

By: Senator(s) England

To: Public Health and
Welfare

SENATE BILL NO. 2737

1 AN ACT TO AMEND SECTION 73-25-29, MISSISSIPPI CODE OF 1972,
 2 TO AUTHORIZE DISCIPLINARY SANCTIONS BY THE STATE BOARD OF MEDICAL
 3 LICENSURE AGAINST A LICENSED PHYSICIAN FOR CHARGING FOR OUTPATIENT
 4 ANATOMIC PATHOLOGY SERVICES UNLESS THE SERVICES WERE RENDERED
 5 PERSONALLY BY THE LICENSED PRACTITIONER OR UNDER HIS SUPERVISION;
 6 TO AUTHORIZE DISCIPLINARY SANCTIONS AGAINST A PHYSICIAN FOR THE
 7 DIVISION OF FEES OR ARRANGEMENT TO DIVIDE THE FEES RECEIVED FOR
 8 PROFESSIONAL SERVICES WITH ANY PERSON FOR REFERRING A PATIENT; AND
 9 FOR RELATED PURPOSES.

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

11 **SECTION 1.** Section 73-25-29, Mississippi Code of 1972, is
 12 amended as follows:

13 73-25-29. (1) The grounds for the nonissuance, suspension,
 14 revocation or restriction of a license or the denial of
 15 reinstatement or renewal of a license are:

16 (* * * a) Habitual personal use of narcotic drugs, or
 17 any other drug having addiction-forming or addiction-sustaining
 18 liability.

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



21 (* * *c) Administering, dispensing or prescribing any
22 narcotic drug, or any other drug having addiction-forming or
23 addiction-sustaining liability otherwise than in the course of
24 legitimate professional practice.

25 (* * *d) Conviction of violation of any federal or
26 state law regulating the possession, distribution or use of any
27 narcotic drug or any drug considered a controlled substance under
28 state or federal law, a certified copy of the conviction order or
29 judgment rendered by the trial court being prima facie evidence
30 thereof, notwithstanding the pendency of any appeal.

31 (* * *e) Procuring, or attempting to procure, or
32 aiding in, an abortion that is not medically indicated.

33 (* * *f) Conviction of a felony or misdemeanor
34 involving moral turpitude, a certified copy of the conviction
35 order or judgment rendered by the trial court being prima facie
36 evidence thereof, notwithstanding the pendency of any appeal.

37 (* * *g) Obtaining or attempting to obtain a license
38 by fraud or deception.

39 (* * *h) Unprofessional conduct, which includes, but
40 is not limited to:

41 (* * *i) Practicing medicine under a false or
42 assumed name or impersonating another practitioner, living or
43 dead.

44 (* * *ii) Knowingly performing any act which in
45 any way assists an unlicensed person to practice medicine.



46 (* * *iii) Making or willfully causing to be made
47 any flamboyant claims concerning the licensee's professional
48 excellence.

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

51 (* * *v) Obtaining a fee as personal compensation
52 or gain from a person on fraudulent representation of a disease or
53 injury condition generally considered incurable by competent
54 medical authority in the light of current scientific knowledge and
55 practice can be cured or offering, undertaking, attempting or
56 agreeing to cure or treat the same by a secret method, which he
57 refuses to divulge to the board upon request.

58 (* * *vi) Use of any false, fraudulent or forged
59 statement or document, or the use of any fraudulent, deceitful,
60 dishonest or immoral practice in connection with any of the
61 licensing requirements, including the signing in his professional
62 capacity any certificate that is known to be false at the time he
63 makes or signs such certificate.

64 (* * *vii) Failing to identify a physician's
65 school of practice in all professional uses of his name by use of
66 his earned degree or a description of his school of practice.

67 (* * *i) The refusal of a licensing authority of
68 another state or jurisdiction to issue or renew a license, permit
69 or certificate to practice medicine in that jurisdiction or the
70 revocation, suspension or other restriction imposed on a license,



71 permit or certificate issued by such licensing authority which
72 prevents or restricts practice in that jurisdiction, a certified
73 copy of the disciplinary order or action taken by the other state
74 or jurisdiction being prima facie evidence thereof,
75 notwithstanding the pendency of any appeal.

76 (* * *j) Surrender of a license or authorization to
77 practice medicine in another state or jurisdiction or surrender of
78 membership on any medical staff or in any medical or professional
79 association or society while under disciplinary investigation by
80 any of those authorities or bodies for acts or conduct similar to
81 acts or conduct which would constitute grounds for action as
82 defined in this section.

83 (* * *k) Final sanctions imposed by the United States
84 Department of Health and Human Services, Office of Inspector
85 General or any successor federal agency or office, based upon a
86 finding of incompetency, gross misconduct or failure to meet
87 professionally recognized standards of health care; a certified
88 copy of the notice of final sanction being prima facie evidence
89 thereof. As used in this paragraph, the term "final sanction"
90 means the written notice to a physician from the United States
91 Department of Health and Human Services, Officer of Inspector
92 General or any successor federal agency or office, which
93 implements the exclusion.



94 (* * *l) Failure to furnish the board, its
95 investigators or representatives information legally requested by
96 the board.

97 (* * *m) Violation of any provision(s) of the Medical
98 Practice Act or the rules and regulations of the board or of any
99 order, stipulation or agreement with the board.

100 (* * *n) Violation(s) of the provisions of Sections
101 41-121-1 through 41-121-9 relating to deceptive advertisement by
102 health care practitioners.

103 (* * *o) Performing or inducing an abortion on a woman
104 in violation of any provision of Sections 41-41-131 through
105 41-41-145.

106 (* * *p) Performing an abortion on a pregnant woman
107 after determining that the unborn human individual that the
108 pregnant woman is carrying has a detectable fetal heartbeat as
109 provided in Section 41-41-34.1.

110 (q) Division of fees or arrangement to split or divide
111 the fees received for professional services with any person for
112 bringing or referring a patient.

113 (2) In addition to the grounds specified above, the board
114 shall be authorized to suspend the license of any licensee for
115 being out of compliance with an order for support, as defined in
116 Section 93-11-153. The procedure for suspension of a license for
117 being out of compliance with an order for support, and the
118 procedure for the reissuance or reinstatement of a license



119 suspended for that purpose, and the payment of any fees for the
120 reissuance or reinstatement of a license suspended for that
121 purpose, shall be governed by Section 93-11-157 or 93-11-163, as
122 the case may be. If there is any conflict between any provision
123 of Section 93-11-157 or 93-11-163 and any provision of this
124 chapter, the provisions of Section 93-11-157 or 93-11-163, as the
125 case may be, shall control.

126 (3) No person licensed to practice in this state as a
127 physician, surgeon, osteopath or physician's assistant shall
128 charge, bill, or otherwise solicit payment for outpatient anatomic
129 pathology services unless the services were rendered personally by
130 the licensed practitioner or under the licensed practitioner's
131 supervision. The State Board of Medical Licensure is authorized
132 to impose disciplinary sanctions authorized by law against any
133 licensed practitioner who is in violation of this subsection (3).

134 **SECTION 2.** This act shall take effect and be in force from
135 and after July 1, 2022.

