

By: Representatives Bain, Mickens

To: Judiciary B

HOUSE BILL NO. 1196

1 AN ACT TO AMEND SECTIONS 73-5-1, 73-5-8, 73-5-11, 73-5-21 AND
2 73-5-25, MISSISSIPPI CODE OF 1972, TO CLARIFY THE QUALIFICATIONS
3 OF BARBERS TO ENSURE THAT NO LICENSE SHALL BE DENIED SOLELY FOR
4 LACK OF GOOD MORAL CHARACTER OR CONVICTION OF A FELONY OR CRIME OF
5 MORAL TURPITUDE; TO AMEND SECTION 73-15-19, 73-15-21 AND 73-15-29,
6 MISSISSIPPI CODE OF 1972, TO CLARIFY THE QUALIFICATIONS OF NURSES
7 TO ENSURE THAT NO LICENSE SHALL BE DENIED SOLELY FOR LACK OF GOOD
8 MORAL CHARACTER OR CONVICTION OF A FELONY OR CRIME OF MORAL
9 TURPITUDE; TO BRING FORWARD SECTION 73-15-201, MISSISSIPPI CODE OF
10 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO AMEND SECTIONS
11 73-53-8, 73-53-13 AND 73-53-17, MISSISSIPPI CODE OF 1972, TO
12 CLARIFY THE QUALIFICATIONS OF SOCIAL WORKERS TO ENSURE THAT NO
13 LICENSE SHALL BE DENIED SOLELY FOR LACK OF GOOD MORAL CHARACTER OR
14 CONVICTION OF A FELONY OR CRIME OF MORAL TURPITUDE; AND FOR
15 RELATED PURPOSES.

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

17 **SECTION 1.** Section 73-5-1, Mississippi Code of 1972, is
18 amended as follows:

19 73-5-1. The State Board of Barber Examiners is continued and
20 reconstituted as follows: The Board of Barber Examiners shall
21 consist of five (5) members, to be appointed by the Governor, with
22 the advice and consent of the Senate, one (1) member to be
23 appointed from each of the congressional districts as existing on
24 January 1, 1991. Each member shall be a practical barber and a



25 qualified elector of this state. He shall have been engaged in
26 the practice of barbering in the State of Mississippi for at least
27 five (5) years immediately before the time of his
28 appointment * * *. From and after July 1, 1983, the appointments
29 to the board shall be made in the manner hereinafter provided, and
30 the present members of the State Board of Barber Examiners whose
31 terms have not expired by July 1, 1983, shall continue to serve
32 until their successors have been appointed and qualified. The
33 Governor shall appoint, with the advice and consent of the Senate,
34 five (5) members from the congressional districts as follows: The
35 member from the First Congressional District shall be appointed
36 for a term of two (2) years to commence on July 1, 1983; the
37 member from the Second Congressional District shall be appointed
38 for a term of four (4) years to commence on July 1, 1984; the
39 member from the Third Congressional District shall be appointed
40 for a term of two (2) years to commence on July 1, 1983; the
41 member from the Fourth Congressional District shall be appointed
42 for a term of four (4) years to commence on July 1, 1984; and the
43 member from the Fifth Congressional District shall be appointed
44 for a term of one (1) year to commence on July 1, 1983. The
45 members of the board as constituted on July 1, 2002, whose terms
46 have not expired shall serve the balance of their terms, after
47 which time the membership of the board shall be appointed as
48 follows: There shall be appointed one (1) member of the board
49 from each of the four (4) Mississippi congressional districts as



50 they currently exist, and one (1) from the state at large, and the
51 Governor shall make appointments from the congressional district
52 having the smallest number of board members until the membership
53 includes one (1) member from each district as required. From and
54 after July 1, 2002, no member of the board who is connected in any
55 way with any barbering school shall participate in the
56 administration of examinations of barber applicants. From and
57 after July 1, 2004, no member of the board shall be connected in
58 any way with any school in which barbering is taught.

59 All members of the board shall be appointed by the Governor,
60 with the advice and consent of the Senate, for terms of four (4)
61 years each from the expiration date of the previous term, until
62 their successors have been appointed and qualified. No member of
63 the board shall hold any elected office. Appointments made to
64 fill a vacancy of a term shall be made by the Governor within
65 sixty (60) days after the vacancy occurs.

66 The Governor may remove any one or more members of the board
67 for just cause. Members appointed to fill vacancies caused by
68 death, resignation or removal of any member or members shall serve
69 only for the unexpired term of their predecessors. Any member who
70 does not attend two (2) consecutive meetings of the board for
71 reasons other than illness of the member shall be subject to
72 removal by the Governor. The president of the board shall notify
73 the Governor in writing when any such member has failed to attend
74 two (2) consecutive regular meetings.



75 **SECTION 2.** Section 73-5-8, Mississippi Code of 1972, is
76 amended as follows:

77 73-5-8. Any person is qualified to receive a certificate of
78 registration as a barber instructor who:

79 (a) Is eighteen (18) years of age or older;

80 (b) Is of * * * temperate habits;

81 (c) Is able to read, write and speak English;

82 (d) Possesses a high school education or its
83 equivalent;

84 (e) Has successfully completed not less than fifteen
85 hundred (1500) hours at a barbering school approved by the State
86 Board of Barber Examiners and holds a valid certificate of
87 registration to practice barbering;

88 (f) Has (i) not less than two (2) years of active
89 experience as a registered barber and has successfully completed
90 not less than six hundred (600) hours of barber instructor
91 training at a school approved by the board, or (ii) less than two
92 (2) years of active experience as a registered barber and has
93 successfully completed not less than one thousand (1,000) hours of
94 barber instructor training at a school approved by the board; and

95 (g) Has passed a satisfactory examination conducted by
96 the board to determine his fitness to practice as a barber
97 instructor.

98 All persons who have received a certificate of registration
99 as a barber instructor from the board before July 1, 2002, shall



100 be considered to have met the requirements of this section, and
101 all those certificates of registration shall be renewable as
102 otherwise provided in this chapter.

103 The board will implement an active and inactive instructor
104 license. In order to renew an active license, instructors holding
105 an active license shall be required to submit proof of twelve (12)
106 hours of continuing education each year to the Board of Barber
107 Examiners. That education shall be acquired in classes or trade
108 shows teaching materials that are approved by the board.
109 Instructors holding an inactive license shall be required to
110 submit proof of twelve (12) hours continuing education before
111 upgrading to an active status.

112 **SECTION 3.** Section 73-5-11, Mississippi Code of 1972, is
113 amended as follows:

114 73-5-11. (1) To be eligible for enrollment at a barbering
115 school approved by the Board of Barber Examiners, a person shall
116 have a high school education or its equivalent, and/or shall have
117 satisfactorily passed the ability-to-benefit examinations approved
118 by the U.S. Department of Education.

119 (2) Any person is qualified to receive a certificate of
120 registration to practice barbering:

121 (a) Who is qualified under the provisions of this
122 chapter;

123 (b) Who is of * * * temperate habits;



124 (c) Who has completed not less than fifteen hundred
125 (1500) hours at a barbering school approved by the State Board of
126 Barber Examiners; and

127 (d) Who has passed a satisfactory examination conducted
128 by the board of examiners to determine his fitness to practice
129 barbering.

130 (3) A temporary permit to practice barbering until the next
131 examination is given may be issued to a student who has completed
132 not less than fifteen hundred (1500) hours at a barbering school
133 approved by the Board of Barber Examiners. In no event shall a
134 person be allowed to practice barbering on a temporary permit
135 beyond the date the next examination is given, except because of
136 personal illness.

137 **SECTION 4.** Section 73-5-21, Mississippi Code of 1972, is
138 amended as follows:

139 73-5-21. Any person possessed of the following
140 qualifications shall, upon payment of the required fee, receive a
141 certificate of registration as a registered barber:

142 (a) Is at least eighteen (18) years old;

143 (b) Is of * * * temperate habits; and

144 (c) Either has a license or certificate of registration
145 as a practicing barber in another state or country that has
146 substantially the same requirements for licensing or registration
147 of barbers as are contained in this chapter, or can prove by sworn
148 affidavits that he has lawfully practiced as a barber in another



149 state or country for at least five (5) years immediately before
150 making application in this state, or can show to the satisfaction
151 of the board that he had held a rating in a branch of the military
152 service for two (2) or more years that required him to perform the
153 duties of a barber. The issuance of a certificate of registration
154 by reciprocity to a military-trained applicant, military spouse or
155 person who establishes residence in this state shall be subject to
156 the provisions of Section 73-50-1 or 73-50-2, as applicable.

157 In addition to the above, the board may require the applicant
158 to successfully demonstrate sufficient knowledge of the Barber Law
159 of the State of Mississippi, as well as sufficient practical skill
160 by requiring the applicant to take a practical examination
161 approved by the board.

162 **SECTION 5.** Section 73-5-25, Mississippi Code of 1972, is
163 amended as follows:

164 73-5-25. (1) The Board of Barber Examiners may refuse to
165 issue, or may suspend definitely or indefinitely, or revoke any
166 certificate of registration or license for any one (1) or a
167 combination of the following causes:

168 (a) Conviction of a * * * disqualifying crime as
169 provided in the Fresh Start Act of 2019 shown by a certified copy
170 of the judgment of court in which such conviction is had, unless
171 upon a full and unconditional pardon of such convict, and upon
172 satisfactory showing that such convict will in the future conduct
173 himself in a law-abiding way.



- 174 (b) Gross malpractice or gross incompetency.
- 175 (c) Continued practice by a person knowingly having an
176 infectious or contagious disease.
- 177 (d) Advertising, practicing or attempting to practice
178 under a trade name or name other than one's own.
- 179 (e) Habitual drunkenness or habitual addiction to the
180 use of morphine, cocaine or habit-forming drug, or any other
181 illegal controlled substances.
- 182 (f) Immoral or unprofessional conduct.
- 183 (g) Violation of regulations that may be prescribed as
184 provided for in Sections 73-5-7 through 73-5-43.

