

By: Senator(s) Wiggins

To: Public Health and
Welfare

SENATE BILL NO. 2891

1 AN ACT TO AMEND SECTION 73-25-1, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE FOR THE PURPOSE OF THE CHAPTER, THE PRACTICE OF MEDICINE
3 SHALL MEAN THE PRACTICE OF ALLOPATHIC AND OSTEOPATHIC MEDICINE AND
4 THAT PHYSICIAN SHALL MEAN A MEDICAL DOCTOR OR A DOCTOR OF
5 OSTEOPATHIC MEDICINE; TO AMEND SECTION 73-25-3, MISSISSIPPI CODE
6 OF 1972, TO PROVIDE THAT EVERY PERSON WHO DESIRES TO OBTAIN A
7 LICENSE TO PRACTICE MEDICINE MUST APPLY TO THE MISSISSIPPI STATE
8 BOARD OF MEDICAL LICENSURE; TO PROVIDE THAT THE BOARD SHALL
9 REQUIRE A FORM SIGNED BY THE APPLICANT CONSENTING TO THE USE OF
10 IDENTIFICATION METHODS; TO AMEND SECTION 73-25-5, MISSISSIPPI CODE
11 OF 1972, TO REQUIRE AN APPLICANT FOR A LICENSE TO INCLUDE THEIR
12 ACTIVE AND VALID SOCIAL SECURITY NUMBER WHEN FILING AN
13 APPLICATION; TO AMEND SECTION 73-25-14, MISSISSIPPI CODE OF 1972,
14 TO CHANGE THE LICENSE RENEWAL FEE THAT THE BOARD MAY CHARGE; TO
15 PROVIDE FOR CERTAIN PROCEDURES FOR RENEWAL WHEN A LICENSE HAS
16 LAPSED AND THE PHYSICIAN FAILED TO MEET THE DEADLINE DUE TO
17 EXTRAORDINARY OR OTHER LEGITIMATE REASONS; TO ALLOW PHYSICIANS WHO
18 WISH TO RETAIN THEIR LICENSE BUT NOT ACTIVELY PRACTICE MEDICINE TO
19 REQUEST RETIRED STATUS FOR THEIR LICENSE; TO DELETE CERTAIN
20 PROVISIONS RELATING TO LICENSURE AND THE RENEWAL OF A LICENSE; TO
21 AMEND SECTION 73-25-17, MISSISSIPPI CODE OF 1972, TO ALLOW THE
22 EXECUTIVE DIRECTOR OF THE BOARD TO ISSUE A TEMPORARY LICENSE TO
23 PRACTICE MEDICINE; TO DELETE PROVISIONS RELATING TO THE ISSUANCE
24 OF A TEMPORARY LICENSE; TO AMEND SECTION 73-25-19, MISSISSIPPI
25 CODE OF 1972, TO PROVIDE THAT NONRESIDENT PHYSICIANS WHO DO NOT
26 HOLD A LICENSE FROM THE STATE SHALL NOT BE PERMITTED TO PRACTICE
27 MEDICINE UNDER ANY CIRCUMSTANCES UNLESS THEY POSSESS AN APPLICABLE
28 TEMPORARY LICENSE; TO AMEND SECTION 73-25-21, MISSISSIPPI CODE OF
29 1972, TO CONFORM TO THE ACT AND TO DELETE THE PROVISIONS RELATING
30 TO THE LICENSING OF OUT-OF-STATE PHYSICIANS AND PHYSICIANS WHO
31 GRADUATED FROM CERTAIN CANADIAN MEDICAL SCHOOLS; TO AMEND SECTION
32 73-25-23, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN PROVISIONS
33 RELATING TO THE GRANTING OF LIMITED INSTITUTIONAL LICENSES TO
34 GRADUATES FROM A FOREIGN MEDICAL SCHOOL; TO AMEND SECTION



35 73-25-27, MISSISSIPPI CODE OF 1972, TO ALLOW THE BOARD TO SEND
36 CERTAIN NOTICES ELECTRONICALLY; TO ALLOW THE BOARD TO SEEK THE
37 ISSUANCE OF ADMINISTRATIVE INSPECTION WARRANTS; TO AMEND SECTION
38 73-25-28, MISSISSIPPI CODE OF 1972, TO DELETE THE REQUIREMENT THAT
39 A BOARD MEMBER ACCOMPANY THE BOARD DURING AN INVESTIGATION INTO
40 DISCIPLINARY ACTION AGAINST A LICENSEE; TO PROVIDE THAT REASONABLE
41 CAUSE FOR AN INVESTIGATION SHALL BE DEMONSTRATED BY ALLEGATIONS OF
42 ONE OR MORE VIOLATIONS OF STATE STATUTE OR THE ADMINISTRATIVE
43 CODE; TO AMEND SECTION 73-25-29, MISSISSIPPI CODE OF 1972, TO
44 REVISE THE GROUNDS FOR NONISSUANCE, SUSPENSION, REVOCATION OR
45 RESTRICTION OF A LICENSE OR THE DENIAL OF REINSTATEMENT OR RENEWAL
46 OF A LICENSE; TO AMEND SECTION 73-25-30, MISSISSIPPI CODE OF 1972,
47 TO DELETE CERTAIN PROVISIONS RELATING TO THE DISCIPLINE OF
48 LICENSEES; TO PROVIDE FOR THE MAXIMUM ASSESSMENT THAT THE BOARD
49 MAY ASSESS A LICENSEE FOR REASONABLE COSTS EXPENDED BY THE BOARD
50 IN THE INVESTIGATION OF A DISCIPLINARY ACTION; TO AMEND SECTION
51 73-25-32, MISSISSIPPI CODE OF 1972, TO DELETE THE REQUIREMENT THAT
52 A PETITION TO REINSTATE A LICENSE BE ACCOMPANIED BY LETTERS OF
53 RECOMMENDATIONS; TO SET THE TIME PERIOD TO REINSTATE A LICENSE FOR
54 A PERSON WHO HAS HAD THEIR LICENSE REVOKED; TO PROVIDE THAT THE
55 BOARD MAY REQUIRE AN APPLICANT TO SUBMIT TO A PROFESSIONAL
56 COMPETENCY EVALUATION TO HAVE THEIR LICENSE REINSTATED; TO AMEND
57 SECTION 73-25-33, MISSISSIPPI CODE OF 1972, TO DEFINE THE PRACTICE
58 OF MEDICINE; TO ALLOW THE BOARD TO CHARGE AND FINE INDIVIDUALS
59 ENGAGED IN THE UNLAWFUL PRACTICE OF MEDICINE; TO SET THE FINES FOR
60 VIOLATIONS OF THE ACT; TO AMEND SECTION 73-25-34, MISSISSIPPI CODE
61 OF 1972, TO DELETE CERTAIN PROVISIONS RELATING TO THE UNLICENSED
62 PRACTICE OF MEDICINE; TO AMEND SECTION 73-25-53, MISSISSIPPI CODE
63 OF 1972, TO PROVIDE THAT ANY PERSON HOLDING A PROFESSIONAL LICENSE
64 FROM THE BOARD SHALL BE SUBJECT TO RESTRICTION, SUSPENSION OR
65 REVOCATION IN CASE OF INABILITY OF THE LICENSEE TO PRACTICE
66 MEDICINE WITH REASONABLE SKILL OR SAFETY TO PATIENTS BY REASONS OF
67 BEHAVIORAL CONDUCT; TO AMEND SECTIONS 73-25-55, 73-25-57,
68 73-25-59, 73-25-61, 73-25-63, 73-25-65 AND 73-25-67, MISSISSIPPI
69 CODE OF 1972, TO CHANGE THE INTERNAL REFERENCES FROM PHYSICIAN TO
70 LICENSEE TO CONFORM TO THE ACT; TO AMEND SECTION 73-25-87,
71 MISSISSIPPI CODE OF 1972, TO ALLOW THE BOARD TO IMPOSE A FINE
72 AGAINST A PERSON FOUND TO BE UNQUALIFIED BECAUSE OF ANY OF THE
73 GROUNDS AS SET FORTH BY THE PROVISIONS OF THIS ACT, TO AMEND
74 SECTION 73-25-89, MISSISSIPPI CODE OF 1972, TO REVISE THE HEARING
75 TIMELINE FOR CERTAIN BOARD INVESTIGATIONS; TO AMEND SECTION
76 73-25-18, MISSISSIPPI CODE OF 1972, TO REVISE PROVISIONS RELATING
77 TO THE SPECIAL VOLUNTEER MEDICAL LICENSURE; TO REPEAL SECTIONS
78 73-25-7, 73-25-9, 73-25-15, 73-25-25, 73-25-39 AND 73-25-81,
79 MISSISSIPPI CODE OF 1982, TO CONFORM TO THE PROVISIONS OF THIS
80 ACT; AND FOR RELATED PURPOSES.

