

By: Representative Cockerham

To: Judiciary A

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 673

1 AN ACT TO AMEND SECTIONS 73-43-1, 73-43-3, 73-43-5, 73-43-7,  
2 73-43-11 AND 73-43-14, MISSISSIPPI CODE OF 1972, TO REVISE THE  
3 COMPOSITION OF THE STATE BOARD OF MEDICAL LICENSURE TO INCLUDE  
4 CONSUMER MEMBERS; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 73-43-1, Mississippi Code of 1972, is  
7 amended as follows:

8 73-43-1. There is \* \* \* created and established a board to  
9 be known as the Mississippi State Board of Medical Licensure.

10 **SECTION 2.** Section 73-43-3, Mississippi Code of 1972, is  
11 amended as follows:

12 73-43-3. (1) The Mississippi State Board of Medical  
13 Licensure (board) shall consist of nine (9) physicians and three  
14 (3) consumer members. Each of the physicians shall \* \* \* hold a  
15 current Mississippi license to practice medicine and have at least  
16 six (6) years' experience in the practice of medicine. No more  
17 than two (2) physician members of the board shall be a member of  
18 the faculty of the University of Mississippi School of Medicine.



19 No more than four (4) physician members of the board shall be from  
20 the same Mississippi Supreme Court district.

21 (2) (a) Three (3) physicians shall be nominated to the  
22 Governor for each \* \* \* physician member position by the  
23 Mississippi State Medical Association; and \* \* \* the nominations  
24 shall give due regard to geographic distribution, race and sex.  
25 The Governor shall appoint from \* \* \* the nominations the  
26 physician members of the board with the advice and consent of the  
27 Senate. The original appointments of the board shall be made no  
28 later than June 30, 1980, for terms to begin on July 1, 1980. The  
29 Governor shall designate the initial terms of the members as  
30 follows: three (3) members shall be appointed for a term which  
31 expires July 1, 1982, three (3) members shall be appointed for a  
32 term which expires July 1, 1984, and three (3) members shall be  
33 appointed for a term which expires July 1, 1986. Thereafter, all  
34 succeeding appointments shall be for terms of six (6) years from  
35 the expiration of the previous term. Vacancies in office shall be  
36 filled by appointment of the Governor in the same manner as the  
37 appointment to the position which becomes vacant, subject to the  
38 advice and consent of the Senate at the next regular session of  
39 the Legislature.

40 (b) Three (3) consumer members shall be appointed by the  
41 Governor, after consulting the Mississippi State Medical  
42 Association. Consumer members shall not have ever been a licensee  
43 in any field of health care, and shall not be employed by the



44 University of Mississippi Medical Center, Mississippi State  
45 Medical Association, or any other health care association or  
46 organization. Original appointments of the consumer members shall  
47 be made no later than June 30, 2023, for terms to begin on July 1,  
48 2023. The Governor shall appoint a consumer member from each of  
49 the Mississippi Supreme Court districts with the advice and  
50 consent of the Senate. The Governor shall designate the initial  
51 terms of the members as follows: One (1) member shall be  
52 appointed for a term that expires July 1, 2025, one (1) member  
53 shall be appointed for a term that expires July 1, 2027 and one  
54 (1) member shall be appointed for a term that expires July 1,  
55 2029. Thereafter, all appointments shall be for terms of six (6)  
56 years from the expiration date of the previous term. Vacancies in  
57 office shall be filled by appointment of the Governor in the same  
58 manner as the appointment to the position that becomes vacant,  
59 subject to the advice and consent of the Senate at the next  
60 regular session of the Legislature.

61 **SECTION 3.** Section 73-43-5, Mississippi Code of 1972, is  
62 amended as follows:

63 73-43-5. The \* \* \* board \* \* \* is authorized to elect from  
64 its own members a president and secretary, and to create such  
65 other offices and adopt such bylaws as may be necessary for its  
66 efficient operation. Consumer members may discuss, vote and  
67 nominate candidates for office, but may not hold office in such  
68 elections.