185 (2) In addition to the causes specified in subsection (1) of
186 this section, the board shall be authorized to suspend the
187 certificate of registration of any person for being out of
188 compliance with an order for support, as defined in Section
189 93-11-153. The procedure for suspension of a certificate for
190 being out of compliance with an order for support, and the
191 procedure for the reissuance or reinstatement of a certificate
192 suspended for that purpose, and the payment of any fees for the
193 reissuance or reinstatement of a certificate suspended for that
194 purpose, shall be governed by Section 93-11-157 or 93-11-163. If
195 there is any conflict between any provision of Section 93-11-157
196 or 93-11-163 and any provision of this chapter, the provisions of
197 Section 93-11-157 or 93-11-163, as the case may be, shall control.



198 **SECTION 6.** Section 73-15-19, Mississippi Code of 1972, is
199 amended as follows:

200 73-15-19. (1) **Registered nurse applicant qualifications.**

201 Any applicant for a license to practice as a registered nurse
202 shall submit to the board:

203 (a) An attested written application on a Board of
204 Nursing form;

205 (b) Written official evidence of completion of a
206 nursing program approved by the Board of Trustees of State
207 Institutions of Higher Learning, or one approved by a legal
208 accrediting agency of another state, territory or possession of
209 the United States, the District of Columbia, or a foreign country
210 which is satisfactory to this board;

211 (c) Evidence of competence in English related to
212 nursing, provided the first language is not English;

213 (d) Any other official records required by the board.

214 In addition to the requirements specified in paragraphs (a)
215 through (d) of this subsection, in order to qualify for a license
216 to practice as a registered nurse, an applicant must have
217 successfully been cleared for licensure through an investigation
218 that shall consist of a * * * verification that the prospective
219 licensee is not guilty of or in violation of any statutory ground
220 for denial of licensure as set forth in Section 73-15-29 or guilty
221 of any offense specified in Section 73-15-33. To assist the board
222 in conducting its licensure investigation, all applicants shall



223 undergo a fingerprint-based criminal history records check of the
224 Mississippi central criminal database and the Federal Bureau of
225 Investigation criminal history database. Each applicant shall
226 submit a full set of his or her fingerprints in a form and manner
227 prescribed by the board, which shall be forwarded to the
228 Mississippi Department of Public Safety (department) and the
229 Federal Bureau of Investigation Identification Division for this
230 purpose.

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

244 The board shall provide to the department the fingerprints of
245 the applicant, any additional information that may be required by
246 the department, and a form signed by the applicant consenting to
247 the check of the criminal records and to the use of the



248 fingerprints and other identifying information required by the
249 state or national repositories.

250 The board shall charge and collect from the applicant, in
251 addition to all other applicable fees and costs, such amount as
252 may be incurred by the board in requesting and obtaining state and
253 national criminal history records information on the applicant.

254 The board may, in its discretion, refuse to accept the
255 application of any person who has been convicted of a * * *
256 disqualifying crime as provided in the Fresh Start Act of 2019.

257 (2) **Licensure by examination.** (a) Upon the board being
258 satisfied that an applicant for a license as a registered nurse
259 has met the qualifications set forth in subsection (1) of this
260 section, the board shall proceed to examine such applicant in such
261 subjects as the board shall, in its discretion, determine. The
262 subjects in which applicants shall be examined shall be in
263 conformity with curricula in schools of nursing approved by the
264 Board of Trustees of State Institutions of Higher Learning, or one
265 approved by a legal accrediting agency of another state, territory
266 or possession of the United States, the District of Columbia, or a
267 foreign country which is satisfactory to the board.

268 (b) The applicant shall be required to pass the written
269 examination as selected by the board.

270 (c) Upon successful completion of such examination, the
271 board shall issue to the applicant a license to practice as a
272 registered nurse.



273 (d) The board may use any part or all of the state
274 board test pool examination for registered nurse licensure, its
275 successor examination, or any other nationally standardized
276 examination identified by the board in its rules. The passing
277 score shall be established by the board in its rules.

278 (3) **Licensure by endorsement.** The board may issue a license
279 to practice nursing as a registered nurse without examination to
280 an applicant who has been duly licensed as a registered nurse
281 under the laws of another state, territory or possession of the
282 United States, the District of Columbia, or a foreign country if,
283 in the opinion of the board, the applicant meets the
284 qualifications required of licensed registered nurses in this
285 state and has previously achieved the passing score or scores on
286 the licensing examination required by this state, at the time of
287 his or her graduation. The issuance of a license by endorsement
288 to a military-trained applicant, military spouse or person who
289 establishes residence in this state shall be subject to the
290 provisions of Section 73-50-1 or 73-50-2, as applicable.

291 (4) **Requirements for rewriting the examination.** The board
292 shall establish in its rules the requirements for rewriting the
293 examination for those persons failing the examination on the first
294 writing or subsequent rewriting.

295 (5) **Fee.** The applicant applying for a license by
296 examination or by endorsement to practice as a registered nurse



297 shall pay a fee not to exceed One Hundred Dollars (\$100.00) to the
298 board.

299 (6) **Temporary permit.** (a) The board may issue a temporary
300 permit to practice nursing to a graduate of an approved school of
301 nursing pending the results of the examination in Mississippi, and
302 to a qualified applicant from another state, territory or
303 possession of the United States, or District of Columbia, or
304 pending licensure procedures as provided for elsewhere in this
305 article. The fee shall not exceed Twenty-five Dollars (\$25.00).

306 (b) The board may issue a temporary permit for a period
307 of ninety (90) days to a registered nurse who is currently
308 licensed in another state, territory or possession of the United
309 States or the District of Columbia and who is an applicant for
310 licensure by endorsement. Such permit is not renewable except by
311 board action. The issuance of a temporary permit to a
312 military-trained applicant, military spouse or person who
313 establishes residence in this state shall be subject to the
314 provisions of Section 73-50-1 or 73-50-2, as applicable.

315 (c) The board may issue a temporary permit to a
316 graduate of an approved school of nursing pending the results of
317 the first licensing examination scheduled after application. Such
318 permit is not renewable except by board action.

319 (d) The board may issue a temporary permit for a period
320 of thirty (30) days to any registered nurse during the time
321 enrolled in a nursing reorientation program. This time period may



322 be extended by board action. The fee shall not exceed Twenty-five
323 Dollars (\$25.00).

324 (e) The board may adopt such regulations as are
325 necessary to limit the practice of persons to whom temporary
326 permits are issued.

327 (7) **Temporary license.** The board may issue a temporary
328 license to practice nursing at a youth camp licensed by the State
329 Board of Health to nonresident registered nurses and retired
330 resident registered nurses under the provisions of Section
331 75-74-8.

332 (8) **Title and abbreviation.** Any person who holds a license
333 or holds the privilege to practice as a registered nurse in this
334 state shall have the right to use the title "registered nurse" and
335 the abbreviation "R.N." No other person shall assume such title
336 or use such abbreviation, or any words, letters, signs or devices
337 to indicate that the person using the same is a registered nurse.

338 (9) **Registered nurses licensed under a previous law.** Any
339 person holding a license to practice nursing as a registered nurse
340 issued by this board which is valid on July 1, 1981, shall
341 thereafter be deemed to be licensed as a registered nurse under
342 the provisions of this article upon payment of the fee provided in
343 Section 73-15-27.

344 (10) Each application or filing made under this section
345 shall include the social security number(s) of the applicant in
346 accordance with Section 93-11-64.



347 **SECTION 7.** Section 73-15-21, Mississippi Code of 1972, is
348 amended as follows:

349 73-15-21. (1) **Licensed practical nurse applicant**

350 **qualifications.** Any applicant for a license to practice practical
351 nursing as a licensed practical nurse shall submit to the board:

352 (a) An attested written application on a Board of
353 Nursing form;

354 (b) A diploma from an approved high school or the
355 equivalent thereof, as determined by the appropriate educational
356 agency;

357 (c) Written official evidence of completion of a
358 practical nursing program approved by the State Department of
359 Education through its Division of Vocational Education, or one
360 approved by a legal accrediting agency of another state, territory
361 or possession of the United States, the District of Columbia, or a
362 foreign country which is satisfactory to this board;

363 (d) Evidence of competence in English related to
364 nursing, provided the first language is not English;

365 (e) Any other official records required by the board.

366 In addition to the requirements specified in paragraphs (a)
367 through (e) of this subsection, in order to qualify for a license
368 to practice practical nursing as a licensed practical nurse, an
369 applicant must have successfully been cleared for licensure
370 through an investigation that shall consist of a * * *
371 verification that the prospective licensee is not guilty of or in



372 violation of any statutory ground for denial of licensure as set
373 forth in Section 73-15-29 or guilty of any offense specified in
374 Section 73-15-33. To assist the board in conducting its licensure
375 investigation, all applicants shall undergo a fingerprint-based
376 criminal history records check of the Mississippi central criminal
377 database and the Federal Bureau of Investigation criminal history
378 database. Each applicant shall submit a full set of his or her
379 fingerprints in a form and manner prescribed by the board, which
380 shall be forwarded to the Mississippi Department of Public Safety
381 (department) and the Federal Bureau of Investigation
382 Identification Division for this purpose.

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



396 The board shall provide to the department the fingerprints of
397 the applicant, any additional information that may be required by
398 the department, and a form signed by the applicant consenting to
399 the check of the criminal records and to the use of the
400 fingerprints and other identifying information required by the
401 state or national repositories.

402 The board shall charge and collect from the applicant, in
403 addition to all other applicable fees and costs, such amount as
404 may be incurred by the board in requesting and obtaining state and
405 national criminal history records information on the applicant.

406 The board may, in its discretion, refuse to accept the
407 application of any person who has been convicted of a * * *
408 disqualifying crime as provided in the Fresh Start Act of 2019.

