

By: Representative Zuber

To: Judiciary A

HOUSE BILL NO. 276

1 AN ACT TO AMEND SECTION 73-23-43, MISSISSIPPI CODE OF 1972,
 2 TO AMEND THE GENERAL POWERS AND DUTIES OF THE STATE BOARD OF
 3 PHYSICAL THERAPY TO AUTHORIZE THE BOARD TO ISSUE SUBPOENAS FOR THE
 4 ATTENDANCE AND TESTIMONY OF WITNESSES AND THE PRODUCTION OF
 5 PAPERS, RECORDS OR OTHER DOCUMENTARY EVIDENCE; AND FOR RELATED
 6 PURPOSES.

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

8 **SECTION 1.** Section 73-23-43, Mississippi Code of 1972, is
 9 amended as follows:

10 73-23-43. (1) The board shall have the following general
 11 powers and duties:

12 (a) To examine and determine the qualifications and
 13 fitness of applicants for licenses to practice as physical
 14 therapists and licenses to act as physical therapist assistants in
 15 this state and prepare or approve and conduct all examinations of
 16 applicants for licensure;

17 (b) To issue, renew, deny, suspend or revoke licenses
 18 to practice as physical therapists and licenses to act as physical
 19 therapist assistants in this state or otherwise discipline
 20 licensed physical therapists and physical therapist assistants;



21 (c) To investigate alleged or suspected violations of
22 the provisions of this chapter or other laws of this state
23 pertaining to physical therapy and any rules and regulations
24 adopted by the board;

25 (d) To establish reasonable fees for application for
26 examination, certificates of licensure and renewal, and other
27 services provided by the board;

28 (e) To adopt, amend or repeal any rules or regulations
29 necessary to carry out the purposes of this chapter and the duties
30 and responsibilities of the board, in accordance with Section
31 25-43-1.101 et seq. Such rules, when lawfully adopted, shall have
32 the effect of law;

33 (f) To hire appropriate support personnel to carry out
34 the provisions of this chapter;

35 (g) To adopt a code of ethics for physical therapists
36 and physical therapist assistants licensed under this chapter
37 which may be the current code of ethics of the American Physical
38 Therapy Association;

39 (h) To regulate the practice of physical therapy by
40 interpreting and enforcing this chapter;

41 (i) To provide for the examination of physical
42 therapists and physical therapist assistants;

43 (j) To establish mechanisms for assessing the
44 continuing professional competence of physical therapists and
45 physical therapist assistants to practice physical therapy;



- 46 (k) To set criteria for continuing education;
- 47 (l) To establish and collect fees for sustaining the
48 necessary operation and expenses of the board;
- 49 (m) To publish, at least annually, final disciplinary
50 action against a licensee;
- 51 (n) To report final disciplinary action taken against a
52 licensee to other state or federal regulatory agencies and to a
53 national disciplinary database recognized by the board or as
54 required by law;
- 55 (o) To share documents, materials, or other
56 information, including confidential and privileged documents,
57 materials, or information, received or maintained by the board
58 with other state or federal agencies, and with a national
59 disciplinary database recognized by the board or as required by
60 law provided that the recipient agrees to maintain the
61 confidentiality and privileged status of the document, material or
62 other information;
- 63 (p) To participate in or conduct performance audits;
- 64 (q) To, through its employees and/or representatives,
65 enter and make inspections of any place where physical therapy is
66 practiced and inspect and/or copy any record pertaining to clients
67 or the practice of physical therapy under this chapter;
- 68 (r) To issue subpoenas for the attendance and testimony
69 of witnesses and the production of papers, records or other
70 documentary evidence. Any member of the board may administer



71 oaths or affirmations to witnesses appearing before the board. If
72 any subpoenaed person fails or refuses to attend any proceeding
73 before the board, refuses to testify, refuses to produce any books
74 and papers the production of which is called for by a subpoena, or
75 otherwise fails to comply with any subpoena issued pursuant to
76 this subsection, the attendance of such witness, the giving of his
77 or her testimony, the production of the books and papers or other
78 compliance with the subpoena shall be enforced by any court of
79 competent jurisdiction of this state in the manner provided for
80 the enforcement of attendance and testimony of witnesses in civil
81 cases in the courts of this state.

82 (* * *s) To conduct a criminal history records check
83 on licensees whose licensure is subject to investigation by the
84 board and on applicants for licensure. In order to determine the
85 applicant's or licensee's suitability for licensing, the applicant
86 or licensee shall be fingerprinted. The board shall submit the
87 fingerprints to the Department of Public Safety for a check of the
88 state criminal records and forward to the Federal Bureau of
89 Investigation for a check of the national criminal records. The
90 Department of Public Safety shall disseminate the results of the
91 state check and the national check to the board for a suitability
92 determination. The board shall be authorized to charge and
93 collect from the applicant or licensee, in addition to all other
94 applicable fees and costs, such amount as may be incurred by the



95 board in requesting and obtaining state and national criminal
96 history records information on the applicant or licensee.

97 Any and all state or national criminal history records
98 information obtained by the board that is not already a matter of
99 public record shall be deemed nonpublic and confidential
100 information restricted to the exclusive use of the board, its
101 members, officers, investigators, agents and attorneys in
102 evaluating the applicant's eligibility or disqualification for
103 licensure, and shall be exempt from the Mississippi Public Records
104 Act of 1983. Except when introduced into evidence in a hearing
105 before the board to determine licensure, no such information or
106 records related thereto shall, except with the written consent of
107 the applicant or by order of a court of competent jurisdiction, be
108 released or otherwise disclosed by the board to any other person
109 or agency; and

110 (* * *t) Perform the duties prescribed by the Physical
111 Therapy Licensure Compact provided for in Section 73-23-101. The
112 State Board of Physical Therapy shall be the physical therapy
113 licensing board.

114 The powers and duties enumerated above are granted for the
115 purpose of enabling the board to safeguard the public health,
116 safety and welfare against unqualified or incompetent
117 practitioners of physical therapy and persons acting as physical
118 therapist assistants, and are to be liberally construed to
119 accomplish this objective * * *.



120 (2) The board shall maintain a register listing the name of
121 every physical therapist and physical therapist assistant licensed
122 to practice in this state, his last known place of business and
123 last known place of residence, and the date and number of his
124 license. The board shall, at least once a year, compile a list of
125 physical therapists and physical therapist assistants licensed to
126 practice in this state and such a list shall be available to any
127 person upon application to the board and the payment of such
128 charges as may be fixed by it.

129 **SECTION 2.** This act shall take effect and be in force from
130 and after July 1, 2023.