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



82 **SECTION 1.** Section 73-25-1, Mississippi Code of 1972, is
83 amended as follows:

84 73-25-1. For the purpose of this chapter, the "practice of
85 medicine" shall mean the practice of allopathic and osteopathic
86 medicine. For the purposes of this chapter, "physician" shall
87 mean a medical doctor or a doctor of osteopathic medicine. Every
88 person who desires to practice medicine must first obtain a
89 license to do so from the Mississippi State Board of Medical
90 Licensure * * *.

91 **SECTION 2.** Section 73-25-3, Mississippi Code of 1972, is
92 amended as follows:

93 73-25-3. Every person who desires to obtain a license to
94 practice medicine must apply * * * to the Mississippi State Board
95 of Medical Licensure * * *. If the applicant is found * * * to
96 possess sufficient * * * qualifications, the board shall issue him
97 a license to practice medicine; however, no applicant shall be
98 granted a license unless the applicant holds a diploma from a
99 reputable medical college or college of osteopathic medicine * * *
100 listed in the World Directory of Medical Schools or its successor,
101 or by an equivalent board-approved directory or entity.

102 To qualify for a Mississippi medical license, an applicant
103 must have successfully been cleared for licensure through an
104 investigation that shall consist of * * * verification that the
105 prospective licensee is not guilty of or in violation of any
106 statutory ground for denial of licensure as set forth in Sections



107 73-25-29 and 73-25-83. To assist the board in conducting its
108 licensure investigation, all applicants shall undergo a
109 fingerprint-based criminal history records check of the
110 Mississippi central criminal database and the Federal Bureau of
111 Investigation criminal history database. Each applicant shall
112 submit a full set of the applicant's fingerprints in a form and
113 manner prescribed by the board, which shall be forwarded to the
114 Mississippi Department of Public Safety * * * and the Federal
115 Bureau of Investigation Identification Division for this purpose.

116 Any and all state or national criminal history records
117 information obtained by the board that is not already a matter of
118 public record shall be deemed nonpublic and confidential
119 information restricted to the exclusive use of the board, its
120 members, officers, investigators, agents and attorneys in
121 evaluating the applicant's eligibility or disqualification for
122 licensure, and shall be exempt from the Mississippi Public Records
123 Act of 1983. Except when introduced into evidence in a hearing
124 before the board to determine licensure, no such information or
125 records related thereto shall, except with the written consent of
126 the applicant or by order of a court of competent jurisdiction, be
127 released or otherwise disclosed by the board to any other person
128 or agency.

129 The board shall * * * require a form signed by the applicant
130 consenting to the check of the criminal records and to the use of
131 the fingerprints, or other identification methods, and any other



132 identifying information required by the state or national
133 repositories.

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

138 This section shall not apply to applicants for a special
139 volunteer medical license authorized under Section 73-25-18.

140 **SECTION 3.** Section 73-25-5, Mississippi Code of 1972, is
141 amended as follows:

142 73-25-5. The application for license must include such
143 information as the Mississippi State Board of Medical Licensure
144 shall require.

145 Each application or filing made under this section shall
146 include the active and valid social security number(s) of the
147 applicant in accordance with Section 93-11-64, Mississippi Code of
148 1972.

149 **SECTION 4.** Section 73-25-14, Mississippi Code of 1972, is
150 amended as follows:

151 73-25-14. * * * Except as provided in Section 33-1-39, the
152 license of every person licensed to practice medicine * * * in the
153 State of Mississippi shall be renewed annually.

154 On or before May 1 of each year, the Mississippi State Board
155 of Medical Licensure shall mail or electronically transmit a
156 notice of renewal of license to every physician * * * to whom a



157 license was issued or renewed during the current licensing year.
158 The notice shall provide instructions for obtaining and submitting
159 applications for renewal. The Mississippi State Board of Medical
160 Licensure is authorized to make applications for renewal available
161 via electronic means. The applicant shall obtain and complete the
162 application and submit it to the board in the manner prescribed by
163 the board in the notice before June 30 with the renewal fee of an
164 amount established by the board, but not to exceed * * * Four
165 Hundred Fifty Dollars (\$450.00), along with any penalty fees or
166 other requirements established by the board, and a portion
167 of * * * said fee(s) shall be used to support a program to aid
168 impaired * * * licensees. * * * Upon receipt of the application
169 and any fee(s), the board shall verify the accuracy of the
170 application and issue to applicant a certificate of renewal for
171 the ensuing year, beginning July 1 and expiring June 30 of the
172 succeeding calendar year. That renewal shall render the holder
173 thereof a legal practitioner as stated on the renewal form.

174 Any physician practicing in the State of Mississippi whose
175 license has lapsed may petition the board for reinstatement of his
176 or her license on a retroactive basis, if the physician was unable
177 to meet the June 30 deadline due to extraordinary or other
178 legitimate reasons, and retroactive reinstatement of licensure
179 shall be granted or may be denied by the board only for good
180 cause. Failure to advise the board of change of address shall not
181 be considered a good cause for reinstatement.



182 A physician who wishes to retain their license but not
183 actively practice medicine may request "retired status" for their
184 license by submitting the proper paperwork as prescribed by the
185 board with their renewal fee. A physician holding a retired
186 status medical license is exempt from license renewal and from
187 continuing medical education requirements. A licensed retired
188 status physician shall not practice medicine unless the licensee
189 applies for and is granted reinstatement and pays the
190 reinstatement fee as determined by the board.

191 * * *

192 **SECTION 5.** Section 73-25-17, Mississippi Code of 1972, is
193 amended as follows:

194 73-25-17. (1) * * * The executive * * * director of
195 the * * * board * * * may issue * * * a temporary license to
196 practice medicine * * * in compliance with the rules and
197 regulations of the board. * * * The temporary license of a person
198 enrolled in any * * * Accreditation Council for Graduate Medical
199 Education (ACGME)-approved internship, residency or fellowship
200 program within the state * * *, may be renewed annually for the
201 duration of the internship, residency or fellowship program for a
202 period not to exceed * * * seven (7) years, except when in
203 combination with a Ph.D. program.