409 (2) **Licensure by examination.** (a) Upon the board being
410 satisfied that an applicant for a license as a practical nurse has
411 met the qualifications set forth in subsection (1) of this
412 section, the board shall proceed to examine such applicant in such
413 subjects as the board shall, in its discretion, determine. The
414 subjects in which applicants shall be examined shall be in
415 conformity with curricula in schools of practical nursing approved
416 by the State Department of Education.

417 (b) The applicant shall be required to pass the written
418 examination selected by the board.



419 (c) Upon successful completion of such examination, the
420 board shall issue to the applicant a license to practice as a
421 licensed practical nurse.

422 (d) The board may use any part or all of the state
423 board test pool examination for practical nurse licensure, its
424 successor examination, or any other nationally standardized
425 examination identified by the board in its rules. The passing
426 score shall be established by the board in its rules.

427 (3) **Licensure by endorsement.** The board may issue a license
428 to practice practical nursing as a licensed practical nurse
429 without examination to an applicant who has been duly licensed as
430 a licensed practical nurse under the laws of another state,
431 territory or possession of the United States, the District of
432 Columbia, or a foreign country if, in the opinion of the board,
433 the applicant meets the qualifications required of licensed
434 practical nurses in this state and has previously achieved the
435 passing score or scores on the licensing examination required by
436 this state at the time of his or her graduation. The issuance of
437 a license by endorsement to a military-trained applicant, military
438 spouse or person who establishes residence in this state shall be
439 subject to the provisions of Section 73-50-1 or 73-50-2, as
440 applicable.

441 (4) **Licensure by equivalent amount of theory and clinical**
442 **experience.** In the discretion of the board, former students of a
443 state-accredited school preparing students to become registered



444 nurses may be granted permission to take the examination for
445 licensure to practice as a licensed practical nurse, provided the
446 applicant's record or transcript indicates the former student
447 completed an equivalent amount of theory and clinical experiences
448 as required of a graduate of a practical nursing program, and
449 provided the school attended was, at the time of the student's
450 attendance, an accredited school of nursing.

451 (5) **Requirements for rewriting the examination.** The board
452 shall establish in its rules the requirements for rewriting the
453 examination for those persons failing the examination on the first
454 writing or subsequent writing.

455 (6) **Fee.** The applicant applying for a license by
456 examination or by endorsement to practice as a licensed practical
457 nurse shall pay a fee not to exceed Sixty Dollars (\$60.00) to the
458 board.

459 (7) **Temporary permit.** (a) The board may issue a temporary
460 permit to practice practical nursing to a graduate of an approved
461 school of practical nursing pending the results of the examination
462 in Mississippi, and to a qualified applicant from another state,
463 territory or possession of the United States, or the District of
464 Columbia, pending licensing procedures as provided for elsewhere
465 in this article. The fee shall not exceed Twenty-five Dollars
466 (\$25.00).

467 (b) The board may issue a temporary permit for a period
468 of ninety (90) days to a licensed practical nurse who is currently



469 licensed in another state, territory or possession of the United
470 States or the District of Columbia and who is an applicant for
471 licensure by endorsement. Such permit is not renewable except by
472 board action. The issuance of a temporary permit to a
473 military-trained applicant, military spouse or person who
474 establishes residence in this state shall be subject to the
475 provisions of Section 73-50-1 or 73-50-2, as applicable.

476 (c) The board may issue a temporary permit to a
477 graduate of an approved practical nursing education program or an
478 equivalent program satisfactory to the board pending the results
479 of the first licensing examination scheduled after application.
480 Such permit is not renewable except by board action.

481 (d) The board may issue a temporary permit for a period
482 of thirty (30) days to any licensed practical nurse during the
483 time enrolled in a nursing reorientation program. This time
484 period may be extended by board action. The fee shall not exceed
485 Twenty-five Dollars (\$25.00).

486 (e) The board may adopt such regulations as are
487 necessary to limit the practice of persons to whom temporary
488 permits are issued.

489 (8) **Title and abbreviation.** Any person who holds a license
490 or holds the privilege to practice as a licensed practical nurse
491 in this state shall have the right to use the title "licensed
492 practical nurse" and the abbreviation "L.P.N." No other person
493 shall assume such title or use such abbreviation, or any words,



494 letters, signs or devices to indicate that a person using the same
495 is a licensed practical nurse.

496 (9) **Licensed practical nurses licensed under a previous law.**

497 Any person holding a license to practice nursing as a practical
498 nurse issued by this board which is valid on July 1, 1981, shall
499 thereafter be deemed to be licensed as a practical nurse under the
500 provisions of this article upon payment of the fee prescribed in
501 Section 73-15-27.

502 (10) Each application or filing made under this section
503 shall include the social security number(s) of the applicant in
504 accordance with Section 93-11-64.

505 **SECTION 8.** Section 73-15-29, Mississippi Code of 1972, is
506 amended as follows:

507 73-15-29. (1) The board shall have power to revoke, suspend
508 or refuse to renew any license issued by the board, or to revoke
509 or suspend any privilege to practice, or to deny an application
510 for a license, or to fine, place on probation and/or discipline a
511 licensee, in any manner specified in this article, upon proof that
512 such person:

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

515 (b) Has been convicted of a * * * disqualifying crime
516 as provided in the Fresh Start Act of 2019 or has had accepted by
517 a court a plea of nolo contendere to a * * * disqualifying crime
518 as provided in the Fresh Start Act of 2019 (a certified copy of



519 the judgment of the court of competent jurisdiction of such
520 conviction or pleas shall be prima facie evidence of such
521 conviction);

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

525 (d) Has had a license or privilege to practice as a
526 registered nurse or a licensed practical nurse suspended or
527 revoked in any jurisdiction, has voluntarily surrendered such
528 license or privilege to practice in any jurisdiction, has been
529 placed on probation as a registered nurse or licensed practical
530 nurse in any jurisdiction or has been placed under a disciplinary
531 order(s) in any manner as a registered nurse or licensed practical
532 nurse in any jurisdiction, (a certified copy of the order of
533 suspension, revocation, probation or disciplinary action shall be
534 prima facie evidence of such action);

535 (e) Has negligently or willfully practiced nursing in a
536 manner that fails to meet generally accepted standards of such
537 nursing practice;

538 (f) Has negligently or willfully violated any order,
539 rule or regulation of the board pertaining to nursing practice or
540 licensure;

541 (g) Has falsified or in a repeatedly negligent manner
542 made incorrect entries or failed to make essential entries on
543 records;



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

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

551 (j) Has * * * committed a disqualifying crime as
552 provided in the Fresh Start Act of 2019;

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

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

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

558 (n) Violation(s) of the provisions of Sections 41-121-1
559 through 41-121-9 relating to deceptive advertisement by health
560 care practitioners. This paragraph shall stand repealed on July
561 1, 2025.

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

566 (a) Denying application for a license or other
567 authorization to practice nursing or practical nursing;

568 (b) Administering a reprimand;



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

572 (d) Revoking the license or other authorization to
573 practice nursing or practical nursing;

574 (e) Requiring the discipline to submit to care,
575 counseling or treatment by persons and/or agencies approved or
576 designated by the board as a condition for initial, continued or
577 renewed licensure or other authorization to practice nursing or
578 practical nursing;

579 (f) Requiring the discipline to participate in a
580 program of education prescribed by the board as a condition for
581 initial, continued or renewed licensure or other authorization to
582 practice;

583 (g) Requiring the discipline to practice under the
584 supervision of a registered nurse for a specified period of time;
585 or

586 (h) Imposing a fine not to exceed Five Hundred Dollars
587 (\$500.00).

588 (3) In addition to the grounds specified in subsection (1)
589 of this section, the board shall be authorized to suspend the
590 license or privilege to practice of any licensee for being out of
591 compliance with an order for support, as defined in Section
592 93-11-153. The procedure for suspension of a license or privilege
593 to practice for being out of compliance with an order for support,



594 and the procedure for the reissuance or reinstatement of a license
595 or privilege to practice suspended for that purpose, and the
596 payment of any fees for the reissuance or reinstatement of a
597 license or privilege to practice suspended for that purpose, shall
598 be governed by Section 93-11-157 or 93-11-163, as the case may be.
599 If there is any conflict between any provision of Section
600 93-11-157 or 93-11-163 and any provision of this article, the
601 provisions of Section 93-11-157 or 93-11-163, as the case may be,
602 shall control.

603 (4) If the public health, safety or welfare imperatively
604 requires emergency action and the board incorporates a finding to
605 that effect in an order, the board may order summary suspension of
606 a license pending proceedings for revocation or other action.
607 These proceedings shall be promptly instituted and determined by
608 the board.

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

613 (a) Participation in the program is voluntary with the
614 licensee, and the licensee must enter the program before the board
615 holds a disciplinary action hearing regarding the licensee;

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



618 education received by the licensee, shall be borne by the
619 licensee;

620 (c) All of the procedures and records regarding the
621 licensee's participation in the program shall be confidential,
622 shall not be disclosed and shall be exempt from the provisions of
623 the Mississippi Public Records Act of 1983; and

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

627 **SECTION 9.** Section 73-15-201, Mississippi Code of 1972, is
628 brought forward as follows:

629 73-15-201. The Nurse Licensure Compact is enacted into law
630 and entered into by this state with any and all states legally
631 joining in the compact in accordance with its term, in the form
632 substantially as follows:

633 **ARTICLE I.**

634 **Findings and declaration of purpose.**

635 (a) The party states find that:

636 1. The health and safety of the public are
637 affected by the degree of compliance with and the effectiveness of
638 enforcement activities related to state nurse licensure laws;

639 2. Violations of nurse licensure and other laws
640 regulating the practice of nursing may result in injury or harm to
641 the public;



642 3. The expanded mobility of nurses and the use of
643 advanced communication technologies as part of our nation's health
644 care delivery system require greater coordination and cooperation
645 among states in the areas of nurse licensure and regulation;

646 4. New practice modalities and technology make
647 compliance with individual state nurse licensure laws difficult
648 and complex;

649 5. The current system of duplicative licensure for
650 nurses practicing in multiple states is cumbersome and redundant
651 for both nurses and states; and

652 6. Uniformity of nurse licensure requirements
653 throughout the states promotes public safety and public health
654 benefits.

