board;

9603 (y) Failing to maintain adequate patient records. For
9604 the purposes of this paragraph, "adequate patient records" means
9605 legible records that contain at minimum sufficient information to



9606 identify the patient, an evaluation of objective findings, a
9607 diagnosis, a plan of care, a treatment record and a discharge
9608 plan;

9609 (z) Failing to report to the board any unprofessional,
9610 incompetent or illegal acts that appear to be in violation of this
9611 law or any rules established by the board.

9612 (2) The board may order a licensee to submit to a reasonable
9613 physical or mental examination if the licensee's physical or
9614 mental capacity to practice safely is at issue in a disciplinary
9615 proceeding.

9616 (3) Failure to comply with a board order to submit to a
9617 physical or mental examination shall render a licensee subject to
9618 the summary suspension procedures described in Section 73-23-64.

9619 (4) In addition to the reasons specified in subsection (1)
9620 of this section, the board shall be authorized to suspend the
9621 license or privilege to practice of any licensee for being out of
9622 compliance with an order for support, as defined in Section
9623 93-11-153. The procedure for suspension of a license or privilege
9624 to practice for being out of compliance with an order for support,
9625 and the procedure for the reissuance or reinstatement of a license
9626 or privilege to practice suspended for that purpose, and the
9627 payment of any fees for the reissuance or reinstatement of a
9628 license or privilege to practice suspended for that purpose, shall
9629 be governed by Section 93-11-157 or 93-11-163, as the case may be.
9630 If there is any conflict between any provision of Section



9631 93-11-157 or 93-11-163 and any provision of this chapter, the
9632 provisions of Section 93-11-157 or 93-11-163, as the case may be,
9633 shall control.

9634 **SECTION 116.** Section 73-30-21, Mississippi Code of 1972, is
9635 amended as follows:

9636 73-30-21. (1) The board may, after notice and opportunity
9637 for a hearing, suspend, revoke or refuse to issue or renew a
9638 license or may reprimand the license holder, upon a determination
9639 by the board that such license holder or applicant for licensure
9640 has:

9641 (a) Been adjudged by any court to be mentally
9642 incompetent or have had a guardian of person appointed;

9643 (b) Been convicted of a * * * disqualifying crime as
9644 provided in the Fresh Start Act;

9645 (c) Sworn falsely under oath or affirmation;

9646 (d) Obtained a license or certificate by fraud, deceit
9647 or other misrepresentation;

9648 (e) Engaged in the conduct of professional counseling
9649 in a grossly negligent or incompetent manner;

9650 (f) Intentionally violated any provision of this
9651 chapter;

9652 (g) Violated any rules or regulations of the board; or

9653 (h) Aided or assisted another in falsely obtaining a
9654 license under this chapter.



9655 (2) Appeals from disciplinary action are to be brought in
9656 the circuit court in the county of residence of the practitioner.
9657 In the event the practitioner resides out of state the appeal
9658 should be brought in Hinds County Circuit Court.

9659 (3) The board may assess and levy upon any licensee,
9660 practitioner or applicant for licensure the costs incurred or
9661 expended by the board in the investigation and prosecution of any
9662 licensure or disciplinary action, including, but not limited to,
9663 the costs of process service, court reporters, expert witnesses,
9664 investigators and attorney's fees.

9665 (4) No revoked license may be reinstated within twelve (12)
9666 months after such revocation. Reinstatement thereafter shall be
9667 upon such conditions as the board may prescribe, which may
9668 include, without being limited to, successful passing of the
9669 examination required by this chapter.

9670 (5) A license certificate issued by the board is the
9671 property of the board and must be surrendered on demand.

9672 (6) The chancery court is hereby vested with the
9673 jurisdiction and power to enjoin the unlawful practice of
9674 counseling and/or the false representation as a licensed counselor
9675 in a proceeding brought by the board or any members thereof or by
9676 any citizen of this state.

9677 (7) In addition to the reasons specified in subsection (1)
9678 of this section, the board shall be authorized to suspend the
9679 license of any licensee for being out of compliance with an order



9680 for support, as defined in Section 93-11-153. The procedure for
9681 suspension of a license for being out of compliance with an order
9682 for support, and the procedure for the reissuance or reinstatement
9683 of a license suspended for that purpose, and the payment of any
9684 fees for the reissuance or reinstatement of a license suspended
9685 for that purpose, shall be governed by Section 93-11-157 or
9686 93-11-163, as the case may be. If there is any conflict between
9687 any provision of Section 93-11-157 or 93-11-163 and any provision
9688 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
9689 as the case may be, shall control.

9690 **SECTION 117.** Section 73-35-21, Mississippi Code of 1972, is
9691 amended as follows:

9692 73-35-21. (1) The commission may, upon its own motion and
9693 shall upon the verified complaint in writing of any person, hold a
9694 hearing for the refusal of license or for the suspension or
9695 revocation of a license previously issued, or for such other
9696 action as the commission deems appropriate. The commission shall
9697 have full power to refuse a license for cause or to revoke or
9698 suspend a license where it has been obtained by false or
9699 fraudulent representation, or where the licensee in performing or
9700 attempting to perform any of the acts mentioned herein, is deemed
9701 to be guilty of:

9702 (a) Making any substantial misrepresentation in
9703 connection with a real estate transaction;



9704 (b) Making any false promises of a character likely to
9705 influence, persuade or induce;

9706 (c) Pursuing a continued and flagrant course of
9707 misrepresentation or making false promises through agents or
9708 salespersons or any medium of advertising or otherwise;

9709 (d) Any misleading or untruthful advertising;

9710 (e) Acting for more than one (1) party in a transaction
9711 or receiving compensation from more than one (1) party in a
9712 transaction, or both, without the knowledge of all parties for
9713 whom he acts;

9714 (f) Failing, within a reasonable time, to account for
9715 or to remit any monies coming into his possession which belong to
9716 others, or commingling of monies belonging to others with his own
9717 funds. Every responsible broker procuring the execution of an
9718 earnest money contract or option or other contract who shall take
9719 or receive any cash or checks shall deposit, within a reasonable
9720 period of time, the sum or sums so received in a trust or escrow
9721 account in a bank or trust company pending the consummation or
9722 termination of the transaction. "Reasonable time" in this context
9723 means by the close of business of the next banking day;

9724 (g) Entering a guilty plea or conviction in a court of
9725 competent jurisdiction of this state, or any other state or the
9726 United States of any * * * disqualifying crime as provided in the
9727 Fresh Start Act;



9728 (h) Displaying a "for sale" or "for rent" sign on any
9729 property without the owner's consent;

9730 (i) Failing to furnish voluntarily, at the time of
9731 signing, copies of all listings, contracts and agreements to all
9732 parties executing the same;

9733 (j) Paying any rebate, profit or commission to any
9734 person other than a real estate broker or salesperson licensed
9735 under the provisions of this chapter;

9736 (k) Inducing any party to a contract, sale or lease to
9737 break such contract for the purpose of substituting in lieu
9738 thereof a new contract, where such substitution is motivated by
9739 the personal gain of the licensee;

9740 (l) Accepting a commission or valuable consideration as
9741 a real estate salesperson for the performance of any of the acts
9742 specified in this chapter from any person, except his employer who
9743 must be a licensed real estate broker;

9744 (m) Failing to successfully pass the commission's
9745 background investigation for licensure or renewal as provided in
9746 Section 73-35-10; or

9747 (n) Any act or conduct, whether of the same or a
9748 different character than hereinabove specified, which constitutes
9749 or demonstrates bad faith, incompetency or untrustworthiness, or
9750 dishonest, fraudulent or improper dealing. However, simple
9751 contact and/or communication with any mortgage broker or lender by
9752 a real estate licensee about any professional, including, but not



9753 limited to, an appraiser, home inspector, contractor, and/or
9754 attorney regarding a listing and/or a prospective or pending
9755 contract for the lease, sale and/or purchase of real estate shall
9756 not constitute conduct in violation of this section.

9757 (2) No real estate broker shall practice law or give legal
9758 advice directly or indirectly unless said broker be a duly
9759 licensed attorney under the laws of this state. He shall not act
9760 as a public conveyancer nor give advice or opinions as to the
9761 legal effect of instruments nor give opinions concerning the
9762 validity of title to real estate; nor shall he prevent or
9763 discourage any party to a real estate transaction from employing
9764 the services of an attorney; nor shall a broker undertake to
9765 prepare documents fixing and defining the legal rights of parties
9766 to a transaction. However, when acting as a broker, he may use an
9767 earnest money contract form. A real estate broker shall not
9768 participate in attorney's fees, unless the broker is a duly
9769 licensed attorney under the laws of this state and performs legal
9770 services in addition to brokerage services.

9771 (3) It is expressly provided that it is not the intent and
9772 purpose of the Mississippi Legislature to prevent a license from
9773 being issued to any person who is found to be of good reputation,
9774 is able to give bond, and who has lived in the State of
9775 Mississippi for the required period or is otherwise qualified
9776 under this chapter.



9777 (4) In addition to the reasons specified in subsection (1)
9778 of this section, the commission shall be authorized to suspend the
9779 license of any licensee for being out of compliance with an order
9780 for support, as defined in Section 93-11-153. The procedure for
9781 suspension of a license for being out of compliance with an order
9782 for support, and the procedure for the reissuance or reinstatement
9783 of a license suspended for that purpose, and the payment of any
9784 fees for the reissuance or reinstatement of a license suspended
9785 for that purpose, shall be governed by Section 93-11-157 or
9786 93-11-163, as the case may be. If there is any conflict between
9787 any provision of Section 93-11-157 or 93-11-163 and any provision
9788 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
9789 as the case may be, shall control.

9790 (5) Nothing in this chapter shall prevent an associate
9791 broker or salesperson from owning any lawfully constituted
9792 business organization, including, but not limited to, a
9793 corporation, limited liability company or limited liability
9794 partnership, for the purpose of receiving payments contemplated in
9795 this chapter. The business organization shall not be required to
9796 be licensed under this chapter and shall not engage in any other
9797 activity requiring a real estate license.

9798 **SECTION 118.** Section 73-38-27, Mississippi Code of 1972, is
9799 amended as follows:

9800 73-38-27. (1) The board may refuse to issue or renew a
9801 license, or may suspend or revoke a license where the licensee or



9802 applicant for license has been guilty of unprofessional conduct
9803 which has endangered or is likely to endanger the health, welfare
9804 or safety of the public. Such unprofessional conduct may result
9805 from:

9806 (a) Negligence in the practice or performance of
9807 professional services or activities;

9808 (b) Engaging in dishonorable, unethical or
9809 unprofessional conduct of a character likely to deceive, defraud
9810 or harm the public in the course of professional services or
9811 activities;

9812 (c) Perpetrating or cooperating in fraud or material
9813 deception in obtaining or renewing a license or attempting the
9814 same;

9815 (d) Being convicted of any crime which has a
9816 substantial relationship to the licensee's activities and services
9817 or an essential element of which is misstatement, fraud or
9818 dishonesty;

9819 (e) Being convicted of any crime which is a * * *
9820 disqualifying crime as provided in the Fresh Start Act under the
9821 laws of this state or the United States;

9822 (f) Engaging in or permitting the performance of
9823 unacceptable services personally or by others working under the
9824 licensee's supervision due to the licensee's deliberate or
9825 negligent act or acts or failure to act, regardless of whether
9826 actual damage or damages to the public is established;



9827 (g) Continued practice although the licensee has become
9828 unfit to practice as a speech-language pathologist or audiologist
9829 due to: (i) failure to keep abreast of current professional
9830 theory or practice; or (ii) physical or mental disability; the
9831 entry of an order or judgment by a court of competent jurisdiction
9832 that a licensee is in need of mental treatment or is incompetent
9833 shall constitute mental disability; or (iii) addiction or severe
9834 dependency upon alcohol or other drugs which may endanger the
9835 public by impairing the licensee's ability to practice;

9836 (h) Having disciplinary action taken against the
9837 licensee's license in another state;

9838 (i) Making differential, detrimental treatment against
9839 any person because of race, color, creed, sex, religion or
9840 national origin;

9841 (j) Engaging in lewd conduct in connection with
9842 professional services or activities;

9843 (k) Engaging in false or misleading advertising;

9844 (l) Contracting, assisting or permitting unlicensed
9845 persons to perform services for which a license is required under
9846 this chapter;

9847 (m) Violation of any probation requirements placed on a
9848 license by the board;

9849 (n) Revealing confidential information except as may be
9850 required by law;



9851 (o) Failing to inform clients of the fact that the
9852 client no longer needs the services or professional assistance of
9853 the licensee;

9854 (p) Charging excessive or unreasonable fees or engaging
9855 in unreasonable collection practices;

9856 (q) For treating or attempting to treat ailments or
9857 other health conditions of human beings other than by speech or
9858 audiology therapy as authorized by this chapter;

9859 (r) For applying or offering to apply speech or
9860 audiology therapy, exclusive of initial evaluation or screening
9861 and exclusive of education or consultation for the prevention of
9862 physical and mental disability within the scope of speech or
9863 audiology therapy, or for acting as a speech-language pathologist
9864 or audiologist, or speech-language pathologist or audiologist aide
9865 other than under the direct, on-site supervision of a licensed
9866 speech-language pathologist or audiologist;

9867 (s) Violations of the current codes of conduct for
9868 speech-language pathologists or audiologists, and speech-language
9869 pathologist or audiologist assistants adopted by the American
9870 Speech-Language-Hearing Association;

9871 (t) Violations of any rules or regulations promulgated
9872 pursuant to this chapter.

9873 (2) The board may order a licensee to submit to a reasonable
9874 physical or mental examination if the licensee's physical or



9875 mental capacity to practice safely is at issue in a disciplinary
9876 proceeding.