204 (2) The * * * board * * * may issue a temporary license to
205 practice medicine at a youth camp licensed by the State Board of



206 Health to nonresident physicians and retired resident physicians
207 under the provisions of Section 75-74-8.

208 * * *

209 **SECTION 6.** Section 73-25-19, Mississippi Code of 1972, is
210 amended as follows:

211 73-25-19. Nonresident physicians not holding a license from
212 the state shall not be permitted to practice medicine under any
213 circumstances * * * except when called in consultation by a
214 licensed physician residing in this state or except as authorized
215 under Sections 73-25-121 through 73-25-127. This section shall
216 not apply to any nonresident physician who holds a temporary
217 license to practice medicine at a youth camp issued under the
218 provisions of Section 75-74-8 and Section 73-25-17.

219 **SECTION 7.** Section 73-25-21, Mississippi Code of 1972, is
220 amended as follows:

221 73-25-21. * * * The issuance of a license by reciprocity to
222 a military-trained applicant, military spouse or person who
223 establishes residence in this state shall be subject to the
224 provisions of Section 73-50-1 or 73-50-2, as applicable.

225 **SECTION 8.** Section 73-25-23, Mississippi Code of 1972, is
226 amended as follows:

227 73-25-23. The Mississippi State Board of Medical Licensure
228 is hereby authorized and empowered to grant limited institutional
229 license for the practice of medicine in state institutions to
230 graduates of foreign medical colleges approved by the National



231 Educational Council for Foreign Medical Graduates or its
232 successor, subject to the conditions as set out herein.

233 Any graduate of a foreign medical college approved by the
234 organizations specified in the foregoing paragraph who is employed
235 or is being considered for employment to practice medicine in one
236 or more Mississippi state-supported institution(s) located in the
237 same county shall make application for license to the Mississippi
238 State Board of Medical Licensure. The application shall be made
239 on a form prescribed by the Board of Medical Licensure as required
240 by laws of the State of Mississippi. The application shall also
241 state the institution or institutions in which the applicant has
242 assurance of employment. The Mississippi State Board of Medical
243 Licensure is hereby authorized to establish minimum standards of
244 qualifications, including * * * experience and proficiency for
245 such applicants. * * * Upon review of the application, and upon
246 the satisfaction of all requirements set forth by the board, the
247 board may issue a limited license to practice medicine.

248 * * *

249 Such license shall be for one (1) year and shall be in such
250 form as the Mississippi State Board of Medical Licensure shall
251 prescribe, and shall be issued for practice in a particular
252 institution and shall not be endorsable to another state. The
253 license must be renewed annually, after such review as the
254 Mississippi State Board of Medical Licensure considers necessary.
255 A graduate of a foreign medical school so licensed may hold such



256 limited institutional license no longer than * * * seven (7)
257 years. * * * In addition, the Mississippi State Board of Medical
258 Licensure, in its discretion, may waive the * * * seven-year
259 limitation on limited institutional licenses for any graduate of a
260 foreign medical school who holds such license.

261 It is the intent of this section to enable Mississippi
262 institutions to utilize the services of qualified graduates of
263 foreign medical colleges during the period necessary for them to
264 secure citizenship papers, and to meet other requirements for a
265 regular license, including Educational Council for Foreign Medical
266 Graduates certification. The Mississippi State Board of Medical
267 Licensure is hereby authorized, in its discretion, to refuse to
268 renew, or to revoke such limited license if the holder of such
269 license * * * fails to apply for a regular license after becoming
270 eligible * * *.

271 The Mississippi State Board of Medical Licensure may
272 establish reasonable and uniform license fees and shall make such
273 rules and regulations as it considers necessary to carry out the
274 purposes of this section.

275 * * *

276 **SECTION 9.** Section 73-25-27, Mississippi Code of 1972, is
277 amended as follows:

278 73-25-27. The Mississippi State Board of Medical Licensure
279 after notice and opportunity for a hearing to the licentiate, is
280 authorized to suspend or revoke for any cause named in this



281 chapter any license it has issued, or the renewal thereof, that
282 authorizes any person to practice medicine, osteopathy, or any
283 other method of preventing, diagnosing, relieving, caring for, or
284 treating, or curing disease, injury or other bodily condition.
285 The procedure for suspension of a license for being out of
286 compliance with an order for support, and the procedure for the
287 reissuance or reinstatement of a license suspended for that
288 purpose, and the payment of any fees for the reissuance or
289 reinstatement of a license suspended for that purpose, shall be
290 governed by Section 93-11-157 or 93-11-163, as the case may be.
291 If there is any conflict between any provision of Section
292 93-11-157 or 93-11-163 and any provision of this chapter, the
293 provisions of Section 93-11-157 or 93-11-163, as the case may be,
294 shall control.

295 The notice shall be effected by * * * certified mail * * *,
296 electronic acknowledgment, personal service, or by any means set
297 forth in the federal or state rules of civil procedure, setting
298 forth the particular reasons for the proposed action and fixing a
299 date not less than thirty (30) days * * * from the date of the
300 mailing or the service, at which time the licentiate shall be
301 given an opportunity for a prompt and fair hearing. For the
302 purpose of the hearing the board, acting by and through its
303 executive office, may subpoena persons and papers on its own
304 behalf and on behalf of the licentiate, including records obtained
305 under Section 73-25-28 and Section 73-25-83(c), may administer



306 oaths and the testimony when properly transcribed, together with
307 the papers and exhibits, shall be admissible in evidence for or
308 against the licentiate. At the hearing the licentiate may appear
309 by counsel and personally in his own behalf. Any person sworn and
310 examined as a witness in the hearing shall not be held to answer
311 criminally, nor shall any papers or documents produced by the
312 witness be competent evidence in any criminal proceedings against
313 the witness other than for perjury in delivering his evidence.
314 The board or its designee, in the conduct of any hearing, shall
315 not be bound by strict laws or rules of evidence. The board may
316 adopt rules and discovery and procedure governing all proceedings
317 before it. On the basis of any such hearing, or upon default of
318 the licentiate, the board shall make a determination specifying
319 its findings of fact and conclusions of law. The board shall make
320 its determination based upon a preponderance of the evidence.

321 A copy of the determination shall be sent by * * * certified
322 mail * * *, electronic acknowledgement, served personally upon the
323 licentiate, or by any means set forth in the federal or state
324 rules of civil procedure. The decision of the board revoking or
325 suspending the license shall become final thirty (30) days after
326 so mailed or served unless within that period the licentiate
327 appeals the decision to the chancery court, under the provisions
328 of this section. The appeal to the chancery court shall be based
329 solely on the record made before the board. A transcript of the
330 proceedings and evidence, together with exhibits, presented at the



331 hearing before the board in the event of appeal shall be a part of
332 the record before the chancery court. The chancery court shall
333 dispose of the appeal and enter its decision promptly. The
334 hearing on the appeal may, in the discretion of the chancellor, be
335 tried in vacation. Appeals may be taken to the Supreme Court of
336 the State of Mississippi as provided by law from any final action
337 of the chancery court. No such person shall be allowed to
338 practice medicine in violation of any action of the chancery court
339 affirming, in whole or in part, the determination of the board,
340 while any such appeal to the Supreme Court is pending.

341 For the purpose of conducting investigations, the * * *
342 executive director * * * may issue subpoenas to any individual,
343 clinic, hospital, pharmacy or other entity having in its
344 possession papers, documents, medical charts, prescriptions or any
345 other nonfinancial records. * * * Investigatory subpoenas, as
346 provided in this section, may be served either by personal process
347 or by * * * certified mail, and upon service shall command
348 production of the papers and documents to the board at the time
349 and place so specified. The board shall be entitled to the
350 assistance of the chancery court or the chancellor in vacation,
351 which, on petition by the board, shall issue ancillary subpoenas
352 and petitions and may punish as for contempt of court in the event
353 of noncompliance with the subpoenas or petitions.

