

By: Representatives Taylor, Osborne, Sanders To: Public Health and Human Services

HOUSE BILL NO. 643

1 AN ACT TO AMEND SECTION 99-19-35, MISSISSIPPI CODE OF 1972,
2 TO ALLOW PERSONS WHO ARE CONVICTED OF CERTAIN CRIMES TO PRACTICE
3 MEDICINE OR DENTISTRY AGAIN AFTER THE PERSON'S LICENSE HAS BEEN
4 REINSTATED BY THE STATE BOARD OF MEDICAL LICENSURE OR THE STATE
5 BOARD OF DENTAL EXAMINERS; TO AMEND SECTION 73-9-61, MISSISSIPPI
6 CODE OF 1972, WHICH PROVIDES FOR NONISSUANCE OR DENIAL OF DENTAL
7 LICENSES, TO MAKE SOME MINOR, NONSUBSTANTIVE CHANGES; TO BRING
8 FORWARD SECTION 73-25-29, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
9 FOR NONISSUANCE OR DENIAL OF MEDICAL LICENSES FOR THE PURPOSE OF
10 POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

12 SECTION 1. Section 99-19-35, Mississippi Code of 1972, is
13 amended as follows:

14 99-19-35. A person convicted of bribery, burglary, theft,
15 arson, obtaining money or goods under false pretenses, perjury,
16 forgery, embezzlement, or bigamy, shall not be allowed to practice
17 medicine or dentistry, or be appointed to hold or perform the
18 duties of any office of profit, trust, or honor, unless after full
19 pardon for the same, or, in the case of a person seeking
20 reinstatement to the practice of medicine or dentistry, after
21 being reinstated to the practice of medicine by the Board of
22 Medical Licensure under Section 73-25-32 or reinstated to the



23 practice of dentistry by the State Board of Dental Examiners under
24 Section 73-9-115.

25 **SECTION 2.** Section 73-9-61, Mississippi Code of 1972, is
26 amended as follows:

27 73-9-61. (1) Upon satisfactory proof, and in accordance
28 with statutory provisions elsewhere set out for such hearings and
29 protecting the rights of the accused as well as the public, the
30 State Board of Dental Examiners may deny the issuance or renewal
31 of a license or may revoke or suspend the license of any licensed
32 dentist or dental hygienist practicing in the State of
33 Mississippi, or take any other action in relation to the license
34 as the board may deem proper under the circumstances, for any of
35 the following reasons:

36 (a) Misrepresentation in obtaining a license, or
37 attempting to obtain, obtaining, attempting to renew or renewing a
38 license or professional credential by making any material
39 misrepresentation, including the signing in his or her
40 professional capacity any certificate that is known to be false at
41 the time he or she makes or signs the certificate.

42 (b) Willful violation of any of the rules or
43 regulations duly promulgated by the board, or of any of the rules
44 or regulations duly promulgated by the appropriate dental
45 licensure agency of another state or jurisdiction.

46 (c) Being impaired in the ability to practice dentistry
47 or dental hygiene with reasonable skill and safety to patients by



48 reason of illness or use of alcohol, drugs, narcotics, chemicals,
49 or any other type of material or as a result of any mental or
50 physical condition.

51 (d) Administering, dispensing or prescribing any
52 prescriptive medication or drug outside the course of legitimate
53 professional dental practice.

54 (e) Being convicted or found guilty of or entering a
55 plea of nolo contendere to, regardless of adjudication, a
56 violation of any federal or state law regulating the possession,
57 distribution or use of any narcotic drug or any drug considered a
58 controlled substance under state or federal law, a certified copy
59 of the conviction order or judgment rendered by the trial court
60 being prima facie evidence thereof, notwithstanding the pendency
61 of any appeal.

62 (f) Practicing incompetently or negligently, regardless
63 of whether there is actual harm to the patient.

64 (g) Being convicted or found guilty of or entering a
65 plea of nolo contendere to, regardless of adjudication, a crime in
66 any jurisdiction that relates to the practice of dentistry or
67 dental hygiene, a certified copy of the conviction order or
68 judgment rendered by the trial court being prima facie evidence
69 thereof, notwithstanding the pendency of any appeal.