9877 (3) In addition to the reasons specified in subsection (1)
9878 of this section, the board shall be authorized to suspend the
9879 license of any licensee for being out of compliance with an order
9880 for support, as defined in Section 93-11-153. The procedure for
9881 suspension of a license for being out of compliance with an order
9882 for support, and the procedure for the reissuance or reinstatement
9883 of a license suspended for that purpose, and the payment of any
9884 fees for the reissuance or reinstatement of a license suspended
9885 for that purpose, shall be governed by Section 93-11-157 or
9886 93-11-163, as the case may be. If there is any conflict between
9887 any provision of Section 93-11-157 or 93-11-163 and any provision
9888 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
9889 as the case may be, shall control.

9890 **SECTION 119.** Section 73-53-17, Mississippi Code of 1972, is
9891 amended as follows:

9892 73-53-17. (1) Individuals licensed by the board shall
9893 conduct their activities, services and practice in accordance with
9894 the laws governing their professional practice and any rules
9895 promulgated by the board. Licensees and applicants may be subject
9896 to the exercise of the sanctions enumerated in Section 73-53-23 if
9897 the board finds that a licensee or applicant has committed any of
9898 the following:



- 9899 (a) Negligence in the practice or performance of
9900 professional services or activities;
- 9901 (b) Engaging in dishonorable, unethical or
9902 unprofessional conduct of a character likely to deceive, defraud
9903 or harm the public in the course of professional services or
9904 activities;
- 9905 (c) Perpetrating or cooperating in fraud or material
9906 deception in obtaining or renewing a license or attempting the
9907 same;
- 9908 (d) Violating the rules and regulations established by
9909 the board;
- 9910 (e) Violating the National Association of Social
9911 Workers Code of Ethics or the American Association for Marriage
9912 and Family Therapy Code of Ethics;
- 9913 (f) Being convicted of any crime which has a
9914 substantial relationship to the licensee's activities and services
9915 or an essential element of which is misstatement, fraud or
9916 dishonesty;
- 9917 (g) Being convicted of any crime which is a * * *
9918 disqualifying crime as provided in the Fresh Start Act under the
9919 laws of this state or of the United States of America;
- 9920 (h) Engaging in or permitting the performance of
9921 unacceptable services personally due to the licensee's deliberate
9922 or grossly negligent act or acts or failure to act, regardless of
9923 whether actual damage or damages to the public is established, or



9924 assuming responsibility for another's work by signing documents
9925 without personal knowledge of the work as established by board
9926 rule;

9927 (i) Continued practice although the licensee has become
9928 unfit to practice social work due to: (i) failure to keep abreast
9929 of current professional theory or practice; or (ii) physical or
9930 mental disability; the entry of an order or judgment by a court of
9931 competent jurisdiction that a licensee is in need of mental
9932 treatment or is incompetent shall constitute mental disability; or
9933 (iii) addiction or severe dependency upon alcohol or other drugs
9934 which may endanger the public by impairing the licensee's ability
9935 to practice;

9936 (j) Continued practice although the individual failed
9937 to renew and has a lapsed license;

9938 (k) Having disciplinary action taken against the
9939 licensee's license in another state;

9940 (l) Making differential, detrimental treatment against
9941 any person because of race, color, creed, sex, religion or
9942 national origin;

9943 (m) Engaging in lewd conduct in connection with
9944 professional services or activities;

9945 (n) Engaging in false or misleading advertising;

9946 (o) Contracting, assisting or permitting unlicensed
9947 persons to perform services for which a license is required under
9948 this chapter;



9949 (p) Violation of any probation requirements placed on a
9950 licensee by the board;

9951 (q) Revealing confidential information except as may be
9952 required by law;

9953 (r) Failing to inform clients of the fact that the
9954 client no longer needs the services or professional assistance of
9955 the licensee;

9956 (s) Charging excessive or unreasonable fees or engaging
9957 in unreasonable collection practices.

9958 (2) The board may order a licensee to submit to a reasonable
9959 physical or mental examination if the licensee's physical or
9960 mental capacity to practice safely is at issue in a disciplinary
9961 proceeding.

9962 (3) Failure to comply with a board order to submit to a
9963 physical or mental examination shall render a licensee subject to
9964 the summary suspension procedures described in Section 73-53-23.

9965 (4) In addition to the reasons specified in subsection (1)
9966 of this section, the board shall be authorized to suspend the
9967 license of any licensee for being out of compliance with an order
9968 for support, as defined in Section 93-11-153. The procedure for
9969 suspension of a license for being out of compliance with an order
9970 for support, and the procedure for the reissuance or reinstatement
9971 of a license suspended for that purpose, and the payment of any
9972 fees for the reissuance or reinstatement of a license suspended
9973 for that purpose, shall be governed by Section 93-11-157 or



9974 93-11-163, as the case may be. If there is any conflict between
9975 any provision of Section 93-11-157 or 93-11-163 and any provision
9976 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
9977 as the case may be, shall control.

9978 **SECTION 120.** Section 73-60-31, Mississippi Code of 1972, is
9979 amended as follows:

9980 73-60-31. The commission may refuse to issue or to renew or
9981 may revoke or suspend a license or may place on probation,
9982 censure, reprimand, or take other disciplinary action with regard
9983 to any license issued under this chapter, including the issuance
9984 of fines for each violation, for any one (1) or combination of the
9985 following causes:

9986 (a) Violations of this chapter or the commission's
9987 rules promulgated pursuant hereto;

9988 (b) Violation of terms of license probation;

9989 (c) Conviction of a * * * disqualifying crime as
9990 provided in the Fresh Start Act or making a plea of guilty or nolo
9991 contendere within five (5) years prior to the date of application;

9992 (d) Operating without adequate insurance coverage
9993 required for licensees;

9994 (e) Fraud in the procurement or performance of a
9995 contract to conduct a home inspection; and

9996 (f) Failure to submit to or pass a background
9997 investigation pursuant to Section 73-60-47.



9998 **SECTION 121.** Section 73-67-27, Mississippi Code of 1972, is
9999 amended as follows:

10000 73-67-27. (1) The board may refuse to issue or renew or may
10001 deny, suspend or revoke any license held or applied for under this
10002 chapter upon finding that the holder of a license or applicant:

10003 (a) Is guilty of fraud, deceit or misrepresentation in
10004 procuring or attempting to procure any license provided for in
10005 this chapter;

10006 (b) Attempted to use as his own the license of another;

10007 (c) Allowed the use of his license by another;

10008 (d) Has been adjudicated as mentally incompetent by
10009 regularly constituted authorities;

10010 (e) Has been convicted of a crime, or has charges or
10011 disciplinary action pending that directly relates to the practice
10012 of massage therapy or to the ability to practice massage therapy.
10013 Any plea of nolo contendere shall be considered a conviction for
10014 the purposes of this section;

10015 (f) Is guilty of unprofessional or unethical conduct as
10016 defined by the code of ethics;

10017 (g) Is guilty of false, misleading or deceptive
10018 advertising, or is guilty of aiding or assisting in the
10019 advertising or practice of any unlicensed or unpermitted person in
10020 the practice of massage therapy;

10021 (h) Is grossly negligent or incompetent in the practice
10022 of massage therapy;



10023 (i) Has had rights, credentials or one or more
10024 license(s) to practice massage therapy revoked, suspended or
10025 denied in any jurisdiction, territory or possession of the United
10026 States or another country for acts of the licensee similar to acts
10027 described in this section. A certified copy of the record of the
10028 jurisdiction making such a revocation, suspension or denial shall
10029 be conclusive evidence thereof; or

10030 (j) Has been convicted of any * * * disqualifying crime
10031 as provided in the Fresh Start Act.

10032 (2) Investigative proceedings may be implemented by a
10033 complaint by any person, including members of the board.

10034 (3) (a) Any person(s) found guilty of prostitution using as
10035 any advertisement, claim or insignia of being an actual licensed
10036 massage therapist or to be practicing massage therapy by using the
10037 word "massage" or any other description indicating the same,
10038 whether or not the person(s) have one or more license for the
10039 person(s) or establishment(s), shall be guilty of a misdemeanor,
10040 and upon conviction, shall be punished by a fine of not less than
10041 One Thousand Dollars (\$1,000.00), nor more than Five Thousand
10042 Dollars (\$5,000.00), or imprisonment of up to six (6) months, or
10043 both, per offense, per person.

10044 (b) Any person who knowingly participates in receiving
10045 illegal service(s) of any person found guilty as described in
10046 paragraph (a) of this subsection, upon conviction, shall be
10047 punished by a fine not exceeding Five Hundred Dollars (\$500.00),



10048 or imprisonment for up to one (1) month, or both. Persons
10049 officially designated to investigate complaints are exempt.

10050 (c) Any person who violates any provision of this
10051 chapter, other than violation(s) of paragraph (a) of this
10052 subsection, is guilty of a misdemeanor, and upon conviction, shall
10053 be punished by a fine not exceeding Five Hundred Dollars
10054 (\$500.00), or imprisonment for up to one (1) month in jail, or
10055 both, per offense.

10056 (d) The board, in its discretion, may assess and tax
10057 any part or all of the costs of any disciplinary proceedings
10058 conducted against either the accused, the charging party, or both,
10059 as it may elect.

10060 **SECTION 122.** Section 73-75-13, Mississippi Code of 1972, is
10061 amended as follows:

10062 73-75-13. **Eligibility for license.** To be eligible for
10063 licensure by the board as a behavior analyst or assistant behavior
10064 analyst, a person shall:

10065 (a) Submit to the board an application, upon such form
10066 and in such manner as the board shall prescribe, along with the
10067 applicable fee and personal references;

10068 (b) Certify that the applicant has not been convicted
10069 of a * * * disqualifying crime as provided in the Fresh Start Act
10070 as defined by the laws of the State of Mississippi;

10071 (c) Undergo a fingerprint-based criminal history
10072 records check of the Mississippi central criminal database and the



10073 Federal Bureau of Investigation criminal history database. Each
10074 applicant shall submit a full set of the applicant's fingerprints
10075 in a form and manner prescribed by the board, which shall be
10076 forwarded to the Mississippi Department of Public Safety and the
10077 Federal Bureau of Investigation Identification Division for this
10078 purpose; and

10079 (d) For a behavior analyst:

10080 (i) Possess at least a master's degree, or its
10081 equivalent, from an educational institution recognized by the
10082 board;

10083 (ii) Have current and active certification by the
10084 Behavior Analyst Certification Board as a Board Certified Behavior
10085 Analyst (BCBA) or Board Certified Behavior Analyst-Doctoral
10086 (BCBA-D), verified by the board; and

10087 (iii) Comply with such other requirements of the
10088 board.

10089 (e) For an assistant behavior analyst:

10090 (i) Possess a bachelor's degree, or its
10091 equivalent, from an educational institution recognized by the
10092 board;

10093 (ii) Have current and active certification by the
10094 Behavior Analyst Certification Board as a Board Certified
10095 Assistant Behavior Analyst (BCABA), verified by the board; and

10096 (iii) Provide proof of ongoing supervision by a
10097 licensed behavior analyst.



10098 (f) All licenses issued pursuant to this section shall
10099 be for a term of three (3) years, but shall not exceed the
10100 expiration of the licensee's certification by the Behavior Analyst
10101 Certification Board.

10102 **SECTION 123.** Section 75-15-9, Mississippi Code of 1972, is
10103 amended as follows:

10104 75-15-9. Each application for a license to engage in the
10105 business of money transmission shall be made in writing and under
10106 oath to the commissioner in such form as he may prescribe. The
10107 application shall state the full name and business address of:

10108 (a) The proprietor, if the applicant is an individual;

10109 (b) Every member, if the applicant is a partnership or
10110 association;

10111 (c) The corporation and each executive officer and
10112 director thereof, if the applicant is a corporation;

10113 (d) Every trustee and officer if the applicant is a
10114 trust;

10115 (e) The applicant shall have a net worth of at least
10116 Twenty-five Thousand Dollars (\$25,000.00) plus Fifteen Thousand
10117 Dollars (\$15,000.00) for each location in excess of one (1) at
10118 which the applicant proposes to conduct money transmissions in
10119 this state, computed according to generally accepted accounting
10120 principles, but in no event shall the net worth be required to be
10121 in excess of Two Hundred Fifty Thousand Dollars (\$250,000.00);



10122 (f) The financial responsibility, financial condition,
10123 business experience and character and general fitness of the
10124 applicant shall be such as reasonably to warrant the belief that
10125 applicant's business will be conducted honestly, carefully and
10126 efficiently;

10127 (g) Each application for a license shall be accompanied
10128 by an investigation fee of Fifty Dollars (\$50.00) and license fee
10129 in the amount required by Section 75-15-15. All fees collected by
10130 the commissioner under the provisions of this chapter shall be
10131 deposited into the Consumer Finance Fund of the Department of
10132 Banking and Consumer Finance;

10133 (h) An applicant shall not have been convicted of
10134 a * * * disqualifying crime as provided in the Fresh Start Act.