655 (b) The general purposes of this compact are to:

656 1. Facilitate the states' responsibility to
657 protect the public's health and safety;

658 2. Ensure and encourage the cooperation of party
659 states in the areas of nurse licensure and regulation;

660 3. Facilitate the exchange of information between
661 party states in the areas of nurse regulation, investigation and
662 adverse actions;

663 4. Promote compliance with the laws governing the
664 practice of nursing in each jurisdiction;

665 5. Invest all party states with the authority to
666 hold a nurse accountable for meeting all state practice laws in



667 the state in which the patient is located at the time care is
668 rendered through the mutual recognition of party state licenses;

669 6. Decrease redundancies in the consideration and
670 issuance of nurse licenses; and

671 7. Provide opportunities for interstate practice
672 by nurses who meet uniform licensure requirements.

673 **ARTICLE II.**

674 **Definitions.**

675 As used in this compact:

676 (a) "Adverse action" means any administrative, civil,
677 equitable or criminal action permitted by a state's laws which is
678 imposed by a licensing board or other authority against a
679 nurse, including actions against an individual's license or
680 multistate licensure privilege such as revocation, suspension,
681 probation, monitoring of the licensee, limitation on the
682 licensee's practice, or any other encumbrance on licensure
683 affecting a nurse's authorization to practice, including issuance
684 of a cease and desist action.

685 (b) "Alternative program" means a nondisciplinary
686 monitoring program approved by a licensing board.

687 (c) "Coordinated licensure information system" means an
688 integrated process for collecting, storing and sharing information
689 on nurse licensure and enforcement activities related to nurse
690 licensure laws that is administered by a nonprofit organization
691 composed of and controlled by licensing boards.



692 (d) "Current significant investigative information"

693 means:

694 1. Investigative information that a licensing
695 board, after a preliminary inquiry that includes notification and
696 an opportunity for the nurse to respond, if required by state law,
697 has reason to believe is not groundless and, if proved true, would
698 indicate more than a minor infraction; or

699 2. Investigative information that indicates that
700 the nurse represents an immediate threat to public health and
701 safety regardless of whether the nurse has been notified and had
702 an opportunity to respond.

703 (e) "Encumbrance" means a revocation or suspension of,
704 or any limitation on, the full and unrestricted practice of
705 nursing imposed by a licensing board.

706 (f) "Home state" means the party state which is the
707 nurse's primary state of residence.

708 (g) "Licensing board" means a party state's regulatory
709 body responsible for issuing nurse licenses.

710 (h) "Multistate license" means a license to practice as
711 a registered or a licensed practical/vocational nurse (LPN/VN)
712 issued by a home state licensing board that authorizes the
713 licensed nurse to practice in all party states under a multistate
714 licensure privilege.

715 (i) "Multistate licensure privilege" means a legal
716 authorization associated with a multistate license permitting the



717 practice of nursing as either a registered nurse (RN) or LPN/VN in
718 a remote state.

719 (j) "Nurse" means RN or LPN/VN, as those terms are
720 defined by each party state's practice laws.

721 (k) "Party state" means any state that has adopted this
722 compact.

723 (l) "Remote state" means a party state, other than the
724 home state.

725 (m) "Single-state license" means a nurse license issued
726 by a party state that authorizes practice only within the issuing
727 state and does not include a multistate licensure privilege to
728 practice in any other party state.

729 (n) "State" means a state, territory or possession of
730 the United States and the District of Columbia.

731 (o) "State practice laws" means a party state's laws,
732 rules and regulations that govern the practice of nursing, define
733 the scope of nursing practice, and create the methods and grounds
734 for imposing discipline. "State practice laws" do not include
735 requirements necessary to obtain and retain a license, except for
736 qualifications or requirements of the home state.

737 **ARTICLE III.**

738 **General provisions and jurisdiction.**

739 (a) A multistate license to practice registered or
740 licensed practical/vocational nursing issued by a home state to a
741 resident in that state will be recognized by each party state as



742 authorizing a nurse to practice as a registered nurse (RN) or as a
743 licensed practical/vocational nurse (LPN/VN), under a multistate
744 licensure privilege, in each party state.

745 (b) A state must implement procedures for considering
746 the criminal history records of applicants for initial multistate
747 license or licensure by endorsement. Such procedures shall
748 include the submission of fingerprints or other biometric-based
749 information by applicants for the purpose of obtaining an
750 applicant's criminal history record information from the Federal
751 Bureau of Investigation and the agency responsible for retaining
752 that state's criminal records.

753 (c) Each party state shall require the following for an
754 applicant to obtain or retain a multistate license in the home
755 state:

756 1. Meets the home state's qualifications for
757 licensure or renewal of licensure, as well as, all other
758 applicable state laws;

759 2. (i) Has graduated or is eligible to graduate
760 from a licensing board-approved RN or LPN/VN prelicensure
761 education program; or

762 (ii) Has graduated from a foreign RN or
763 LPN/VN prelicensure education program that (a) has been approved
764 by the authorized accrediting body in the applicable country and
765 (b) has been verified by an independent credentials review agency



766 to be comparable to a licensing board-approved prelicensure
767 education program;

768 3. Has, if a graduate of a foreign prelicensure
769 education program not taught in English or if English is not the
770 individual's native language, successfully passed an English
771 proficiency examination that includes the components of reading,
772 speaking, writing and listening;

773 4. Has successfully passed a National Council
774 Licensure Examination-Registered Nurse (NCLEX-RN®) or National
775 Council Licensure Examination-Practical Nurse (NCLEX-PN®)
776 Examination or recognized predecessor, as applicable;

777 5. Is eligible for or holds an active,
778 unencumbered license;

779 6. Has submitted, in connection with an
780 application for initial licensure or licensure by endorsement,
781 fingerprints or other biometric data for the purpose of obtaining
782 criminal history record information from the Federal Bureau of
783 Investigation and the agency responsible for retaining that
784 state's criminal records;

785 7. Has not been convicted or found guilty, or has
786 entered into an agreed disposition, of a felony offense under
787 applicable state or federal criminal law;

788 8. Has not been convicted or found guilty, or has
789 entered into an agreed disposition, of a misdemeanor offense



790 related to the practice of nursing as determined on a case-by-case
791 basis;

792 9. Is not currently enrolled in an alternative
793 program;

794 10. Is subject to self-disclosure requirements
795 regarding current participation in an alternative program; and

796 11. Has a valid United States social security
797 number.

798 (d) All party states shall be authorized, in accordance
799 with existing state due process law, to take adverse action
800 against a nurse's multistate licensure privilege such as
801 revocation, suspension, probation or any other action that affects
802 a nurse's authorization to practice under a multistate licensure
803 privilege, including cease and desist actions. If a party state
804 takes such action, it shall promptly notify the administrator of
805 the coordinated licensure information system. The administrator
806 of the coordinated licensure information system shall promptly
807 notify the home state of any such actions by remote states.

808 (e) A nurse practicing in a party state must comply
809 with the state practice laws of the state in which the client is
810 located at the time service is provided. The practice of nursing
811 is not limited to patient care, but shall include all nursing
812 practice as defined by the state practice laws of the party state
813 in which the client is located. The practice of nursing in a
814 party state under a multistate licensure privilege will subject a



815 nurse to the jurisdiction of the licensing board, the courts and
816 the laws of the party state in which the client is located at the
817 time service is provided.

818 (f) Individuals not residing in a party state shall
819 continue to be able to apply for a party state's single-state
820 license as provided under the laws of each party state. However,
821 the single-state license granted to these individuals will not be
822 recognized as granting the privilege to practice nursing in any
823 other party state. Nothing in this compact shall affect the
824 requirements established by a party state for the issuance of a
825 single-state license.

826 (g) Any nurse holding a home state multistate license,
827 on the effective date of this compact, may retain and renew the
828 multistate license issued by the nurse's then-current home state,
829 provided that:

830 1. A nurse, who changes primary state of residence
831 after this compact's effective date, must meet all applicable
832 Article III(c) requirements to obtain a multistate license from a
833 new home state.

834 2. A nurse who fails to satisfy the multistate
835 licensure requirements in subsection (c) of this article due to a
836 disqualifying event occurring after this compact's effective date
837 shall be ineligible to retain or renew a multistate license, and
838 the nurse's multistate license shall be revoked or deactivated in
839 accordance with applicable rules adopted by the Interstate



840 Commission of Nurse Licensure Compact Administrators
841 ("commission").

842 **ARTICLE IV.**

843 **Applications for licensure in a party state.**

844 (a) Upon application for a multistate license, the
845 licensing board in the issuing party state shall ascertain,
846 through the coordinated licensure information system, whether the
847 applicant has ever held, or is the holder of, a license issued by
848 any other state, whether there are any encumbrances on any license
849 or multistate licensure privilege held by the applicant, whether
850 any adverse action has been taken against any license or
851 multistate licensure privilege held by the applicant and whether
852 the applicant is currently participating in an alternative
853 program.

854 (b) A nurse may hold a multistate license, issued by
855 the home state, in only one (1) party state at a time.

856 (c) If a nurse changes primary state of residence by
857 moving between two (2) party states, the nurse must apply for
858 licensure in the new home state, and the multistate license issued
859 by the prior home state will be deactivated in accordance with
860 applicable rules adopted by the commission.

861 1. The nurse may apply for licensure in advance of
862 a change in primary state of residence.