354 In addition to investigatory subpoenas, the board may seek
355 the issuance of Administrative Inspection Warrants, via the



356 issuance and service processed described in Section 41-29-157 for
357 patient records or other information relevant to the
358 investigation, including billing related to the practice of
359 medicine. Said warrants may be issued under this section in any
360 investigatory matter involving potential violations of the Medical
361 Practice Act and/or the Administrative Code of the board,
362 regardless as to whether controlled substance violations are the
363 subject of the investigation. Any person or entity who refuses to
364 comply with any warrant duly issued under this section shall be in
365 violation of Section 9-1-17 and shall be subject to all fines and
366 penalties therein.

367 For the purpose of conducting hearings, the board through its
368 executive director may subpoena persons and papers on its own
369 behalf and on behalf of the respondent, including records obtained
370 under Section 73-25-28 and Section 73-25-83(c), may administer
371 oaths, and may compel the testimony of witnesses. * * * It may
372 issue subpoenas to take testimony, and testimony so taken and
373 sworn to shall be admissible in evidence for and against the
374 respondent. The board shall be entitled to the assistance of the
375 chancery court or the chancellor in vacation, which, on petition
376 by the board, shall issue ancillary subpoenas and petitions and
377 may punish as for contempt of court in the event of noncompliance
378 with the subpoenas or petitions.

379 Unless the court otherwise decrees, a license that has been
380 suspended by the board * * * shall become again valid if and when



381 the board so orders, which it may do on its own motion or on the
382 petition of the respondent. A license that has been revoked shall
383 not be restored to validity except: (1) by order of the board
384 based on petition for reinstatement filed under Section 73-25-32
385 or (2) by order of the chancery court or Supreme Court following
386 appeal. * * * Nothing in this chapter shall be construed as
387 limiting or revoking the authority of any court or of any
388 licensing or registering officer or board, other than the
389 Mississippi State Board of Medical Licensure, to suspend, revoke
390 and reinstate licenses and to cancel registrations under the
391 provisions of Section 41-29-311.

392 **SECTION 10.** Section 73-25-28, Mississippi Code of 1972, is
393 amended as follows:

394 73-25-28. (1) In any case in which disciplinary action
395 against a * * * licensee is being considered by the Mississippi
396 State Board of Medical Licensure, the executive * * * director of
397 the board, or its investigators * * *, upon reasonable cause as
398 defined below, may enter, at a time convenient to all parties, any
399 hospital, clinic, office of a * * * licensee or emergency care
400 facility to inspect and copy patient records, charts, emergency
401 room records or any other document which would assist the board in
402 its investigation of a * * * licensee. Reasonable cause shall be
403 demonstrated by allegations of one or more * * * violations of the
404 state statute or the Administrative Code. Whether reasonable
405 cause exists shall be determined by the executive * * * director



406 and/or the executive committee of the board, and documentation of
407 that determination shall be provided to the hospital, clinic,
408 office or emergency care facility before entry for inspection and
409 copying hereunder.

410 (2) A certified copy of any record inspected or copied
411 pursuant to subsection (1) shall be subject to subpoena by the
412 board to be used as evidence before it in a licensure disciplinary
413 proceeding initiated pursuant to the provisions of Sections
414 73-25-1 through 73-25-39, 73-25-51 through 73-25-67, 73-25-81
415 through 73-25-95 and 73-27-1 through 73-27-19, Mississippi Code of
416 1972. All references to a patient's name and address or other
417 information which would identify the patient shall be deleted from
418 the records unless a waiver of the medical privilege is obtained
419 from the patient.

420 (3) All records of the investigation and all patient charts,
421 records, emergency room records or any other document that may
422 have been copied shall be kept confidential and shall not be
423 subject to discovery or subpoena. If no disciplinary proceedings
424 are initiated within a period of five (5) years after the
425 determination of insufficient cause, then the board shall destroy
426 all records obtained pursuant to this section.

427 (4) Notwithstanding any right to privacy, confidentiality,
428 privilege or exemption from public access conferred by this
429 section, Section 73-52-1, or otherwise by statute or at law, the
430 board shall provide to any hospital, as defined in Section 41-9-3,



431 any and all information it may have concerning any physician who
432 has applied for a license, other than information contained in
433 records exempt from the provisions of the Mississippi Public
434 Records Act of 1983 pursuant to Sections 45-29-1 and 45-29-3,
435 Mississippi Code of 1972, upon receipt by the board of a written
436 request from the hospital for such information and documentation
437 that the physician has applied for appointment or reappointment to
438 the medical staff of the hospital or staff privileges at the
439 hospital. The board, any member of the board, and its agents or
440 employees, acting without malice in providing the documents or
441 information hereunder, shall be immune from civil or criminal
442 liability.

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

445 73-25-29. The grounds for the nonissuance, suspension,
446 revocation or restriction of a license or the denial of
447 reinstatement or renewal of a license are:

448 (1) Habitual personal use of narcotic drugs, or any
449 other drug having addiction-forming or addiction-sustaining
450 liability.

451 (2) Habitual use of intoxicating liquors, or any
452 beverage, to an extent which affects professional competency.

453 (3) Administering, dispensing or prescribing any
454 narcotic drug, or any other drug having addiction-forming or



455 addiction-sustaining liability otherwise than in the course of
456 legitimate professional practice.

457 (4) Conviction of violation of any federal or state law
458 regulating the possession, distribution or use of any narcotic
459 drug or any drug considered a controlled substance under state or
460 federal law, a certified copy of the conviction order or judgment
461 rendered by the trial court being prima facie evidence thereof,
462 notwithstanding the pendency of any appeal.

463 (5) Procuring, or attempting to procure, or aiding in,
464 an abortion that is not medically indicated.

465 (6) Conviction of a felony or misdemeanor involving
466 moral turpitude, a certified copy of the conviction order or
467 judgment rendered by the trial court being prima facie evidence
468 thereof, notwithstanding the pendency of any appeal.

469 (7) Obtaining or attempting to obtain a license by
470 fraud or deception.

471 (8) Unprofessional conduct, which includes, but is not
472 limited to:

473 (a) Practicing medicine under a false or assumed
474 name or impersonating another practitioner, living or dead.

475 (b) Knowingly performing any act which in any way
476 assists an unlicensed person to practice medicine.

477 (c) Making or willfully causing to be made any
478 flamboyant claims concerning the licensee's professional
479 excellence.



480 (d) Being guilty of any dishonorable, disruptive,
481 or unethical conduct likely to impair patient care or deceive,
482 defraud or harm the public.

483 (e) Obtaining a fee as personal compensation or
484 gain from a person on fraudulent representation of a disease or
485 injury condition generally considered incurable by competent
486 medical authority in the light of current scientific knowledge and
487 practice can be cured or offering, undertaking, attempting or
488 agreeing to cure or treat the same by a secret method, which he or
489 she refuses to divulge to the board upon request.

490 (f) Use of any false, fraudulent or forged
491 statement or document, or the use of any fraudulent, deceitful,
492 dishonest or immoral practice in connection with any of the
493 licensing requirements, including the signing in his professional
494 capacity any certificate that is known to be false at the time he
495 or she makes or signs such certificate.