10135 **SECTION 124.** Section 75-60-19, Mississippi Code of 1972, is
10136 amended as follows:

10137 75-60-19. (1) The Commission on Proprietary School and
10138 College Registration may suspend, revoke or cancel a certificate
10139 of registration for any one (1) or any combination of the
10140 following causes:

10141 (a) Violation of any provision of the sections of this
10142 chapter or any regulation made by the commission;

10143 (b) The furnishing of false, misleading or incomplete
10144 information requested by the commission;

10145 (c) The signing of an application or the holding of a
10146 certificate of registration by a person who has pleaded guilty or



10147 has been found guilty of a * * * disqualifying crime as provided
10148 in the Fresh Start Act or has pleaded guilty or been found guilty
10149 of any other * * * disqualifying crime;

10150 (d) The signing of an application or the holding of a
10151 certificate of registration by a person who is addicted to the use
10152 of any narcotic drug, or who is found to be mentally incompetent;

10153 (e) Violation of any commitment made in an application
10154 for a certificate of registration;

10155 (f) Presentation to prospective students of misleading,
10156 false or fraudulent information relating to the course of
10157 instruction, employment opportunity, or opportunities for
10158 enrollment in accredited institutions of higher education after
10159 entering or completing courses offered by the holder of a
10160 certificate of registration;

10161 (g) Failure to provide or maintain premises or
10162 equipment for offering courses of instruction in a safe and
10163 sanitary condition;

10164 (h) Refusal by an agent to display his agent permit
10165 upon demand of a prospective student or other interested person;

10166 (i) Failure to maintain financial resources adequate
10167 for the satisfactory conduct of courses of study as presented in
10168 the plan of operation or to retain a sufficient number and
10169 qualified staff of instruction; however nothing in this chapter
10170 shall require an instructor to be certificated by the Commission



10171 on Proprietary School and College Registration or to hold any type
10172 of post-high school degree;

10173 (j) Offering training or courses of instruction other
10174 than those presented in the application; however, schools may
10175 offer special courses adapted to the needs of individual students
10176 where the special courses are in the subject field specified in
10177 the application;

10178 (k) Accepting the services of an agent not licensed in
10179 accordance with Sections 75-60-23 through 75-60-37, inclusive;

10180 (l) Conviction or a plea of nolo contendere on the part
10181 of any owner, operator or director of a registered school of
10182 any * * * disqualifying crime as provided in the Fresh Start Act
10183 under Mississippi law or the law of another jurisdiction;

10184 (m) Continued employment of a teacher or instructor who
10185 has been convicted of or entered a plea of nolo contendere to
10186 any * * * disqualifying crime as provided in the Fresh Start Act
10187 under Mississippi law or the law of another jurisdiction;

10188 (n) Incompetence of any owner or operator to operate a
10189 school.

10190 (2) (a) Any person who believes he has been aggrieved by a
10191 violation of this section shall have the right to file a written
10192 complaint within two (2) years of the alleged violation. The
10193 commission shall maintain a written record of each complaint that
10194 is made. The commission shall also send to the complainant a form
10195 acknowledging the complaint and requesting further information if



10196 necessary and shall advise the director of the school that a
10197 complaint has been made and, where appropriate, the nature of the
10198 complaint.

10199 (b) The commission shall within twenty (20) days of
10200 receipt of such written complaint commence an investigation of the
10201 alleged violation and shall, within ninety (90) days of the
10202 receipt of such written complaint, issue a written finding. The
10203 commission shall furnish such findings to the person who filed the
10204 complaint and to the chief operating officer of the school cited
10205 in the complaint. If the commission finds that there has been a
10206 violation of this section, the commission shall take appropriate
10207 action.

10208 (c) Schools shall disclose in writing to all
10209 prospective and current students their right to file a complaint
10210 with the commission.

10211 (d) The existence of an arbitration clause in no way
10212 negates the student's right to file a complaint with the
10213 commission.

10214 (e) The commission may initiate an investigation
10215 without a complaint.

10216 (3) **Hearing procedures.** (a) Upon a finding that there is
10217 good cause to believe that a school, or an officer, agent,
10218 employee, partner or teacher, has committed a violation of
10219 subsection (1) of this section, the commission shall initiate
10220 proceedings by serving a notice of hearing upon each and every



10221 such party subject to the administrative action. The school or
10222 such party shall be given reasonable notice of hearing, including
10223 the time, place and nature of the hearing and a statement
10224 sufficiently particular to give notice of the transactions or
10225 occurrences intended to be proved, the material elements of each
10226 cause of action and the civil penalties and/or administrative
10227 sanctions sought.

10228 (b) Opportunity shall be afforded to the party to
10229 respond and present evidence and argument on the issues involved
10230 in the hearing including the right of cross-examination. In a
10231 hearing, the school or such party shall be accorded the right to
10232 have its representative appear in person or by or with counsel or
10233 other representative. Disposition may be made in any hearing by
10234 stipulation, agreed settlement, consent order, default or other
10235 informal method.

10236 (c) The commission shall designate an impartial hearing
10237 officer to conduct the hearing, who shall be empowered to:

10238 (i) Administer oaths and affirmations; and

10239 (ii) Regulate the course of the hearings, set the
10240 time and place for continued hearings, and fix the time for filing
10241 of briefs and other documents; and

10242 (iii) Direct the school or such party to appear
10243 and confer to consider the simplification of the issues by
10244 consent; and



10245 (iv) Grant a request for an adjournment of the
10246 hearing only upon good cause shown.

10247 The strict legal rules of evidence shall not apply, but the
10248 decision shall be supported by substantial evidence in the record.

10249 (4) The commission, acting by and through its hearing
10250 officer, is hereby authorized and empowered to issue subpoenas for
10251 the attendance of witnesses and the production of books and papers
10252 at such hearing. Process issued by the commission shall extend to
10253 all parts of the state and shall be served by any person
10254 designated by the commission for such service. Where, in any
10255 proceeding before the hearing officer, any witness fails or
10256 refuses to attend upon a subpoena issued by the commission,
10257 refuses to testify, or refuses to produce any books and papers the
10258 production of which is called for by a subpoena, the attendance of
10259 such witness, the giving of his testimony or the production of the
10260 books and papers shall be enforced by any court of competent
10261 jurisdiction of this state in the manner provided for the
10262 enforcement of attendance and testimony of witnesses in civil
10263 cases in the courts of this state.

10264 (5) **Decision after hearing.** The hearing officer shall make
10265 written findings of fact and conclusions of law, and shall also
10266 recommend in writing to the commission a final decision, including
10267 penalties. The hearing officer shall mail a copy of his findings
10268 of fact, conclusions of law and recommended penalty to the party
10269 and his attorney, or representative. The commission shall make



10270 the final decision, which shall be based exclusively on evidence
10271 and other materials introduced at the hearing. If it is
10272 determined that a party has committed a violation, the commission
10273 shall issue a final order and shall impose penalties in accordance
10274 with this section. The commission shall send by certified mail,
10275 return receipt requested, a copy of the final order to the party
10276 and his attorney, or representative. The commission shall, at the
10277 request of the school or such party, furnish a copy of the
10278 transcript or any part thereof upon payment of the cost thereof.

10279 (6) **Civil penalties and administrative sanctions.** (a) A
10280 hearing officer may recommend, and the commission may impose, a
10281 civil penalty not to exceed Two Thousand Five Hundred Dollars
10282 (\$2,500.00) for any violation of this section. In the case of a
10283 second or further violation committed within the previous five (5)
10284 years, the liability shall be a civil penalty not to exceed Five
10285 Thousand Dollars (\$5,000.00) for each such violation.

10286 (b) Notwithstanding the provisions of paragraph (a) of
10287 this subsection, a hearing officer may recommend and the
10288 commission may impose a civil penalty not to exceed Twenty-five
10289 Thousand Dollars (\$25,000.00) for any of the following violations:
10290 (i) operation of a school without a registration in violation of
10291 this chapter; (ii) operation of a school knowing that the school's
10292 registration has been suspended or revoked; (iii) use of false,
10293 misleading, deceptive or fraudulent advertising; (iv) employment
10294 of recruiters on the basis of a commission, bonus or quota, except



10295 as authorized by the commission; (v) directing or authorizing
10296 recruiters to offer guarantees of jobs upon completion of a
10297 course; (vi) failure to make a tuition refund when such failure is
10298 part of a pattern of misconduct; or (vii) violation of any other
10299 provision of this chapter, or any rule or regulation promulgated
10300 pursuant thereto, when such violation constitutes part of a
10301 pattern of misconduct which significantly impairs the educational
10302 quality of the program or programs being offered by the school.
10303 For each enumerated offense, a second or further violation
10304 committed within the previous five (5) years shall be subject to a
10305 civil penalty not to exceed Fifty Thousand Dollars (\$50,000.00)
10306 for each such violation.

10307 (c) In addition to the penalties authorized in
10308 paragraphs (a) and (b) of this subsection, a hearing officer may
10309 recommend and the commission may impose any of the following
10310 administrative sanctions: (i) a cease and desist order; (ii) a
10311 mandatory direction; (iii) a suspension or revocation of a
10312 certificate of registration; (iv) a probation order; or (v) an
10313 order of restitution.

10314 (d) The commission may suspend a registration upon the
10315 failure of a school to pay any fee, fine or penalty as required by
10316 this chapter unless such failure is determined by the commission
10317 to be for good cause.



10318 (e) All civil penalties, fines and settlements received
10319 shall accrue to the credit of the Commission on Proprietary School
10320 and College Registration.

10321 (7) Any penalty or administrative sanction imposed by the
10322 commission under this section may be appealed by the school,
10323 college or other person affected to the Mississippi Community
10324 College Board as provided in Section 75-60-4(3), which appeal
10325 shall be on the record previously made before the commission's
10326 hearing officer. All appeals from the Mississippi Community
10327 College Board shall be on the record and shall be filed in the
10328 Chancery Court of the First Judicial District of Hinds County,
10329 Mississippi.

10330 **SECTION 125.** Section 75-76-137, Mississippi Code of 1972, is
10331 amended as follows:

10332 75-76-137. (1) If any gaming employee is convicted of any
10333 violation of this chapter or if in investigating an alleged
10334 violation of this chapter by any licensee the executive director
10335 or the commission finds that a gaming employee employed by the
10336 licensee has been guilty of cheating, the commission shall, after
10337 a hearing as provided in Sections 75-76-103 through 75-76-119,
10338 inclusive, revoke the employee's work permit.

10339 (2) The commission may revoke a work permit if it finds
10340 after a hearing as provided in Sections 75-76-103 through
10341 75-76-119, inclusive, that the gaming employee has failed to
10342 disclose, misstated or otherwise misled the commission with



10343 respect to any fact contained within any application for a work
10344 permit, or subsequent to being issued a work permit:

10345 (a) Committed, attempted or conspired to do any of the
10346 acts prohibited by this chapter;

10347 (b) Knowingly possessed or permitted to remain in or
10348 upon any licensed premises any cards, dice, mechanical device or
10349 any other cheating device whatever the use of which is prohibited
10350 by statute or ordinance;

10351 (c) Concealed or refused to disclose any material fact
10352 in any investigation by the executive director or the commission;

10353 (d) Committed, attempted or conspired to commit larceny
10354 or embezzlement against a gaming licensee or upon the premises of
10355 a licensed gaming establishment;

10356 (e) Been convicted in any jurisdiction other than
10357 Mississippi of any offense involving or relating to gambling;

10358 (f) Accepted employment without prior commission
10359 approval in a position for which he or she could be required to be
10360 licensed under this chapter after having been denied a license for
10361 a reason involving personal unsuitability or after failing to
10362 apply for licensing when requested to do so by the commission or
10363 the executive director;

10364 (g) Been refused the issuance of any license, permit or
10365 approval to engage in or be involved with gaming in any
10366 jurisdiction other than Mississippi, or had any such license,
10367 permit or approval revoked or suspended;



10368 (h) Been prohibited under color of governmental
10369 authority from being present upon the premises of any gaming
10370 establishment for any reason relating to improper gambling
10371 activities or any illegal act;

10372 (i) Contumaciously defied any legislative investigative
10373 committee or other officially constituted bodies acting on behalf
10374 of the United States or any state, county or municipality which
10375 seeks to investigate crimes relating to gaming, corruption of
10376 public officials, or any organized criminal activities; or

10377 (j) Been convicted of any * * * disqualifying crime as
10378 provided in the Fresh Start Act.

10379 (3) A work permit shall not be issued to a person whose work
10380 permit has previously been revoked pursuant to this section or to
10381 whom the issuance or renewal of a work permit has been denied,
10382 except with the unanimous approval of the commission members.

10383 (4) A gaming employee whose work permit has been revoked
10384 pursuant to this section is entitled to judicial review of the
10385 commission's action in the manner prescribed by Sections 75-76-121
10386 through 75-76-127, inclusive.

10387 **SECTION 126.** Section 77-8-25, Mississippi Code of 1972, is
10388 amended as follows:

10389 77-8-25. (1) Before allowing an individual to accept trip
10390 requests through a transportation network company's digital
10391 platform as a transportation network company driver:



10392 (a) The individual shall submit an application to the
10393 transportation network company, which includes information
10394 regarding his or her address, age, driver's license, motor vehicle
10395 registration, automobile liability insurance, and other
10396 information required by the transportation network company;

10397 (b) The transportation network company shall conduct,
10398 or have a third party conduct, a local and national criminal
10399 background check for each applicant that shall include:

10400 (i) Multistate/multijurisdiction criminal records
10401 locator or other similar commercial nationwide database with
10402 validation (primary source search); and

10403 (ii) United States Department of Justice National
10404 Sex Offender Public Website * * *.

10405 (2) The transportation network company shall review, or have
10406 a third party review, a driving history research report for such
10407 individual.

10408 (3) The transportation network company shall not permit an
10409 individual to act as a transportation network company driver on
10410 its digital platform who:

10411 (a) Has had more than three (3) moving violations in
10412 the prior three-year period, or one (1) of the following major
10413 violations in the prior three-year period:

10414 (i) Attempting to evade the police;

10415 (ii) Reckless driving; or

10416 (iii) Driving on a suspended or revoked license;



- 10417 (b) Has been convicted, within the past seven (7)
10418 years, of
- 10419 (i) Any * * * disqualifying crime as provided in
10420 the Fresh Start Act; or
- 10421 (ii) Misdemeanor driving under the influence,
10422 reckless driving, hit and run, or any other driving-related
10423 offense or any misdemeanor violent offense or sexual offense;
- 10424 (c) Is a match in the United States Department of
10425 Justice National Sex Offender Public Website;
- 10426 (d) Does not possess a valid driver's license;
- 10427 (e) Does not possess proof of registration for the
10428 motor vehicle used to provide prearranged rides;
- 10429 (f) Does not possess proof of automobile liability
10430 insurance for the motor vehicle used to provide prearranged rides;
10431 or
- 10432 (g) Is not at least nineteen (19) years of age.