70 (h) Being convicted or found guilty of or entering a
71 plea of nolo contendere to, regardless of adjudication, a felony
72 in any jurisdiction, a certified copy of the conviction order or



73 judgment rendered by the trial court being prima facie evidence
74 thereof, notwithstanding the pendency of any appeal.

75 (i) Delegating professional responsibilities to a
76 person who is not qualified by training, experience or licensure
77 to perform them.

78 (j) The refusal of a licensing authority of another
79 state or jurisdiction to issue or renew a license, permit or
80 certificate to practice dentistry or dental hygiene in that
81 jurisdiction or the revocation, suspension or other restriction
82 imposed on a license, permit or certificate issued by the
83 licensing authority that prevents or restricts practice in that
84 jurisdiction, a certified copy of the disciplinary order or action
85 taken by the other state or jurisdiction being prima facie
86 evidence thereof, notwithstanding the pendency of any appeal.

87 (k) Surrender of a license or authorization to practice
88 dentistry or dental hygiene in another state or jurisdiction when
89 the board has reasonable cause to believe that the surrender is
90 made to avoid or in anticipation of a disciplinary action.

91 (l) Any unprofessional conduct to be determined by the
92 board on a case-by-case basis, which shall include, but not be
93 restricted to, the following:

94 (i) Committing any crime involving moral
95 turpitude.

96 (ii) Practicing deceit or other fraud upon the
97 public.



98 (iii) Practicing dentistry or dental hygiene under
99 a false or assumed name.

100 (iv) Advertising that is false, deceptive or
101 misleading.

102 (v) Announcing a specialized practice shall be
103 considered advertising that tends to deceive or mislead the public
104 unless the dentist announcing as a specialist conforms to other
105 statutory provisions and the duly promulgated rules or regulations
106 of the board pertaining to practice of dentistry in the State of
107 Mississippi.

108 (m) Failure to provide and maintain reasonable sanitary
109 facilities and conditions or failure to follow board rules
110 regarding infection control.

111 (n) Committing any act which would constitute sexual
112 misconduct upon a patient or upon ancillary staff. For purposes
113 of this subsection, the term sexual misconduct means:

114 (i) Use of the licensee-patient relationship to
115 engage or attempt to engage the patient in sexual activity; or

116 (ii) Conduct of a licensee that is intended to
117 intimidate, coerce, influence or trick any person employed by or
118 for the licensee in a dental practice or educational setting for
119 the purpose of engaging in sexual activity or activity intended
120 for the sexual gratification of the licensee.

121 (o) Violation of a lawful order of the board previously
122 entered in a disciplinary or licensure hearing; failure to



123 cooperate with any lawful request or investigation by the board;
124 or failure to comply with a lawfully issued subpoena of the board.

125 (p) Willful, obstinate and continuing refusal to
126 cooperate with the board in observing its rules and regulations in
127 promptly paying all legal license or other fees required by law.

128 (q) Practicing dentistry or dental hygiene while the
129 person's license is suspended.

130 (r) Violation(s) of the provisions of Sections 41-121-1
131 through 41-121-9 relating to deceptive advertisement by health
132 care practitioners. This paragraph shall stand repealed on July
133 1, 2025.

134 (2) In lieu of revocation of a license as provided for
135 above, the board may suspend the license of the offending dentist
136 or dental hygienist, suspend the sedation permit of the offending
137 dentist, or take any other action in relation to his or her
138 license as the board may deem proper under the circumstances.

139 (3) When a license to practice dentistry or dental hygiene
140 is revoked or suspended by the board, the board may, in its
141 discretion, stay the revocation or suspension and simultaneously
142 place the licensee on probation upon the condition that the
143 licensee shall not violate the laws of the State of Mississippi
144 pertaining to the practice of dentistry or dental hygiene and
145 shall not violate the rules and regulations of the board and shall
146 not violate any terms in relation to his or her license as may be
147 set by the board.



148 (4) In a proceeding conducted under this section by the
149 board for the denial, revocation or suspension of a license to
150 practice dentistry or dental hygiene, the board shall have the
151 power and authority for the grounds stated for that denial,
152 revocation or suspension, and in addition thereto or in lieu of
153 that denial, revocation or suspension may assess and levy upon any
154 person licensed to practice dentistry or dental hygiene in the
155 State of Mississippi, a monetary penalty, as follows:

156 (a) For the first violation of any of * * * paragraph
157 (a), (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of
158 subsection (1) of this section, a monetary penalty of not less
159 than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars
160 (\$500.00).