863 2. A multistate license shall not be issued by the
864 new home state until the nurse provides satisfactory evidence of a



865 change in primary state of residence to the new home state and
866 satisfies all applicable requirements to obtain a multistate
867 license from the new home state.

868 (d) If a nurse changes primary state of residence by
869 moving from a party state to a nonparty state, the multistate
870 license issued by the prior home state will convert to a
871 single-state license, valid only in the former home state.

872 **ARTICLE V.**

873 **Additional authorities invested in party state licensing boards.**

874 (a) In addition to the other powers conferred by state
875 law, a licensing board shall have the authority to:

876 1. Take adverse action against a nurse's
877 multistate licensure privilege to practice within that party
878 state.

879 (i) Only the home state shall have the power
880 to take adverse action against a nurse's license issued by the
881 home state.

882 (ii) For purposes of taking adverse action,
883 the home state licensing board shall give the same priority and
884 effect to reported conduct received from a remote state as it
885 would if such conduct had occurred within the home state.

886 In so doing, the home state shall apply its own state laws to
887 determine appropriate action.



888 2. Issue cease and desist orders or impose an
889 encumbrance on a nurse's authority to practice within that party
890 state.

891 3. Complete any pending investigations of a nurse
892 who changes primary state of residence during the course of such
893 investigations. The licensing board shall also have the authority
894 to take appropriate action(s) and shall promptly report the
895 conclusions of such investigations to the administrator of the
896 coordinated licensure information system. The administrator of
897 the coordinated licensure information system shall promptly notify
898 the new home state of any such actions.

899 4. Issue subpoenas for both hearings and
900 investigations that require the attendance and testimony of
901 witnesses, as well as, the production of evidence.

902 Subpoenas issued by a licensing board in a party state for
903 the attendance and testimony of witnesses or the production of
904 evidence from another party state shall be enforced in the latter
905 state by any court of competent jurisdiction, according to the
906 practice and procedure of that court applicable to subpoenas
907 issued in proceedings pending before it. The issuing authority
908 shall pay any witness fees, travel expenses, mileage and other
909 fees required by the service statutes of the state in which the
910 witnesses or evidence are located.

911 5. Obtain and submit, for each nurse licensure
912 applicant, fingerprint or other biometric-based information to the



913 Federal Bureau of Investigation for criminal background checks,
914 receive the results of the Federal Bureau of Investigation record
915 search on criminal background checks and use the results in making
916 licensure decisions.

917 6. If otherwise permitted by state law, recover
918 from the affected nurse the costs of investigations and
919 disposition of cases resulting from any adverse action taken
920 against that nurse.

921 7. Take adverse action based on the factual
922 findings of the remote state, provided that the licensing board
923 follows its own procedures for taking such adverse action.

924 (b) If adverse action is taken by the home state
925 against a nurse's multistate license, the nurse's multistate
926 licensure privilege to practice in all other party states shall be
927 deactivated until all encumbrances have been removed from the
928 multistate license. All home state disciplinary orders that
929 impose adverse action against a nurse's multistate license shall
930 include a statement that the nurse's multistate licensure
931 privilege is deactivated in all party states during the pendency
932 of the order.

933 (c) Nothing in this compact shall override a party
934 state's decision that participation in an alternative program may
935 be used in lieu of adverse action. The home state licensing board
936 shall deactivate the multistate licensure privilege under the



937 multistate license of any nurse for the duration of the nurse's
938 participation in an alternative program.

939 **ARTICLE VI.**

940 **Coordinated licensure information system and exchange of**
941 **information.**

942 (a) All party states shall participate in a coordinated
943 licensure information system of all licensed registered nurses
944 (RNs) and licensed practical/vocational nurses (LPNs/VNs). This
945 system will include information on the licensure and disciplinary
946 history of each nurse, as submitted by party states, to assist in
947 the coordination of nurse licensure and enforcement efforts.

948 (b) The commission, in consultation with the
949 administrator of the coordinated licensure information system,
950 shall formulate necessary and proper procedures for the
951 identification, collection and exchange of information under this
952 compact.

953 (c) All licensing boards shall promptly report to the
954 coordinated licensure information system any adverse action, any
955 current significant investigative information, denials of
956 applications (with the reasons for such denials) and nurse
957 participation in alternative programs known to the licensing board
958 regardless of whether such participation is deemed nonpublic or
959 confidential under state law.

960 (d) Current significant investigative information and
961 participation in nonpublic or confidential alternative programs



962 shall be transmitted through the coordinated licensure information
963 system only to party state licensing boards.

964 (e) Notwithstanding any other provision of law, all
965 party state licensing boards contributing information to the
966 coordinated licensure information system may designate information
967 that may not be shared with nonparty states or disclosed to other
968 entities or individuals without the express permission of the
969 contributing state.

970 (f) Any personally identifiable information obtained
971 from the coordinated licensure information system by a party state
972 licensing board shall not be shared with nonparty states or
973 disclosed to other entities or individuals except to the extent
974 permitted by the laws of the party state contributing the
975 information.

976 (g) Any information contributed to the coordinated
977 licensure information system that is subsequently required to be
978 expunged by the laws of the party state contributing that
979 information shall also be expunged from the coordinated licensure
980 information system.

981 (h) The compact administrator of each party state shall
982 furnish a uniform data set to the compact administrator of each
983 other party state, which shall include, at a minimum:

- 984 1. Identifying information;
985 2. Licensure data;



986 3. Information related to alternative program
987 participation; and

988 4. Other information that may facilitate the
989 administration of this compact, as determined by commission rules.

990 (i) The compact administrator of a party state shall
991 provide all investigative documents and information requested by
992 another party state.

993 **ARTICLE VII.**

994 **Establishment of the Interstate Commission of Nurse Licensure**
995 **Compact administrators.**

996 (a) The party states hereby create and establish a
997 joint public entity known as the Interstate Commission of Nurse
998 Licensure Compact Administrators.

999 1. The commission is an instrumentality of the
1000 party states.

1001 2. Venue is proper, and judicial proceedings by or
1002 against the commission shall be brought solely and exclusively, in
1003 a court of competent jurisdiction where the principal office of
1004 the commission is located. The commission may waive venue and
1005 jurisdictional defenses to the extent it adopts or consents to
1006 participate in alternative dispute resolution proceedings.

1007 3. Nothing in this compact shall be construed to
1008 be a waiver of sovereign immunity.

1009 (b) Membership, voting and meetings.



1010 1. Each party state shall have and be limited to
1011 one (1) administrator. The head of the state licensing board or
1012 designee shall be the administrator of this compact for each party
1013 state. Any administrator may be removed or suspended from office
1014 as provided by the law of the state from which the administrator
1015 is appointed. Any vacancy occurring in the commission shall be
1016 filled in accordance with the laws of the party state in which the
1017 vacancy exists.

1018 2. Each administrator shall be entitled to one (1)
1019 vote with regard to the promulgation of rules and creation of
1020 bylaws and shall otherwise have an opportunity to participate in
1021 the business and affairs of the commission. An administrator
1022 shall vote in person or by such other means as provided in the
1023 bylaws. The bylaws may provide for an administrator's
1024 participation in meetings by telephone or other means of
1025 communication.

1026 3. The commission shall meet at least once during
1027 each calendar year.

1028 Additional meetings shall be held as set forth in the bylaws
1029 or rules of the commission.

1030 4. All meetings shall be open to the public, and
1031 public notice of meetings shall be given in the same manner as
1032 required under the rulemaking provisions in Article VIII.

1033 5. The commission may convene in a closed,
1034 nonpublic meeting if the commission must discuss:



- 1035 (i) Noncompliance of a party state with its
1036 obligations under this compact;
- 1037 (ii) The employment, compensation, discipline
1038 or other personnel matters, practices or procedures related to
1039 specific employees or other matters related to the commission's
1040 internal personnel practices and procedures;
- 1041 (iii) Current, threatened or reasonably
1042 anticipated litigation;
- 1043 (iv) Negotiation of contracts for the
1044 purchase or sale of goods, services or real estate;
- 1045 (v) Accusing any person of a crime or
1046 formally censuring any person;
- 1047 (vi) Disclosure of trade secrets or
1048 commercial or financial information that is privileged or
1049 confidential;
- 1050 (vii) Disclosure of information of a personal
1051 nature where disclosure would constitute a clearly unwarranted
1052 invasion of personal privacy;
- 1053 (viii) Disclosure of investigatory records
1054 compiled for law enforcement purposes;
- 1055 (ix) Disclosure of information related to any
1056 reports prepared by or on behalf of the commission for the purpose
1057 of investigation of compliance with this compact; or
- 1058 (x) Matters specifically exempted from
1059 disclosure by federal or state statute.



1060 6. If a meeting, or portion of a meeting, is
1061 closed pursuant to this provision, the commission's legal counsel
1062 or designee shall certify that the meeting may be closed and shall
1063 reference each relevant exempting provision. The commission shall
1064 keep minutes that fully and clearly describe all matters discussed
1065 in a meeting and shall provide a full and accurate summary of
1066 actions taken, and the reasons therefor, including a description
1067 of the views expressed. All documents considered in connection
1068 with an action shall be identified in such minutes. All minutes
1069 and documents of a closed meeting shall remain under seal, subject
1070 to release by a majority vote of the commission or order of a
1071 court of competent jurisdiction.