10433 **SECTION 127.** Section 83-1-191, Mississippi Code of 1972, is
10434 amended as follows:

10435 83-1-191. (1) There is established within the Department of
10436 Insurance a Comprehensive Hurricane Damage Mitigation Program.
10437 This section does not create an entitlement for property owners or
10438 obligate the state in any way to fund the inspection or
10439 retrofitting of residential property or commercial property in
10440 this state. Implementation of this program is subject to the
10441 availability of funds that may be appropriated by the Legislature



10442 for this purpose. The program may develop and implement a
10443 comprehensive and coordinated approach for hurricane damage
10444 mitigation that may include the following:

10445 (a) **Cost-benefit study on wind hazard mitigation**

10446 **construction measures.** The performance of a cost-benefit study to
10447 establish the most appropriate wind hazard mitigation construction
10448 measures for both new construction and the retrofitting of
10449 existing construction for both residential and commercial
10450 facilities within the wind-borne debris regions of Mississippi as
10451 defined by the International Building Code. The recommended wind
10452 construction techniques shall be based on both the newly adopted
10453 Mississippi building code sections for wind load design and the
10454 wind-borne debris region. The list of construction measures to be
10455 considered for evaluation in the cost-benefit study shall be based
10456 on scientifically established and sound, but common, construction
10457 techniques that go above and beyond the basic recommendations in
10458 the adopted building codes. This allows residents to utilize
10459 multiple options that will further reduce risk and loss and still
10460 be awarded for their endeavors with appropriate wind insurance
10461 discounts. It is recommended that existing accepted scientific
10462 studies that validate the wind hazard construction techniques
10463 benefits and effects be taken into consideration when establishing
10464 the list of construction techniques that homeowners and business
10465 owners can employ. This will ensure that only established
10466 construction measures that have been studied and modeled as



10467 successful mitigation measures will be considered to reduce the
10468 chance of including risky or unsound data that will cost both the
10469 property owner and state unnecessary losses. The cost-benefit
10470 study shall be based on actual construction cost data collected
10471 for several types of residential construction and commercial
10472 construction materials, building techniques and designs that are
10473 common to the region. The study shall provide as much information
10474 as possible that will enhance the data and options provided to the
10475 public, so that homeowners and business owners can make informed
10476 and educated decisions as to their level of involvement. Based on
10477 the construction data, modeling shall be performed on a variety of
10478 residential and commercial designs, so that a broad enough
10479 representative spectrum of data can be obtained. The data from
10480 the study will be utilized in a report to establish tables
10481 reflecting actuarially appropriate levels of wind insurance
10482 discounts (in percentages) for each mitigation construction
10483 technique/combination of techniques. This report will be utilized
10484 as a guide for the Department of Insurance and the insurance
10485 industry for developing actuarially appropriate discounts, credits
10486 or other rate differentials, or appropriate reductions in
10487 deductibles, for properties on which fixtures or construction
10488 techniques demonstrated to reduce the amount of loss in a
10489 windstorm have been installed or implemented. Additional data
10490 that will enhance the program, such as studies to reflect property
10491 value increases for retrofitting or building to the established



10492 wind hazard mitigation construction techniques and cost comparison
10493 data collected to establish the value of this program against the
10494 investment required to include the mitigation measures, also may
10495 be provided.

10496 (b) **Wind certification and hurricane mitigation**
10497 **inspections.**

10498 (i) Home-retrofit inspections of site-built,
10499 residential property, including single-family, two-family,
10500 three-family or four-family residential units, and a set of
10501 representative commercial facilities may be offered to determine
10502 what mitigation measures are needed and what improvements to
10503 existing residential properties are needed to reduce the
10504 property's vulnerability to hurricane damage. A state program may
10505 be established within the Department of Insurance to provide
10506 homeowners and business owners wind certification and hurricane
10507 mitigation inspections. The inspections provided to homeowners
10508 and business owners, at a minimum, must include:

10509 1. A home inspection and report that
10510 summarizes the results and identifies corrective actions a
10511 homeowner may take to mitigate hurricane damage.

10512 2. A range of cost estimates regarding the
10513 mitigation features.

10514 3. Insurer-specific information regarding
10515 premium discounts correlated to recommended mitigation features
10516 identified by the inspection.



10517 4. A hurricane resistance rating scale
10518 specifying the home's current as well as projected wind resistance
10519 capabilities.

10520 This data may be provided by trained and certified inspectors
10521 in standardized reporting formats and forms to ensure all data
10522 collected during inspections is equivalent in style and content
10523 that allows construction data, estimates and discount information
10524 to be easily assimilated into a database. Data pertaining to the
10525 number of inspections and inspection reports may be stored in a
10526 state database for evaluation of the program's success and review
10527 of state goals in reducing wind hazard loss in the state.

10528 (ii) To qualify for selection by the department as
10529 a provider of wind certification and hurricane mitigation
10530 inspections services, the entity shall, at a minimum, and on a
10531 form and in the manner prescribed by the commissioner:

10532 1. Use wind certification and hurricane
10533 mitigation inspectors who:

10534 a. Have prior experience in residential
10535 and/or commercial construction or inspection and have received
10536 specialized training in hurricane mitigation procedures through
10537 the state certified program. In order to qualify for training in
10538 the inspection process, the individual should be either a licensed
10539 building code official, a licensed contractor or inspector in the
10540 State of Mississippi, or a civil engineer.



10566 program. It is mandatory that all inspectors provide original
10567 copies to the property owner of any inspection reports, estimates,
10568 etc., pertaining to the inspection and keep a copy of all
10569 inspection materials on hand for state audits.

10570 (c) **Financial grants to retrofit properties.** Financial
10571 grants may be used to encourage single-family, site-built,
10572 owner-occupied, residential property owners or commercial property
10573 owners to retrofit their properties to make them less vulnerable
10574 to hurricane damage.

10575 (d) **Education and consumer awareness.** Multimedia
10576 public education, awareness and advertising efforts designed to
10577 specifically address mitigation techniques may be employed, as
10578 well as a component to support ongoing consumer resources and
10579 referral services. In addition, all insurance companies shall
10580 provide notification to their clients regarding the availability
10581 of this program, participation details, and directions to the
10582 state website promoting the program, along with appropriate
10583 contact phone numbers to the state agency administrating the
10584 program. The notification to the clients must be sent by the
10585 insurance company within thirty (30) days after filing their
10586 insurance discount schedules with the Department of Insurance.

10587 (e) **Advisory council.** There is created an advisory
10588 council to provide advice and assistance to the program
10589 administrator with regard to his or her administration of the
10590 program. The advisory council shall consist of:



10591 (i) An agent, selected by the Independent
10592 Insurance Agents of Mississippi.

10593 (ii) Two (2) representatives of residential
10594 property insurers, selected by the Department of Insurance.

10595 (iii) One (1) representative of homebuilders,
10596 selected by the Home Builders Association of Mississippi.

10597 (iv) The Chairman of the House Insurance
10598 Committee, or his designee.

10599 (v) The Chairman of the Senate Insurance
10600 Committee, or his designee.

10601 (vi) The Executive Director of the Mississippi
10602 Windstorm Underwriting Association, or his designee.

10603 (vii) The Director of the Mississippi Emergency
10604 Management Agency, or his designee.

10605 Members appointed under subparagraphs (i) and (ii) shall
10606 serve at the pleasure of the Department of Insurance. All other
10607 members shall serve as voting ex officio members. Members of the
10608 advisory council who are not legislators, state officials or state
10609 employees shall be compensated at the per diem rate authorized by
10610 Section 25-3-69, and shall be reimbursed in accordance with
10611 Section 25-3-41, for mileage and actual expenses incurred in the
10612 performance of their duties. Legislative members of the advisory
10613 council shall be paid from the contingent expense funds of their
10614 respective houses in the same manner as provided for committee
10615 meetings when the Legislature is not in session; however, no per



10616 diem or expense for attending meetings of the advisory council may
10617 be paid while the Legislature is in session. No advisory council
10618 member may incur per diem, travel or other expenses unless
10619 previously authorized by vote, at a meeting of the council, which
10620 action shall be recorded in the official minutes of the meeting.
10621 Nonlegislative members shall be paid from any funds made available
10622 to the advisory council for that purpose.

10623 (f) **Rules and regulations.** The Department of Insurance
10624 may adopt rules and regulations governing the Comprehensive
10625 Hurricane Damage Mitigation Program. The department also may
10626 adopt rules and regulations establishing priorities for grants
10627 provided under this section based on objective criteria that gives
10628 priority to reducing the state's probable maximum loss from
10629 hurricanes. However, pursuant to this overall goal, the
10630 department may further establish priorities based on the insured
10631 value of the dwelling, whether or not the dwelling is insured by
10632 the Mississippi Windstorm Underwriting Association and whether or
10633 not the area under consideration has sufficient resources and the
10634 ability to perform the retrofitting required.

10635 (2) Nothing in this section shall prohibit the Department of
10636 Insurance from entering into an agreement with any other
10637 appropriate state agency to assist with or perform any of the
10638 duties set forth hereunder.

10639 (3) This section shall stand repealed from and after July 1,
10640 2025.



10641 **SECTION 128.** Section 83-17-71, Mississippi Code of 1972, is
10642 amended as follows:

10643 83-17-71. (1) The commissioner may place on probation,
10644 suspend, revoke or refuse to issue or renew an insurance
10645 producer's license or may levy a civil penalty in an amount not to
10646 exceed One Thousand Dollars (\$1,000.00) per violation and such
10647 penalty shall be deposited into the special fund of the State
10648 Treasury designated as the "Insurance Department Fund" for any one
10649 or more of the following causes:

10650 (a) Providing incorrect, misleading, incomplete or
10651 materially untrue information in the license application;

10652 (b) Violating any insurance laws, or violating any
10653 regulation, subpoena or order of the commissioner or of another
10654 state's commissioner;

10655 (c) Obtaining or attempting to obtain a license through
10656 misrepresentation or fraud;

10657 (d) Improperly withholding, misappropriating or
10658 converting any monies or properties received in the course of
10659 doing insurance business;

10660 (e) Intentionally misrepresenting the terms of an
10661 actual or proposed insurance contract or application for
10662 insurance;

10663 (f) Having been convicted of a * * * disqualifying
10664 crime as provided in the Fresh Start Act;



10665 (g) Having admitted or been found to have committed any
10666 insurance unfair trade practice or fraud;

10667 (h) Using fraudulent, coercive or dishonest practices
10668 or demonstrating incompetence, untrustworthiness or financial
10669 irresponsibility in the conduct of business in this state or
10670 elsewhere;

10671 (i) Having an insurance producer license, or its
10672 equivalent, denied, suspended or revoked in any other state,
10673 province, district or territory;

10674 (j) Forging another's name to an application for
10675 insurance or to any document related to an insurance transaction;

10676 (k) Improperly using notes or any other reference
10677 material to complete an examination for an insurance license;

10678 (l) Knowingly accepting insurance business from an
10679 individual who is not licensed;

10680 (m) Failing to comply with an administrative or court
10681 order imposing a child support obligation; or

10682 (n) Failing to pay state income tax or comply with any
10683 administrative or court order directing payment of state income
10684 tax.

10685 (2) If the action by the commissioner is to nonrenew or to
10686 deny an application for a license, the commissioner shall notify
10687 the applicant or licensee and advise, in writing, the applicant or
10688 licensee of the reason for the denial or nonrenewal of the
10689 applicant's or licensee's license. The applicant or licensee may



10690 make written demand upon the commissioner within ten (10) days for
10691 a hearing before the commissioner to determine the reasonableness
10692 of the commissioner's action. The hearing shall be held within
10693 thirty (30) days.

10694 (3) The license of a business entity may be suspended,
10695 revoked or refused if the commissioner finds, after hearing, that
10696 an individual licensee's violation was known or should have been
10697 known by one or more of the partners, officers or managers acting
10698 on behalf of the partnership or corporation and the violation was
10699 neither reported to the commissioner nor corrective action taken.

10700 (4) In addition to, or in lieu of, any applicable denial,
10701 suspension or revocation of a license, a person may, after
10702 hearing, be subject to a civil fine not to exceed One Thousand
10703 Dollars (\$1,000.00) per violation and such fine shall be deposited
10704 into the special fund in the State Treasury designated as the
10705 "Insurance Department Fund."

10706 (5) The commissioner shall retain the authority to enforce
10707 the provisions of and impose any penalty or remedy authorized by
10708 this article and Title 83, Mississippi Code of 1972, against any
10709 person who is under investigation for or charged with a violation
10710 of this article or Title 83, Mississippi Code of 1972, even if the
10711 person's license or registration has been surrendered or has
10712 lapsed by operation of law.

10713 (6) No licensee whose license has been revoked hereunder
10714 shall be entitled to file another application for a license as a



10715 producer within one (1) year from the effective date of such
10716 revocation or, if judicial review of such revocation is sought,
10717 within one (1) year from the date of final court order or decree
10718 affirming such revocation. Such application, when filed, may be
10719 refused by the commissioner unless the applicant shows good cause
10720 why the revocation of his license shall not be deemed a bar to the
10721 issuance of a new license.

10722 (7) Notwithstanding any other provision of this article to
10723 the contrary, a person licensed in this state as a nonresident
10724 producer whose license is denied, suspended or revoked in his or
10725 her home state shall also have his or her nonresident license
10726 denied, suspended or revoked in this state without prior notice or
10727 hearing.

10728 (8) From and after July 1, 2016, the expenses of this agency
10729 shall be defrayed by appropriation from the State General Fund and
10730 all user charges and fees authorized under this section shall be
10731 deposited into the State General Fund as authorized by law.

10732 (9) From and after July 1, 2016, no state agency shall
10733 charge another state agency a fee, assessment, rent or other
10734 charge for services or resources received by authority of this
10735 section.

