

By: Senator(s) Wiggins

To: Public Health and
Welfare

SENATE BILL NO. 2708

1 AN ACT TO AMEND SECTION 73-43-1, MISSISSIPPI CODE OF 1972, TO
 2 CHANGE THE NAME OF THE STATE BOARD OF MEDICAL LICENSURE TO THE
 3 MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE; TO AMEND SECTION
 4 73-43-3, MISSISSIPPI CODE OF 1972, TO ADD THREE CONSUMER MEMBERS
 5 TO THE BOARD; TO PROVIDE THAT EACH PHYSICIAN MEMBER OF THE BOARD
 6 SHALL HOLD A CURRENT MISSISSIPPI LICENSE TO PRACTICE MEDICINE; TO
 7 REVISE THE MEMBERSHIP OF THE BOARD AND THE APPOINTMENT DEADLINES;
 8 TO AMEND SECTION 73-43-5, MISSISSIPPI CODE OF 1972, TO PROVIDE
 9 THAT CONSUMER MEMBERS OF THE BOARD MAY DISCUSS, VOTE AND NOMINATE
 10 CANDIDATES FOR OFFICE BUT SHALL NOT HOLD OFFICE; TO AMEND SECTION
 11 73-43-7, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE QUORUM OF
 12 THE BOARD; TO AMEND SECTION 73-43-11, MISSISSIPPI CODE OF 1972, TO
 13 PROVIDE THAT THE BOARD, THROUGH ITS EXECUTIVE DIRECTOR, HIRE
 14 INVESTIGATORS TO CONDUCT INVESTIGATIONS; TO AMEND SECTION
 15 73-43-14, MISSISSIPPI CODE OF 1972, TO REVISE THE MEMBERSHIP OF
 16 THE BOARD TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR
 17 RELATED PURPOSES.

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

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

21 73-43-1. There is hereby created and established a board to
 22 be known as the Mississippi State Board of Medical Licensure.

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



25 73-43-3. (1) The Mississippi State Board of Medical
26 Licensure shall consist of nine (9) physicians and three (3)
27 consumer members. Each of the physicians shall * * * hold a
28 current Mississippi license to practice medicine and have at least
29 six (6) years' experience in the practice of medicine. No more
30 than two (2) physician members of the board shall be a member of
31 the faculty of the University of Mississippi School of Medicine.
32 No more than four (4) physician members of the board shall be from
33 the same Mississippi Supreme Court district.

34 (2) (a) Three (3) physicians shall be nominated to the
35 Governor for each appointive position by the Mississippi State
36 Medical Association; and said nominations shall give due regard to
37 geographic distribution, race and sex. The Governor shall appoint
38 from said nominations the physician members of the board with the
39 advice and consent of the Senate. The original appointments of
40 the board shall be made no later than June 30, 1980, for terms to
41 begin on July 1, 1980. The Governor shall designate the initial
42 terms of the members as follows: three (3) members shall be
43 appointed for a term which expires July 1, 1982, three (3) members
44 shall be appointed for a term which expires July 1, 1984, and
45 three (3) members shall be appointed for a term which expires July
46 1, 1986. Thereafter, all succeeding appointments shall be for
47 terms of six (6) years from the expiration of the previous term.
48 Vacancies in office shall be filled by appointment of the Governor
49 in the same manner as the appointment to the position which



50 becomes vacant, subject to the advice and consent of the Senate at
51 the next regular session of the Legislature.

52 (b) Three (3) consumer members shall be appointed by
53 the Governor, after consulting the Mississippi State Medical
54 Association. Consumer members shall not have ever possessed a
55 license in any field of healthcare, and shall not be employed by
56 the University of Mississippi Medical Center, Mississippi State
57 Medical Association or any other healthcare association or
58 organization. Original appointments of consumer members shall be
59 made no later than June 30, 2023, for terms to begin on July 1,
60 2023. The Governor shall appoint a consumer member from each of
61 the Mississippi Supreme Court Districts with the advice and
62 consent of the Senate. The Governor shall designate the initial
63 terms of the members as follows: one (1) member shall be
64 appointed for a term which expires July 1, 2025, one (1) member
65 shall be appointed for a term which expires July 1, 2027, and one
66 (1) member shall be appointed for a term which expires July 1,
67 2029. Thereafter, all appointments shall be for terms of six (6)
68 years from the expiration of the previous term. Vacancies in the
69 office shall be filled by appointment of the Governor in the same
70 manner as the appointment to the position which becomes vacant,
71 subject to the advice and consent of the Senate at the next
72 regular session of the Legislature.