496 (g) Failing to identify a physician's school of
497 practice in all professional uses of his name by use of his earned
498 degree or a description of his school of practice.

499 (h) When a licensee makes, or knowingly permits
500 any person to make, an agreement with a patient or person, or any
501 person or entity representing patients or persons, or provide any
502 form of consideration that would prohibit, restrict, discourage or
503 otherwise limit a person's ability to file a complaint with the
504 board; to truthfully and fully answer any questions posed by an



505 agent of the board; or to participate as a witness in a board
506 proceeding.

507 (9) The refusal of a licensing authority of another
508 state or jurisdiction to issue or renew a license, permit or
509 certificate to practice medicine in that jurisdiction or the
510 revocation, suspension or other restriction imposed on a license,
511 permit or certificate issued by such licensing authority which
512 prevents or restricts practice in that jurisdiction, a certified
513 copy of the disciplinary order or action taken by the other state
514 or jurisdiction being prima facie evidence thereof,
515 notwithstanding the pendency of any appeal.

516 (10) Surrender of a license or authorization to
517 practice medicine in another state or jurisdiction or surrender of
518 membership on any medical staff or in any medical or professional
519 association or society while under disciplinary investigation by
520 any of those authorities or bodies for acts or conduct similar to
521 acts or conduct which would constitute grounds for action as
522 defined in this section.

523 (11) Final sanctions imposed by the United States
524 Department of Health and Human Services, Office of Inspector
525 General, Mississippi Division of Medicaid, Mississippi Department
526 of Health or any successor federal or state agency or office,
527 based upon a finding of incompetency, gross misconduct or failure
528 to meet professionally recognized standards of health care; a
529 certified copy of the notice of final sanction being prima facie



530 evidence thereof. As used in this paragraph, the term "final
531 sanction" means the written notice to a physician from the United
532 States Department of Health and Human Services, Officer of
533 Inspector General, Mississippi Division of Medicaid, Mississippi
534 Department of Health or any successor federal or state agency or
535 office, which implements the exclusion.

536 (12) Failure to furnish the board, its investigators or
537 representatives information legally requested by the board.

538 (13) Violation of any provision(s) of the Medical
539 Practice Act or the rules and regulations of the board or of any
540 order, stipulation or agreement with the board.

541 (14) Violation(s) of the provisions of Sections
542 41-121-1 through 41-121-9 relating to deceptive advertisement by
543 health care practitioners.

544 (15) Performing or inducing an abortion on a woman in
545 violation of any provision of Sections 41-41-131 through
546 41-41-145.

547 (16) Performing an abortion on a pregnant woman after
548 determining that the unborn human individual that the pregnant
549 woman is carrying has a detectable fetal heartbeat as provided in
550 Section 41-41-34.1.

551 In addition to the grounds specified above, the board shall
552 be authorized to suspend the license of any licensee for being out
553 of compliance with an order for support, as defined in Section
554 93-11-153. The procedure for suspension of a license for being



555 out of compliance with an order for support, and the procedure for
556 the reissuance or reinstatement of a license suspended for that
557 purpose, and the payment of any fees for the reissuance or
558 reinstatement of a license suspended for that purpose, shall be
559 governed by Section 93-11-157 or 93-11-163, as the case may be.
560 If there is any conflict between any provision of Section
561 93-11-157 or 93-11-163 and any provision of this chapter, the
562 provisions of Section 93-11-157 or 93-11-163, as the case may be,
563 shall control.

564 **SECTION 12.** Section 73-25-30, Mississippi Code of 1972, is
565 amended as follows:

566 73-25-30. (1) The Mississippi State Board of Medical
567 Licensure, in exercising its authority under the provisions of
568 Section 73-25-29, shall have the power to discipline the holder of
569 a license who has been found by the board in violation of that
570 statute after notice and a hearing as provided by law * * *.

571 (2) Upon the execution of a disciplinary order by the board,
572 either following a hearing or in lieu of a hearing, the
573 board * * * may assess the licensee for those reasonable costs
574 that are expended by the board in the investigation and conduct of
575 a proceeding for licensure disciplinary action including, but not
576 limited to, the cost of process service, court reporters, witness
577 fees, expert witnesses, investigators, and other related expenses.
578 Money collected by the board under this section shall be deposited



579 to the credit of the special fund of the board to reimburse the
580 existing current year appropriated budget.

581 (3) An assessment of costs under this section shall be paid
582 to the board by the licensee, upon the expiration of the period
583 allowed for appeals under Section 73-25-27, or may be paid sooner
584 if the licensee elects. Cost assessed under this section shall
585 not exceed * * * Fifty Thousand Dollars (\$50,000.00).

586 (4) When an assessment of costs by the board against a
587 licensee in accordance with this section is not paid by the
588 licensee when due under this section, the licensee shall be
589 prohibited from practicing medicine until the full amount is paid.
590 In addition, the board may institute and maintain proceedings in
591 its name for enforcement of payment in the Chancery Court of the
592 First Judicial District of Hinds County. When those proceedings
593 are instituted, the board shall certify the record of its
594 proceedings, together with all documents and evidence, to the
595 chancery court. The matter shall be heard in due course by the
596 court, which shall review the record and make its determination
597 thereon. The hearing on the matter, in the discretion of the
598 chancellor, may be tried in vacation.

599 **SECTION 13.** Section 73-25-32, Mississippi Code of 1972, is
600 amended as follows:

601 73-25-32. (1) A person whose license to practice * * *
602 which has been * * * suspended or previously surrendered may
603 petition the Mississippi State Board of Medical Licensure to



604 reinstate this license after a period of not less than one (1)
605 year has elapsed from the date of the * * * suspension. A person
606 whose license to practice which has been revoked may petition the
607 board to reinstate this license after a period of not less than
608 three (3) years or, as determined by the board, not greater than
609 five (5) years has elapsed from the date of the revocation. The
610 procedure for the reinstatement of a license that is suspended for
611 being out of compliance with an order for support, as defined in
612 Section 93-11-153, shall be governed by Section 93-11-157 or
613 93-11-163, as the case may be.

614 (2) * * * The petition may be heard at the next regular
615 meeting of the Board of Medical Licensure but not earlier than
616 thirty (30) days after the petition was filed. No petition shall
617 be considered while the petitioner is under sentence for any state
618 or federal criminal offense, including any period during which he
619 or she is under probation or parole. The hearing may be continued
620 from time to time as the Board of Medical Licensure finds
621 necessary.

622 (3) In determining whether the disciplinary penalty should
623 be set aside and the terms and conditions, if any, that should be
624 imposed if the disciplinary penalty is set aside, the Mississippi
625 State Board of Medical Licensure may investigate and consider all
626 activities of the petitioner since the disciplinary action was
627 taken * * *, the offense for which he or she was
628 disciplined, * * * the activity during the time * * * the



629 petitioner was in good standing, * * * general reputation for
630 truth, professional ability and good character; and it may require
631 the petitioner to pass an oral examination or submit to a
632 professional competency evaluation.

633 (4) The investigation shall require the petitioner to
634 undergo a fingerprint-based criminal history records check of the
635 Mississippi central criminal database and the Federal Bureau of
636 Investigation criminal history database. Each petitioner shall
637 submit a full set of the petitioner's fingerprints in a form and
638 manner prescribed by the board, which shall be forwarded to the
639 Mississippi Department of Public Safety (department) and the
640 Federal Bureau of Investigation Identification Division for this
641 purpose.