10736 **SECTION 129.** Section 83-17-421, Mississippi Code of 1972, is
10737 amended as follows:

10738 83-17-421. (1) A license may be refused, or a license duly
10739 issued may be suspended or revoked or the renewal thereof refused



10740 by the commissioner if, after notice and hearing as hereinafter
10741 provided, he or she finds that the applicant for, or holder of,
10742 such license:

10743 (a) Has * * * willfully violated any provision of the
10744 insurance laws of this state; or

10745 (b) Has intentionally made a material misstatement in
10746 the application for such license; or

10747 (c) Has obtained, or attempted to obtain, such license
10748 by fraud or misrepresentation; or

10749 (d) Has misappropriated or converted to his or her own
10750 use or illegally withheld money belonging to an insurer or
10751 beneficiary; or

10752 (e) Has otherwise demonstrated lack of trustworthiness
10753 or competence to act as an adjuster; or

10754 (f) Has been guilty of fraudulent or dishonest
10755 practices or has been convicted of a * * * disqualifying crime as
10756 provided in the Fresh Start Act; or

10757 (g) Has materially misrepresented the terms and
10758 conditions of insurance policies or contracts; or * * * willfully
10759 exaggerated prospective returns on investment features of policies
10760 or fails to identify himself or herself as an adjuster and in so
10761 doing receives a compensation for his or her participation in the
10762 sale of insurance; or

10763 (h) Has made or issued, or caused to be made or issued,
10764 any statement misrepresenting or making incomplete comparisons



10765 regarding the terms or conditions of any insurance or annuity
10766 contract legally issued by any insurer, for the purpose of
10767 inducing or attempting to induce the owner of such contract to
10768 forfeit or surrender such contract or allow it to lapse for the
10769 purpose of replacing such contract with another; or

10770 (i) Has obtained or attempted to obtain such license,
10771 not for the purpose of holding himself or herself out to the
10772 general public as an adjuster, but primarily for the purpose of
10773 soliciting, negotiating or procuring insurance or annuity
10774 contracts covering himself or herself or members of his or her
10775 family.

10776 (2) Before any license shall be refused (except for failure
10777 to pass a required written examination) or suspended or revoked or
10778 the renewal thereof refused hereunder, the commissioner shall give
10779 notice of his or her intention so to do, by registered mail, to
10780 the applicant for or holder of such license and the insurer whom
10781 he or she represents or who desires that he or she be licensed,
10782 and shall set a date not less than twenty (20) days from the date
10783 of mailing such notice when the applicant or licensee and a duly
10784 authorized representative of the insurer may appear to be heard
10785 and produce evidence. Such notice shall constitute automatic
10786 suspension of license if the person involved is a licensed
10787 adjuster. In the conduct of such hearing, the commissioner or any
10788 regular salaried employee specially designated by him or her for
10789 such purpose shall have power to administer oaths, to require the



10790 appearance of and examine any person under oath and to require the
10791 production of books, records or papers relevant to the inquiry
10792 upon his or her own initiative or upon the request of the
10793 applicant or licensee. Upon the termination of such hearing,
10794 findings shall be reduced to writing and, upon approval by the
10795 commissioner, shall be filed in his or her office; and notice of
10796 the findings shall be sent by registered mail to the applicant or
10797 licensee and the insurer concerned.

10798 (3) Where the grounds set out in paragraph (1)(d) or (1)(g)
10799 are the grounds for any hearing, the commissioner may, in his or
10800 her discretion in lieu of the hearing provided for in subsection
10801 (2) of this section, file a petition to suspend or revoke any
10802 license authorized hereunder in a court of competent jurisdiction
10803 of the county or district in which the alleged offense occurred.
10804 In such cases, subpoenas may be issued for witnesses, and mileage
10805 and witness fees paid as in other cases. All costs of such cause
10806 shall be paid by the defendant, if found guilty, and if costs
10807 cannot be made and collected from the defendant, such costs shall
10808 be assessed against the company issuing the contract involved in
10809 such cause.

10810 (4) No licensee whose license has been revoked hereunder
10811 shall be entitled to file another application for a license as an
10812 adjuster within one (1) year from the effective date of such
10813 revocation or, if judicial review of such revocation is sought,
10814 within one (1) year from the date of final court order or decree



10815 affirming such revocation. Such application, when filed, may be
10816 refused by the commissioner unless the applicant shows good cause
10817 why the revocation of his or her license shall not be deemed a bar
10818 to the issuance of a new license.

10819 **SECTION 130.** Section 83-17-519, Mississippi Code of 1972, is
10820 amended as follows:

10821 83-17-519. (1) A license may be refused, or a license duly
10822 issued may be suspended or revoked or the renewal thereof refused
10823 by the commissioner, or the commissioner may levy a civil penalty
10824 in an amount not to exceed Five Thousand Dollars (\$5,000.00) per
10825 violation, or both, and any such penalty shall be deposited into
10826 the special fund of the State Treasury designated as the
10827 "Insurance Department Fund," if, after notice and hearing as
10828 hereinafter provided, he finds that the applicant for, or holder
10829 of, such license:

10830 (a) Has intentionally made a material misstatement in
10831 the application for such license; or

10832 (b) Has obtained, or attempted to obtain, such license
10833 by fraud or misrepresentation; or

10834 (c) Has misappropriated or converted to his own use or
10835 illegally withheld money belonging to another person or entity; or

10836 (d) Has otherwise demonstrated lack of trustworthiness
10837 or competence to act as a public adjuster; or



10838 (e) Has been guilty of fraudulent or dishonest
10839 practices or has been convicted of a * * * disqualifying crime as
10840 provided in the Fresh Start Act; or

10841 (f) Has materially misrepresented the terms and
10842 conditions of insurance policies or contracts or failed to
10843 identify himself as a public adjuster; or

10844 (g) Has obtained or attempted to obtain such license
10845 for a purpose other than holding himself out to the general public
10846 as a public adjuster; or

10847 (h) Has violated any insurance laws, or any regulation,
10848 subpoena or order of the commissioner or of another state's
10849 commissioner of insurance.

10850 (2) Before any license shall be refused (except for failure
10851 to pass a required written examination) or suspended or revoked or
10852 the renewal thereof refused hereunder, the commissioner shall give
10853 notice of his intention so to do, by certified mail, return
10854 receipt requested, to the applicant for or holder of such license,
10855 and shall set a date not less than twenty (20) days from the date
10856 of mailing such notice when the applicant or licensee may appear
10857 to be heard and produce evidence in opposition to such refusal,
10858 suspension or revocation. Such notice shall constitute automatic
10859 suspension of license if the person involved is a licensed public
10860 adjuster. In the conduct of such hearing, the commissioner or any
10861 regular salaried employee of the department specially designated
10862 by him for such purpose shall have the power to administer oaths,



10863 to require the appearance of and examine any person under oath,
10864 and to require the production of books, records or papers relevant
10865 to the inquiry upon his own initiative or upon the request of the
10866 applicant or licensee. Upon the termination of such hearing,
10867 findings shall be reduced to writing and, upon approval by the
10868 commissioner, shall be filed in his office; and notice of the
10869 findings shall be sent by certified mail, return receipt
10870 requested, to the applicant or licensee.

10871 (3) Where the grounds set out in subsection (1)(c) or (1)(f)
10872 of this section are the grounds for any hearing, the commissioner
10873 may, in his discretion in lieu of the hearing provided for in
10874 subsection (2) of this section, file a petition requesting the
10875 court to suspend or revoke any license authorized hereunder in a
10876 court of competent jurisdiction of the county or district in which
10877 the alleged offense occurred. In such cases, subpoenas may be
10878 issued for witnesses, and mileage and witness fees paid as in
10879 other cases. All costs of such cause shall be paid by the
10880 defendant, if the finding of the court be against him.

10881 (4) No licensee whose license has been revoked hereunder
10882 shall be entitled to file another application for a license as a
10883 public adjuster within one (1) year from the effective date of
10884 such revocation or, if judicial review of such revocation is
10885 sought, within one (1) year from the date of final court order or
10886 decree affirming such revocation. An application filed after such
10887 one-year period shall be refused by the commissioner unless the



10888 applicant shows good cause why the revocation of his license shall
10889 not be deemed a bar to the issuance of a new license.

10890 (5) From and after July 1, 2016, the expenses of this agency
10891 shall be defrayed by appropriation from the State General Fund and
10892 all user charges and fees authorized under this section shall be
10893 deposited into the State General Fund as authorized by law.

10894 (6) From and after July 1, 2016, no state agency shall
10895 charge another state agency a fee, assessment, rent or other
10896 charge for services or resources received by authority of this
10897 section.

10898 **SECTION 131.** Section 83-21-19, Mississippi Code of 1972, is
10899 amended as follows:

10900 83-21-19. (1) Surplus lines insurance may be placed by a
10901 surplus lines insurance producer if:

10902 (a) Each insurer is an eligible surplus lines insurer;

10903 (b) Each insurer is authorized to write the line of
10904 insurance in its domiciliary jurisdiction; and

10905 (c) All other requirements as set forth by law are met.

10906 (2) The Commissioner of Insurance, upon the biennial payment
10907 of a fee of One Hundred Dollars (\$100.00) and submission of a
10908 completed license application on a form approved by the
10909 commissioner, may issue a surplus lines insurance producer license
10910 to a qualified holder of an insurance producer license with a
10911 property, casualty and/or personal lines line of authority, who is



10912 regularly commissioned to represent a fire and casualty insurance
10913 company licensed to do business in the state.

10914 (3) The privilege license shall continue from the date of
10915 issuance until the last day of the month of the licensee's
10916 birthday in the second year following issuance or renewal of the
10917 license, with a minimum term of twelve (12) months.

10918 (4) A nonresident person shall receive a surplus lines
10919 insurance producer license if:

10920 (a) The person is currently licensed as a surplus lines
10921 insurance producer or equivalent and in good standing in his or
10922 her home state;

10923 (b) The person has submitted the proper request for
10924 licensure and has paid the biennial fee of One Hundred Dollars
10925 (\$100.00); and

10926 (c) The person's home state awards nonresident surplus
10927 lines licenses to residents of this state on the same basis.

10928 (5) The commissioner may verify a person's licensing status
10929 through the National Producer Database maintained by the National
10930 Association of Insurance Commissioners, its affiliates or
10931 subsidiaries.

10932 (6) A nonresident surplus lines insurance producer licensee
10933 who moves from one (1) state to another state, or a resident
10934 surplus lines licensee who moves from this state to another state,
10935 shall file a change of address and provide certification from the



10936 new resident state within thirty (30) days of the change of legal
10937 residence. No fee or license application is required.

10938 (7) The commissioner may deny, suspend, revoke or refuse the
10939 license of a surplus lines insurance producer licensee and/or levy
10940 a civil penalty in an amount not to exceed Two Thousand Five
10941 Hundred Dollars (\$2,500.00) per violation, after notice and
10942 hearing as provided hereunder, for one or more of the following
10943 grounds:

10944 (a) Providing incorrect, misleading, incomplete or
10945 materially untrue information in the license application;

10946 (b) Violating any insurance laws, or violating any
10947 regulation, subpoena or order of the commissioner or of another
10948 state's commissioner;

10949 (c) Obtaining or attempting to obtain a license through
10950 misrepresentation or fraud;

10951 (d) Improperly withholding, misappropriating or
10952 converting any monies or properties received in the course of
10953 doing the business of insurance;

10954 (e) Intentionally misrepresenting the terms of an
10955 actual or proposed insurance contract or application for
10956 insurance;

10957 (f) Having been convicted of a * * * disqualifying
10958 crime as provided in the Fresh Start Act;

10959 (g) Having admitted or been found to have committed any
10960 insurance unfair trade practice or fraud;



10961 (h) Using fraudulent, coercive or dishonest practices
10962 or demonstrating incompetence, untrustworthiness or financial
10963 irresponsibility in the conduct of business in this state or
10964 elsewhere;

10965 (i) Having an insurance producer license, or its
10966 equivalent, denied, suspended or revoked in any other state,
10967 province, district or territory;

10968 (j) Forging another's name to an application for
10969 insurance or to any document related to an insurance transaction;

10970 (k) Improperly using notes or any other reference
10971 material to complete an examination for an insurance license;

10972 (l) Knowingly accepting insurance business from an
10973 individual who is not licensed;

10974 (m) Failing to comply with an administrative or court
10975 order imposing a child support obligation; or

10976 (n) Failing to pay state income tax or comply with any
10977 administrative or court order directing payment of state income
10978 tax.

10979 (8) If the action by the commissioner is to nonrenew,
10980 suspend, revoke or to deny an application for a license, the
10981 commissioner shall notify the applicant or licensee and advise, in
10982 writing, the applicant or licensee of the reason for the denial or
10983 nonrenewal of the applicant's or licensee's license. The
10984 applicant or licensee may make written demand upon the
10985 commissioner within ten (10) days for a hearing before the



10986 commissioner to determine the reasonableness of the commissioner's
10987 action. The hearing shall be held within thirty (30) days.

10988 (9) Every surplus lines insurance contract procured and
10989 delivered according to Sections 83-21-17 through 83-21-31 shall
10990 have stamped upon it in bold ten-point type, and bear the name of
10991 the surplus lines insurance producer who procured it, the
10992 following: "NOTE: This insurance policy is issued pursuant to
10993 Mississippi law covering surplus lines insurance. The company
10994 issuing the policy is not licensed by the State of Mississippi,
10995 but is authorized to do business in Mississippi as a nonadmitted
10996 company. The policy is not protected by the Mississippi Insurance
10997 Guaranty Association in the event of the insurer's insolvency."
10998 No diminution of the license fee herein provided shall occur as to
10999 any license effective after January 1 of any year.