161 (b) For the second violation of any of * * * paragraph
162 (a), (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of
163 subsection (1) of this section, a monetary penalty of not less
164 than One Hundred Dollars (\$100.00) nor more than One Thousand
165 Dollars (\$1,000.00).

166 (c) For the third and any subsequent violation of any
167 of * * * paragraph (a), (b), (c), (d), (f), (i), (l), (m), (n),
168 (o) or (q) of subsection (1) of this section, a monetary penalty
169 of not less than Five Hundred Dollars (\$500.00) and not more than
170 Five Thousand Dollars (\$5,000.00).

171 (d) For any violation of any of * * * paragraphs (a)
172 through (q) of subsection (1) of this section, those reasonable



173 costs that are expended by the board in the investigation and
174 conduct of a proceeding for licensure revocation or suspension,
175 including, but not limited to, the cost of process service, court
176 reporters, expert witnesses and investigators.

177 (5) The power and authority of the board to assess and levy
178 monetary penalties under this section shall not be affected or
179 diminished by any other proceeding, civil or criminal, concerning
180 the same violation or violations except as provided in this
181 section.

182 (6) A licensee shall have the right of appeal from the
183 assessment and levy of a monetary penalty as provided in this
184 section under the same conditions as a right of appeal is provided
185 elsewhere for appeals from an adverse ruling, order or decision of
186 the board.

187 (7) Any monetary penalty assessed and levied under this
188 section shall not take effect until after the time for appeal has
189 expired. In the event of an appeal, the appeal shall act as a
190 supersedeas.

191 (8) A monetary penalty assessed and levied under this
192 section shall be paid to the board by the licensee upon the
193 expiration of the period allowed for appeal of those penalties
194 under this section or may be paid sooner if the licensee elects.
195 With the exception of subsection (4)(d) of this section, monetary
196 penalties collected by the board under this section shall be
197 deposited to the credit of the General Fund of the State Treasury.



198 Any monies collected by the board under subsection (4) (d) of this
199 section shall be deposited into the special fund operating account
200 of the board.

201 (9) When payment of a monetary penalty assessed and levied
202 by the board against a licensee in accordance with this section is
203 not paid by the licensee when due under this section, the board
204 shall have power to institute and maintain proceedings in its name
205 for enforcement of payment in the chancery court of the county and
206 judicial district of residence of the licensee, and if the
207 licensee is a nonresident of the State of Mississippi, the
208 proceedings shall be in the Chancery Court of the First Judicial
209 District of Hinds County, Mississippi.

210 (10) In addition to the reasons specified in subsection (1)
211 of this section, the board shall be authorized to suspend the
212 license of any licensee for being out of compliance with an order
213 for support, as defined in Section 93-11-153. The procedure for
214 suspension of a license for being out of compliance with an order
215 for support, and the procedure for the reissuance or reinstatement
216 of a license suspended for that purpose, and the payment of any
217 fees for the reissuance or reinstatement of a license suspended
218 for that purpose, shall be governed by Section 93-11-157 or
219 93-11-163, as the case may be. If there is any conflict between
220 any provision of Section 93-11-157 or 93-11-163 and any provision
221 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
222 as the case may be, shall control.



223 (11) All grounds for disciplinary action, including
224 imposition of fines and assessment of costs as enumerated above,
225 shall also apply to any other license or permit issued by the
226 board under this chapter or regulations duly adopted by the board.

227 **SECTION 3.** Section 73-25-29, Mississippi Code of 1972, is
228 brought forward as follows:

229 73-25-29. The grounds for the nonissuance, suspension,
230 revocation or restriction of a license or the denial of
231 reinstatement or renewal of a license are:

232 (1) Habitual personal use of narcotic drugs, or any
233 other drug having addiction-forming or addiction-sustaining
234 liability.

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

237 (3) Administering, dispensing or prescribing any
238 narcotic drug, or any other drug having addiction-forming or
239 addiction-sustaining liability otherwise than in the course of
240 legitimate professional practice.