642 Any and all state or national criminal history records
643 information obtained by the board that is not already a matter of
644 public record shall be deemed nonpublic and confidential
645 information restricted to the exclusive use of the board, its
646 members, officers, investigators, agents and attorneys in
647 evaluating the applicant's eligibility or disqualification for
648 licensure, and shall be exempt from the Mississippi Public Records
649 Act of 1983. Except when introduced into evidence in a hearing
650 before the board to determine licensure, no such information or
651 records related thereto shall, except with the written consent of
652 the applicant or by order of a court of competent jurisdiction, be



653 released or otherwise disclosed by the board to any other person
654 or agency.

655 The board shall provide to the department the fingerprints of
656 the petitioner, any additional information that may be required by
657 the department, and a form signed by the petitioner consenting to
658 the check of the criminal records and to the use of the
659 fingerprints and other identifying information required by the
660 state or national repositories.

661 The board shall charge and collect from the petitioner, in
662 addition to all other applicable fees and costs, such amount as
663 may be incurred by the board in requesting and obtaining state and
664 national criminal history records information on the applicant.

665 * * *

666 **SECTION 14.** Section 73-25-33, Mississippi Code of 1972, is
667 amended as follows:

668 73-25-33. (1) The practice of medicine shall mean * * * one
669 or more of the following:

670 (a) Holding oneself out to the public within this state
671 as being able to diagnose, treat, prescribe for, palliate or
672 prevent any human disease, ailment, injury, deformity or physical
673 or mental condition, whether by the use of drugs, surgery,
674 manipulation, technology or any physical, mechanical or other
675 means whatsoever;

676 (b) Suggesting, recommending, prescribing or
677 administering any form of treatment, operation or healing for the



678 intended palliation, relief or cure of any physical or mental
679 disease, ailment, injury, condition or defect of any person, with
680 or without the intention of receiving, either directly or
681 indirectly, any fee, gift or compensation;

682 (c) Maintaining an office or other place to meet
683 persons or patients for the purpose of examining or treating
684 persons afflicted with disease, injury, defect of the body or mind
685 or other condition for which treatment is sought;

686 (d) Using the title "M.D.," "D.O.," "physician,"
687 "surgeon" or any other word or abbreviation to indicate or induce
688 others to believe that one is engaged in the diagnosis or
689 treatment of persons afflicted with disease, injury, defect of the
690 body or mind, or other conditions for which treatment is sought;
691 or

692 (e) Performing any kind of surgical operation upon
693 another person.

694 (2) In addition to any provisions of the law, it shall be
695 unlawful for any person to perform any act constituting the
696 practice of medicine without first obtaining a medical license in
697 accordance with the rules and regulations of the board. Nothing
698 in this provision shall be construed to limit duly licensed
699 healthcare professionals from providing medical services within
700 the scope of their authorizing license.

701 (3) In addition to any other civil remedy or criminal
702 penalty provided for by law, the board shall be authorized to seek



703 injunctive relief against the unlawful practice of medicine. The
704 executive director of the board may issue a summons to appear
705 before the board to any person or persons who the executive
706 director has probable cause to believe has violated this section
707 by practicing, or attempting to practice, or offering to practice
708 medicine without a current, valid license or permit, and may
709 subpoena any necessary witnesses for the proceeding. The summons
710 issued by the board shall command each person to whom it is
711 directed to attend and give testimony at a time and place
712 specified in the summons. The summons shall be served upon the
713 individual personally or by certified mail, and shall include a
714 statement of the charges and an explanation of the manner in which
715 the unlicensed person shall be required to respond to the board.
716 Any summonses or witness subpoenas issued by the board for the
717 purpose of this chapter shall be enforceable as to compliance by
718 the Chancery Court of the First Judicial District of Hinds County.

719 (4) In proceedings conducted pursuant to subsection (2) of
720 this section, the board may levy for each and every violation a
721 civil penalty upon any unlicensed person who, after a hearing, is
722 found to have practiced medicine without the benefit of a current,
723 valid license. Civil penalties may be issued by the board under
724 the provisions of this chapter as follows:

725 (a) For the first violation, a monetary penalty of not
726 more than Twenty-five Thousand Dollars (\$25,000.00).



727 (b) For the second violation, a monetary penalty of not
728 more than Thirty-five Thousand Dollars (\$35,000.00).

729 (c) For the third and any subsequent violations, a
730 monetary penalty of not more than Fifty Thousand Dollars
731 (\$50,000.00) per offense.

732 (5) For any violation(s), the board may assess those
733 reasonable costs that are expended by the board in the
734 investigation and conduct of the hearing as provided. Appeals may
735 be made as provided in Sections 73-25-27, 73-43-14 and 73-43-17.
736 Any monetary penalty or assessment levied under this section shall
737 be paid to the board by the illegal practitioner upon the
738 expiration of the period allowed for appealing those penalties, or
739 may be paid sooner if the illegal practitioner so chooses.
740 Monetary penalties collected by the board under this section shall
741 be deposited into the State General Fund. Any monies collected
742 for assessment of costs by the board shall be deposited into the
743 special fund of the board.

744 **SECTION 15.** Section 73-25-34, Mississippi Code of 1972, is
745 amended as follows:

746 73-25-34. (1) For the purposes of this section,
747 telemedicine, or the practice of medicine across state lines,
748 shall be defined to include any one or both of the following:

749 (a) Rendering of a medical opinion concerning diagnosis
750 or treatment of a patient within this state by a physician located
751 outside this state as a result of transmission of individual



752 patient data by electronic or other means from within this state
753 to such physician or his agent; or

754 (b) The rendering of treatment to a patient within this
755 state by a physician located outside this state as a result of
756 transmission of individual patient data by electronic or other
757 means from within this state to such physician or his agent.

758 (2) Except as hereinafter provided, no person shall engage
759 in the practice of medicine across state lines (telemedicine) in
760 this state, hold himself out as qualified to do the same, or use
761 any title, word or abbreviation to indicate to or induce others to
762 believe that he is duly licensed to practice medicine across state
763 lines in this state unless he has first obtained a license to do
764 so from the State Board of Medical Licensure and has met all
765 educational and licensure requirements as determined by the State
766 Board of Medical Licensure.

767 * * *

768 **SECTION 16.** Section 73-25-53, Mississippi Code of 1972, is
769 amended as follows:

770 73-25-53. * * * Any person holding a professional license
771 from the Mississippi State Board of Medical Licensure shall be
772 subject to restriction, suspension or revocation, as hereinafter
773 provided, in case of inability of the licensee to practice
774 medicine with reasonable skill or safety to patients by reason of
775 one or more of the following:

776 (a) Mental illness;



777 (b) Physical illness, including, but not limited to,
778 deterioration through the aging process, or loss of motor skill;

779 (c) Excessive use or abuse of drugs, including
780 alcohol * * *;

781 (d) Behavioral conduct that could be addressed by
782 treatment.

783 **SECTION 17.** Section 73-25-55, Mississippi Code of 1972, is
784 amended as follows:

785 73-25-55. (1) If the * * * board * * * has reasonable cause
786 to believe that a * * * licensee is unable to practice * * * with
787 reasonable skill and safety to patients because of a condition
788 described in Section 73-25-53, * * * the board of * * * shall
789 cause an examination of such * * * licensee to be made as
790 described in subsection (2) of this section and shall, following
791 such examination, take appropriate action within the provisions of
792 Sections 73-25-51 through 73-25-67.