11000 **SECTION 132.** Section 83-49-11, Mississippi Code of 1972, is
11001 amended as follows:

11002 83-49-11. The commissioner may revoke or suspend or refuse
11003 to renew the license of any sponsor or representative of such
11004 sponsor when and if after investigation the commissioner finds
11005 that:

11006 (a) Any license issued to such sponsor or
11007 representative of such sponsor was obtained by fraud;

11008 (b) There was any misrepresentation in the application
11009 for the license;



11010 (c) The sponsor or representative of such sponsor has
11011 otherwise shown itself untrustworthy or incompetent to act as a
11012 sponsor or representative of such sponsor;

11013 (d) Such sponsor or representative of such sponsor has
11014 violated any of the provisions of this chapter or of the rules and
11015 regulations of the commissioner;

11016 (e) The sponsor or representative of such sponsor has
11017 misappropriated, converted, illegally withheld, or refused to pay
11018 over upon proper demand any monies entrusted to the sponsor or
11019 representative of such sponsor in its fiduciary capacity belonging
11020 to an insurer or insured;

11021 (f) The sponsor or representative of such sponsor is
11022 found to be in an unsound condition or in such condition as to
11023 render the future transaction of business in this state hazardous
11024 to the public; or

11025 (g) The sponsor or representative of such sponsor is
11026 found guilty of fraudulent, deceptive, unfair or dishonest
11027 practices as defined in Section 83-5-35 or 83-5-45, Mississippi
11028 Code of 1972, or has been convicted of a * * * disqualifying crime
11029 as provided in the Fresh Start Act.

11030 Before any license shall be refused, suspended, revoked or
11031 the renewal thereof refused hereunder, the commissioner shall give
11032 notice of his intention so to do, by certified mail, return
11033 receipt requested, to the applicant for or holder of such license
11034 and to any sponsor whom such representative represents or who



11035 desires that he be licensed, and shall set a date not less than
11036 twenty (20) days from the date of mailing such notice when the
11037 applicant or licensee and a duly authorized representative of the
11038 sponsor may appear to be heard and produce evidence. In the
11039 conduct of such hearing, the commissioner or any regular salaried
11040 employee specially designated by him for such purposes shall have
11041 power to administer oaths, to require the appearance of and
11042 examine any person under oath, and to require the production of
11043 books, records or papers relevant to the inquiry upon his own
11044 initiative or upon the request of the applicant or licensee. Upon
11045 the termination of such hearing, findings shall be reduced to
11046 writing and, upon approval by the commissioner, shall be filed in
11047 his office; and notice of the findings shall be sent by certified
11048 mail to the applicant or licensee and the sponsor concerned.

11049 No licensee whose license has been revoked hereunder shall be
11050 entitled to file another application for a license as a sponsor or
11051 a representative of any sponsor within one (1) year from the
11052 effective date of such revocation. Such application, when filed,
11053 may be refused by the commissioner unless the applicant shows good
11054 cause why the revocation of his license shall not be deemed a bar
11055 to the issuance of a new license.

11056 In lieu of revoking, suspending or refusing to renew the
11057 license for any of the causes enumerated in this section, after
11058 hearing as herein provided, the commissioner may place the sponsor
11059 on probation for a period of time not to exceed one (1) year, or



11060 may fine such sponsor not more than One Thousand Dollars
11061 (\$1,000.00) for each offense, or both, when in his judgment he
11062 finds that the public interest would not be harmed by the
11063 continued operation of the sponsor. The amount of any such
11064 penalty shall be paid by such sponsor to the commissioner for the
11065 use of the state. At any hearing provided by this section, the
11066 commissioner shall have authority to administer oaths to
11067 witnesses. Anyone testifying falsely, after having been
11068 administered such oath, shall be subject to the penalty of
11069 perjury.

11070 Any action of the commissioner taken pursuant to the
11071 provisions of this section shall be subject to review as may be
11072 provided in Section 83-17-125.

11073 **SECTION 133.** Section 97-33-315, Mississippi Code of 1972, is
11074 amended as follows:

11075 97-33-315. (1) The executive director shall make
11076 appropriate investigations:

11077 (a) To determine whether there has been any violation
11078 of Sections 97-33-301 through 97-33-317 or of any regulations
11079 adopted thereunder.

11080 (b) To determine any facts, conditions, practices or
11081 matters which it may deem necessary or proper to aid in the
11082 enforcement of any such law or regulation.

11083 (c) To aid in adopting regulations.



11084 (d) To secure information as a basis for recommending
11085 legislation relating to Sections 97-33-301 through 97-33-317.

11086 (e) To determine annual compliance with Sections
11087 97-33-301 through 97-33-317.

11088 (2) If after any investigation the executive director is
11089 satisfied that a license should be limited, conditioned, suspended
11090 or revoked, he shall initiate a hearing by filing a complaint with
11091 the commission and transmit therewith a summary of evidence in his
11092 possession bearing on the matter and the transcript of testimony
11093 at any investigative hearing conducted by or on behalf of the
11094 executive director to the licensee.

11095 (3) Upon receipt of the complaint of the executive director,
11096 the commission shall review all matter presented in support
11097 thereof and shall appoint a hearing examiner to conduct further
11098 proceedings.

11099 (4) After proceedings required by Sections 97-33-301 through
11100 97-33-317, the hearing examiner may recommend that the commission
11101 take any or all of the following actions:

11102 (a) As to operations at a licensed gaming establishment
11103 under Section 97-33-307(5):

11104 (i) Limit, condition, suspend or revoke the
11105 license of any licensed gaming establishment or the individual
11106 license of any licensee without affecting the license of the
11107 establishment; and



11108 (ii) Order an operator to exclude an individual
11109 licensee from the operation of the registered business or not to
11110 pay the licensee any remuneration for services or any profits,
11111 income or accruals on his investment in the licensed gaming
11112 establishment;

11113 (b) Limit, condition, suspend or revoke any license
11114 granted to any applicant by the commission;

11115 (c) Fine each licensee for any act or transaction for
11116 which commission approval was required or permitted, as provided
11117 in Section 97-33-309.

11118 (5) The hearing examiner shall prepare a written decision
11119 containing his recommendation to the commission and shall serve it
11120 on all parties. Any party disagreeing with the hearing examiner's
11121 recommendation may ask the commission to review the recommendation
11122 within ten (10) days of service of the recommendation. The
11123 commission may hold a hearing to consider the recommendation
11124 whether there has been a request to review the recommendation or
11125 not.

11126 (6) If the commission decides to review the recommendation,
11127 it shall give notice of that fact to all parties within thirty
11128 (30) days of the recommendation and shall schedule a hearing to
11129 review the recommendation. The commission's review shall be de
11130 novo but shall be based upon the evidence presented before the
11131 hearing examiner. The commission may remand the case to the
11132 hearing examiner for the presentation of additional evidence upon



11133 a showing of good cause why the evidence could not have been
11134 presented at the previous hearing.

11135 (7) If the commission does not decide to review the
11136 recommendation within thirty (30) days, the recommendation becomes
11137 the final order of the commission.

11138 (8) If the commission limits, conditions, suspends or
11139 revokes any license, or imposes a fine, it shall issue its written
11140 order therefor after causing to be prepared and filed the hearing
11141 examiner's written decision upon which the order is based.

11142 (9) Any limitation, condition, revocation, suspension or
11143 fine is effective until reversed upon judicial review, except that
11144 the commission may stay its order pending a rehearing or judicial
11145 review upon such terms and conditions as it deems proper.

11146 (10) Judicial review of an order or decision of the
11147 commission may be had to the Chancery Court of the First Judicial
11148 District of Hinds County, Mississippi, as a case in equity.

11149 (11) A license * * * may be revoked if the individual is
11150 convicted of a * * * disqualifying crime as provided in the Fresh
11151 Start Act. An appeal from the conviction shall not act as a
11152 supersedeas to the revocation required by this subsection.

11153 **SECTION 134.** Section 73-15-201, Mississippi Code of 1972, is
11154 brought forward as follows:

11155 73-15-201. The Nurse Licensure Compact is enacted into law
11156 and entered into by this state with any and all states legally



11157 joining in the compact in accordance with its term, in the form
11158 substantially as follows:

11159 **ARTICLE I.**

11160 **Findings and declaration of purpose.**

11161 (a) The party states find that:

11162 1. The health and safety of the public are
11163 affected by the degree of compliance with and the effectiveness of
11164 enforcement activities related to state nurse licensure laws;

11165 2. Violations of nurse licensure and other laws
11166 regulating the practice of nursing may result in injury or harm to
11167 the public;

11168 3. The expanded mobility of nurses and the use of
11169 advanced communication technologies as part of our nation's health
11170 care delivery system require greater coordination and cooperation
11171 among states in the areas of nurse licensure and regulation;

11172 4. New practice modalities and technology make
11173 compliance with individual state nurse licensure laws difficult
11174 and complex;

11175 5. The current system of duplicative licensure for
11176 nurses practicing in multiple states is cumbersome and redundant
11177 for both nurses and states; and

11178 6. Uniformity of nurse licensure requirements
11179 throughout the states promotes public safety and public health
11180 benefits.

11181 (b) The general purposes of this compact are to:



11207 probation, monitoring of the licensee, limitation on the
11208 licensee's practice, or any other encumbrance on licensure
11209 affecting a nurse's authorization to practice, including issuance
11210 of a cease and desist action.

11211 (b) "Alternative program" means a nondisciplinary
11212 monitoring program approved by a licensing board.

11213 (c) "Coordinated licensure information system" means an
11214 integrated process for collecting, storing and sharing information
11215 on nurse licensure and enforcement activities related to nurse
11216 licensure laws that is administered by a nonprofit organization
11217 composed of and controlled by licensing boards.

11218 (d) "Current significant investigative information"
11219 means:

11220 1. Investigative information that a licensing
11221 board, after a preliminary inquiry that includes notification and
11222 an opportunity for the nurse to respond, if required by state law,
11223 has reason to believe is not groundless and, if proved true, would
11224 indicate more than a minor infraction; or

11225 2. Investigative information that indicates that
11226 the nurse represents an immediate threat to public health and
11227 safety regardless of whether the nurse has been notified and had
11228 an opportunity to respond.

11229 (e) "Encumbrance" means a revocation or suspension of,
11230 or any limitation on, the full and unrestricted practice of
11231 nursing imposed by a licensing board.



11232 (f) "Home state" means the party state which is the
11233 nurse's primary state of residence.

11234 (g) "Licensing board" means a party state's regulatory
11235 body responsible for issuing nurse licenses.

11236 (h) "Multistate license" means a license to practice as
11237 a registered or a licensed practical/vocational nurse (LPN/VN)
11238 issued by a home state licensing board that authorizes the
11239 licensed nurse to practice in all party states under a multistate
11240 licensure privilege.

11241 (i) "Multistate licensure privilege" means a legal
11242 authorization associated with a multistate license permitting the
11243 practice of nursing as either a registered nurse (RN) or LPN/VN in
11244 a remote state.

11245 (j) "Nurse" means RN or LPN/VN, as those terms are
11246 defined by each party state's practice laws.

11247 (k) "Party state" means any state that has adopted this
11248 compact.

11249 (l) "Remote state" means a party state, other than the
11250 home state.

11251 (m) "Single-state license" means a nurse license issued
11252 by a party state that authorizes practice only within the issuing
11253 state and does not include a multistate licensure privilege to
11254 practice in any other party state.

11255 (n) "State" means a state, territory or possession of
11256 the United States and the District of Columbia.



11257 (o) "State practice laws" means a party state's laws,
11258 rules and regulations that govern the practice of nursing, define
11259 the scope of nursing practice, and create the methods and grounds
11260 for imposing discipline. "State practice laws" do not include
11261 requirements necessary to obtain and retain a license, except for
11262 qualifications or requirements of the home state.

11263 **ARTICLE III.**

11264 **General provisions and jurisdiction.**

11265 (a) A multistate license to practice registered or
11266 licensed practical/vocational nursing issued by a home state to a
11267 resident in that state will be recognized by each party state as
11268 authorizing a nurse to practice as a registered nurse (RN) or as a
11269 licensed practical/vocational nurse (LPN/VN), under a multistate
11270 licensure privilege, in each party state.

11271 (b) A state must implement procedures for considering
11272 the criminal history records of applicants for initial multistate
11273 license or licensure by endorsement. Such procedures shall
11274 include the submission of fingerprints or other biometric-based
11275 information by applicants for the purpose of obtaining an
11276 applicant's criminal history record information from the Federal
11277 Bureau of Investigation and the agency responsible for retaining
11278 that state's criminal records.

11279 (c) Each party state shall require the following for an
11280 applicant to obtain or retain a multistate license in the home
11281 state:



11282 1. Meets the home state's qualifications for
11283 licensure or renewal of licensure, as well as, all other
11284 applicable state laws;

11285 2. (i) Has graduated or is eligible to graduate
11286 from a licensing board-approved RN or LPN/VN prelicensure
11287 education program; or

11288 (ii) Has graduated from a foreign RN or
11289 LPN/VN prelicensure education program that (a) has been approved
11290 by the authorized accrediting body in the applicable country and
11291 (b) has been verified by an independent credentials review agency
11292 to be comparable to a licensing board-approved prelicensure
11293 education program;

11294 3. Has, if a graduate of a foreign prelicensure
11295 education program not taught in English or if English is not the
11296 individual's native language, successfully passed an English
11297 proficiency examination that includes the components of reading,
11298 speaking, writing and listening;

11299 4. Has successfully passed a National Council
11300 Licensure Examination-Registered Nurse (NCLEX-RN®) or National
11301 Council Licensure Examination-Practical Nurse (NCLEX-PN®)
11302 Examination or recognized predecessor, as applicable;

11303 5. Is eligible for or holds an active,
11304 unencumbered license;

11305 6. Has submitted, in connection with an
11306 application for initial licensure or licensure by endorsement,



11307 fingerprints or other biometric data for the purpose of obtaining
11308 criminal history record information from the Federal Bureau of
11309 Investigation and the agency responsible for retaining that
11310 state's criminal records;

11311 7. Has not been convicted or found guilty, or has
11312 entered into an agreed disposition, of a felony offense under
11313 applicable state or federal criminal law;

11314 8. Has not been convicted or found guilty, or has
11315 entered into an agreed disposition, of a misdemeanor offense
11316 related to the practice of nursing as determined on a case-by-case
11317 basis;

11318 9. Is not currently enrolled in an alternative
11319 program;

11320 10. Is subject to self-disclosure requirements
11321 regarding current participation in an alternative program; and

11322 11. Has a valid United States social security
11323 number.

