

By: Representative Cockerham

To: Judiciary A

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 four
14 (4) 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) Four (4) 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, one (1)
54 member shall be appointed for a term that expires July 1, 2029,
55 and one (1) member shall be appointed for a term that expires July
56 1, 2031. Thereafter, all appointments shall be for terms of six
57 (6) years from the expiration date of the previous term.
58 Vacancies in office shall be filled by appointment of the Governor
59 in the same manner as the appointment to the position that becomes
60 vacant, subject to the advice and consent of the Senate at the
61 next regular session of the Legislature.

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

64 73-43-5. The * * * board * * * is authorized to elect from
65 its own members a president and secretary, and to create such
66 other offices and adopt such bylaws as may be necessary for its
67 efficient operation. Consumer members may discuss, vote and



68 nominate candidates for office, but may not hold office in such
69 elections.

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

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

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

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

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

91 (b) Considering applications for licensure;

92 (c) Conducting examinations for licensure;



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

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

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

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

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

112 (i) To perform the duties prescribed by Sections
113 73-26-1 through 73-26-5; and

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

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



118 73-43-14. The * * * board * * * may appoint an executive
119 committee, to be composed of * * * four (4) of its members, three
120 (3) physicians and one (1) consumer, with a non-voting chairman to
121 be designated by the board from the members appointed to * * * the
122 committee. The executive committee shall have authority to
123 execute all the powers vested in the board, in the interim of the
124 meetings of the board. The executive committee shall have the
125 authority to conduct licensure hearings pursuant to Section
126 73-25-27, provided that the power to revoke shall be subject to
127 approval of the board. Any person aggrieved by a decision of the
128 executive committee regarding licensure may appeal to the board.
129 Any person aggrieved by an action of the board regarding licensure
130 may appeal to the Chancery Court of the First Judicial District of
131 Hinds County. Any action of the executive committee shall be
132 legal and binding until modified or annulled by the board, and all
133 pains and penalties prescribed for violating the rules of the
134 board shall apply to any violation of rules and regulations that
135 may be prescribed by the executive committee. Any two (2) members
136 of the executive committee, not including the chairman, shall be a
137 quorum for the transaction of business.

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

141 Actions taken by the board in suspending a license when
142 required by Section 93-11-157 or 93-11-163 are not actions from



143 which an appeal may be taken under this section. Any appeal of a
144 license suspension that is required by Section 93-11-157 or
145 93-11-163 shall be taken in accordance with the appeal procedure
146 specified in Section 93-11-157 or 93-11-163, as the case may be,
147 rather than the procedure specified in this section.

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