69           **SECTION 4.** Section 73-43-7, Mississippi Code of 1972, is  
70 amended as follows:

71           73-43-7. \* \* \* Seven (7) members, five (5) of whom must be  
72 physician members, shall constitute a quorum, and a majority of  
73 those present shall be necessary to reject any application. All  
74 regular meetings of the board shall be held at least quarterly  
75 upon the call of the president \* \* \*. The members of the board  
76 shall be entitled to a per diem of Forty Dollars (\$40.00) for each  
77 day's service in attending meetings of the board and for  
78 conducting examinations for professional certificates, and shall  
79 receive reimbursement for necessary expenses and mileage as is  
80 authorized by law.

81           **SECTION 5.** Section 73-43-11, Mississippi Code of 1972, is  
82 amended as follows:

83           73-43-11. The State Board of Medical Licensure shall have  
84 the following powers and responsibilities:

85                   (a) Setting policies and professional standards  
86 regarding the medical practice of physicians, osteopaths,  
87 podiatrists \* \* \*, physician assistants practicing with physician  
88 supervision, and any other profession assigned to the board in  
89 statute;

90                   (b) Considering applications for licensure;

91                   (c) Conducting examinations for licensure;

92                   (d) Investigating alleged violations of the Medical  
93 Practice Act and the regulations of the board;



94 (e) Conducting hearings on disciplinary matters  
95 involving violations of state and federal law, probation, fining,  
96 suspension and revocation of licenses;

97 (f) Considering petitions for termination of  
98 probationary and suspension periods, and restoration of revoked  
99 licenses;

100 (g) To promulgate and publish reasonable rules and  
101 regulations necessary to enable it to discharge its functions and  
102 to enforce the provisions of law regulating the practice of  
103 medicine; however, the board shall not adopt any rule or  
104 regulation or impose any requirement regarding the licensing of  
105 physicians or osteopaths that conflicts with the prohibitions in  
106 Section 73-49-3;

107 (h) To enter into contracts with any other state or  
108 federal agency, or with any private person, organization or group  
109 capable of contracting, if it finds such action to be in the  
110 public interest and in the furtherance of its responsibilities;

111 (i) To perform the duties prescribed by Sections  
112 73-26-1 through 73-26-5; and

113 (j) To perform the duties prescribed by the Interstate  
114 Medical Licensure Compact, Section 73-25-101.

115 **SECTION 6.** Section 73-43-14, Mississippi Code of 1972, is  
116 amended as follows:

117 73-43-14. The \* \* \* board \* \* \* may appoint an executive  
118 committee, to be composed of \* \* \* four (4) of its members, three



119 (3) physicians and one (1) consumer, with a non-voting chairman to  
120 be designated by the board from the members appointed to \* \* \* the  
121 committee. The executive committee shall have authority to  
122 execute all the powers vested in the board, in the interim of the  
123 meetings of the board. The executive committee shall have the  
124 authority to conduct licensure hearings pursuant to Section  
125 73-25-27, provided that the power to revoke shall be subject to  
126 approval of the board. Any person aggrieved by a decision of the  
127 executive committee regarding licensure may appeal to the board.  
128 Any person aggrieved by an action of the board regarding licensure  
129 may appeal to the Chancery Court of the First Judicial District of  
130 Hinds County. Any action of the executive committee shall be  
131 legal and binding until modified or annulled by the board, and all  
132 pains and penalties prescribed for violating the rules of the  
133 board shall apply to any violation of rules and regulations that  
134 may be prescribed by the executive committee. Any two (2) members  
135 of the executive committee, not including the chairman, shall be a  
136 quorum for the transaction of business.

137 All official meetings of the executive committee, as to time  
138 and place, shall be held pursuant to a call of the president of  
139 the board.

140 Actions taken by the board in suspending a license when  
141 required by Section 93-11-157 or 93-11-163 are not actions from  
142 which an appeal may be taken under this section. Any appeal of a  
143 license suspension that is required by Section 93-11-157 or



144 93-11-163 shall be taken in accordance with the appeal procedure  
145 specified in Section 93-11-157 or 93-11-163, as the case may be,  
146 rather than the procedure specified in this section.

147         **SECTION 7.** This act shall take effect and be in force from  
148 and after July 1, 2022.