1072 (c) The commission shall, by a majority vote of the
1073 administrators, prescribe bylaws or rules to govern its conduct as
1074 may be necessary or appropriate to carry out the purposes and
1075 exercise the powers of this compact, including, but not limited
1076 to:

- 1077 1. Establishing the fiscal year of the commission;
1078 2. Providing reasonable standards and procedures:
1079 (i) For the establishment and meetings of
1080 other committees; and
1081 (ii) Governing any general or specific
1082 delegation of any authority or function of the commission;
1083 3. Providing reasonable procedures for calling and
1084 conducting meetings of the commission, ensuring reasonable advance



1085 notice of all meetings and providing an opportunity for attendance
1086 of such meetings by interested parties, with enumerated exceptions
1087 designed to protect the public's interest, the privacy of
1088 individuals, and proprietary information, including trade secrets.
1089 The commission may meet in closed session only after a majority of
1090 the administrators vote to close a meeting in whole or in part.
1091 As soon as practicable, the commission must make public a copy of
1092 the vote to close the meeting revealing the vote of each
1093 administrator, with no proxy votes allowed;

1094 4. Establishing the titles, duties and authority
1095 and reasonable procedures for the election of the officers of the
1096 commission;

1097 5. Providing reasonable standards and procedures
1098 for the establishment of the personnel policies and programs of
1099 the commission. Notwithstanding any civil service or other
1100 similar laws of any party state, the bylaws shall exclusively
1101 govern the personnel policies and programs of the commission; and

1102 6. Providing a mechanism for winding up the
1103 operations of the commission and the equitable disposition of any
1104 surplus funds that may exist after the termination of this compact
1105 after the payment or reserving of all of its debts and
1106 obligations;

1107 (d) The commission shall publish its bylaws and rules,
1108 and any amendments thereto, in a convenient form on the website of
1109 the commission.



1110 (e) The commission shall maintain its financial records
1111 in accordance with the bylaws.

1112 (f) The commission shall meet and take such actions as
1113 are consistent with the provisions of this compact and the bylaws.

1114 (g) The commission shall have the following powers:

1115 1. To promulgate uniform rules to facilitate and
1116 coordinate implementation and administration of this compact. The
1117 rules shall have the force and effect of law and shall be binding
1118 in all party states;

1119 2. To bring and prosecute legal proceedings or
1120 actions in the name of the commission, provided that the standing
1121 of any licensing board to sue or be sued under applicable law
1122 shall not be affected;

1123 3. To purchase and maintain insurance and bonds;

1124 4. To borrow, accept or contract for services of
1125 personnel, including, but not limited to, employees of a party
1126 state or nonprofit organizations;

1127 5. To cooperate with other organizations that
1128 administer state compacts related to the regulation of nursing,
1129 including, but not limited to, sharing administrative or staff
1130 expenses, office space or other resources;

1131 6. To hire employees, elect or appoint officers,
1132 fix compensation, define duties, grant such individuals
1133 appropriate authority to carry out the purposes of this compact,
1134 and to establish the commission's personnel policies and programs



1135 relating to conflicts of interest, qualifications of personnel and
1136 other related personnel matters;

1137 7. To accept any and all appropriate donations,
1138 grants and gifts of money, equipment, supplies, materials and
1139 services, and to receive, utilize and dispose of the same;
1140 provided that at all times the commission shall avoid any
1141 appearance of impropriety or conflict of interest;

1142 8. To lease, purchase, accept appropriate gifts or
1143 donations of, or otherwise to own, hold, improve or use, any
1144 property, whether real, personal or mixed; provided that at all
1145 times the commission shall avoid any appearance of impropriety;

1146 9. To sell, convey, mortgage, pledge, lease,
1147 exchange, abandon or otherwise dispose of any property, whether
1148 real, personal or mixed;

1149 10. To establish a budget and make expenditures;

1150 11. To borrow money;

1151 12. To appoint committees, including advisory
1152 committees comprised of administrators, state nursing regulators,
1153 state legislators or their representatives, and consumer
1154 representatives, and other such interested persons;

1155 13. To provide and receive information from, and
1156 to cooperate with, law enforcement agencies;

1157 14. To adopt and use an official seal; and

1158 15. To perform such other functions as may be
1159 necessary or appropriate to achieve the purposes of this compact



1160 consistent with the state regulation of nurse licensure and
1161 practice.

1162 (h) Financing of the commission.

1163 1. The commission shall pay, or provide for the
1164 payment of, the reasonable expenses of its establishment,
1165 organization and ongoing activities.

1166 2. The commission may also levy on and collect an
1167 annual assessment from each party state to cover the cost of its
1168 operations, activities and staff in its annual budget as approved
1169 each year. The aggregate annual assessment amount, if any, shall
1170 be allocated based upon a formula to be determined by the
1171 commission, which shall promulgate a rule that is binding upon all
1172 party states.

1173 3. The commission shall not incur obligations of
1174 any kind prior to securing the funds adequate to meet the same;
1175 nor shall the commission pledge the credit of any of the party
1176 states, except by, and with the authority of, such party state.

1177 4. The commission shall keep accurate accounts of
1178 all receipts and disbursements. The receipts and disbursements of
1179 the commission shall be subject to the audit and accounting
1180 procedures established under its bylaws. However, all receipts
1181 and disbursements of funds handled by the commission shall be
1182 audited yearly by a certified or licensed public accountant, and
1183 the report of the audit shall be included in and become part of
1184 the annual report of the commission.



1185 (i) Qualified immunity, defense and indemnification.

1186 1. The administrators, officers, executive
1187 director, employees and representatives of the commission shall be
1188 immune from suit and liability, either personally or in their
1189 official capacity, for any claim for damage to or loss of property
1190 or personal injury or other civil liability caused by or arising
1191 out of any actual or alleged act, error or omission that occurred,
1192 or that the person against whom the claim is made had a reasonable
1193 basis for believing occurred, within the scope of commission
1194 employment, duties or responsibilities; provided that nothing in
1195 this paragraph shall be construed to protect any such person from
1196 suit or liability for any damage, loss, injury or liability caused
1197 by the intentional, willful or wanton misconduct of that person.

1198 2. The commission shall defend any administrator,
1199 officer, executive director, employee or representative of the
1200 commission in any civil action seeking to impose liability arising
1201 out of any actual or alleged act, error or omission that occurred
1202 within the scope of commission employment, duties or
1203 responsibilities, or that the person against whom the claim is
1204 made had a reasonable basis for believing occurred within the
1205 scope of commission employment, duties or responsibilities;
1206 provided that nothing herein shall be construed to prohibit that
1207 person from retaining his or her own counsel; and provided further
1208 that the actual or alleged act, error or omission did not result
1209 from that person's intentional, willful or wanton misconduct.



1235 1. On the website of the commission; and
1236 2. On the website of each licensing board or the
1237 publication in which each state would otherwise publish proposed
1238 rules.

1239 (d) The notice of proposed rulemaking shall include:

1240 1. The proposed time, date and location of the
1241 meeting in which the rule will be considered and voted upon;

1242 2. The text of the proposed rule or amendment, and
1243 the reason for the proposed rule;

1244 3. A request for comments on the proposed rule
1245 from any interested person; and

1246 4. The manner in which interested persons may
1247 submit notice to the commission of their intention to attend the
1248 public hearing and any written comments.

1249 (e) Prior to adoption of a proposed rule, the
1250 commission shall allow persons to submit written data, facts,
1251 opinions and arguments, which shall be made available to the
1252 public.

1253 (f) The commission shall grant an opportunity for a
1254 public hearing before it adopts a rule or amendment.

1255 (g) The commission shall publish the place, time and
1256 date of the scheduled public hearing.

1257 1. Hearings shall be conducted in a manner
1258 providing each person who wishes to comment a fair and reasonable
1259 opportunity to comment orally or in writing.



1260 All hearings will be recorded, and a copy will be made
1261 available upon request.

1262 2. Nothing in this section shall be construed as
1263 requiring a separate hearing on each rule. Rules may be grouped
1264 for the convenience of the commission at hearings required by this
1265 section.

1266 (h) If no one appears at the public hearing, the
1267 commission may proceed with promulgation of the proposed rule.

1268 (i) Following the scheduled hearing date, or by the
1269 close of business on the scheduled hearing date if the hearing was
1270 not held, the commission shall consider all written and oral
1271 comments received.

1272 (j) The commission shall, by majority vote of all
1273 administrators, take final action on the proposed rule and shall
1274 determine the effective date of the rule, if any, based on the
1275 rulemaking record and the full text of the rule.

1276 (k) Upon determination that an emergency exists, the
1277 commission may consider and adopt an emergency rule without prior
1278 notice, opportunity for comment or hearing, provided that the
1279 usual rulemaking procedures provided in this compact and in this
1280 section shall be retroactively applied to the rule as soon as
1281 reasonably possible, in no event later than ninety (90) days after
1282 the effective date of the rule. For the purposes of this
1283 provision, an emergency rule is one that must be adopted
1284 immediately in order to:



- 1285 1. Meet an imminent threat to public health,
1286 safety or welfare;
1287 2. Prevent a loss of commission or party state
1288 funds; or
1289 3. Meet a deadline for the promulgation of an
1290 administrative rule that is required by federal law or rule.

1291 (1) The commission may direct revisions to a previously
1292 adopted rule or amendment for purposes of correcting typographical
1293 errors, errors in format, errors in consistency or grammatical
1294 errors. Public notice of any revisions shall be posted on the
1295 website of the commission. The revision shall be subject to
1296 challenge by any person for a period of thirty (30) days after
1297 posting. The revision may be challenged only on grounds that the
1298 revision results in a material change to a rule. A challenge
1299 shall be made in writing, and delivered to the commission, prior
1300 to the end of the notice period. If no challenge is made, the
1301 revision will take effect without further action. If the revision
1302 is challenged, the revision may not take effect without the
1303 approval of the commission.

1304 **ARTICLE IX.**

1305 **Oversight, dispute resolution and enforcement.**

1306 (a) Oversight:

- 1307 1. Each party state shall enforce this compact and
1308 take all actions necessary and appropriate to effectuate this
1309 compact's purposes and intent.



1310 2. The commission shall be entitled to receive
1311 service of process in any proceeding that may affect the powers,
1312 responsibilities or actions of the commission, and shall have
1313 standing to intervene in such a proceeding for all purposes.
1314 Failure to provide service of process in such proceeding to the
1315 commission shall render a judgment or order void as to the
1316 commission, this compact or promulgated rules.