241 (4) Conviction of violation of any federal or state law
242 regulating the possession, distribution or use of any narcotic
243 drug or any drug considered a controlled substance under state or
244 federal law, a certified copy of the conviction order or judgment
245 rendered by the trial court being prima facie evidence thereof,
246 notwithstanding the pendency of any appeal.



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

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

253 (7) Obtaining or attempting to obtain a license by
254 fraud or deception.

255 (8) Unprofessional conduct, which includes, but is not
256 limited to:

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

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

261 (c) Making or willfully causing to be made any
262 flamboyant claims concerning the licensee's professional
263 excellence.

264 (d) Being guilty of any dishonorable or unethical
265 conduct likely to deceive, defraud or harm the public.

266 (e) Obtaining a fee as personal compensation or
267 gain from a person on fraudulent representation of a disease or
268 injury condition generally considered incurable by competent
269 medical authority in the light of current scientific knowledge and
270 practice can be cured or offering, undertaking, attempting or



271 agreeing to cure or treat the same by a secret method, which he
272 refuses to divulge to the board upon request.

273 (f) Use of any false, fraudulent or forged
274 statement or document, or the use of any fraudulent, deceitful,
275 dishonest or immoral practice in connection with any of the
276 licensing requirements, including the signing in his professional
277 capacity any certificate that is known to be false at the time he
278 makes or signs such certificate.

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

282 (9) The refusal of a licensing authority of another
283 state or jurisdiction to issue or renew a license, permit or
284 certificate to practice medicine in that jurisdiction or the
285 revocation, suspension or other restriction imposed on a license,
286 permit or certificate issued by such licensing authority which
287 prevents or restricts practice in that jurisdiction, a certified
288 copy of the disciplinary order or action taken by the other state
289 or jurisdiction being prima facie evidence thereof,
290 notwithstanding the pendency of any appeal.

291 (10) Surrender of a license or authorization to
292 practice medicine in another state or jurisdiction or surrender of
293 membership on any medical staff or in any medical or professional
294 association or society while under disciplinary investigation by
295 any of those authorities or bodies for acts or conduct similar to



296 acts or conduct which would constitute grounds for action as
297 defined in this section.

298 (11) Final sanctions imposed by the United States
299 Department of Health and Human Services, Office of Inspector
300 General or any successor federal agency or office, based upon a
301 finding of incompetency, gross misconduct or failure to meet
302 professionally recognized standards of health care; a certified
303 copy of the notice of final sanction being prima facie evidence
304 thereof. As used in this paragraph, the term "final sanction"
305 means the written notice to a physician from the United States
306 Department of Health and Human Services, Officer of Inspector
307 General or any successor federal agency or office, which
308 implements the exclusion.

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

311 (13) Violation of any provision(s) of the Medical
312 Practice Act or the rules and regulations of the board or of any
313 order, stipulation or agreement with the board.

314 (14) Violation(s) of the provisions of Sections
315 41-121-1 through 41-121-9 relating to deceptive advertisement by
316 health care practitioners.

317 (15) Performing or inducing an abortion on a woman in
318 violation of any provision of Sections 41-41-131 through
319 41-41-145.



320 (16) Performing an abortion on a pregnant woman after
321 determining that the unborn human individual that the pregnant
322 woman is carrying has a detectable fetal heartbeat as provided in
323 Section 41-41-34.1.

324 In addition to the grounds specified above, the board shall
325 be authorized to suspend the license of any licensee for being out
326 of compliance with an order for support, as defined in Section
327 93-11-153. The procedure for suspension of a license for being
328 out of compliance with an order for support, and the procedure for
329 the reissuance or reinstatement of a license suspended for that
330 purpose, and the payment of any fees for the reissuance or
331 reinstatement of a license suspended for that purpose, shall be
332 governed by Section 93-11-157 or 93-11-163, as the case may be.
333 If there is any conflict between any provision of Section
334 93-11-157 or 93-11-163 and any provision of this chapter, the
335 provisions of Section 93-11-157 or 93-11-163, as the case may be,
336 shall control.

337 A physician who provides a written certification as
338 authorized under the Mississippi Medical Cannabis Act and in
339 compliance with rules and regulations adopted thereunder shall not
340 be subject to any disciplinary action under this section solely
341 due to providing the written certification.

342 **SECTION 4.** This act shall take effect and be in force from
343 and after July 1, 2023.