11324 (d) All party states shall be authorized, in accordance
11325 with existing state due process law, to take adverse action
11326 against a nurse's multistate licensure privilege such as
11327 revocation, suspension, probation or any other action that affects
11328 a nurse's authorization to practice under a multistate licensure
11329 privilege, including cease and desist actions. If a party state
11330 takes such action, it shall promptly notify the administrator of
11331 the coordinated licensure information system. The administrator



11332 of the coordinated licensure information system shall promptly
11333 notify the home state of any such actions by remote states.

11334 (e) A nurse practicing in a party state must comply
11335 with the state practice laws of the state in which the client is
11336 located at the time service is provided. The practice of nursing
11337 is not limited to patient care, but shall include all nursing
11338 practice as defined by the state practice laws of the party state
11339 in which the client is located. The practice of nursing in a
11340 party state under a multistate licensure privilege will subject a
11341 nurse to the jurisdiction of the licensing board, the courts and
11342 the laws of the party state in which the client is located at the
11343 time service is provided.

11344 (f) Individuals not residing in a party state shall
11345 continue to be able to apply for a party state's single-state
11346 license as provided under the laws of each party state. However,
11347 the single-state license granted to these individuals will not be
11348 recognized as granting the privilege to practice nursing in any
11349 other party state. Nothing in this compact shall affect the
11350 requirements established by a party state for the issuance of a
11351 single-state license.

11352 (g) Any nurse holding a home state multistate license,
11353 on the effective date of this compact, may retain and renew the
11354 multistate license issued by the nurse's then-current home state,
11355 provided that:



11380 (b) A nurse may hold a multistate license, issued by
11381 the home state, in only one (1) party state at a time.

11382 (c) If a nurse changes primary state of residence by
11383 moving between two (2) party states, the nurse must apply for
11384 licensure in the new home state, and the multistate license issued
11385 by the prior home state will be deactivated in accordance with
11386 applicable rules adopted by the commission.

11387 1. The nurse may apply for licensure in advance of
11388 a change in primary state of residence.

11389 2. A multistate license shall not be issued by the
11390 new home state until the nurse provides satisfactory evidence of a
11391 change in primary state of residence to the new home state and
11392 satisfies all applicable requirements to obtain a multistate
11393 license from the new home state.

11394 (d) If a nurse changes primary state of residence by
11395 moving from a party state to a nonparty state, the multistate
11396 license issued by the prior home state will convert to a
11397 single-state license, valid only in the former home state.

11398 **ARTICLE V.**

11399 **Additional authorities invested in party state licensing boards.**

11400 (a) In addition to the other powers conferred by state
11401 law, a licensing board shall have the authority to:

11402 1. Take adverse action against a nurse's
11403 multistate licensure privilege to practice within that party
11404 state.



11405 (i) Only the home state shall have the power
11406 to take adverse action against a nurse's license issued by the
11407 home state.

11408 (ii) For purposes of taking adverse action,
11409 the home state licensing board shall give the same priority and
11410 effect to reported conduct received from a remote state as it
11411 would if such conduct had occurred within the home state.

11412 In so doing, the home state shall apply its own state laws to
11413 determine appropriate action.

11414 2. Issue cease and desist orders or impose an
11415 encumbrance on a nurse's authority to practice within that party
11416 state.

11417 3. Complete any pending investigations of a nurse
11418 who changes primary state of residence during the course of such
11419 investigations. The licensing board shall also have the authority
11420 to take appropriate action(s) and shall promptly report the
11421 conclusions of such investigations to the administrator of the
11422 coordinated licensure information system. The administrator of
11423 the coordinated licensure information system shall promptly notify
11424 the new home state of any such actions.

11425 4. Issue subpoenas for both hearings and
11426 investigations that require the attendance and testimony of
11427 witnesses, as well as, the production of evidence.

11428 Subpoenas issued by a licensing board in a party state for
11429 the attendance and testimony of witnesses or the production of



11430 evidence from another party state shall be enforced in the latter
11431 state by any court of competent jurisdiction, according to the
11432 practice and procedure of that court applicable to subpoenas
11433 issued in proceedings pending before it. The issuing authority
11434 shall pay any witness fees, travel expenses, mileage and other
11435 fees required by the service statutes of the state in which the
11436 witnesses or evidence are located.

11437 5. Obtain and submit, for each nurse licensure
11438 applicant, fingerprint or other biometric-based information to the
11439 Federal Bureau of Investigation for criminal background checks,
11440 receive the results of the Federal Bureau of Investigation record
11441 search on criminal background checks and use the results in making
11442 licensure decisions.

11443 6. If otherwise permitted by state law, recover
11444 from the affected nurse the costs of investigations and
11445 disposition of cases resulting from any adverse action taken
11446 against that nurse.

11447 7. Take adverse action based on the factual
11448 findings of the remote state, provided that the licensing board
11449 follows its own procedures for taking such adverse action.

11450 (b) If adverse action is taken by the home state
11451 against a nurse's multistate license, the nurse's multistate
11452 licensure privilege to practice in all other party states shall be
11453 deactivated until all encumbrances have been removed from the
11454 multistate license. All home state disciplinary orders that



11455 impose adverse action against a nurse's multistate license shall
11456 include a statement that the nurse's multistate licensure
11457 privilege is deactivated in all party states during the pendency
11458 of the order.

11459 (c) Nothing in this compact shall override a party
11460 state's decision that participation in an alternative program may
11461 be used in lieu of adverse action. The home state licensing board
11462 shall deactivate the multistate licensure privilege under the
11463 multistate license of any nurse for the duration of the nurse's
11464 participation in an alternative program.

11465 **ARTICLE VI.**

11466 **Coordinated licensure information system and exchange of**
11467 **information.**

11468 (a) All party states shall participate in a coordinated
11469 licensure information system of all licensed registered nurses
11470 (RNs) and licensed practical/vocational nurses (LPNs/VNs). This
11471 system will include information on the licensure and disciplinary
11472 history of each nurse, as submitted by party states, to assist in
11473 the coordination of nurse licensure and enforcement efforts.

11474 (b) The commission, in consultation with the
11475 administrator of the coordinated licensure information system,
11476 shall formulate necessary and proper procedures for the
11477 identification, collection and exchange of information under this
11478 compact.



11479 (c) All licensing boards shall promptly report to the
11480 coordinated licensure information system any adverse action, any
11481 current significant investigative information, denials of
11482 applications (with the reasons for such denials) and nurse
11483 participation in alternative programs known to the licensing board
11484 regardless of whether such participation is deemed nonpublic or
11485 confidential under state law.

11486 (d) Current significant investigative information and
11487 participation in nonpublic or confidential alternative programs
11488 shall be transmitted through the coordinated licensure information
11489 system only to party state licensing boards.

11490 (e) Notwithstanding any other provision of law, all
11491 party state licensing boards contributing information to the
11492 coordinated licensure information system may designate information
11493 that may not be shared with nonparty states or disclosed to other
11494 entities or individuals without the express permission of the
11495 contributing state.

11496 (f) Any personally identifiable information obtained
11497 from the coordinated licensure information system by a party state
11498 licensing board shall not be shared with nonparty states or
11499 disclosed to other entities or individuals except to the extent
11500 permitted by the laws of the party state contributing the
11501 information.

11502 (g) Any information contributed to the coordinated
11503 licensure information system that is subsequently required to be



11504 expunged by the laws of the party state contributing that
11505 information shall also be expunged from the coordinated licensure
11506 information system.

11507 (h) The compact administrator of each party state shall
11508 furnish a uniform data set to the compact administrator of each
11509 other party state, which shall include, at a minimum:

- 11510 1. Identifying information;
- 11511 2. Licensure data;
- 11512 3. Information related to alternative program
11513 participation; and
- 11514 4. Other information that may facilitate the
11515 administration of this compact, as determined by commission rules.

11516 (i) The compact administrator of a party state shall
11517 provide all investigative documents and information requested by
11518 another party state.

11519 **ARTICLE VII.**

11520 **Establishment of the Interstate Commission of Nurse Licensure**
11521 **Compact administrators.**

11522 (a) The party states hereby create and establish a
11523 joint public entity known as the Interstate Commission of Nurse
11524 Licensure Compact Administrators.

- 11525 1. The commission is an instrumentality of the
11526 party states.
- 11527 2. Venue is proper, and judicial proceedings by or
11528 against the commission shall be brought solely and exclusively, in



11529 a court of competent jurisdiction where the principal office of
11530 the commission is located. The commission may waive venue and
11531 jurisdictional defenses to the extent it adopts or consents to
11532 participate in alternative dispute resolution proceedings.

11533 3. Nothing in this compact shall be construed to
11534 be a waiver of sovereign immunity.

11535 (b) Membership, voting and meetings.

11536 1. Each party state shall have and be limited to
11537 one (1) administrator. The head of the state licensing board or
11538 designee shall be the administrator of this compact for each party
11539 state. Any administrator may be removed or suspended from office
11540 as provided by the law of the state from which the administrator
11541 is appointed. Any vacancy occurring in the commission shall be
11542 filled in accordance with the laws of the party state in which the
11543 vacancy exists.

11544 2. Each administrator shall be entitled to one (1)
11545 vote with regard to the promulgation of rules and creation of
11546 bylaws and shall otherwise have an opportunity to participate in
11547 the business and affairs of the commission. An administrator
11548 shall vote in person or by such other means as provided in the
11549 bylaws. The bylaws may provide for an administrator's
11550 participation in meetings by telephone or other means of
11551 communication.

11552 3. The commission shall meet at least once during
11553 each calendar year.



11554 Additional meetings shall be held as set forth in the bylaws
11555 or rules of the commission.

11556 4. All meetings shall be open to the public, and
11557 public notice of meetings shall be given in the same manner as
11558 required under the rulemaking provisions in Article VIII.

11559 5. The commission may convene in a closed,
11560 nonpublic meeting if the commission must discuss:

11561 (i) Noncompliance of a party state with its
11562 obligations under this compact;

11563 (ii) The employment, compensation, discipline
11564 or other personnel matters, practices or procedures related to
11565 specific employees or other matters related to the commission's
11566 internal personnel practices and procedures;

11567 (iii) Current, threatened or reasonably
11568 anticipated litigation;

11569 (iv) Negotiation of contracts for the
11570 purchase or sale of goods, services or real estate;

11571 (v) Accusing any person of a crime or
11572 formally censuring any person;

11573 (vi) Disclosure of trade secrets or
11574 commercial or financial information that is privileged or
11575 confidential;

11576 (vii) Disclosure of information of a personal
11577 nature where disclosure would constitute a clearly unwarranted
11578 invasion of personal privacy;



11579 (viii) Disclosure of investigatory records
11580 compiled for law enforcement purposes;

11581 (ix) Disclosure of information related to any
11582 reports prepared by or on behalf of the commission for the purpose
11583 of investigation of compliance with this compact; or

11584 (x) Matters specifically exempted from
11585 disclosure by federal or state statute.

11586 6. If a meeting, or portion of a meeting, is
11587 closed pursuant to this provision, the commission's legal counsel
11588 or designee shall certify that the meeting may be closed and shall
11589 reference each relevant exempting provision. The commission shall
11590 keep minutes that fully and clearly describe all matters discussed
11591 in a meeting and shall provide a full and accurate summary of
11592 actions taken, and the reasons therefor, including a description
11593 of the views expressed. All documents considered in connection
11594 with an action shall be identified in such minutes. All minutes
11595 and documents of a closed meeting shall remain under seal, subject
11596 to release by a majority vote of the commission or order of a
11597 court of competent jurisdiction.

11598 (c) The commission shall, by a majority vote of the
11599 administrators, prescribe bylaws or rules to govern its conduct as
11600 may be necessary or appropriate to carry out the purposes and
11601 exercise the powers of this compact, including, but not limited
11602 to:

11603 1. Establishing the fiscal year of the commission;



11604 2. Providing reasonable standards and procedures:
11605 (i) For the establishment and meetings of
11606 other committees; and

11607 (ii) Governing any general or specific
11608 delegation of any authority or function of the commission;

11609 3. Providing reasonable procedures for calling and
11610 conducting meetings of the commission, ensuring reasonable advance
11611 notice of all meetings and providing an opportunity for attendance
11612 of such meetings by interested parties, with enumerated exceptions
11613 designed to protect the public's interest, the privacy of
11614 individuals, and proprietary information, including trade secrets.
11615 The commission may meet in closed session only after a majority of
11616 the administrators vote to close a meeting in whole or in part.
11617 As soon as practicable, the commission must make public a copy of
11618 the vote to close the meeting revealing the vote of each
11619 administrator, with no proxy votes allowed;

11620 4. Establishing the titles, duties and authority
11621 and reasonable procedures for the election of the officers of the
11622 commission;

11623 5. Providing reasonable standards and procedures
11624 for the establishment of the personnel policies and programs of
11625 the commission. Notwithstanding any civil service or other
11626 similar laws of any party state, the bylaws shall exclusively
11627 govern the personnel policies and programs of the commission; and



11628 6. Providing a mechanism for winding up the
11629 operations of the commission and the equitable disposition of any
11630 surplus funds that may exist after the termination of this compact
11631 after the payment or reserving of all of its debts and
11632 obligations;

11633 (d) The commission shall publish its bylaws and rules,
11634 and any amendments thereto, in a convenient form on the website of
11635 the commission.

11636 (e) The commission shall maintain its financial records
11637 in accordance with the bylaws.

11638 (f) The commission shall meet and take such actions as
11639 are consistent with the provisions of this compact and the bylaws.