1317 (b) Default, technical assistance and termination:

1318 1. If the commission determines that a party state
1319 has defaulted in the performance of its obligations or
1320 responsibilities under this compact or the promulgated rules, the
1321 commission shall:

1322 (i) Provide written notice to the defaulting
1323 state and other party states of the nature of the default, the
1324 proposed means of curing the default or any other action to be
1325 taken by the commission; and

1326 (ii) Provide remedial training and specific
1327 technical assistance regarding the default.

1328 2. If a state in default fails to cure the
1329 default, the defaulting state's membership in this compact may be
1330 terminated upon an affirmative vote of a majority of the
1331 administrators, and all rights, privileges and benefits conferred
1332 by this compact may be terminated on the effective date of
1333 termination. A cure of the default does not relieve the offending



1334 state of obligations or liabilities incurred during the period of
1335 default.

1336 3. Termination of membership in this compact shall
1337 be imposed only after all other means of securing compliance have
1338 been exhausted. Notice of intent to suspend or terminate shall be
1339 given by the commission to the Governor of the defaulting state
1340 and to the executive officer of the defaulting state's licensing
1341 board and each of the party states.

1342 4. A state whose membership in this compact has
1343 been terminated is responsible for all assessments, obligations
1344 and liabilities incurred through the effective date of
1345 termination, including obligations that extend beyond the
1346 effective date of termination.

1347 5. The commission shall not bear any costs related
1348 to a state that is found to be in default or whose membership in
1349 this compact has been terminated unless agreed upon in writing
1350 between the commission and the defaulting state.

1351 6. The defaulting state may appeal the action of
1352 the commission by petitioning the United States District Court for
1353 the District of Columbia or the federal district in which the
1354 commission has its principal offices. The prevailing party shall
1355 be awarded all costs of such litigation, including reasonable
1356 attorneys' fees.

1357 (c) Dispute resolution:



1358 1. Upon request by a party state, the commission
1359 shall attempt to resolve disputes related to the compact that
1360 arise among party states and between party and nonparty states.

1361 2. The commission shall promulgate a rule
1362 providing for both mediation and binding dispute resolution for
1363 disputes, as appropriate.

1364 3. In the event the commission cannot resolve
1365 disputes among party states arising under this compact:

1366 (i) The party states may submit the issues in
1367 dispute to an arbitration panel, which will be comprised of
1368 individuals appointed by the compact administrator in each of the
1369 affected party states and an individual mutually agreed upon by
1370 the compact administrators of all the party states involved in the
1371 dispute.

1372 (ii) The decision of a majority of the
1373 arbitrators shall be final and binding.

1374 (d) Enforcement:

1375 1. The commission, in the reasonable exercise of
1376 its discretion, shall enforce the provisions and rules of this
1377 compact.

1378 2. By majority vote, the commission may initiate
1379 legal action in the United States District Court for the District
1380 of Columbia or the federal district in which the commission has
1381 its principal offices against a party state that is in default to



1382 enforce compliance with the provisions of this compact and its
1383 promulgated rules and bylaws.

1384 The relief sought may include both injunctive relief and
1385 damages. In the event judicial enforcement is necessary, the
1386 prevailing party shall be awarded all costs of such litigation,
1387 including reasonable attorneys' fees.

1388 3. The remedies herein shall not be the exclusive
1389 remedies of the commission. The commission may pursue any other
1390 remedies available under federal or state law.

1391 **ARTICLE X.**

1392 **Effective date, withdrawal and amendment.**

1393 (a) This compact shall become effective and binding on
1394 the earlier of the date of legislative enactment of this compact
1395 into law by no less than twenty-six (26) states or December 31,
1396 2018. All party states to this compact, that also were parties to
1397 the prior Nurse Licensure Compact, superseded by this compact,
1398 ("prior compact"), shall be deemed to have withdrawn from the
1399 prior compact within six (6) months after the effective date of
1400 this compact.

1401 (b) Each party state to this compact shall continue to
1402 recognize a nurse's multistate licensure privilege to practice in
1403 that party state issued under the prior compact until such party
1404 state has withdrawn from the prior compact.

1405 (c) Any party state may withdraw from this compact by
1406 enacting a statute repealing the same. A party state's withdrawal



1407 shall not take effect until six (6) months after enactment of the
1408 repealing statute.

1409 (d) A party state's withdrawal or termination shall not
1410 affect the continuing requirement of the withdrawing or terminated
1411 state's licensing board to report adverse actions and significant
1412 investigations occurring prior to the effective date of such
1413 withdrawal or termination.

1414 (e) Nothing contained in this compact shall be
1415 construed to invalidate or prevent any nurse licensure agreement
1416 or other cooperative arrangement between a party state and a
1417 nonparty state that is made in accordance with the other
1418 provisions of this compact.

1419 (f) This compact may be amended by the party states.
1420 No amendment to this compact shall become effective and binding
1421 upon the party states unless and until it is enacted into the laws
1422 of all party states.

1423 (g) Representatives of nonparty states to this compact
1424 shall be invited to participate in the activities of the
1425 commission, on a nonvoting basis, prior to the adoption of this
1426 compact by all states.

1427 **ARTICLE XI.**

1428 **Construction and severability.**

1429 This compact shall be liberally construed so as to effectuate
1430 the purposes thereof.



1431 The provisions of this compact shall be severable, and if any
1432 phrase, clause, sentence or provision of this compact is declared
1433 to be contrary to the Constitution of any party state or of the
1434 United States, or if the applicability thereof to any government,
1435 agency, person or circumstance is held invalid, the validity of
1436 the remainder of this compact and the applicability thereof to any
1437 government, agency, person or circumstance shall not be affected
1438 thereby. If this compact shall be held to be contrary to the
1439 Constitution of any party state, this compact shall remain in full
1440 force and effect as to the remaining party states and in full
1441 force and effect as to the party state affected as to all
1442 severable matters.

1443 **SECTION 10.** Section 73-53-8, Mississippi Code of 1972, is
1444 amended as follows:

1445 73-53-8. (1) There is created the Board of Examiners for
1446 Social Workers and Marriage and Family Therapists to license and
1447 regulate social workers and marriage and family therapists. The
1448 board shall be composed of ten (10) members, six (6) of which
1449 shall be social workers and four (4) of which shall be marriage
1450 and family therapists.

1451 (2) Of the social worker members of the board, two (2) must
1452 be licensed social workers, and four (4) must be licensed master
1453 social workers or licensed certified social workers or a
1454 combination thereof. The marriage and family therapist members of
1455 the board must be licensed marriage and family therapists. For at



1456 least two (2) years immediately preceding his or her appointment,
1457 each marriage and family therapist appointee must have been
1458 actively engaged as a marriage and family therapist in rendering
1459 professional services in marriage and family therapy, or in the
1460 education and training of master's, doctoral or post-doctoral
1461 students of marriage and family therapy, or in marriage and family
1462 therapy research, and during the two (2) years preceding his or
1463 her appointment, must have spent the majority of the time devoted
1464 to that activity in this state. The initial marriage and family
1465 therapist appointees shall be deemed to be and shall become
1466 licensed practicing marriage and family therapists immediately
1467 upon their appointment and qualification as members of the board.
1468 All subsequent marriage and family therapist appointees to the
1469 board must be licensed marriage and family therapists before their
1470 appointment.

1471 (3) The Governor shall appoint six (6) members of the board,
1472 four (4) of which shall be social workers and two (2) of which
1473 shall be marriage and family therapists, and the Lieutenant
1474 Governor shall appoint four (4) members of the board, two (2) of
1475 which shall be social workers and two (2) of which shall be
1476 marriage and family therapists. Social worker members of the
1477 board shall be appointed from nominations submitted by the
1478 Mississippi Chapter of the National Association of Social Workers,
1479 and marriage and family therapist members of the board shall be
1480 appointed from nominations submitted by the Mississippi



1481 Association for Marriage and Family Therapy. All appointments
1482 shall be made with the advice and consent of the Senate.

1483 (4) The initial appointments to the board shall be made as
1484 follows: The Governor shall appoint one (1) social worker member
1485 for a term that expires on June 30, 1999, one (1) social worker
1486 member for a term that expires on June 30, 2001, two (2) social
1487 worker members for terms that expire on June 30, 2002, one (1)
1488 marriage and family therapist member for a term that expires on
1489 June 30, 1998, and one (1) marriage and family therapist member
1490 for a term that expires on June 30, 2000. The Lieutenant Governor
1491 shall appoint one (1) social worker member for a term that expires
1492 on June 30, 1998, one (1) social worker member for a term that
1493 expires on June 30, 2000, one (1) marriage and family therapist
1494 member for a term that expires on June 30, 1999, and one (1)
1495 marriage and family therapist member of the board for a term that
1496 expires on June 30, 2001. After the expiration of the initial
1497 terms, all subsequent appointments shall be made by the original
1498 appointing authorities for terms of four (4) years from the
1499 expiration date of the previous term. Upon the expiration of his
1500 or her term of office, a board member shall continue to serve
1501 until his or her successor has been appointed and has qualified.
1502 No person may be appointed more than once to fill an unexpired
1503 term or more than two (2) consecutive full terms.

1504 (5) Any vacancy on the board before the expiration of a term
1505 shall be filled by appointment of the original appointing



1506 authority for the remainder of the unexpired term. Appointments
1507 to fill vacancies shall be made from nominations submitted by the
1508 appropriate organization as specified in subsection (2) of this
1509 section for the position being filled.

1510 (6) The appointing authorities shall give due regard to
1511 geographic distribution, race and sex in making all appointments
1512 to the board.