793 (2) Examination of a * * * licensee under this section shall
794 be conducted by an examining committee as provided in the
795 following:

796 (a) Except as otherwise provided in paragraph (b)
797 below, the board * * * shall refer all cases for such examination
798 to the Mississippi State Medical Association or its constituent
799 bodies for examination by an examining committee as created by
800 such association exclusively for the purpose of such examinations.
801 Such examining committee shall be composed of three (3) practicing



802 physicians and shall include at least one (1) psychiatrist if a
803 question of mental illness is involved.

804 (b) If the * * * licensee to be examined is not a
805 member of the Mississippi State Medical Association, or if the
806 Mississippi State Medical Association is unable or unwilling to
807 act on a referral by the board of medical licensure for
808 examination, the board shall designate the members of an examining
809 committee. Such examining committee shall be composed of three
810 (3) practicing physicians and shall include at least one (1)
811 psychiatrist if a question of mental illness is involved.

812 **SECTION 18.** Section 73-25-57, Mississippi Code of 1972, is
813 amended as follows:

814 73-25-57. (1) The examining committee assigned to examine
815 a * * * licensee pursuant to referral by the board under Section
816 73-25-55 shall conduct an examination of such * * * licensee for
817 the purpose of determining the * * * licensee's fitness to
818 practice medicine with reasonable skill and safety to patients,
819 either on a restricted or unrestricted basis, and shall report its
820 findings and recommendations to the board. The committee shall
821 order the * * * licensee to appear before the committee for
822 examination and give him ten (10) days' notice of time and place
823 of the examination, together with a statement of the cause for
824 such examination. Such notice shall be served upon the * * *
825 licensee either personally or by registered or certified mail with
826 return receipt requested.



827 (2) If the examining committee, in its discretion, should
828 deem an independent mental or physical examination of the * * *
829 licensee necessary to its determination of the fitness of
830 the * * * licensee to practice, the committee shall order
831 the * * * licensee to submit to such examination. Any * * *
832 licensee in this state shall be deemed to have waived all
833 objections to the admissibility of the examining committee's
834 report in any proceedings before the board under Sections 73-25-51
835 through 73-25-67 on the grounds of privileged communication.
836 Any * * * licensee ordered to an examination before the committee
837 under subsection (2) shall be entitled to an independent mental or
838 physical examination if * * * the licensee makes request therefor.

839 (3) Any * * * licensee who submits to a diagnostic mental or
840 physical examination as ordered by the examining committee shall
841 have a right to designate another physician to be present at the
842 examination and make an independent report to the board.

843 (4) Failure of a * * * licensee to comply with a committee
844 order under subsection (2) to appear before it for examination, or
845 to submit to mental or physical examination under this section, or
846 upon the withdrawal of advocacy by the Mississippi Physician
847 Health Program (MPHP) or its successor entity shall be reported by
848 the committee or MPHP to the board, and unless due to
849 circumstances beyond the control of the * * * licensee, shall be
850 grounds for suspension by the board * * * until such time as



851 such * * * licensee has complied with the order of the committee
852 or regained advocacy from MPHP.

853 (5) The examining committee may inspect patient records in
854 accordance with the provisions of Section 73-25-28.

855 (6) All patient records, investigative reports and other
856 documents in possession of the board and examining committee shall
857 be deemed confidential and not subject to subpoena or disclosure
858 unless so ordered by the court from which the subpoena issued, but
859 the court, in its discretion, may limit use or disclosure of such
860 records. Notwithstanding, and to encourage the prompt reporting
861 of disabled practitioners, neither the board nor examining
862 committee shall reveal the identity of any source of information
863 where the source has requested anonymity.

864 **SECTION 19.** Section 73-25-59, Mississippi Code of 1972, is
865 amended as follows:

866 73-25-59. A * * * licensee may request in writing to the
867 board a restriction of his or her license to practice * * *. The
868 board may grant such request for restriction and shall have
869 authority, if it deems appropriate, to attach conditions to the
870 licensure * * * within specified limitations, and waive the
871 commencement of any proceeding under Section 73-25-63. Removal of
872 a voluntary restriction on licensure * * * shall be subject to the
873 procedure for reinstatement of license in Section 73-25-65.

874 **SECTION 20.** Section 73-25-61, Mississippi Code of 1972, is
875 amended as follows:



876 73-25-61. (1) The examining committee shall report to the
877 board its findings on the examination of the * * * licensee under
878 Section 73-25-57, the determination of the committee as to the
879 fitness of the * * * licensee to * * * practice * * * with
880 reasonable skill and safety to patients, either on a restricted or
881 unrestricted basis, and any management that the committee may
882 recommend. Such recommendation by the committee shall be advisory
883 only and shall not be binding on the board.

884 (2) The board may accept or reject the recommendation of the
885 examining committee to permit a * * * licensee to continue to
886 practice with or without any restriction on his or her license to
887 practice * * *, or may refer the matter back to the examining
888 committee for further examination and report thereon.

889 (3) In the absence of a voluntary agreement by a * * *
890 licensee under Section 73-25-59 * * *, any * * * licensee shall be
891 entitled to a hearing in formal proceedings before the board and a
892 determination on the evidence as to whether or not restriction,
893 suspension or revocation of licensure shall be imposed.

894 **SECTION 21.** Section 73-25-63, Mississippi Code of 1972, is
895 amended as follows:

896 73-25-63. (1) The board may proceed against a * * *
897 licensee under Sections 73-25-51 through 73-25-67 by serving upon
898 such * * * licensee at least fifteen (15) days' notice of a time
899 and place fixed for a hearing, together with copies of the
900 examining committee's report and diagnosis or a copy of the



901 official notice from MPHP withdrawing advocacy. Such notice and
902 reports shall be served upon the * * * licensee either
903 personally * * *, by * * * certified mail with return receipt
904 requested or by electronic acknowledgment.

905 (2) At said hearing the * * * licensee shall have the right
906 to be present, to be represented by counsel, to produce witnesses
907 or evidence in his or her behalf, to cross-examine witnesses, and
908 to have subpoenas issued by the board.

909 (3) At the conclusion of the hearing, the board shall make a
910 determination of the merits and may issue an order imposing one or
911 more of the following:

912 (a) Make a recommendation that the * * * licensee
913 submit to the care, counseling or treatment by physicians
914 acceptable to the board.

915 (b) Suspend or restrict the license of the * * *
916 licensee for the duration of his or her impairment.

917 (c) Revoke the license of the * * * licensee.

918 (4) The board may temporarily suspend the license of
919 any * * * licensee without a hearing, simultaneously with the
920 institution of proceedings for a hearing under this section, if it
921 finds that the evidence * * * is clear, competent and unequivocal
922 and that his or her continuation in practice would constitute an
923 imminent danger to public health and safety.

924 (5) Neither the record of the proceedings nor any order
925 entered against a * * * licensee may be used against him or her in



926 any other legal proceedings except upon judicial review as
927 provided herein.

928 **SECTION 22.** Section 73-25-65, Mississippi Code of 1972, is
929 amended as follows:

930 73-25-65. (1) A * * * licensee whose licensure has been
931 restricted, suspended or revoked under Sections 73-25-51 through
932 73-25-67, voluntarily or by action of the board, shall have a
933 right, at reasonable intervals, to petition for a reinstatement of
934 his or her license and to demonstrate that he or she can
935 resume * * * practice * * * with reasonable skill and safety to
936 patients. Such petition shall be made in writing and on a form
937 prescribed by the board. Action of the board on such petition
938 shall be initiated by referral to and examination by the examining
939 committee pursuant to the provisions of Sections 73-25-55 and
940 73-25-57. The board may, upon written recommendation of the
941 examining committee, restore the licensure of the * * * licensee
942 on a general or limited basis or institute a proceeding pursuant
943 to Section 73-25-63 for the determination of the fitness of
944 the * * * licensee to resume * * * practice.