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



75 73-43-5. The Mississippi State Board Of Medical Licensure is
76 authorized to elect from its own members a president and
77 secretary, and to create such other offices and adopt such bylaws
78 as may be necessary for its efficient operation. Consumer members
79 may discuss, vote and nominate candidates for office but shall not
80 hold office in such election.

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

83 73-43-7. * * * Seven (7) members shall constitute a quorum,
84 and a majority of those present shall be necessary to reject any
85 application. All regular meetings of the board shall be held at
86 least quarterly upon the call of the president * * *. The members
87 of the board shall be entitled to a per diem of Forty Dollars
88 (\$40.00) for each day's service in attending meetings of the board
89 and for conducting examinations for professional certificates, and
90 shall receive reimbursement for necessary expenses and mileage as
91 is authorized by law.

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

94 73-43-11. The State Board of Medical Licensure shall have
95 the following powers and responsibilities:

96 (a) Setting policies and professional standards
97 regarding the medical practice of physicians, osteopaths,
98 podiatrists * * *, physician assistants practicing with physician



99 supervision and any other profession assigned to the board in
100 statute;

101 (b) Considering applications for licensure;

102 (c) Conducting examinations for licensure;

103 (d) Investigating alleged violations of the Medical
104 Practice Act and the regulations of the board;

105 (e) Conducting hearings on disciplinary matters
106 involving violations of state and federal law, probation, fining,
107 suspension and revocation of licenses;

108 (f) Considering petitions for termination of
109 probationary and suspension periods, and restoration of revoked
110 licenses;

111 (g) To promulgate and publish reasonable rules and
112 regulations necessary to enable it to discharge its functions and
113 to enforce the provisions of law regulating the practice of
114 medicine; however, the board shall not adopt any rule or
115 regulation or impose any requirement regarding the licensing of
116 physicians or osteopaths that conflicts with the prohibitions in
117 Section 73-49-3;

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

122 (i) To perform the duties prescribed by Sections
123 73-26-1 through 73-26-5; * * *



124 (j) To perform the duties prescribed by the Interstate
125 Medical Licensure Compact, Section 73-25-101 * * *; and

126 (k) To, by and through its executive director, hire
127 investigators, both sworn and nonsworn, for the purpose of
128 conducting investigations. Any person so employed shall be
129 considered a law enforcement officer, as defined at Section
130 45-6-3(c), and shall have all powers, duties and status of a law
131 enforcement officer in this state; provided, however, that such
132 investigators shall only be so authorized upon written approval of
133 the executive director, and in accordance with Section 41-29-159.

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

136 73-43-14. The Mississippi State Board of Medical Licensure
137 may appoint an executive committee, to be composed of * * * four
138 (4) of its members, three (3) physicians and one (1) consumer with
139 a nonvoting chairman to be designated by the board from the
140 members appointed to said committee. The executive committee
141 shall have authority to execute all the powers vested in the
142 board, in the interim of the meetings of the board. The executive
143 committee shall have the authority to conduct licensure hearings
144 pursuant to Section 73-25-27, provided that the power to revoke
145 shall be subject to approval of the board. Any person aggrieved
146 by a decision of the executive committee regarding licensure may
147 appeal to the board. Any person aggrieved by an action of the
148 board regarding licensure may appeal to the Chancery Court of the



149 First Judicial District of Hinds County. Any action of the
150 executive committee shall be legal and binding until modified or
151 annulled by the board, and all pains and penalties prescribed for
152 violating the rules of the board shall apply to any violation of
153 rules and regulations that may be prescribed by the executive
154 committee. Any two (2) members of the executive committee, not
155 including the chairman, shall be a quorum for the transaction of
156 business.

157 All official meetings of the executive committee, as to time
158 and place, shall be held pursuant to a call of the president of
159 the board.

160 Actions taken by the board in suspending a license when
161 required by Section 93-11-157 or 93-11-163 are not actions from
162 which an appeal may be taken under this section. Any appeal of a
163 license suspension that is required by Section 93-11-157 or
164 93-11-163 shall be taken in accordance with the appeal procedure
165 specified in Section 93-11-157 or 93-11-163, as the case may be,
166 rather than the procedure specified in this section.

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