11640 (g) The commission shall have the following powers:

11641 1. To promulgate uniform rules to facilitate and
11642 coordinate implementation and administration of this compact. The
11643 rules shall have the force and effect of law and shall be binding
11644 in all party states;

11645 2. To bring and prosecute legal proceedings or
11646 actions in the name of the commission, provided that the standing
11647 of any licensing board to sue or be sued under applicable law
11648 shall not be affected;

11649 3. To purchase and maintain insurance and bonds;

11650 4. To borrow, accept or contract for services of
11651 personnel, including, but not limited to, employees of a party
11652 state or nonprofit organizations;



11653 5. To cooperate with other organizations that
11654 administer state compacts related to the regulation of nursing,
11655 including, but not limited to, sharing administrative or staff
11656 expenses, office space or other resources;

11657 6. To hire employees, elect or appoint officers,
11658 fix compensation, define duties, grant such individuals
11659 appropriate authority to carry out the purposes of this compact,
11660 and to establish the commission's personnel policies and programs
11661 relating to conflicts of interest, qualifications of personnel and
11662 other related personnel matters;

11663 7. To accept any and all appropriate donations,
11664 grants and gifts of money, equipment, supplies, materials and
11665 services, and to receive, utilize and dispose of the same;
11666 provided that at all times the commission shall avoid any
11667 appearance of impropriety or conflict of interest;

11668 8. To lease, purchase, accept appropriate gifts or
11669 donations of, or otherwise to own, hold, improve or use, any
11670 property, whether real, personal or mixed; provided that at all
11671 times the commission shall avoid any appearance of impropriety;

11672 9. To sell, convey, mortgage, pledge, lease,
11673 exchange, abandon or otherwise dispose of any property, whether
11674 real, personal or mixed;

11675 10. To establish a budget and make expenditures;

11676 11. To borrow money;



11677 12. To appoint committees, including advisory
11678 committees comprised of administrators, state nursing regulators,
11679 state legislators or their representatives, and consumer
11680 representatives, and other such interested persons;

11681 13. To provide and receive information from, and
11682 to cooperate with, law enforcement agencies;

11683 14. To adopt and use an official seal; and

11684 15. To perform such other functions as may be
11685 necessary or appropriate to achieve the purposes of this compact
11686 consistent with the state regulation of nurse licensure and
11687 practice.

11688 (h) Financing of the commission.

11689 1. The commission shall pay, or provide for the
11690 payment of, the reasonable expenses of its establishment,
11691 organization and ongoing activities.

11692 2. The commission may also levy on and collect an
11693 annual assessment from each party state to cover the cost of its
11694 operations, activities and staff in its annual budget as approved
11695 each year. The aggregate annual assessment amount, if any, shall
11696 be allocated based upon a formula to be determined by the
11697 commission, which shall promulgate a rule that is binding upon all
11698 party states.

11699 3. The commission shall not incur obligations of
11700 any kind prior to securing the funds adequate to meet the same;



11701 nor shall the commission pledge the credit of any of the party
11702 states, except by, and with the authority of, such party state.

11703 4. The commission shall keep accurate accounts of
11704 all receipts and disbursements. The receipts and disbursements of
11705 the commission shall be subject to the audit and accounting
11706 procedures established under its bylaws. However, all receipts
11707 and disbursements of funds handled by the commission shall be
11708 audited yearly by a certified or licensed public accountant, and
11709 the report of the audit shall be included in and become part of
11710 the annual report of the commission.

11711 (i) Qualified immunity, defense and indemnification.

11712 1. The administrators, officers, executive
11713 director, employees and representatives of the commission shall be
11714 immune from suit and liability, either personally or in their
11715 official capacity, for any claim for damage to or loss of property
11716 or personal injury or other civil liability caused by or arising
11717 out of any actual or alleged act, error or omission that occurred,
11718 or that the person against whom the claim is made had a reasonable
11719 basis for believing occurred, within the scope of commission
11720 employment, duties or responsibilities; provided that nothing in
11721 this paragraph shall be construed to protect any such person from
11722 suit or liability for any damage, loss, injury or liability caused
11723 by the intentional, willful or wanton misconduct of that person.

11724 2. The commission shall defend any administrator,
11725 officer, executive director, employee or representative of the



11751 adopted thereunder. Rules and amendments shall become binding as
11752 of the date specified in each rule or amendment and shall have the
11753 same force and effect as provisions of this compact.

11754 (b) Rules or amendments to the rules shall be adopted
11755 at a regular or special meeting of the commission.

11756 (c) Prior to promulgation and adoption of a final rule
11757 or rules by the commission, and at least sixty (60) days in
11758 advance of the meeting at which the rule will be considered and
11759 voted upon, the commission shall file a notice of proposed
11760 rulemaking:

11761 1. On the website of the commission; and
11762 2. On the website of each licensing board or the
11763 publication in which each state would otherwise publish proposed
11764 rules.

11765 (d) The notice of proposed rulemaking shall include:

11766 1. The proposed time, date and location of the
11767 meeting in which the rule will be considered and voted upon;
11768 2. The text of the proposed rule or amendment, and
11769 the reason for the proposed rule;
11770 3. A request for comments on the proposed rule
11771 from any interested person; and
11772 4. The manner in which interested persons may
11773 submit notice to the commission of their intention to attend the
11774 public hearing and any written comments.



11775 (e) Prior to adoption of a proposed rule, the
11776 commission shall allow persons to submit written data, facts,
11777 opinions and arguments, which shall be made available to the
11778 public.

11779 (f) The commission shall grant an opportunity for a
11780 public hearing before it adopts a rule or amendment.

11781 (g) The commission shall publish the place, time and
11782 date of the scheduled public hearing.

11783 1. Hearings shall be conducted in a manner
11784 providing each person who wishes to comment a fair and reasonable
11785 opportunity to comment orally or in writing.

11786 All hearings will be recorded, and a copy will be made
11787 available upon request.

11788 2. Nothing in this section shall be construed as
11789 requiring a separate hearing on each rule. Rules may be grouped
11790 for the convenience of the commission at hearings required by this
11791 section.

11792 (h) If no one appears at the public hearing, the
11793 commission may proceed with promulgation of the proposed rule.

11794 (i) Following the scheduled hearing date, or by the
11795 close of business on the scheduled hearing date if the hearing was
11796 not held, the commission shall consider all written and oral
11797 comments received.

11798 (j) The commission shall, by majority vote of all
11799 administrators, take final action on the proposed rule and shall



11800 determine the effective date of the rule, if any, based on the
11801 rulemaking record and the full text of the rule.

11802 (k) Upon determination that an emergency exists, the
11803 commission may consider and adopt an emergency rule without prior
11804 notice, opportunity for comment or hearing, provided that the
11805 usual rulemaking procedures provided in this compact and in this
11806 section shall be retroactively applied to the rule as soon as
11807 reasonably possible, in no event later than ninety (90) days after
11808 the effective date of the rule. For the purposes of this
11809 provision, an emergency rule is one that must be adopted
11810 immediately in order to:

- 11811 1. Meet an imminent threat to public health,
11812 safety or welfare;
- 11813 2. Prevent a loss of commission or party state
11814 funds; or
- 11815 3. Meet a deadline for the promulgation of an
11816 administrative rule that is required by federal law or rule.

11817 (l) The commission may direct revisions to a previously
11818 adopted rule or amendment for purposes of correcting typographical
11819 errors, errors in format, errors in consistency or grammatical
11820 errors. Public notice of any revisions shall be posted on the
11821 website of the commission. The revision shall be subject to
11822 challenge by any person for a period of thirty (30) days after
11823 posting. The revision may be challenged only on grounds that the
11824 revision results in a material change to a rule. A challenge



11825 shall be made in writing, and delivered to the commission, prior
11826 to the end of the notice period. If no challenge is made, the
11827 revision will take effect without further action. If the revision
11828 is challenged, the revision may not take effect without the
11829 approval of the commission.

11830 **ARTICLE IX.**

11831 **Oversight, dispute resolution and enforcement.**

11832 (a) Oversight:

11833 1. Each party state shall enforce this compact and
11834 take all actions necessary and appropriate to effectuate this
11835 compact's purposes and intent.

11836 2. The commission shall be entitled to receive
11837 service of process in any proceeding that may affect the powers,
11838 responsibilities or actions of the commission, and shall have
11839 standing to intervene in such a proceeding for all purposes.
11840 Failure to provide service of process in such proceeding to the
11841 commission shall render a judgment or order void as to the
11842 commission, this compact or promulgated rules.

11843 (b) Default, technical assistance and termination:

11844 1. If the commission determines that a party state
11845 has defaulted in the performance of its obligations or
11846 responsibilities under this compact or the promulgated rules, the
11847 commission shall:

11848 (i) Provide written notice to the defaulting
11849 state and other party states of the nature of the default, the



11850 proposed means of curing the default or any other action to be
11851 taken by the commission; and

11852 (ii) Provide remedial training and specific
11853 technical assistance regarding the default.

11854 2. If a state in default fails to cure the
11855 default, the defaulting state's membership in this compact may be
11856 terminated upon an affirmative vote of a majority of the
11857 administrators, and all rights, privileges and benefits conferred
11858 by this compact may be terminated on the effective date of
11859 termination. A cure of the default does not relieve the offending
11860 state of obligations or liabilities incurred during the period of
11861 default.

11862 3. Termination of membership in this compact shall
11863 be imposed only after all other means of securing compliance have
11864 been exhausted. Notice of intent to suspend or terminate shall be
11865 given by the commission to the Governor of the defaulting state
11866 and to the executive officer of the defaulting state's licensing
11867 board and each of the party states.

11868 4. A state whose membership in this compact has
11869 been terminated is responsible for all assessments, obligations
11870 and liabilities incurred through the effective date of
11871 termination, including obligations that extend beyond the
11872 effective date of termination.

11873 5. The commission shall not bear any costs related
11874 to a state that is found to be in default or whose membership in



11875 this compact has been terminated unless agreed upon in writing
11876 between the commission and the defaulting state.

11877 6. The defaulting state may appeal the action of
11878 the commission by petitioning the United States District Court for
11879 the District of Columbia or the federal district in which the
11880 commission has its principal offices. The prevailing party shall
11881 be awarded all costs of such litigation, including reasonable
11882 attorneys' fees.

11883 (c) Dispute resolution:

11884 1. Upon request by a party state, the commission
11885 shall attempt to resolve disputes related to the compact that
11886 arise among party states and between party and nonparty states.

11887 2. The commission shall promulgate a rule
11888 providing for both mediation and binding dispute resolution for
11889 disputes, as appropriate.

11890 3. In the event the commission cannot resolve
11891 disputes among party states arising under this compact:

11892 (i) The party states may submit the issues in
11893 dispute to an arbitration panel, which will be comprised of
11894 individuals appointed by the compact administrator in each of the
11895 affected party states and an individual mutually agreed upon by
11896 the compact administrators of all the party states involved in the
11897 dispute.

11898 (ii) The decision of a majority of the
11899 arbitrators shall be final and binding.



11900 (d) Enforcement:

11901 1. The commission, in the reasonable exercise of
11902 its discretion, shall enforce the provisions and rules of this
11903 compact.

11904 2. By majority vote, the commission may initiate
11905 legal action in the United States District Court for the District
11906 of Columbia or the federal district in which the commission has
11907 its principal offices against a party state that is in default to
11908 enforce compliance with the provisions of this compact and its
11909 promulgated rules and bylaws.

11910 The relief sought may include both injunctive relief and
11911 damages. In the event judicial enforcement is necessary, the
11912 prevailing party shall be awarded all costs of such litigation,
11913 including reasonable attorneys' fees.

11914 3. The remedies herein shall not be the exclusive
11915 remedies of the commission. The commission may pursue any other
11916 remedies available under federal or state law.

11917 **ARTICLE X.**

11918 **Effective date, withdrawal and amendment.**

11919 (a) This compact shall become effective and binding on
11920 the earlier of the date of legislative enactment of this compact
11921 into law by no less than twenty-six (26) states or December 31,
11922 2018. All party states to this compact, that also were parties to
11923 the prior Nurse Licensure Compact, superseded by this compact,
11924 ("prior compact"), shall be deemed to have withdrawn from the



11925 prior compact within six (6) months after the effective date of
11926 this compact.

11927 (b) Each party state to this compact shall continue to
11928 recognize a nurse's multistate licensure privilege to practice in
11929 that party state issued under the prior compact until such party
11930 state has withdrawn from the prior compact.

11931 (c) Any party state may withdraw from this compact by
11932 enacting a statute repealing the same. A party state's withdrawal
11933 shall not take effect until six (6) months after enactment of the
11934 repealing statute.

11935 (d) A party state's withdrawal or termination shall not
11936 affect the continuing requirement of the withdrawing or terminated
11937 state's licensing board to report adverse actions and significant
11938 investigations occurring prior to the effective date of such
11939 withdrawal or termination.

11940 (e) Nothing contained in this compact shall be
11941 construed to invalidate or prevent any nurse licensure agreement
11942 or other cooperative arrangement between a party state and a
11943 nonparty state that is made in accordance with the other
11944 provisions of this compact.

11945 (f) This compact may be amended by the party states.
11946 No amendment to this compact shall become effective and binding
11947 upon the party states unless and until it is enacted into the laws
11948 of all party states.



11949 (g) Representatives of nonparty states to this compact
11950 shall be invited to participate in the activities of the
11951 commission, on a nonvoting basis, prior to the adoption of this
11952 compact by all states.

11953 **ARTICLE XI.**

11954 **Construction and severability.**

11955 This compact shall be liberally construed so as to effectuate
11956 the purposes thereof.

11957 The provisions of this compact shall be severable, and if any
11958 phrase, clause, sentence or provision of this compact is declared
11959 to be contrary to the Constitution of any party state or of the
11960 United States, or if the applicability thereof to any government,
11961 agency, person or circumstance is held invalid, the validity of
11962 the remainder of this compact and the applicability thereof to any
11963 government, agency, person or circumstance shall not be affected
11964 thereby. If this compact shall be held to be contrary to the
11965 Constitution of any party state, this compact shall remain in full
11966 force and effect as to the remaining party states and in full
11967 force and effect as to the party state affected as to all
11968 severable matters.

11969 **SECTION 135.** This act shall take effect and be in force from
11970 and after July 1, 2022.