945 (2) All orders of the board entered under Section
946 73-25-63(3), (4) shall be subject to judicial review by appeal to
947 the chancery court of the county of the residence of the * * *
948 licensee involved against whom the order is rendered, within
949 twenty (20) days following the date of entry of the order, said



950 appeal to be taken and perfected in the same manner as appeals
951 from orders of boards of supervisors.

952 **SECTION 23.** Section 73-25-87, Mississippi Code of 1972, is
953 amended as follows:

954 73-25-87. Whenever the board finds any person unqualified
955 because of any of the grounds set forth in * * * this act, it may
956 enter an order imposing one or more of the following:

957 (a) Deny * * * an application for a license or other
958 authorization to practice medicine;

959 (b) Administer a public or private reprimand;

960 (c) Suspend, limit or restrict * * * a license or other
961 authorization to practice medicine for up to five (5) years,
962 including limiting the practice of such person to, or by the
963 exclusion of, one or more specified branches of medicine,
964 including limitation on hospital privileges;

965 (d) Revoke * * * a license or other authorization to
966 practice medicine;

967 (e) Require * * * a licensee to submit to care,
968 counseling or treatment by physicians designated by the board, as
969 a condition for initial, continued or renewal of licensure or
970 other authorization to practice medicine;

971 (f) Require * * * a licensee to participate in a
972 program of education prescribed by the board; * * *



973 (g) Require * * * a licensee to practice under the
974 direction of a physician designated by the board for a specified
975 period of time * * *;

976 (h) Place a licensee on probation, the terms of which
977 may be set by the board; or

978 (i) Impose a punitive fine not to exceed Twenty-five
979 Thousand Dollars (\$25,000.00) per offense, with the cumulative
980 total of all fines imposed not to exceed One Hundred Thousand
981 Dollars (\$100,000.00). All fines collected under this provision
982 shall be deposited into the State General Fund.

983 **SECTION 24.** Section 73-25-89, Mississippi Code of 1972, is
984 amended as follows:

985 73-25-89. If the board determines that evidence in its
986 possession indicates that a physician's continuation in practice
987 or unrestricted practice would constitute an immediate danger to
988 the public, the board may take any of the same actions on a
989 temporary basis, without a hearing, which it could otherwise take
990 under Sections 73-25-81 through 73-25-95 following a hearing,
991 provided proceedings for a hearing before the board are initiated
992 simultaneously with such temporary action without a hearing.
993 Provided, further, that in the event of such temporary action
994 without a hearing, a hearing must be held within * * * sixty (60)
995 days of such action.

996 **SECTION 25.** Section 73-25-18, Mississippi Code of 1972, is
997 amended as follows:



998 73-25-18. (1) (a) There is established a special volunteer
999 medical license for physicians who are retired from active
1000 practice, or are currently serving on active duty in the Armed
1001 Forces of the United States or in the National Guard or a reserve
1002 component of the Armed Forces of the United States, or are working
1003 as physicians for the Department of Veterans Affairs, and wish to
1004 donate their expertise for the medical care and treatment of
1005 indigent and needy persons or persons in medically underserved
1006 areas of the state. The special volunteer medical license shall
1007 be issued by the Mississippi State Board of Medical Licensure to
1008 eligible physicians without the payment of any application fee,
1009 examination fee, license fee or renewal fee, shall be issued for a
1010 fiscal year or part thereof, and shall be renewable annually upon
1011 approval of the board.

1012 (b) A physician must meet the following requirements to
1013 be eligible for a special volunteer medical license:

1014 (i) Completion of a special volunteer medical
1015 license application, including documentation of the physician's
1016 medical school or osteopathic school graduation and practice
1017 history;

1018 (ii) Documentation that the physician * * *
1019 otherwise qualifies for an unrestricted license to practice
1020 medicine in Mississippi or in another state of the United States
1021 and that he or she has never been the subject of any medical
1022 disciplinary action in any jurisdiction;



1023 (iii) Acknowledgement and documentation that the
1024 physician's practice under the special volunteer medical license
1025 will be exclusively and totally devoted to providing medical care
1026 to needy and indigent persons in Mississippi or persons in
1027 medically underserved areas in Mississippi; and

1028 (iv) Acknowledgement and documentation that the
1029 physician will not receive any payment or compensation, either
1030 direct or indirect, or have the expectation of any payment or
1031 compensation, for any medical services rendered under the special
1032 volunteer medical license.

1033 (2) (a) There is established a special volunteer license
1034 for physician assistants who are retired from active practice, or
1035 are currently serving on active duty in the Armed Forces of the
1036 United States or in the National Guard or a reserve component of
1037 the Armed Forces of the United States, or are working as physician
1038 assistants for the Department of Veterans Affairs, and wish to
1039 donate their expertise for the care and treatment of indigent and
1040 needy persons or persons in medically underserved areas of the
1041 state. The special volunteer physician assistant license shall be
1042 issued by the State Board of Medical Licensure to eligible
1043 physician assistants without the payment of any application fee,
1044 examination fee, license fee or renewal fee, shall be issued for a
1045 fiscal year or part thereof, and shall be renewable annually upon
1046 approval of the board.



1047 (b) A physician assistant must meet the following
1048 requirements to be eligible for a special volunteer physician
1049 assistant license:

1050 (i) Completion of an application for a special
1051 volunteer physician assistant license, including documentation of
1052 the physician assistant's educational qualifications and practice
1053 history;

1054 (ii) Documentation that the physician
1055 assistant * * * otherwise qualifies for an unrestricted physician
1056 assistant license in Mississippi or in another state of the United
1057 States and that he or she has never been the subject of any
1058 disciplinary action in any jurisdiction;

1059 (iii) Acknowledgement and documentation that the
1060 physician assistant's practice under the special volunteer
1061 physician assistant license will be exclusively and totally
1062 devoted to providing care to needy and indigent persons in
1063 Mississippi or persons in medically underserved areas in
1064 Mississippi; and

1065 (iv) Acknowledgement and documentation that the
1066 physician assistant will not receive any payment or compensation,
1067 either direct or indirect, or have the expectation of any payment
1068 or compensation, for any services rendered under the special
1069 volunteer physician assistant license.



1070 **SECTION 26.** Section 73-25-7, Mississippi Code of 1982, which
1071 provides for the examinations for applicants for medical
1072 licensure, is repealed.

1073 **SECTION 27.** Section 73-25-9, Mississippi Code of 1982, which
1074 provides for the fees for the examinations for applicants for
1075 medical licensure, is repealed.

1076 **SECTION 28.** Section 73-25-15, Mississippi Code of 1982,
1077 which provides for how lost medical licenses are supplied, is
1078 repealed.

1079 **SECTION 29.** Section 73-25-25, Mississippi Code of 1982,
1080 which provides for the process of licensure of osteopaths, is
1081 repealed.

1082 **SECTION 30.** Section 73-25-39, Mississippi Code of 1982,
1083 which provides for the process of the acquisition of books, blanks
1084 and stationary by the board of medical licensure, is repealed.

1085 **SECTION 31.** Section 73-25-81, Mississippi Code of 1982,
1086 which provides for certain definitions to be applied in Sections
1087 73-25-81 through 73-25-95, is repealed.

1088 **SECTION 32.** This act shall take effect and be in force from
1089 and after July 1, 2022.