1513 (7) The board shall select one (1) of its members to serve
1514 as chairman during the term of his or her appointment to the
1515 board. No person may serve as chairman for more than four (4)
1516 years. The board may remove any member of the board or the
1517 chairman from his or her position as chairman for (a) malfeasance
1518 in office, or (b) conviction of * * * disqualifying crime as
1519 provided in the Fresh Start Act of 2019 while in office, or (c)
1520 failure to attend three (3) consecutive board meetings. However,
1521 no member may be removed until after a public hearing of the
1522 charges against him or her, and at least thirty (30) days' prior
1523 written notice to the accused member of the charges against him or
1524 her and of the date fixed for such hearing. No board member shall
1525 participate in any matter before the board in which he has a
1526 pecuniary interest, personal bias or other similar conflict of
1527 interest.

1528 (8) Board members shall receive no compensation for their
1529 services, but shall be reimbursed for their actual and necessary



1530 expenses incurred in the performance of official board business as
1531 provided in Section 25-3-41.

1532 (9) Four (4) social worker members and three (3) marriage
1533 and family therapist members of the board shall constitute a
1534 quorum of the board. In making its decisions and taking actions
1535 affecting the members of one (1) of the professions regulated by
1536 the board, the board shall consider the recommendations of the
1537 board members who are members of that profession. If the board is
1538 unable to have a quorum present at a regularly scheduled meeting
1539 location, the board may allow other members to participate in the
1540 meeting by telephone or other electronic means. In the case of an
1541 administrative hearing, when recusals from the process are
1542 necessary, a quorum may consist of a simple majority of six (6)
1543 members.

1544 (10) The principal office of the board shall be in the City
1545 of Jackson, but the board may act and exercise all of its powers
1546 at any other place. The board shall adopt an official seal, which
1547 shall be judicially noticed and which shall be affixed to all
1548 licenses issued by the board.

1549 (11) The board is authorized to employ, subject to the
1550 approval of the State Personnel Board, an executive director and
1551 such attorneys, experts and other employees as it may, from time
1552 to time, find necessary for the proper performance of its duties
1553 and for which the necessary funds are available, and to set the



1554 salary of the executive director, subject to the approval of the
1555 State Personnel Board.

1556 (12) The board, by a majority vote, from time to time, may
1557 make such provisions as it deems appropriate to authorize the
1558 performance by any board member or members, employee or other
1559 agent of the board of any function given the board in this chapter
1560 or Sections 73-54-1 through 73-54-39.

1561 **SECTION 11.** Section 73-53-13, Mississippi Code of 1972, is
1562 amended as follows:

1563 73-53-13. The board shall issue the appropriate license to
1564 applicants who meet the qualifications of this section.

1565 (a) A license as a "licensed social worker" shall be
1566 issued to an applicant who demonstrates to the satisfaction of the
1567 board that he or she meets the following qualifications:

1568 (i) Has a baccalaureate degree in social work from
1569 a college or university accredited by the Council on Social Work
1570 Education or Southern Association of Colleges and Schools and has
1571 satisfactorily completed the Association for Social Work Boards
1572 (ASWB) examination for this license; or

1573 (ii) Has a comparable license or registration from
1574 another state or territory of the United States of America that
1575 imposes qualifications substantially similar to those of this
1576 chapter.

1577 (b) A license as a "licensed master's social worker"
1578 shall be issued to an applicant who demonstrates to the



1579 satisfaction of the board that he or she meets the following
1580 qualifications:

1581 (i) Has a doctorate or master's degree from a
1582 school of social work accredited by the Council on Social Work
1583 Education; and

1584 (ii) Has satisfactorily completed the ASWB
1585 examination for this license; or

1586 (iii) Has a comparable license or registration
1587 from another state or territory of the United States of America
1588 that imposes qualifications substantially similar to those of this
1589 chapter.

1590 (c) A license as a "licensed certified social worker"
1591 shall be issued to an applicant who demonstrates to the
1592 satisfaction of the board that he or she meets the following
1593 qualifications:

1594 (i) Is licensed under this section as a "master's
1595 social worker"; and

1596 (ii) Has twenty-four (24) months of professional
1597 supervision and clinical or macro social work practice experience
1598 acceptable to the board, under appropriate supervision; and

1599 (iii) Has satisfactorily completed the ASWB
1600 examination for this license; or

1601 (iv) Has a comparable license or registration from
1602 another state or territory of the United States of America that



1603 imposes qualifications substantially similar to those of this
1604 chapter.

1605 (d) In addition to the above qualifications, an
1606 applicant for any of the above licenses must prove to the board's
1607 satisfaction:

1608 (i) Age of at least twenty-one (21) years, and

1609 * * *

1610 (* * *ii) United States of America citizenship or
1611 status as a legal resident alien, and

1612 (* * *iii) Absence of conviction of a * * *
1613 disqualifying crime as provided in the Fresh Start Act of 2019 for
1614 the last ten (10) years. Conviction, as used in this subparagraph,
1615 includes a deferred conviction, deferred prosecution, deferred
1616 sentence, finding or verdict of guilt, an admission of guilty, or
1617 a plea of nolo contendere, and

1618 (v) That the applicant has not been declared
1619 mentally incompetent by any court, and if any such decree has ever
1620 been rendered, that the decree has since been changed, and

1621 (vi) Freedom from dependency on alcohol or drugs,
1622 and

1623 (vii) Complete criminal history records check,
1624 including a fingerprint and an acceptable sex offender check, by
1625 appropriate governmental authorities as prescribed by the board.



1626 (e) Only individuals licensed as "certified social
1627 workers" shall be permitted to call themselves "clinical social
1628 workers."

1629 The issuance of a license by reciprocity to a
1630 military-trained applicant, military spouse or person who
1631 establishes residence in this state shall be subject to the
1632 provisions of Section 73-50-1 or 73-50-2, as applicable.

1633 Each application or filing made under this section shall
1634 include the social security number(s) of the applicant in
1635 accordance with Section 93-11-64.

1636 **SECTION 12.** Section 73-53-17, Mississippi Code of 1972, is
1637 amended as follows:

1638 73-53-17. (1) Individuals licensed by the board shall
1639 conduct their activities, services and practice in accordance with
1640 the laws governing their professional practice and any rules
1641 promulgated by the board. Licensees and applicants may be subject
1642 to the exercise of the sanctions enumerated in Section 73-53-23 if
1643 the board finds that a licensee or applicant has committed any of
1644 the following:

1645 (a) Negligence in the practice or performance of
1646 professional services or activities;

1647 (b) Engaging in dishonorable, unethical or
1648 unprofessional conduct of a character likely to deceive, defraud
1649 or harm the public in the course of professional services or
1650 activities;



1651 (c) Perpetrating or cooperating in fraud or material
1652 deception in obtaining or renewing a license or attempting the
1653 same;

1654 (d) Violating the rules and regulations established by
1655 the board;

1656 (e) Violating the National Association of Social
1657 Workers Code of Ethics or the American Association for Marriage
1658 and Family Therapy Code of Ethics;

1659 (f) Being convicted of any crime which has a
1660 substantial relationship to the licensee's activities and services
1661 or an essential element of which is misstatement, fraud or
1662 dishonesty;

1663 (g) Being convicted of * * * disqualifying crime as
1664 provided in the Fresh Start Act of 2019;

1665 (h) Engaging in or permitting the performance of
1666 unacceptable services personally due to the licensee's deliberate
1667 or grossly negligent act or acts or failure to act, regardless of
1668 whether actual damage or damages to the public is established, or
1669 assuming responsibility for another's work by signing documents
1670 without personal knowledge of the work as established by board
1671 rule;

1672 (i) Continued practice although the licensee has become
1673 unfit to practice social work due to: (i) failure to keep abreast
1674 of current professional theory or practice; or (ii) physical or
1675 mental disability; the entry of an order or judgment by a court of



1676 competent jurisdiction that a licensee is in need of mental
1677 treatment or is incompetent shall constitute mental disability; or
1678 (iii) addiction or severe dependency upon alcohol or other drugs
1679 which may endanger the public by impairing the licensee's ability
1680 to practice;

1681 (j) Continued practice although the individual failed
1682 to renew and has a lapsed license;

1683 (k) Having disciplinary action taken against the
1684 licensee's license in another state;

1685 (l) Making differential, detrimental treatment against
1686 any person because of race, color, creed, sex, religion or
1687 national origin;

1688 (m) Engaging in lewd conduct in connection with
1689 professional services or activities;

1690 (n) Engaging in false or misleading advertising;

1691 (o) Contracting, assisting or permitting unlicensed
1692 persons to perform services for which a license is required under
1693 this chapter;

1694 (p) Violation of any probation requirements placed on a
1695 licensee by the board;

1696 (q) Revealing confidential information except as may be
1697 required by law;

1698 (r) Failing to inform clients of the fact that the
1699 client no longer needs the services or professional assistance of
1700 the licensee;



1701 (s) Charging excessive or unreasonable fees or engaging
1702 in unreasonable collection practices.

1703 (2) The board may order a licensee to submit to a reasonable
1704 physical or mental examination if the licensee's physical or
1705 mental capacity to practice safely is at issue in a disciplinary
1706 proceeding.

1707 (3) Failure to comply with a board order to submit to a
1708 physical or mental examination shall render a licensee subject to
1709 the summary suspension procedures described in Section 73-53-23.

1710 (4) In addition to the reasons specified in subsection (1)
1711 of this section, the board shall be authorized to suspend the
1712 license of any licensee for being out of compliance with an order
1713 for support, as defined in Section 93-11-153. The procedure for
1714 suspension of a license for being out of compliance with an order
1715 for support, and the procedure for the reissuance or reinstatement
1716 of a license suspended for that purpose, and the payment of any
1717 fees for the reissuance or reinstatement of a license suspended
1718 for that purpose, shall be governed by Section 93-11-157 or
1719 93-11-163, as the case may be. If there is any conflict between
1720 any provision of Section 93-11-157 or 93-11-163 and any provision
1721 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
1722 as the case may be, shall control.

1723 **SECTION 13.** This act shall take effect and be in force from
1724 and after its passage.

